

# **Corrections Policy Committee Minutes November 14, 2017**

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, November 14, 2017, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair Jason Myers called the meeting to order at 10:00 a.m.

## **Attendees:**

### **Committee Members:**

Jason Myers, Chair, Oregon State Sheriff's Association  
Nadine Purington, Vice Chair, Non-Management Parole & Probation  
Carol Dishion, Non-Management Corrections – DOC/Coffee Creek  
Matthew English, Oregon State Sheriff's Association  
Matthew Frohnert, Oregon Sheriff's Jail Command Council  
Kristen Hanthorn, Or. Assn. of Comm. Corrections Division  
Kimberly Hendricks, DOC Superintendent  
Jeanine Hohn, Department of Corrections Training Division  
Rob Perrson, Designee for Director of Department of Corrections  
Jeff Wheeler, Oregon Sheriff's Jail Command Council  
Gary Bergerson, Non-Management Corrections Officer  
Donna Petit, Non-Management Corrections Officer  
James Cook, AFSCME Rep

### **DPSST Staff:**

Linsay Hale, Professional Standards Division Director  
Mona Riesterer, Professional Standards Assistant  
Kristen Hibberds, Professional Standards Coordinator/Investigator  
Bob Sigleer, Training Compliance Auditor  
Katrina Robson, Professional Standards Investigator/Coordinator  
Debbie Anderson, Certification & Compliance Specialist  
Chris Enquist, Parole & Probation Class Training Coordinator  
Marsha Morin, Criminal Justice Certification Program Manager (phone)

### **Guests:**

Michael Gower, Director of Operations for Dept. of Corrections  
Jessie Valentine, Coos Co.  
Russell Shield, Coos Co.  
Alex Nauman, DOC OSCI

Jennifer Chapman, AFSCME  
John Ware, DOC EOCI  
Tim Woolery, AFSCME  
Tracy Joseph, DOC CRCI



1. **Introductions**

Introductions of members, guest, and staff were presented

2. **\*Minutes of August 8, 2017**

Approve the minutes of the August 8, 2017 Corrections Policy Committee meeting.

- *Matthew English moved that the committee approve the minutes of the November 14, 2017 Corrections Policy Committee meeting. Jeanine Hohn seconded the motion. The motion carried unanimously.*

3. **\*Approval for Changes to the Basic Parole & Probation Curriculum**

Presented by Chris Enquist

Chris presented to the Corrections Policy Committee members the proposed changes to the DPSST Parole & Probation Curriculum. DPSST is proposing that the Basic Parole & Probation Program shift to a new model of academic testing. Similar to the process in place with the OLCC program at DPSST, this new model would consist of a series of projects and assignments used to evaluate students in conjunction with the already established skills labs within in the program.

This new model of testing capitalizes on the strengths of the program of the program; enthusiastic students, capable facilitators, and strong support from constituents in the field. Furthermore, this shift allows DPSST to increase our focus on helping officers gain strong soft skills and practical knowledge of their job.

- *Jeanine Hohn moved to recommend approval of the proposed changes to the DPSST Basic Parole & Probation Curriculum and to recommend approval to the proposed changes to the DPSST Basic Parole & Probation Testing Process as well as approve pilot implementation of proposed curriculum testing process in January 2018. Matt Frohnert seconded the motion. The motion carried unanimously.*

4. **Quarterly Review of DOC BCC**

Presented by Robert Sigleer

In 2009, the Legislature approved the Oregon Department of Corrections (DOC) to provide its own training as an alternative to the DPSST Basic Corrections Course (BCC), provided by DPSST. The Training Compliance Program periodically audits the program to ensure the program meets minimum training standards established by the Board. The Training Compliance Program provides the Corrections Policy Committee with quarterly updates of

the DOC BCC. These audits verify compliance with class hours, student attendance, instructor certification, academic testing and course documentation. The report does not involve an evaluation of the quality of the BCC curriculum content, delivery, instructor or student performance.

The quarterly review was presented to the Corrections Policy Committee for reporting period of July through September, 2017. The findings indicated BCC meets minimum training standards approved by the Board for corrections officers employed by DOC.

5. **\*Proposed Rule Change for OAR 259-008-0065 and Repeal of 259-008-0066 – Combines the certification maintenance for P&P Officers employed part-time with the requirements for all other law enforcement officers.**

Presented by Jennifer Howald

On January 26, 2017, the Board on Public Safety Standards and Training (Board) approved a law enforcement officer certification maintenance training standard for all law enforcement officers. The rule change became effective on March 22, 2017. This standard includes certified corrections officers, full-time parole and probation officers, police officers and regulatory specialists. Certified part-time parole and probation officers were initially excluded from law enforcement maintenance training standard based upon the specific law and rule that addressed the requirements for maintaining certification as a certified part-time parole and probation officer and the need to gather more information about the history and the intent of this standard.

