

# **Corrections Policy Committee**

## **Minutes**

### **May 9, 2017**

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, May 9, 2017, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair Brian Burger called the meeting to order at 11:00 a.m.

#### **Committee Members:**

Brian Burger, Chair, AFSCME Rep/DOC  
Jason Myers, Vice Chair, Oregon State Sheriff's Association  
Carol Dishion, Non-Management DOC-Coffee Creek  
Matthew English, Oregon State Sheriff's Association (Phone – left at 11:50 a.m.)  
Donna Pettit, Non-Management Corrections Officer  
Nadine Purington, Non-Management Parole & Probation-DCJ  
Jeanine Hohn, Department of Corrections Training Division  
Rob Perrson, Designee for Director of Department of Corrections  
Kristen Hanthorn, Or. Assn. of Comm. Corrections Directors  
Jeff Hernandez, Non-Management DOC – Oregon State Penitentiary  
Gary Bergerson, Non-Management Law Enforcement

#### **Committee Members Absent:**

Matthew Frohnert, Oregon State Sheriff's Association  
Jeff Wheeler, Oregon Sheriff's Jail Command Council  
Kimberly Hendricks, Department of Corrections Superintendent

#### **DPSST Staff:**

Linsay Hale, Professional Standards Division Director  
Mona Riesterer, Professional Standards Assistant  
Jennifer Howald, Rules Coordinator  
Debbie Anderson, Certification & Compliance Specialist  
Bob Sigleer, Training Compliance Auditor  
Kristen Hibberds, Professional Standards Investigator & Coordinator  
Katrina Robson, Professional Standards Investigator & Coordinator

#### **Guests:**

Kristine Phillips, Curry County Sheriff's Office (Phone)  
Theresa Olsen, OSP Dept. of Corrections  
Travis Hudson, DOC/Two Rivers Correctional Institution  
Dan Russ, DOC/Oregon State Penitentiary  
Stacy Posegate, Department of Justice



**1. Introductions**

Introductions of members, guest and staff were presented.

**2. Minutes of February 14, 2017**

Approve the minutes of the February 14, 2017 Corrections Policy Committee meeting.

*To see a complete record of the February 14, 2017 Corrections Policy Committee minutes, please go to:*

<http://www.oregon.gov/dpsst/BD/pages/correctionspolicycommitteemeetingminutes.aspx>

- *Jason Myers moved that the committee approve the minutes of the February 14, 2017 Corrections Policy Committee meeting. Jeff Hernandez seconded the motion. The motion carried unanimously.*

**3. Quarterly Review of DOC BCC by DPSST Training Compliance Unit**

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, provided by DPSST. The Training Compliance Program periodically audits the program to ensure the program meets minimum training standards established by the Board. The Audit Unit 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 quarterly review was presented to the Corrections Policy Committee for the reporting period of January through March 2017. The findings indicated BCC meets minimum training standards approved by the Board for Correction officers employed by DOC.

**4. OACP-OSAA Mental Health Workgroup Recommendation OAR 259-008-0065 – Recommendation Designates 3 Hours of Mental Health/Crisis Intervention Training as a Part of Certification Maintenance Training**

Presented by Linsay Hale and Jennifer Howald

The Oregon Association on Chiefs of Police (OACP) and the Oregon State Sheriff's Association (OSSA) Mental Health Workgroup is requesting that the Police Policy Committee consider a requirement that all certified police officers complete a minimum of 3 hours of mental health crisis intervention related training as a portion of the current requirement to complete 84 hours of maintenance training every three years. In recognition that the current maintenance training standard applies to all law enforcement officers, the Workgroup's recommendation is also being presented to the Correction Policy Committee. The maintenance training standards for corrections officers, full-time parole and probation officers and regulatory specialists are in the "recommended training" phasing in period through December 31, 2019 and will become required training beginning January 1, 2020.

- *Jason Myers moved to recommend adding a requirement that 3 hours out of the 84 total hours required for certification maintenance requirements be specific to Mental Health/Crisis Intervention training and that this requirement apply to all certified law enforcement officers effective upon filing as a permanent rule. Nadine Purington seconded the motion. The motion passed with eleven ayes and Jeff Hernandez abstaining.*
- *Jeanine Hohn moved to make the recommendation to grant DPSST staff to develop OAR language implementing the recommendation for presentation to the Board. Kristen Hanthorn seconded the motion. The motion passed with eleven ayes and Jeff Hernandez abstaining.*

*By consensus the committee found no fiscal impact to small businesses.*

**5. \*Review of Public Comments Received for Proposed Rule change for OARs 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0070 and 259-008-0080 Recommended Changes to the Criminal Justice Denial/Revocation Standards & Processes**

Presented by Jennifer Howald

Jennifer Howald presented Oregon Administrative Rule 259-008-0070 (Denial/Revocation) which establishes the Board on Public Safety Standards and Training's moral fitness standards for the criminal justice disciplines. The current standards were reviewed extensively by the Criminal Justice Denial/Revocation Workgroup which met throughout 2016. The workgroup's recommendations were presented to the Telecommunications, Corrections, and Police Policy Committee and the Board for review and consideration.

