

Corrections Policy Committee Minutes - DRAFT

August 13, 2024

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 13, 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 State Sheriff's Command Council (Teams)
Mark Boren, Public Member
Margeux Bowden, DOC, Non-Management Corrections
John Frost, DOC, Non-Management Corrections (Teams)
Nicholas Hunter, Oregon State Sheriff's Association (Teams)
Ted Langley, Oregon Sheriff's Jail Command Council
Michael Mays, Non-Management Department of Corrections (Teams)
Erin Reyes, DOC Superintendent
Mike Hartford, Oregon Association of Community Corrections Directors
Laurie Frasco, DOC, AFSCME

Committee Members Absent:

Brian Stephen, Oregon Dept. of Corrections Designee for Michael Reese, Director
John Tabor, DOC Training Division
Vacant, Non-Management Corrections
Vacant, DOC, AFSCME
Vacant, Oregon Association of Community Corrections Directors

Guests:

Nicholas Alberts
Milan Fietz
Mark Mahlum
Ryan McKone
Luis Vivanco

DPSST Staff:

Phil Castle, Director
Kathy McAlpine, Professional Standards Division Director
Kathy Fink, Standards and Certification Program Manager
Melissa Lang-Bacho, Professional Standards Compliance Coordinator
Jennifer Levario, Professional Standards Compliance Coordinator
Cindy Park, Professional Standards Compliance Coordinator
Jennifer Howald, Administrative Rules Coordinator
Sam Tenney, Public Information Officer
Bill Steele, Interim Deputy Director/Chief of Staff
Erica Riddell, Criminal Justice Support Specialist

Shelby Wright, Executive Assistant
Juan Lopez-Hernandez, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. Approve May 8, 2024 Meeting Minutes

A consensus was reached to approve the May 8, 2024, meeting minutes as written.

3. Administrative Closure Consent Agenda

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

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

a) Chapman, Megan (59312) Corrections/Parole & Probation

On August 23, 2022, Megan Chapman resigned from the Clackamas County Community Corrections Department (CCCCD) after a complaint was filed by a CCCCCD manager. The complaint prompted an outside investigation by the Marion County Community Corrections Department stemming from allegations of multiple performance issues in violation of CCCCCD and Clackamas County policies.

b) Winters, Michael (52762) Corrections/Parole & Probation

On September 27, 2021, Michael Winters resigned from the Oregon Department of Corrections/Warner Creek Correctional Facility (ODOC/WCCF). At the time of his resignation, there were uninvestigated allegations of misconduct or other complaints against him.

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

4. 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>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:			

Moral Fitness Violations:

- Dishonesty: Alberts intentionally omitted information from his reporting of a use of force incident.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Alberts harmed another person when he punched an AIC during a use of force event without justification.

Aggravating Factors:

- Alberts refused to submit a report after the use of force event.
- Alberts participated in four hours of ethics training and use of force training prior to the use of force event on April 6, 2021.
- Alberts gave differing statements about how he wrote his report in different settings when discussing his report. Alberts states that he wrote his report from memory and also that he reviewed video from the use of force event to write his report.
- Alberts' review revolves around excessive use of force on an Adult in Custody, of which he was responsible for the care and welfare.
- Alberts did not demonstrate a lot of responsibility or accountability for his conduct and behaviors.

Mitigating Factors:

- The committee did not identify any mitigating factors

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

Erin Reyes moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Nicholas Hunter	12 ayes; 0 nays	Motion Passed Unanimously
Nicholas Hunter 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 Albert's certification.	Erin Reyes	12 ayes; 0 nays	Motion Passed Unanimously
Erin Reyes moved, after considering the totality of the case, that Albert's be ineligible to hold public safety certification for 10 years.	Nicholas Hunter	12 ayes; 0 nays	Motion Passed Unanimously

5. Fietz, Milan (46944) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department received a notice from the Law Enforcement Data System (LEDS) that Milan Fietz was cited for Driving Under the Influence-Alcohol (DUII), Recklessly Endangering Another Person, and Open Container (Violation) on September 14, 2022, in Hood River, Oregon. Fietz did not report this citation to the Department as required within five days of the occurrence.

