

Corrections Policy Committee Minutes - DRAFT

May 8, 2024

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 8, 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
Mark Boren, Public Member (Teams)
Margeux Bowden, DOC, Non-Management Corrections
John Frost, DOC, Non-Management Corrections (Teams)
Ted Langley, Oregon Sheriff's Jail Command Council
Taj Shivvers, Non-Management Department of Corrections
John Tabor, DOC Training Division
Michael Mays, Non-Management Corrections (Teams)
Josh Aldrich, Oregon Sheriff's Jail Command Council

Committee Members Absent:

Nicholas Hunter, Oregon State Sheriff's Association
Brian Stephen, Oregon Dept. of Corrections Designee for Michael Reese, Director
Erin Reyes, DOC Superintendent
Vacant, Oregon Association of Community Corrections Directors
Vacant, DOC, AFSCME

Guests:

Nicholas Alberts
Brittany Kent

DPSST Staff:

Phil Castle, Director
Brian Henson, Acting Director
Kathy McAlpine, Professional Standards Division Director
Kathy Fink, Criminal Justice Program Manager
Melissa Lang-Bacho, Professional Standards Compliance Coordinator
Jennifer Levorio, Professional Standards Compliance Coordinator
Cindy Park, Professional Standards Compliance Coordinator
Jennifer Howald, Administrative Rules Coordinator
Sam Tenney, Public Information Officer
Christy Hess, Center for Policing Excellence
Christy Monson, Department of Justice, Attorney for DPSST
Erica Riddell, Criminal Justice Support Specialist
Samantha Kossa, Executive Support Specialist
Shelby Wright, Executive Assistant



1. Introductions

Introductions of members, guests and staff.

2. Approve February 13, 2024 Meeting Minutes

Jennifer Cameron moved to approve the minutes from the February 13, 2024, Corrections Policy Committee meeting. John Frost seconded the motion. The motion passed unanimously with one member Abstaining (Aldrich).

3. Alberts, Nicholas (58569) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On May 19, 2022, Nicholas Alberts resigned from his position with the Multnomah County Sheriff’s Office (MCSO) during an investigation into his use of force and truthfulness in reporting an incident at the jail that occurred on April 6, 2021

Nicholas Alberts provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Jennifer Cameron moved that the Corrections Policy Committee return the staff report to staff for further information.	John Taber	Consensus Reached	NA

4. Clark, Mark (53303) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On June 3, 2021, Mark Clark notified the Department he was arrested on May 29, 2021, for Battery – Domestic Violence Inflicting Traumatic Injury (felony), and Resisting or Obstructing (misdemeanor). On September 20, 2021, the charges were amended to Disturbing the Peace (two counts) and Pedestrian – Under the Influence of Alcohol or Drugs.

<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.	Jennifer Cameron	9 ayes; 0 nays	Motion Passed Unanimously
<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: The committee did not identify elements of dishonesty. • Misuse of Authority: The committee did not identify elements of misuse of authority. 			

<ul style="list-style-type: none"> Misconduct: Clark violated criminal law and has a criminal disposition for <i>Disturbing the Peace</i> (two counts) and <i>Pedestrian Under the Influence of Alcohol or Drugs</i>. Clark's conduct threatened or harmed persons. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> Although there was not a domestic violence conviction, the incident involved domestic violence, which occurred multiple times and was a clear violation of the Board's standards. Clark took no accountability for his actions. Clark's lack of memory of the events was not plausible. Clark had nine (9) years of experience in law enforcement and when confronted by law enforcement Clark failed to comply with commands from officers. Clark's convictions were significant and included jail time. Clark caused physical injury to his significant other. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> The committee did not identify any mitigating factors. 			
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 Clark's certification.	Marguex Bowden	9 ayes; 0 nays	Motion Passed Unanimously
John Taber moved, after considering the totality of the case, that Clark be ineligible to hold public safety certification for 10 Years.	Ted Langley	9 ayes; 0 nays	Motion Passed Unanimously

5. Gray, Joshua (60266) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On August 6, 2020, Joshua Gray was terminated during trial service with the Department of Corrections (DOC)/Columbia River Correctional Institution (CRCI) following sustained findings in an internal investigation that found he was untruthful.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Matthew English moved that the Corrections Policy Committee adopt the staff report with the committees addition of the moral fitness violation Misuse of Authority.	Marguex Bowden	9 ayes; 0 nays	Motion Passed Unanimously

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

Moral Fitness Violations:

- Dishonesty: Gray intentionally displayed a reckless disregard for the truth in his writing of the misconduct reports from the incident on May 31, 2020.
- Misuse of Authority: Gray intentionally used his position of authority to give sanctions for conduct that did not occur which harmed persons.
- Misconduct: Gray harmed the efficient operation of the DOC when he failed to follow COVID protocols requiring he wear a mask.