The recommendations for this proposed rule change were discussed at length during the Telecommunication Policy Committee (November 2, 2016), Corrections Policy Committee (November 8, 2016), the Police Policy Committee (November 17, 2016). Each of these groups unanimously recommended the Board approve the language as proposed with minor housekeeping changes. The Board of Public Safety Standards and Training unanimously affirmed the recommendations at their meeting on January 26, 2017 along with one additional housekeeping change.

Three comments were received. DPSST staff reviewed the comments and presented the comments to the Corrections Policy Committee for review.

- *After considering the comments received regarding the proposed rule changes Kristen Hanthorn moved to recommend filing the draft rule language for OARs 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0070 and 259-008-0080 as a permanent rule without any changes to the proposed language, thereby maintaining the intent of the recommendation of the Criminal Justice Denial/Revocation Workgroup. Jason Myers seconded the motion. The motion carried unanimously.*

6. **\*Review of Standard and Policy Discussion – OAR 259-008-0025**

Presented by Jennifer Howald

In 2016, OAR 259-008-0025 (Minimum Standards for Training) was amended. The rules regarding the minimum standards for mandated courses were moved to OAR 259-008-0085 (Minimum Standards for Mandated Courses). OARs 259-008-0030 (Extension of the Time Limit for Course Completion) and 259-008-0035 (Waiver for Equivalent Training or Experience – Reciprocity) were initiated to provide clarity and ensure that the Board's approved standards were reflected appropriately within the administrative rule division. Since the permanent rule change in 2016, DPSST staff have identified that the current administrative rule language may be interpreted as requiring law enforcement officers from another state who are completing a COD course to also complete the FTM. Research of the original rule language indicates that the current rule language inadvertently changed the Board established standard which allowed for a waiver of the FTM. Prior to initiating a rule change to amend the current rule language that would clarify the options for waiver of a field training manual, the Department would like the Police and Corrections Policy Committee to review the minimum training standard for law enforcement officers and make a recommendation on what the current policy for eligibility to waive the requirement to complete a field training manual should be.

- *After reviewing the options for waiver of field training manual, Kristen Hanthorn moved to not allow for waiver of the requirement to complete a field training manual. Jason Myers seconded the motion. The motion carried unanimously.*

This recommendation:

- Requires individuals who have been separated from their certifiable position longer than 2.5 years to complete a field training manual.
  - Requires individuals who are from out of state to complete a field training manual.
  - Continues to allow the employing agency to determine how to administer the field training manual to their employees.
- *Jeanine Hohn moved to make the recommendation to grant DPSST staff to develop OAR language implementing the recommendation for presentation to the Board. Jeff Hernandez seconded the motion. The motion carried unanimously.*

*By consensus the committee found no fiscal impact to small businesses.*

7. **\*Hudson, Travis DPSST # 56993 – DOC Two Rivers Correctional Institution; Application for Training and Subsequent Basic Corrections Certifications**

Presented by Katrina Robson (item # 11 on the agenda)

The case presented to the Corrections Policy Committee is Travis Hudson's conduct leading to his arrest and conviction and whether his request for training and subsequent Corrections certification should be denied as a result.

Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Donna Pettit seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Travis Hudson's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Travis Hudson's behavior did involve **Misconduct** as defined in Administrative rule based on Hudson's conduct violating the law and resulting in a conviction.

Jason Myers moved that the Corrections Policy Committee find that Travis Hudson's **Misconduct** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Travis Hudson's behavior did involve **Gross Misconduct** as defined in Administrative Rule based upon reckless driving is presumed Category IV Gross Misconduct based on the elements of the crime.

Jeanine Hohn moved that the Corrections Policy Committee find that Travis Hudson's Gross **Misconduct** does rise to the level to warrant revocation when considered alone. Jason Myers seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Travis Hudson's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Travis Hudson's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Travis Hudson's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Travis Hudson's behavior did not involve **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Travis Hudson's behavior did involve **Mitigating Circumstances** by recognizing in the letter he wrote to the victims that he was aware that a tragedy could have occurred as a result of his actions as well as he took ownership and responsibility of his conduct. Mr. Hudson wrote heart felt letter to the committee. He also completed his requirements issued by the court. Mr. Hudson's Reckless Driving conviction was reduced from a Class A Misdemeanor to a violation.