On September 23, 2022, Fietz was charged with DUII, Recklessly Endangering Another Person (22CR46444), and Open Container (22VI101080). Fietz entered a plea of guilty to DUII and received a diverted sentence. The Recklessly Endangering Another Person charge and the Open Container violation were dismissed as part of the plea agreement. On December 12, 2023, Fietz completed the diversion program and the DUII was also dismissed. Fietz is currently employed with the Oregon Department of Corrections/Eastern Oregon Correctional Institution.

Milan Fietz provided verbal mitigation for committee consideration.

<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.			
<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: Fietz violated criminal law by driving under the influence of intoxicants with a passenger while having an open container of alcohol in the vehicle. Fietz’s conduct threatened harm to his passenger as well as other drivers on the road. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Milan Fietz violated criminal law. • Milan Fietz said he worked at building his career and would not do anything to jeopardize it, yet he should have known that drinking and driving would do so. • When the arresting officer asked Milan Fietz if he had anything to drink, Fietz said, “Earlier”. However, when confronted with his Blood Alcohol Level he said, “I knew it would be”. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Milan Fietz completed his diversion program. 			

- Milan Fietz accepted responsibility for his actions and admitted he was wrong.
- Milan Fietz’s verbal mitigation suggested he has social supports in place now to help him, and he understands the impact a mistake like his makes in a law enforcement career.
- Milan Fietz was cooperative during his arrest and admitted to the arresting officer that it was the correct action to take on the officer’s part.

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

Ted Langley moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Erin Reyes	12 ayes; 0 nays	Motion Passed Unanimously
Nicholas Hunter 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 no Board action should be taken against Fietz’s certification.	Erin Reyes	12 ayes; 0 nays	Motion Passed Unanimously

6. Hubler, Traci (45406) Certification Review: {Parole & Probation}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department received a notice from Traci Hubler that she had been arrested for Driving Under the Influence of Intoxicants(DUII) and Reckless Driving in Astoria, Oregon on November 7, 2022. On April 20, 2023, Hubler entered a guilty plea on both charges as part of a diversion agreement. On May 3, 2024, a judgment for dismissal of both charges was entered in the Clatsop County Circuit Court as Hubler had completed all the conditions of her diversion program. Hubler is currently employed with the Clatsop County Sheriff’s Office (CCSO) Parole and Probation Department as a Parole and Probation Sergeant.

<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>			

- Dishonesty: The committee did not identify elements of dishonesty.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Hubler violated criminal laws: • Hubler was cited for *DUII* and *Reckless Driving*. Hubler threatened harm to persons and property: • Hubler drove her vehicle while under the influence of alcohol at a 0.381% Blood Alcohol Content (BAC) and Cannabis and crashed into a tree. Hubler harmed the efficient operations of the CCSO: • Hubler was a Parole and Probation Sergeant at the time of her criminal conduct which brought discredit to the CCSO. As a sergeant, she set a poor example for other law enforcement officers and the public, undermining the public's trust in the CCSO.

Aggravating Factors:

- Traci Hubler provided an excessive Blood Alcohol Content sample.
- Traci Hubler tested positive for Cannabis.
- Traci Hubler should have been well aware of the resources available for sleeping disorders and substance use disorders but did not take advantage of them prior to her arrest.
- Traci Hubler violated criminal law.

Mitigating Factors:

- Traci Hubler had a lengthy service history that was discipline-free.
- Traci Hubler provided written mitigation that outlined the steps she had taken to change including treatment, admitting her actions, and remaining sober for at least a year and a half.
- Traci Hubler successfully completed her diversion program.