Now that DPSST staff have a better understanding of the original intent of the certification of part-time parole and probation officers, staff recommend that the maintenance standards for part-time parole and probation officers be updated to reflect the same maintenance training standards for all other law enforcement officers, which includes full-time parole and probation officers.

- *Matthew English moved to recommend that the Board adopt the changes to the maintenance standards for part-time parole and probation officers merging the part-time parole and probation certification maintenance requirements into the law enforcement officer certification maintenance standard as defined in the draft rule language and that the Board approve filing the changes to OAR 259-008-0065 and the repeal of 259-008-0066 as a permanent rule change with the Secretary of State if no comments are received. Nadine Purington seconded the motion. The motion passed unanimously.*
- *By consensus the committee found no fiscal impact to small businesses.*

**6. Introduction to New Denial/Revocation/Suspension Standards**

Presented by Linsay Hale

Linsay presented a PowerPoint presentation regarding the new denial/revocation/suspension standards which went into effect on August 1, 2017.

**7. \*Administrative Closures – Corrections/Parole & Probation**

Presented by Kristen Hibberds

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

Officer	Certifications	Summary
Dunaway, John #57132 Lane County Sheriff's Office	Corrections – no certifications	Probationary discharge- investigation revealed he has a relationship with an inmate. Will require review if hired in the future.
Needs, Douglas #57860 Department of Corrections – SRCI	Corrections – no certifications	2009 Minor in Possession – only conviction and occurred over 7 years ago.
Berry, Charlie #56461 Clackamas County Community Corrections	Parole & Probation – no certifications	Probationary discharge – performance issues.
Williamson, Cameron #56428 Department of Corrections – PRCF	Corrections – no certifications	2010 Disturbing the Peace – only conviction and occurred over 7 years ago.
Burch, Robin #56602 Polk County Community Corrections	Parole & Probation – no certifications	Probationary Discharge – Not a good fit, performance only.
Chavez, Alexander #57829 Malheur County Sheriff's Office	Corrections – no certifications	2005 DUII – only conviction and occurred over 7 years ago.

- *Matthew English moved to approve the recommendations made by staff to administratively close the above listed cases. Matthew Frohnert seconded the motion. The motion carried unanimously.*

**8. \*Ware, John DPSST #30288 – DOC EOCl; Basic, Intermediate and Advanced Corrections Certifications.**

Presented by Kristen Hibberds

Issue: In February 2016, DPSST received notification from DOC that Ware had been convicted of DUII. Staff confirmed that Ware reported the arrest and conviction and no disciplinary action was taken against Ware as a result.

This case is being re-presented to the Committee for consideration using the new standards which govern the denial, revocation and suspension of criminal justice certifications that took effect on August 1, 2017

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

*John Ware presented verbal mitigation.*

<b>Vote/Consensus</b>	<b>Second</b>	<b>Vote</b>	<b>Outcome</b>
Matthew English moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Jeanine Hohn	13 ayes; 0 nays	Motion passes unanimously.
Consensus reached that the DUII conviction was a reckless disregard for the law and was a threat to persons or property.  Jeff Wheeler moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer’s certification(s).	Matthew English	13 ayes; 0 nays	Motion passes unanimously.
Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule.			
Consensus reached on <b>Aggravating and Mitigating</b> circumstances specific to this case as required by OAR 259-08-0070(4)(f)(B).			

<p>By consensus the Committee found additional <b>Aggravating</b> circumstances include that Ware returned to the bar after his arrest, that he attempted to take a “selfie” with the arresting officer, his high blood alcohol content and his blaming the officer for his situation.</p> <p>By consensus that Committee found additional <b>Mitigating</b> circumstances include Ware’s self-enrollment in a treatment program that he completed the victim’s impact panel, the fact that verbal and written mitigation were presented and that he apologized for his behavior.</p>			
<p>After considering the totality of the case, Matthew Frohnert recommends to the Board that action <i>be taken</i> against the officer’s certification.</p>	Matthew English	13 ayes; 0 nays	Motion passes unanimously.
<p>Consensus reached that Ware’s criminal arrest violated the Code of Ethics he swore to uphold. Ware demonstrated poor decision making abilities when he chose to drive under the influence and then after his arrest he went back to the bar and continued drinking. The committee considered Ware’s conduct more egregious based on how he interacted with the arresting officer, the officer safety issues Ware created for him and the fact that he should have known better considering his long career in the public safety profession.</p>			
<p>Matthew English makes a motion that Ware’s <b>Gross Misconduct</b> warrants an ineligibility period of 5 years.</p>	Carol Dishion	13 ayes; 0 nays	Motion passes unanimously.

*The Corrections Policy Committee took a lunch break at 11:52 a.m. and reconvened at 12:13 p.m.*

**9. Russell Shield DPSST #42433 – Coos County Sheriff’s Office; Basic Corrections Certifications and Application for Intermediate Corrections Certification**

Presented by Kristen Hibberds

Issue: In February 2017, DPSST received an F-7 Application for Certification requesting Shield’s Intermediate Corrections certification. Shield noted on his F-7 that he had a prior arrest and conviction for the Removal/Parts of a Wildlife Carcass/Wasting Wildlife. It

should be noted the conviction was not reported to DPSST and only came to light through the Application for Shield’s Intermediate Corrections certification.