After considering the totality of the circumstances, Jeanine Hohn moved that the committee recommends to the Board that Hudson's application for training and subsequent certifications not be denied. Donna Pettit seconded the motion. The motion carried unanimously.

8. \***Olsen, Theresa A. DPSST #33223 – OSP Department of Corrections; Basic, Intermediate and Advanced Corrections Certification and Instructor Certification**  
Presented by Kristen Hibberds (item # 14 on the agenda)

*Jeff Hernandez requested to recuse himself due to conflict of interest.*

The issue in this case is Olsen's conduct surrounding her 2016 arrest for DUII, subsequent conviction, and whether her certifications should be revoked as a result.

Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Carol Dishion seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did involve **Misconduct** as defined in Administrative Rule based upon Olsen's violation of the law and resulting conviction of DUII on January 19, 2017.

Jeanine Hohn moved that the Corrections Policy Committee find that Theresa Olsen's **Misconduct** does rise to the level to warrant revocation when considered alone. Jason Myers seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did involve **Gross Misconduct** as defined in Administrative Rule based DUII is a presumed Gross Misconduct Category IV based on the elements of the crime.

Jason Myers moved that the Corrections Policy Committee find that Theresa Olsen's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Carol Dishion seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did involve **Dishonesty** as defined in Administrative Rule due to not being truthful during the traffic stop when asked if she had consumed alcohol when her BAC test also indicated her

alcohol consumption. Olsen was dishonest when asked about the about having open containers of alcohol in her vehicle.

Jeanine Hohn moved that the Corrections Policy Committee find that Theresa Olsen's **Dishonesty** does rise to the level to warrant revocation when considered alone. Jason Myers seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did involve **Aggravating Circumstances** as this was Olsen's second DUII; although the first DUII was diverted it shows a pattern of Olsen's reckless behavior. Olsen was untruthful with law enforcement during the traffic stop when asked about the alcohol consumption and the open containers in her vehicle.

By discussion and consensus, the committee determined that Theresa Olsen's behavior did involve **Mitigating Circumstances** as Olsen's letter did show that she took full responsibility and understood the gravity of her mistake and was very apologetic. Olsen's performance evaluation shows that she is an excellent employee as well as the letters of support she received on her behalf.

After considering the totality of the circumstances Jason Myers, moved that the committee recommends to the Board that Olsen's Certifications **be revoked**. Kristen Hanthorn seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

Jeanine Hohn moved that the committee recommends to the Board that Theresa Olsen's **Misconduct** warrants for ineligibility period to reapply for three years. Carol Dishion seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

Jason Myers moved that the committee recommends to the Board that Theresa Olsen's **Gross Misconduct** warrants for ineligibility period of five years. Jeanine Hohn seconded the motion. The motion passed with eleven ayes and Jeff Hernandez abstaining.

Jason Myers moved that the committee recommends to the Board that Theresa Olsen's **Dishonesty** warrants for ineligibility period of a lifetime. Jeanine Hohn seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

9. **\*Phillips, Kristine DPSST # 57203 – Curry County Sheriff's Office; Application for Training and Subsequent Certification**

Presented by Kristen Hibberds (item # 15 on the agenda)

The issue in this case is Phillip's conduct leading to her arrest and conviction of DUII and whether her Application for Training and subsequent certification should be denied as a result.

Carol Dishion moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Nadine Purington seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did involve **Misconduct** as defined in Administrative Rule based upon the violation of the law and resulting conviction.

Jason Myers moved that the Corrections Policy Committee find that Kristine Phillip's **Misconduct** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did involve **Gross Misconduct** as defined in Administrative Rule by the conviction of the DUI in which the elements of the crime itself is a presumed gross misconduct.

Jason Myers moved that the Corrections Policy Committee find that Kristine Phillip's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Kristine Hanthorn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did not involve **Dishonesty** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did involve **Aggravating Circumstances** based upon the court fines from 2003 were not paid by Phillip's until 2015 as well as the fact that Phillip's was brought back before the court for failure to pay the fines.

By discussion and consensus, the committee determined that Kristine Phillip's behavior did involve **Mitigating Circumstances** by being cooperative during the time of the arrest. Phillips has not had any additional convictions since this incident. Phillip's held a position with the Department of Idaho for the Department of Corrections and records show that she has been an exemplary employee. Phillip's disclosed with Curry County during an interview the specifics of the incident as well as to the interview panel and background. Phillip's wrote a letter to the Committee outlining the lessons she has learned from the incident and the positive changes she has made in her life. She included in her letter that she has stopped drinking and finished school with a degree in criminal justice.



After considering the totality of the circumstances, Jeff Hernandez moved that the committee recommends to the Board that Phillip's Application for Training and subsequent certification **not be denied**. Jeanine Hohn seconded the motion. The motion carried unanimously.