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

Nicholas Hunter moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Erin Reyes	12 ayes; 0 nays	Motion Passed Unanimously
Nicholas Hunter 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 no Board action should be taken against Hubler's certifications.	John Frost	12 ayes; 0 nays	Motion Passed Unanimously

7. Mahlum, Mark (36794) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department received a notice from LEADS and Mark Mahlum that he received a criminal citation for Driving Under the Influence of Intoxicants (DUII) on June 19, 2022, by the Myrtle Point Police (MPP). On June 21, 2022, Mahlum received a criminal citation for Hit and Run and Criminal Mischief in the Second Degree by the Oregon State Police (OSP) after a citizen discovered damage to a portion of his fencing. The Coos County Sheriff’s Office (CCSO) responded to the scene and was able to link the damage to the DUII on June 19, 2022. The case was turned over to the OSP to investigate.

Both criminal charges were turned over to the Coos County District Attorney who charged Mahlum with DUII, Reckless Driving, and Failure to Perform the Duties of a Driver – Property Damage. On September 20, 2022, Mahlum pleaded guilty to DUII, and the charge was diverted. The Reckless Driving and Failure to Perform Duties of a Driver-Property Damage were dismissed. On August 1, 2023, the DUII was dismissed after Mahlum completed all the conditions of his diversion.

Mahlum is currently employed with the CCSO.

Mark Mahlum provided verbal mitigation for committee consideration.

<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.			
<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: Mahlum violated criminal law when he received a criminal charge for <i>DUII, Reckless Driving, and Failure to Perform the Duties of a Driver-Property Damage</i>. Mahlum threatened harm to persons by driving under the influence of alcohol and harmed property when he hit a fence and drug it down the road. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Mark Mahlum submitted a Blood Alcohol Content sample that was two and a half times the legal limit and damaged the property of another during this incident. He did not realize he had damaged the property until later. • This is Mark Mahlum’s second DUII charge which suggests he had an opportunity to make the changes to his behavior before this most recent charge. 			

<i>Mitigating Factors:</i>			
<ul style="list-style-type: none"> • Mark Mahlum took accountability for his actions during his verbal mitigation. • Mark Mahlum presented the steps he had taken to change his behavior. • Mark Mahlum had the support of his agency including the Sheriff and others who wrote mitigation letters on his behalf. • Mark Mahlum went above and beyond the steps necessary to improve himself. • During his verbal mitigation, Mark Mahlum spoke of the impact his actions had on his career and family, and all of the people who supported him. • Mark Mahlum, following the incident, tried to locate the fence he damaged to make the situation right. Once he was able to locate the owner of the fence, he made the situation right through a civil compromise. 			
A consensus was reached to confirm the identified aggravating and mitigating factors.			
Nicholas Hunter moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Ted Langley	12 ayes; 0 nays	Motion Passed Unanimously
Erin Reyes 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 no Board action should be taken against Mahlum’s certifications.	Nicholas Hunter	12 ayes; 0 nays	Motion Passed Unanimously

8. McKone, Ryan (48453) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On March 10, 2022, Ryan McKone was criminally cited for Hunting Game Birds over a Baited Area – Misdemeanor. On December 7, 2022, McKone entered a plea of No Contest to the District Attorney’s lesser charge of Taking, Angling, Hunting, or Trapping in Violation of Wildlife Law or Rule, a Class A Violation, and was convicted. McKone was fined \$750.00. McKone is currently employed with the Washington County Sheriff’s Office.

Ryan McKone provided verbal mitigation for committee consideration.

<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:

Moral Fitness Violations:

- Dishonesty: The committee did not identify elements of dishonesty.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: McKone violated criminal law by pleading No Contest to *Taking, Angling, Hunting, or Trapping in Violation of Wildlife Law or Rule* after being criminally cited for the misdemeanor *Hunting Game Birds over a Baited Area*.

Aggravating Factors:

- Ryan McKone committed a criminal violation of the Fish and Wildlife Laws.