The case was previously reviewed by the CPC on August 8, 2017 and after considering the totality of the circumstances recommended to the Board to revoke Shield’s Basic Corrections certification and deny his Application for Certification.

This case is being re-presented to the Committee for consideration using the new standards which govern the denial, revocation and suspension of criminal justice certifications that took effect on August 1, 2017

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

*Russell Shield presented verbal mitigation.*

Vote/Consensus	Second	Vote	Outcome
Kimberly Hendricks makes a motion to adopt the staff report as the record upon which its recommendations are based	Jeff Wheeler	13 ayes; 0 nays	Motion passes unanimously.
Consensus reached that Shield’s conduct involved <b>Gross Misconduct</b> based upon the conduct on October 9, 2014 that violated the law and resulted in the conviction or ORS 498.402, Removal/Parts of a Wildlife Carcass/Wasting Wildlife.  Jeff Wheeler moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer’s certification(s).	Matthew English	13 ayes; 0 nays	Motion passes unanimously.
Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that the conduct involved <b>Dishonesty</b> . The Committee found that Shield’s conduct violated <b>Dishonesty</b> when he omitted information he had when he was questioned by the Oregon State Police on October 9, 2014.	Rob Perrson	13 ayes; 0 nays	Motion passes unanimously.

Matthew English moved that this <b>Dishonesty</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).			
Consensus reached that reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specifics to this case as required by OAR 259-008-0070(4)(f)(B).  Consensus reached that the Committee found as additional <b>Aggravating</b> circumstances that Ware's verbal mitigation provided November 14, 2017 directly contradicted the Trooper's report  Consensus reached that the Committee found as additional <b>Mitigating</b> circumstances that Shield addressed the situation with his son as a learning moment.			
Matthew Frohnert makes a motion that after considering the totality of the case that Board action <i>is taken</i> on Ware's certification.	Jeffrey Wheeler	13 ayes; 0 nays	Motion passes unanimously.
Consensus reached that the Committee found that Shield's conduct and dishonesty violates the Criminal Justice Code of Ethics and impacts his ability to serve as a corrections officer now that his integrity has been compromised. Shield's series of poor choices has compromised his integrity impacting his ability to serve in the future as a Public Safety Professional.			
Jeffrey Wheeler makes a motion that Shield's <b>Gross Misconduct</b> warrants an ineligibility period for five years.	Matthew English	13 ayes; 0 nays	Motion passes unanimously.
Matthew Frohnert makes a motion that Shield's <b>Dishonesty</b> warrants ineligibility for a lifetime.	Matthew English	13 ayes; 0 nays	Motion passes unanimously.



10. \*Nauman, Alexander DPSSt #54373 – DOC OSCI; Basic corrections Certifications

Presented by Kristen Hibberds

Issue: In November 2016, DPSST received a LEDS hit regarding Nauman’s arrest for Failure to Perform the Duties of a Driver – Property Damage.

Nauman was later charged with Unlawful Possession of a Firearm relating to the gun in his car during his arrest. Nauman subsequently entered into a civil compromise on the Failure to Perform the Duties of a Driver and was convicted of Unlawful Possession of a Firearm.

On May 30, 2017, Nauman reported his arrest and conviction to DPSST

This case was previously reviewed by the CPC on August 8, 2017. The case is being re-presented to the Committee for consideration using the new standards which govern the denial, revocation and suspension of criminal justice certifications that took effect on August 1, 2017

Pursuant to OAR 259-008-0070 staff requested the Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

Vote/Consensus	Second	Vote	Outcome
Matt English moved that the Corrections Policy adopts the staff report as the record upon which its recommendations are written	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that Nauman’s conduct recklessly disregarded the law and resulted in his conviction of Unlawful Possession of a Firearm.  Jeff Wheeler moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer’s certification(s).	Matt English	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that Nauman’s conduct violated <b>Dishonesty</b> when his statements on November 14, 2017, directly contradicted information in the police reports.	Rob Perrson	13 ayes 0 nays	Motion passes unanimously.