Aggravating Factors:

- There were multiple notifications from the Department of Corrections to officers notifying them of the requirement to wear a mask and still Gray chose to not follow the directive.
- Gray should have been aware of the high profile litigation occurring at DOC related to COVID and Adults in Custody (AIC).
- Some of the AIC involved were the most medically vulnerable and it was Gray’s job to protect the AIC and he failed to take required steps to ensure the AIC were protected.
- The area where the conduct occurred was covered by camera and did not reflect Gray’s documented reasons for disciplining the AIC.
- Gray used his position of authority to give sanctions for conduct that did not occur. There were no threats made and the request was respectfully made.

Mitigating Factors:

- The committee did not identify any mitigating factors.

Ted Langley 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 Gray’s certification.	Josh Aldrich	9 ayes; 0 nays	Motion Passed Unanimously
y moved, after considering the totality of the case, that Gray be ineligible to hold public safety certification for a Lifetime.	Mark Boren	9 ayes; 0 nays	Motion Passed Unanimously

6. Kent, Brittany (58596) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On October 16, 2020, Britany Kent was terminated from the Washington County Community Corrections Center (WCCCC) following an investigation into her relationships with offenders who were previously at the WCCCC and were still under some form of

supervision. At the time of her termination, there was a pending criminal investigation with the Tualatin Police Department (TPD) into allegations of official misconduct, distribution of a controlled substance and possession of a controlled substance.

On December 9, 2020, Kent was indicted by a grand jury for the crimes of Unlawful Delivery of Methamphetamine and Unlawful Delivery of Cocaine. Both of the charges are Class B Felonies.

On October 1, 2021, Kent was charged with Recklessly Endangering Another Person, Reckless Driving and Harassment. The three charges are misdemeanor crimes.

Brittany Kent provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
John Frost moved that the Corrections Policy Committee adopt the staff report.	Mark Boren	9 ayes; 0 nays	Motion Passed Unanimously
<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: Kent was dishonest with the TPD and the WCCCC when she denied using methamphetamine but wrote in text messages she was “doing meth” on May 21, 2020. • Misuse of Authority: Kent used her position of authority for her benefit, gained relationships with men on supervision and had a resident repair her purse. • Misconduct: Kent violated criminal law. Kent threatened and harmed a person when she intentionally struck them with her car. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Kent may not have intended to have contact with the wrong people, but she failed to set boundaries, which reflects poorly upon the profession of corrections officers. • Although there were no criminal convictions in her court case, there was sufficient information to determine that the conduct more likely than not occurred. • Kent made a series of poor decisions. • Kent used discriminatory language in text messages. • Kent told investigators she used marijuana, but her own text messages reflect she was using methamphetamines and intended to sell them. • Kent’s conduct was recent and only occurred four years ago. • Kent provided written mitigation which was aggravating and lacked accountability. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • During her in person verbal mitigation, Kent took accountability for her actions. 			

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 Kent's Certification.	Josh Aldrich	9 ayes; 0 nays	Motion Passed Unanimously
Marguex Bowden moved, after considering the totality of the case, that Kent be ineligible to hold public safety certification for a Lifetime.	Josh Aldrich	9 ayes; 0 nays	Motion Passed Unanimously

7. Martinez, Brandon (47202) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On October 17, 2019, Brandon Martinez resigned from the Department of Corrections/Coffee Creek Correctional Facility (DOC/CCCF) during an investigation into allegations he was romantically involved with an Adult in Custody (AIC).

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Jennifer Cameron moved that the Corrections Policy Committee adopt the staff report.	Josh Aldrich	9 ayes; 0 nays	Motion Passed Unanimously

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

Moral Fitness Violations:

- Dishonesty: Martinez was intentionally dishonest when he denied being in a romantic relationship with an AIC.
- Misuse of Authority: Martinez intentionally used his position as a public safety professional for a benefit.
- Misconduct: Martinez harmed persons and the efficient operation of the DOC when he had a romantic relationship with an AIC.

Aggravating Factors:

- Martinez went out of his way to hide his relationship with the AIC.
- Martinez was dishonest.
- Martinez failed to set boundaries which impacts the integrity of the profession and harms the efficient operations of the agency.
- Martinez had a thirteen (13) year career in public safety, obtained advanced certifications, and should have known better than to have a relationship with an AIC.