Mitigating Factors:

- Ryan McKone pleaded guilty to his crime and admitted his mistake.
- Ryan McKone showed emotions during his verbal mitigation that pointed to the importance he placed on the law enforcement profession and his career.
- There was no indication in the staff report that Ryan McKone was aware the field he hunted in was baited.

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

Ted Langley moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Erin Reyes	12 ayes; 0 nays	Motion Passed Unanimously
Mike Hartford 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 no Board action should be taken against McKone’s certifications.	Jennifer Cameron	12 ayes; 0 nays	Motion Passed Unanimously

9. 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. On February 17, 2023, Mitchell was terminated from the Department of Corrections, Santiam Correctional Institution.

Mitchell’s case was reviewed at the May 8, 2024, CPC meeting. Following the meeting the Department identified a discrepancy in the information provided to the committee about the start date of the indelibility period and the criteria in the Oregon Administrative Rule. The case was returned to the committee by the Department for reaffirmation of the indelibility period.

<i>Corrections Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Matt English moved that the Corrections Policy Committee reaffirm the 3-year ineligibility period with an ineligibility start date of February 17, 2023.	Josh Aldrich	12 ayes; 0 nays	Motion Passed Unanimously

10. Saldana, Diego (62469) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department received a notice from the Law Enforcement Data System (LEDS) that Diego Saldana was cited for Driving Under the Influence of Intoxicants (DUII) on September 13, 2022, in Umatilla, Oregon. The Umatilla District Attorney charged Saldana with DUII and Reckless Driving. Saldana pleaded guilty to DUII on January 1, 2023, and the Reckless Driving charge was dismissed. Saldana entered into a diversion agreement for the DUII which he completed, and the charge was dismissed on February 12, 2024.

Saldana is currently employed with the Oregon Department of Corrections/Two Rivers Correctional Institution. Saldana’s criminal citation occurred before he completed his application for certification, but while he was employed in a certifiable position.

<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 due to personally knowing and working with Diego Saldana. Reyes declared she would be able to remain unbiased because she feels that she can make a fair determination based on the information presented.			
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 identify elements of dishonesty. 			

<ul style="list-style-type: none"> • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Saldana engaged in misconduct when he was criminally charged with <i>DUII</i> and <i>Reckless Driving</i>. Saldana drove his vehicle while significantly impaired, which threatened harm to people and property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Diego Saldana was cited for <i>DUII</i> and <i>Reckless Driving</i> which are violations of criminal law. • Diego Saldana does not address or accept responsibility for the <i>DUII</i> or not reporting it to DPSST as required. • Diego Saldana was employed in public safety when the citation for <i>DUII</i> occurred. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Diego Saldana completed the diversion program. 			
<p>A consensus was reached to confirm the identified aggravating and mitigating factors.</p>			
<p>Ted Langley moved that the Corrections Policy Committee affirm the moral fitness violations as presented.</p>	<p>Mark Boren</p>	<p>12 ayes; 0 nays</p>	<p>Motion Passed Unanimously</p>
<p>Nicholas Hunter 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 no Board action should be taken against Saldana’s certification.</p>	<p>Josh Aldrich</p>	<p>12 ayes; 0 nays</p>	<p>Motion Passed Unanimously</p>

11. Smythe, Bonnie (60693) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On February 24, 2022, Bonnie Smythe was terminated for cause by the Oregon Department of Corrections/Eastern Oregon Correctional Institution (ODOC/EOCI). Smythe engaged in inappropriate conduct with Adults in Custody (AIC) while on duty. During the internal investigation, Smythe was found to be untruthful and utilized agency computers to show personal pictures and other information to an AIC. Smythe’s conduct with an AIC surpassed the professional boundaries of officer/AIC relationships.

On November 7, 2021, Smythe left her certified role at ODOC/EOCI and was working in another position at the agency, however, the conduct reviewed occurred during her time in the certified role.