<p>Matt English moved that this <b>Dishonesty</b>, when considered alone, rises to the level to warrant action against the officer's certification(s).</p>			
<p>Consensus reached that reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specifics to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>Consensus reached that the Committee found as additional <b>Aggravating</b> circumstances that Nauman's conduct is a clear violation of the Criminal Justice Code of Ethics. Nauman left the scene of an accident and failed to respond to officers when they came to his home. After the incident Nauman made no attempt to rectify the situation. Nauman's verbal statement contradicted information provided in the police reports. Additionally, they found that Nauman was in uniform while being arrested and booked as aggravating as well.</p> <p>Consensus reached that the Committee found as additional <b>Mitigating</b> circumstances that Nauman provided several letters in support of the work he does, one criminal charge was dismissed and he voluntarily attended AA.</p>			
<p>Matthew Frohnert makes a motion that after considering the totality of the case that Board action <i>is taken</i> on Nauman's certification.</p>	<p>Matt English</p>	<p>13 ayes 0 nays</p>	<p>Motion passes unanimously.</p>
<p>Consensus reached that Nauman's conduct and dishonesty violates the Criminal Justice Code of Ethics and impacts his ability to serve as a corrections officer now that his integrity has been compromised. Nauman's series of poor choices has compromised his integrity impacting his ability to serve in the future as a Public Safety Professional.</p>			
<p>Jeff Wheeler makes a motion that Nauman's <b>Gross Misconduct</b> warrants ineligibility for 5 years.</p>	<p>Jeanine Hanthorn</p>	<p>13 ayes 0 nays</p>	<p>Motion passes unanimously.</p>

Matt English makes a motion that Nauman's <b>Dishonesty</b> warrants ineligibility for a lifetime.	Carol Dishion	13 ayes 0 nays	Motion passes unanimously.
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**11. \*Hernandez, Jeffrey DPSST #45724 – DOC OSP; Basic, Intermediate and Advanced Corrections Certifications and Instructor Certification.**

Presented by Kristen Hibberds

Issue: On June 5, 2017, Hernandez contacted staff to advise that he had been arrested on June 2, 2017. Hernandez was convicted of Reckless Driving on July 27, 2017.

Pursuant to OAR 259-008-0070 staff requested Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

*Jeffrey Hernandez presented verbal mitigation*

<b>Vote/Consensus</b>	<b>Second</b>	<b>Vote</b>	<b>Outcome</b>
Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Matthew English	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that Hernandez's conduct involved <b>Gross Misconduct</b> due to the conviction of reckless driving.  Jeanine Hohn moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).	Matthew English	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule.			
The Corrections Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).			

Consensus reached that the Committee found as additional <b>Aggravating</b> circumstances that Hernandez's BAC was .22, the DUII in itself, and leaving the scene of the crash.			
Consensus reached that the Committee found as additional <b>Mitigating</b> circumstance the letters of support for Hernandez, which showed support of his character. The police report shows that he was cooperative and took ownership and did not make any excuses. Hernandez enrolled in Alcoholics Anonymous and completed his treatment, as well as his DUII was diverted.			
Jeanine Hohn makes a motion that after considering the totality of the case that Board action not <i>be taken</i> against the officer's certifications(s).	Matthew Frohnert	13 ayes 0 nays	Motion passes unanimously.

**12. Joseph, Tracey DPSST #31239 – DOC CRCI; Basic, Intermediate and Advanced Corrections Certifications**

Presented by Kristen Hibberds

Issue: On December 8, 2016, DPSST received a LEDS hit regarding Joseph's arrest for Second Degree Theft. During the review of her 2016 arrest staff found that Joseph was convicted of Third Degree Theft on December 16, 2014. This 2014 case was administratively closed in error without being reviewed by the CPC as required by Oregon Administrative Rule.

On January 9, 2017, Joseph's Second Degree Theft charge was dismissed after successful completion of all court ordered requirements. Staff is presenting the 2014 conviction of Third Degree Theft for review.

Pursuant to OAR 259-008-0070 staff requested Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

*Tracey Joseph presented verbal mitigation*

<b>Vote/Consensus</b>	<b>Second</b>	<b>Vote</b>	<b>Outcome</b>
Jeffrey Wheeler made an motion to adopt the staff report as the record upon which its recommendations are based	Matthew English	13 ayes 0 nays	Motion passes unanimously.

<p>Consensus reached that the conduct shows a deliberate disregard for the law when Joseph tried to steal two knives from Bi-Mart.</p> <p>Kristen Hanthorn moved that this <b>Gross Misconduct</b>, when considered alone, rises to the level to warrant action against the officer's certification.</p>	Matthew English	13 ayes 0 nays	Motion passes unanimously.
<p>Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.</p>			
<p>Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.</p>			
<p>Consensus reached that the conduct shows <b>Dishonesty</b> in that the act of Theft in itself is a dishonest act.</p> <p>Matthew English moved that the <b>Dishonesty</b>, when considered alone, rises to the level to warrant action against the officer's certification.</p>	Jeffrey Wheeler	13 ayes 0 nays	Motion passes unanimously.
<p>The Corrections Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>By consensus the Committee found additional <b>Aggravating</b> circumstances that this is Joseph's second occurrence. The information in the police report appears to contradict the excuses for the behavior provided during mitigation.</p> <p>By consensus the Committee found no additional <b>Mitigating</b> circumstances.</p>			
<p>After considering the totality of the case, Jeanine Hohn recommended to the Board that action <i>be taken</i> against Joseph's certification.</p>	Kristen Hanthorn	13 ayes 0 nays	Motion passes unanimously.
<p>The Committee found that Joseph's conduct violates the Criminal Justice Code of Ethics when she deliberately committed Theft, a dishonest act on two separate occasions. Joseph continued to provide information in her mitigation that contradicted the report from the Loss Prevention Officer further calling into</p>			