<ul style="list-style-type: none"> Martinez made no attempt to take accountability and did not participate in the internal investigation. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> The committee did not identify any mitigating factors. 			
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 Martinez’s certifications.	Jennifer Cameron	9 ayes; 0 nays	Motion Passed Unanimously
Ted Langley moved, after considering the totality of the case, that Martinez be ineligible to hold public safety certification for a Lifetime.	Marguex Bowden	9 ayes; 0 nays	Motion Passed Unanimously

8. Mitchell, Nicholas (58076) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On May 27, 2021, Nicholas Mitchell was charged with Driving Under the Influence of Intoxicants and four counts of Assault in the Fourth Degree for conduct occurring on March 21, 2021. On September 27, 2022, Mitchell was convicted on all charges.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Josh Aldrich moved that the Corrections Policy Committee adopt the staff report.	Ted Langley	9 ayes; 0 nays	Motion Passed Unanimously
<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: The committee did not identify elements of dishonesty. Misuse of Authority: The committee did not identify elements of misuse of authority. Misconduct: Mitchell violated criminal law and was convicted of <i>Driving Under the Influence of Intoxicants</i> and four counts of <i>Assault in the Fourth Degree</i>. Mitchell’s conduct harmed other persons and property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> Mitchell’s conduct resulted in significant injuries to himself and others. 			

<i>Mitigating Factors:</i>			
<ul style="list-style-type: none"> • In Mitchell’s mitigation letter he took full responsibility for his actions and the result of his actions. • Mitchell understood the need for the review. • Mitchell outlined the steps he took after the crash in his mitigation letter, which were mitigating. • The reason Mitchell did not report his arrest was clearly articulated in his mitigation letter and was a mitigating circumstance to the requirement to report his arrest within five days. 			
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 Mitchell’s certification.	John Taber	9 ayes; 0 nays	Motion Passed Unanimously
Marguex Bowden moved, after considering the totality of the case, that Mitchell be ineligible to hold public safety certification for 3 Years.	Mark Boren	9 ayes; 0 nays	Motion Passed Unanimously

9. Approval for Changes to the Basic Corrections Curriculum

Presented by Jennifer Howald, Administrative Rules Coordinator

The Training Division requests the approval of modifications to the Basic Corrections Academy curriculum.

Josh Aldrich moved to recommend approval of the proposed changes to the DPSST Basic Corrections Local Academy Curriculum. Ted Langley seconded the motion. The motion passed unanimously.

10. Proposed Rule Changes for Oregon Administrative Rule (OAR0 259-008-0085

Codifying Board Approval of Changes to the Course Breakdown for the Basic Corrections Local Academy Curriculum.

Presented by Jennifer Howald, Administrative Rules Coordinator

The Department recommends the following proposed rule change to support the Board’s approval and the Department’s implementation of changes to the course subject and hour breakdown for the Basic Corrections Local Academy curriculum. The rule change will replace the last Board-approved date with the new Board-approved date.

{Consensus reached approving the fiscal impact statements provided by the Department.}

Matthew English moved to recommend the Board on Public Safety Standards and Training approve filing the proposed rule changes for OAR 259-008-0085 as a permanent rule. Marguex Bowden seconded the motion. The motion passed unanimously.

11. Agency Updates

Presented by Phil Castle, Director

- Campus is starting to slow down again now that the 60-Person courses are coming to an end. We will be graduating the final 60-Person course soon and then students and staff should see campus return to normal. We are happy to continue our efforts in keeping to the 90-day timeframe for getting students registered into the Basic Academy courses.
- DPSST is working closely with the Governor's Office strategizing the upcoming 25-27 Biennium.
- At the moment enrollments into the Basic Corrections courses here at DPSST are within their 90-day statutory timeframe.
- DPSST is actively engaging with the Department of Corrections to maintain the good relationships we have fostered with the different institutions and to continue discussions on training opportunities that may be coming in the future.
- DPSST Leadership completed a Listening Tour across the state a few weeks ago, 16 different stops were made to constituent agencies throughout Oregon and there were many great conversations had about the needs of agencies and the future of public safety here in Oregon. A summary of this tour was sent out to constituents for their review and on the 15th of May there will also be a plan sent out to constituents on how DPSST is going to respond to the needs moving forward.

12. Division Updates

Presented by Kathy McAlpine, Professional Standards Division Director

- DPSST is happy to announce Kathy Fink as the new Criminal Justice Program Manager. She comes to us with 30+ years of experience in the Telecommunications discipline and has also been an Instructor with DPSST. We are happy to have her on board and excited for the future of the Criminal Justice Program.
- The Moral Fitness Workgroup is continuing their efforts in examining current professional standards rules and the elements of moral fitness violations to determine any updates that need to be made to current processes. The group hopes to meet again in June and bring forward any recommendations to the next policy committee meeting.

13. Next Corrections Policy Committee Meeting: August 14, 2024 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.