<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: Smythe was intentionally dishonest and misleading during the internal investigation and interview. • Misuse of Authority: Smythe utilized her position as a corrections officer at ODOC/EOCI to access agency computers with the intent to show pictures and other information about herself and other staff to AICs. Smythe used her position as a corrections officer at ODOC with the intent to develop a personal relationship with an AIC, exceeding the boundaries of professional conduct. • Misconduct: Smythe caused harm to the efficient operations of the ODOC/EOCI by crossing the professional boundaries of officer/AIC relationships which also threatened to harm the safety and security of AICs and staff at the EOIC facility. <p>Smythe harmed the security of confidential information at the ODOC/EOCI by using agency computers to show AICs personal information about herself and other staff while on duty.</p> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • An AIC is not able to consent to a relationship when boundaries are crossed by staff such as Bonnie Smythe did. • Bonnie Smythe has provided no record of accountability for her actions as outlined in the staff report. • Bonnie Smythe’s sharing of personal information of other staff with AICs is a significant safety and security issue for staff and violates confidentiality. • Bonnie Smythe’s allowing AICs to have access to DOC computers is a significant safety and security issue for all DOC staff, AICs, and the confidential information contained within them. • Bonnie Smythe crossed professional boundaries which is a misuse of authority. <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>			

Nicholas Hunter moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Erin Reyes	12 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 Smythe’s certification.	Marguex Bowden	12 ayes; 0 nays	Motion Passed Unanimously
Nicholas Hunter moved, after considering the totality of the case, that Smythe be ineligible to hold public safety certification for a lifetime.	Erin Reyes	12 ayes; 0 nays	Motion Passed Unanimously

12. Vincent, Amanda (60425) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On August 8, 2022, Amanda Vincent resigned from the Oregon Department of Corrections/Deer Ridge Correctional Institution (ODOC/DRCI) while under investigation for a Prison Rape Elimination Act (PREA) violation. Vincent was engaged in an intimate relationship with an Adult in Custody (AIC) using covert methods to conceal it from her employer.

<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.			
<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: Vincent intentionally engaged in covert, deceptive communications with an AIC and his family members to conceal the truth about their personal relationship from the ODOC and was intentionally deceptive during the ODOC internal investigation • Misuse of Authority: : Vincent used her position as a public safety professional with the intent to obtain the benefit of building a personal relationship with an AIC. 			

<ul style="list-style-type: none"> • Misconduct: Vincent’s conduct surrounding her personal relationship with an AIC instigated a PREA investigation which threatened harm to the efficient operations of the ODOC/DRCI by compromising the environment for AICs and therefore the safety and security of the facility. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The AIC was provided contraband by Amanda Vincent while in custody which posed a risk to staff and other AICs. • Introduction of Contraband into a Correctional Institution could constitute a criminal act. • Amanda Vincent violated PREA by using her position to have a relationship with an AIC who does not have the ability to provide consent. • Amanda Vincent was intentionally deceptive when she tried to cover up her relationship with the AIC. <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.			
Jennifer Cameron moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Ted Langley	12 ayes; 0 nays	Motion Passed Unanimously
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 Vincent’s certification.	Laurie Frasco	12 ayes; 0 nays	Motion Passed Unanimously
Josh Aldrich moved, after considering the totality of the case, that Vincent be ineligible to hold public safety certification for a lifetime.	Marguex Bowden	12 ayes; 0 nays	Motion Passed Unanimously

13. Vivanco, Luis (63585) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On August 29, 2023, Luis Vivanco was terminated from the Oregon Department of Corrections/Eastern Oregon Correctional Institution (ODOC/EOCI) during his trial service.

Vivanco was found to have been untruthful during his background investigation and falsified his F5 DPSST Academy Training Application.

At the time of Vivanco’s termination from ODOC/EOCI, he had not yet received his basic corrections certification, therefore his case review was deferred. Vivanco was re-hired by ODOC/EOCI on March 5, 2024. Vivanco’s rehire provided the DPSST jurisdiction to review his prior termination to determine whether Vivanco meets the moral fitness standards necessary for certification.