question her integrity and credibility. Dishonesty impacts Joseph's ability to serve as a corrections officer now that her credibility and integrity have been compromised. Joseph's series of poor choices and decisions has compromised her credibility and integrity impacting your ability to serve in the future as a Public Safety Professional.			
Matthew Frohnert makes a motion that Joseph's <b>Gross Misconduct</b> warrants an ineligibility period for three years.	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.
Kristen Hanthorn makes a motion that Joseph's <b>Dishonesty</b> warrants an ineligibility period for a lifetime.	Nadine Purington	13 ayes 0 nays	Motion passes unanimously.

**13. \*Feist, Miranda DPSST #57004 – DOC TRCI; Application for Training and Subsequent Certifications**

Presented by Kristen Hibberds

Issue: In January 2017, DPSST received an F-5 Application for Training and during a routine background check DPSST learned that Feist had been convicted of a Fourth Degree Assault and Possession of Less than One Ounce of Marijuana. Feist only reported her Fourth Degree Assault conviction on her Application for Training.

Pursuant to OAR 259-008-0070 staff requested Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

<b>Vote/Consensus</b>	<b>Second</b>	<b>Vote</b>	<b>Outcome</b>
Matthew English made a motion to adopt the staff report as the record upon which its recommendations are bases	Donna Pettit	13 ayes 0 nays	Motion passes Unanimously.
Consensus reached that Feist's conduct on February 1, 2010, recklessly disregarded the law and resulted in her conviction of Fourth Degree Assault.  Matthew Frohnert moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer's certification	Jeanine Hanthorn	13 ayes 0 nays	Motion passes unanimously.

Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that Feist’s conduct violated <b>Dishonesty</b> based upon her omissions and misrepresentation of facts surrounding her criminal history Matthew English moved that <b>Dishonesty</b> , when considered alone, rises to the level to warrant action against the officer’s certification	Rob Perrson	13 ayes 0 nays	Motion passes unanimously.
The Corrections Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).  The Committee found as additional <b>Aggravating</b> circumstances how evasive Feist’s was with staff from DPSST when questioned about her criminal history. In her letter to the CPC she referred to a 2006 Assault, which actually occurred in 2010, further demonstrating inconsistencies in her statements provided to DPSST and the Board. Feist’s written response on her Application for Training minimized the situation surrounding her conviction of Fourth Degree Assault and identified her failure to accept responsibility for her conduct.  The Committee found no additional <b>Mitigating</b> circumstances.			
After considering the totality of the case, Matthew English recommended to the Board that action <i>be taken</i> against Feist’s certification	Jeffrey Wheeler	13 ayes 0 nays	Motion passes unanimously.
The Committee found that Feist’s conduct and dishonesty violates the Criminal Justice Code of Ethics and impacts her ability to serve as a corrections officer now that her integrity has been compromised.			

Jeffrey Wheeler makes a motion that Feist's <b>Gross Misconduct</b> warrants an ineligibility period for ten years.	Carol Dishion	13 ayes 0 nays	Motion passes unanimously.
Matthew English makes a motion that Feist's <b>Dishonesty</b> warrants an ineligibility period for a lifetime.	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.

**14. \*Olsen, Theresa DPSST #33223 – DOC OSP; Basic, Intermediate and Advanced Corrections Certifications and Instructor Certification**

Presented by Kristen Hibberds

Issue: On October 23, 2016, DPSST received a LEDS hit showing Olsen's arrest for DUII. Olsen had prior DUII in 2008 that she completed Diversion for in Marion County.

This case was previously reviewed by the CPC on May 9, 2017 and is being re-presented to the Committee for consideration using the new standards which govern the denial, revocation and suspension of criminal justice certification that took effect on August 1, 2017.

Pursuant to OAR 259-008-0070 staff requested Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

<b>Vote/Consensus</b>	<b>Second</b>	<b>Vote</b>	<b>Outcome</b>
Matthew English made a motion to adopt the staff report as the record upon which its recommendations are bases	Jeannine Hohn	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that Olsen's conduct involved <b>Gross Misconduct</b> based on the reckless disregard for the law which resulted in the conviction of her DUII.  Matthew Frohnert moved that <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			



Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that the Committee found that Olsen’s conduct violated <b>Dishonesty</b> when Olsen denied drinking and lied about the alcohol in the car during the traffic stop.  Matthew English moved that <b>Dishonesty</b> , when considered alone, rises to the level to warrant action against the officer’s certification(s).	Rob Perrson	13 ayes 0 nays	Motion passes unanimously.
The Corrections Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B)  The Committee found as additional <b>Aggravating</b> circumstances that this was Olsen’s second DUII; although diversion was completed with the first DUII it shows a pattern of behavior. The Committee also found Olsen’s conduct violates the Criminal Code of Ethics.  Consensus found as additional <b>Mitigating</b> circumstances, the letter written to the Committee showed that Olsen took full responsibility and was apologetic. The Committee considered Olsen’s completion of Diversion for her first DUII as <b>Mitigation</b> as well.			
After considering the totality of the case, Matthew English recommended to the Board that action <b>be taken</b> against Feist’s certification	Rob Perrson	13 ayes 0 nays	Motion passes unanimously.
The Committee found that Olsen’s conduct and dishonesty violates the Criminal Justice Code of Ethics and impacts her ability to serve as a corrections officer now that her integrity has been compromised. Olsen’s series of poor choices has compromised her integrity impacting her ability to serve in the future as a public safety professional.			
Matthew English makes a motion that Olsen’s <b>Gross Misconduct</b> warrants an ineligibility period for six years.	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.

Rob Perrson makes a motion that Olsen's <b>Dishonesty</b> warrants ineligibility period for a lifetime	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.
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15. \***Frost, Nicholas DPSST #48377 – DOC DRCI; Basic and Intermediate Corrections Certifications**

Presented by Kristen Hibberds

Issue: In November 2016, DPSST received an F-4 indicating that Frost has resigned during an investigation

The case was previously reviewed by the Corrections Policy Committee on August 8, 2017. This case is being re-presented to the Committee for consideration using the new standards which govern the denial, revocation and suspension of criminal justice certifications that took effect on August 1, 2017.

Pursuant to OAR 259-008-0070 staff request Committee to review this conduct to determine if the Board's moral fitness standards have been violated.

Vote/Consensus	Second	Vote	Outcome
Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based	Matthew English	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that Frost's conduct involved <b>Gross Misconduct</b> by consistently watching movies on post when he should have been watching the offenders  Jeff Wheeler moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).	Donna Pettit	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that Frost's conduct involved <b>Misuse of Authority</b> by placing others at risk by engaging in this behavior. Specifically, wearing headphones hindering your ability to hear calls for help, compromising everybody's safety.  Matthew English moved that this <b>Misuse of Authority</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).	Matthew Frohnert	13 ayes 0 nays	Motion passes unanimously

Consensus moved that the conduct did not reach <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative rule.			
The Correction Policy Committee reviewed and considered the <b>Aggravating &amp; Mitigating</b> circumstances specifics to this case as required OAR 259-008-0070(4)(f)(B)  The Committee found as additional <b>Aggravating</b> wearing headphones while watching the movies particularly egregious considering the risk you placed the entire institution in, that this behavior continued even after being counseled, and the demonstrated lack of accountability in blaming management.  The Committee found no additional <b>Mitigating</b> circumstances.			
Matthew English makes a motion that after considering the totality of the case that Board action <b>be taken</b> against Frost's certification(s).	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.
The Committee found that Frost's conduct violates the Criminal Justice Code of Ethics and created a very dangerous situation for person and property. Frost's poor judgment and conduct of compromising the safety and security of a correctional institution and impacts his ability to serve as a public safety professional.			
Matthew English makes a motion that Frost's <b>Gross Misconduct</b> warrants an ineligibility period of ten years.	Jeffrey Wheeler	13 ayes 0 nays	Motion passes unanimously.
Kristen Hanthorn makes a motion that Frost's <b>Misuse of Authority</b> warrants an ineligibility period of ten years.	Matthew Frohnert	13 ayes 0 nays	Motion passes unanimously.

**16. \*Todd, Cheryl DPSST #51507- DOC OSP; Basic, Intermediate and Advanced Corrections Certification.**

Presented by Kristen Hibberds

Issue: On January 10, 2017, DPSST received a Personnel Action Request (F-4) from the Department of Corrections (DOC) indicating that Todd had resigned in lieu of a termination

This case was previously reviewed by the Corrections Policy Committee on August 8, 2017 and is being re-presented to the Committee for consideration using the new standards which govern the denial, revocation and suspension of criminal justice certification that took effect on August 1, 2017.

Pursuant to OAR 259-008-0070 staff requested Committee to review this conduct to determine if the Board’s moral fitness standards have been violated.