Luis Vivanco provided verbal mitigation for committee consideration.

<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.			
<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: Vivanco was intentionally dishonest by omission during his background investigation with ODOC/EOCI when he did not disclose an alias he used when cited for Theft III in January 2020. Vivanco was intentionally dishonest when he provided an alias during his criminal investigation for Theft III in January 2020. Vivanco was intentionally dishonest when he provided misleading and contradictory statements about his reason for marking “no” on his F5 application for training to DPSST and the ODOC investigator. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Vivanco falsified his F5 Application for Training dated October 17, 2022, when he marked “no” to question 10, Criminal History. Vivanco was criminally cited for Theft III on January 4, 2020, a Class A Violation, and convicted after pleading guilty on January 30, 2020. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Vivanco had multiple opportunities to provide the truth about Theft III but did not. • Vivanco signed the F5 on October 17, 2022, and attested that the information on the form was accurate. • The events and conduct being reviewed were relatively recent. • Vivanco did commit the crime of Theft III, pleaded guilty, and was convicted. • Vivanco’s use of an alias during his arrest was aggravating. • Vivanco engaged in multiple incidents of dishonesty including the alias, falsifying the F5, and during his background investigation. 			

<ul style="list-style-type: none"> • Vivanco’s letter to DPSST did not indicate he took full responsibility for his actions and referred to the incident as a “confusion”. • The DOC sustained two allegations of dishonesty in its internal investigation. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Vivanco is now taking responsibility for his actions. 			
<p>A consensus was reached to confirm the identified aggravating and mitigating factors.</p>			
Erin Reyes moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Marguex Bowden	12 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 Vivanco’s certification.	Ted Langley	12 ayes; 0 nays;	Motion Passed Unanimously
Jennifer Cameron moved, after considering the totality of the case, that Vivanco be ineligible to hold public safety certification for 3 years.	Erin Reyes	12 ayes; 0 nays	Motion Passed Unanimously

14. Agency Updates

Presented by Kathy McAlpine, Professional Standards Division Director

- DPSST, like all State agencies, is diligently working with the Governor’s Office on the next round of Policy Option Packets. DPSST is requesting the Legislature to look at three large requests that include a Learning Management System, some additional staffing for our regional training team, and some building improvements on campus to approve for the next biennium.
- DPSST completed their listening tour a few weeks ago and received great feedback from constituents throughout the state. One ask was that DPSST improve the training opportunities for those agencies located regionally that are unable to attend the additional training courses that are offered throughout the year. DPSST will be working on a plan to work on mitigating these issues and bringing more training to our constituent agencies across the state.
- No dates have been confirmed yet, but there will be an additional Basic Corrections course that will be added to the 2025 calendar year. Agencies should keep a look out for more information on this course in the future.

15. Criminal Justice Updates

Presented by Kathy Fink, Standards and Certification Program Manager

- DPSST had a virtual training session in June for our constituent agencies throughout Oregon. The training session was very successful, and we were able to cover topics all the way from hiring to maintenance training and then to professional standards. We are looking forward to holding more of these in the future.
- Before the virtual training session, DPSST spent some time updating the F4s Separation Form and the F28 Criminal History Reporting Form. We are hoping that the updates to the forms make it easier for agencies to fill out and supply us with all the information that we need.
- In updating the F4s and F28 Forms, DPSST recognized that there may be other forms that will need to be updated in the future. Announcements will be sent out through GovQA when forms have been updated so keep an eye out for those alerts.
- Some members of the Standards and Certification team will be travelling to Warm Springs Tribal Police Department within the next few weeks to meet with them and discuss areas related to maintenance, compliance, certification and professional standards.
- The moral fitness workgroup has been meeting regularly to discuss information related to professional standards and the processes that we currently have in place. Updates from this workgroup will be discussed at future policy meetings.

16. Next Corrections Policy Committee Meeting: November 12, 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.