<b>Vote/Consensus</b>	<b>Second</b>	<b>Vote</b>	<b>Outcome</b>
Matthew English made a motion to adopt the staff report as the record upon which its recommendations are based	Jeanne Hohn	13 ayes 0 nays	Motion passes unanimously
Consensus reached that Todd’s behavior involved <b>Gross Misconduct</b> by becoming involved in an inappropriate relationship with an inmate compromising the safety and security of the entire facility.  Jeanine Hohn moved that this <b>Gross Misconduct</b> when considered alone rises to the level to warrant action against the officer’s certification(s).	Kimberly Hendricks	13 ayes 0 nays	Motion passes unanimously
Consensus reached that Todd’s conduct involved <b>Misuse of Authority</b> by using her position as a correction officer to develop a relationship with an inmate.  Matthew English moved that this <b>Misuse of Authority</b> , when considered alone, rises to the level to warrant action against the officer’s certification(s).	Carol Dishion	13 ayes 0 nay	Motion passes Unanimously
Consensus reached that Todd’s conduct involved <b>Disregard for the Rights</b> of Others by forming an inappropriate relationship with an inmate that involved kissing and hugging.	Jeffrey Wheeler	13 ayes 0 nays	Motion passes unanimously

Matthew English moved that this <b>Disregard for the Rights of Others</b> , when considered alone, rises to the level to warrant action against the officer's certification(s).			
<p>Consensus reached that Committee found that Todd's conduct involved <b>Dishonesty</b>. Todd failed to disclose the relationship with an inmate to the Lieutenant when asked.</p> <p>Jeffrey Wheeler moved that this <b>Dishonesty</b>, when considered alone, rises to the level to warrant action against the officer's certification(s)</p>	Matthew Frohnert	13 ayes 0 nays	Motion passes unanimously
<p>The Corrections Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B).</p> <p>By consensus the Committee found as additional <b>Aggravating</b> circumstances that Todd's behavior placed citizens, inmates and the entire safety and security of the institution at risk.</p> <p>By consensus the Committee found no additional <b>Mitigating</b> circumstances.</p>			
After considering the totality of the case, Matthew English recommends to the Board that action <b>be taken</b> on Todd's certification(s)	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously
The Committee found that Todd's conduct violates the Criminal Justice Code of Ethics and Prison Rape Elimination Act (PREA) when she deliberately pursued an inappropriate relationship with an inmate a non-consenting party who he had authority and control over. Todd's deception and dishonesty and the egregious risk impacted the ability to serve as a corrections officer. Her credibility and integrity have been compromised.			
Jeffrey Wheeler makes a motion that Todd's <b>Gross Misconduct</b> warrants ineligibility period for ten years.	Matthew English	13 ayes 0 nays	Motion passes unanimously

Jeanine Hohn makes a motion that Todd's <b>Misuse of Authority</b> warrants ineligibility period for ten years.	Kimberly Hendricks	13 ayes 0 nays	Motion passes unanimously.
Kristen Hanthorn makes a motion that Todd's <b>Misuse of Authority</b> warrants ineligibility period for fifteen years.	Carol Dishion	13 ayes 0 nays	Motion passes unanimously.
Kimberly Hendricks makes a motion that Todd's <b>Dishonesty</b> warrants ineligibility period for a lifetime	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.

**17. \*Cook, Christopher DPSST # 53053 – DOC SRCI; Basic Corrections Certifications**

Presented by Kristen Hibberds

Issue: In February 2017, DPSST received a LEADS hit regarding Cook's arrest for three counts of First Degree Sexual Abuse. Cook was convicted of Harassment on July 6, 2017.

Pursuant to OAR 259-008-0070 staff requested Committee to review this conduct and determine if the Board's moral fitness standards have been violated.

Vote/Consensus	Second	Vote	Outcome
Matthew English made a motion to adopt the staff report as the record upon which its recommendations are based	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously
Consensus reached that Cook's conduct involved <b>Gross Misconduct</b> based upon the unwanted touching of a vulnerable child is behavior that deliberately and recklessly disregards the law.  Jeanine Hohn moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant the officer's certification(s).	Kristen Hanthorn	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule.			
The Corrections Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B)			

The Committee found as additional <b>Aggravating</b> circumstances, the conduct included components of child abuse. The mitigation letter had many “criminal thinking” errors when Cook blamed the victim and the police officers.			
The Committee found no additional <b>Mitigating</b> factors.			
After considering the totality of the case, Matthew Frohnert recommends to the Board that action <b>be taken</b> on Cook’s certification(s)	Jeanine Hohn	13 ayes 0 nays	Motion passes unanimously.
The Committee found Cook’s conduct violated Criminal Justice Code of Ethics as well as the conduct with a vulnerable child has compromised his ability to serve in the future as a public safety professional based on the lack of trust in his ability to use good judgment and good decision-making abilities.			
Matthew Frohnert makes a motion that Cook’s <b>Gross Misconduct</b> warrants ineligibility for ten years.	Kristen Hanthorn	13 ayes 0 nays	Motion passes unanimously.

**18. \*Witty, Kyle DPSST #57693 – DOC EOCI – Application for Training and Subsequent Certification**

Presented by Kristen Hibberds

Issue: In July 2017, DPSST received an F-5 Application for Training and Witty discloses a Criminal Trespass in the Second Degree and Failure to Perform Duties of a Driver convictions. Staff found a Person under 21 attempts to Purchase Alcoholic Beverages conviction as well.

Pursuant to OAR 259-008-0070 staff requested to Committee review this conduct to determine if the Board’s moral fitness standards have been violated.

Vote/Consensus	Second	Vote	Outcome
Matthew English made a motion to adopt the staff report as the record upon which its recommendations are based.	Rob Perrson	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that Witty’s conduct involved <b>Gross Misconduct</b> by being criminally convicted failure to perform the duties of the driver and criminal trespass.	Donna Pettit	13 ayes 0 nays	Motion passes unanimously.

Matthew English moved that this <b>Gross Misconduct</b> , when considered alone, rises to the level to warrant action against the officer's certification(s)			
Consensus reached that the conduct did not involve Misuse of Authority as defined in Administrative Rule.			
Consensus reached that the conduct did not involve Disregard for the rights of Others as defined in Administrative Rule.			
Consensus reached that the conduct did not involve Dishonesty as defined in Administrative Rule.			
The Correction Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259008-0070(4)(f)(B).  The Committee found no additional <b>Aggravating</b> circumstances.  The Committee found as additional <b>Mitigating</b> circumstances that the criminal convictions occurred six years ago, that the convictions were reduced to violations and Witty completed his community service work and fulfilled his responsibilities regarding his probation.			
Matthew English makes a motion that after considering the totality of the case that Board action <b>not be taken</b> against the officers certification(s).	Kristen Hanthorn	13 ayes 0 nays	Motion passes unanimously

**19. Hyder, Brandon DPSST #57869 – Warm Springs Police Department; Application for Training and Subsequent Certifications.**

Presented by Kristen Hibberds

Issue: In August 2017, Hyder submitted his F-5 Application for Training and Failed to disclose his October 11, 2013, conviction of a Misdemeanor treated as a violation. Mr. Hyder subsequently submitted an amended F-5 to self-disclose his conviction. Pursuant to OAR 259-008-0070 staff requested the Committee review this conduct to determine if the Board's moral fitness standards have been violated.

<b>Vote/Consensus</b>	<b>Second</b>	<b>Vote</b>	<b>Outcome</b>
Jeffrey Wheeler made a motion to adopt the staff report as the record upon which its	Donna Pettit	13 ayes 0 nays	Motion passes unanimously.



recommendations are based			
<p>Consensus reached that Hyder's conduct involved <b>Gross Misconduct</b> by being convicted of a crime involving a firearm.</p> <p>Jeanine Hohn moved that this <b>Gross Misconduct</b>, when considered alone, rises to the level to warrant action against the officer's certification(s)</p>	Matthew English	13 ayes 0 nays	Motion passes unanimously.
Consensus reached that the conduct did not involve <b>Misuse of Authority</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Disregard for the Rights of Others</b> as defined in Administrative Rule.			
Consensus reached that the conduct did not involve <b>Dishonesty</b> as defined in Administrative Rule.			
<p>The Corrections Policy Committee reviewed and considered the <b>Aggravating</b> and <b>Mitigating</b> circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B)</p> <p>The Committee found as additional <b>Aggravating</b> circumstances that the crime involved a firearm.</p> <p>The Committee found as additional <b>Mitigating</b> circumstances that Hyder did have a concealed handgun license.</p>			
Jeanine Hohn makes a motion that after considering the totality of the case that Board action <b>not be taken</b> against the officer's certification(s)	Rob Perrson	13 ayes 0 nays	Motion passes unanimously.

**20. \*Gilham, Robert DPSST #57870 – Warm Springs Police Department; Application for Training and Subsequent Certification**  
Presented by Kristen Hibberds

Issue: In August 2017, DPSST received an F-5 Application for Training and during a routine background check DPSST learned that Gilham had been convicted of DUII in Montana on March 11, 2013. Moore self-disclosed his conviction to his agency and on his F-5.

Pursuant to OAR 259-008-0070 staff requested Committee review this conduct to determine if the Board's moral fitness standards have been violated.

Consensus reached to table for further discussion to allow Kristen Hibberds to interview Robert Gilham and review the police report. The case will be brought forward to the next Corrections Policy Committee for re-review in February.

## **21. Staff Updates**

- The bill was approved by the legislature adding a public member to the all policy committees. The recruitment process will begin January 1, 2018.
- The Board approved a recent change in the reporting process on the F-4 Personnel Action form. The F-4 form will be split into two forms allowing agencies to provide more clarification on how an individual is being reported as separated. This will ensure that DPSST is handling the information appropriately for professional standards reviews.
- DPSST has taken extra measures to redact sensitive information before it is sent out to the policy members in an effort to better manage records. Lindsay wanted to reiterate that if information needed to make an informed decision regarding an individual's fitness to be certified is missing to let staff know so it can be gathered and provided.
- There is a current workgroup that is actively looking at management and executive level certifications. They have made a few recommendations and will be coming forward to the committee for approval in February.

## **22. Next Regularly Scheduled Meeting – February 13, 2018**

*\* 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@state.or.us](mailto:dpsst.records@state.or.us).*