**10. \*Coleman, Michael DPSST # 54194 – DOC Oregon State Penitentiary; Basic Correction Officer Certification**

Presented by Katrina Robson (item #7 on agenda)

*Jeff Hernandez requested to recuse himself due to conflict of interest.*

The issue in this case is Coleman's conduct leading to his arrest for DUII, Reckless Driving and Recklessly Endangering Another and subsequent conviction of Reckless Driving and whether his Basic Corrections Certification should be revoked as a result.

Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Rob Perrson seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Michael Coleman's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Michael Coleman's behavior did involve **Misconduct** as defined in Administrative Rule based upon Coleman's conduct violating the law and resulting in his arrest and conviction.

Jeanine Hohn moved that the Corrections Policy Committee find that Michael Coleman's **Misconduct** does rise to the level to warrant revocation when considered alone. Nadine Purington seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Michael Coleman's behavior did involve **Gross Misconduct** as defined in Administrative Rule based upon Reckless Driving is a presumed Gross Misconduct crime based on the elements of the crime.

Jason Myers moved that the Corrections Policy Committee find that Michael Coleman's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Rob Perrson seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Michael Coleman's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Michael Coleman's behavior did involve **Disregard for the Rights of Others** as defined in Administrative Rule based

upon Coleman's reckless manner, causing his vehicle to crash into a citizen's property and the citizen's concern about the children usually present where the crash took place. Coleman put his life, his passenger's life, as well as the citizen's lives in danger.

Jeanine Hohn moved that the Corrections Policy Committee find that Michael Coleman's **Disregard for the Rights of Others** does rise to the level to warrant revocation when considered alone. Donna Pettit seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Michael Coleman's behavior did involve **Dishonesty** as defined in Administrative Rule based upon when the officers arrived at the scene; Coleman stated he had only one beer and told the property owner he had not been drinking at all. Coleman stated that the accelerator was stuck when there were witnesses and physical evidence showed that Coleman was speed racing.

Jason Myers moved that the Corrections Policy Committee find that Michael Coleman's **Dishonesty** does rise to the level to warrant revocation when considered alone. Rob Perrson seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Michael Coleman's behavior did involve **Aggravating Circumstances** based upon when Coleman was asked to take a breathalyzer test, Coleman became belligerent and confrontational. During the interview he claimed the homeowner was being dramatic, and Coleman did not show any accountability for his actions and blamed others. His conduct put a substantial risk to the passenger of his vehicle as well as to the residents of the property. Coleman was dishonest to law enforcement professional as well as the property owner.

By discussion and consensus, the committee determined that Michael Coleman's behavior did involve **Mitigating Circumstances** based upon that the DUII was diverted. Coleman took drug and alcohol classes and wrote a letter accepting responsibility for his actions.

After considering the totality of the circumstances, Jason Myers moved that the committee recommends to the Board that Coleman's Certification **be revoked**. Jeanine Hohn seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

Jeanine Hohn moved that the committee recommends to the Board that Michael Coleman's **Misconduct** warrants for ineligibility period of three years. Carol Dishion seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

Kristen Hanthorn moved that the committee recommends to the Board that Michael Coleman's **Gross Misconduct** warrants for ineligibility period for five years. Jeanine Hohn seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

Jason Myers moved that the committee recommends to the Board the Michael Coleman's **Disregard for the Rights of Others** warrants for ineligibility period for five years. Kristen

Hanthorn seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

Jeanine Hohn moved that the committee recommends to the Board that Michael Coleman's **Dishonesty** warrants for ineligibility period for a lifetime. Carol Dishion seconded the motion. The motion carried with eleven ayes and Jeff Hernandez abstaining.

**11. \*Feist, Miranda DPSST #57004 – TRCI Department of Corrections; Application for Training and Subsequent Certification**

Presented by Kristen Hibberds (item #8 on the agenda)

The issue in this case is Feist's conduct surrounding her arrest for Fourth Degree Assault and subsequent conviction as well as Feist's falsification of her F-5 Application for Training, specifically her failure to report an arrest for Possession of Less than One Ounce of Marijuana and whether her Application for Training and subsequent certification be denied.

Jeff Hernandez moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Donna Pettit seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Miranda Feist's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Miranda Feist's behavior did involve **Misconduct** as defined in Administrative Rule based upon Feist violating the law and subsequent conviction of Fourth Degree Assault.

Kristen Hanthorn moved that the Corrections Policy Committee find that Miranda Feist's **Misconduct** does rise to warrant denial of Feist's Application for Training when considered alone. Jason Myers seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Miranda Feist's behavior did not involve **Gross Misconduct** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Miranda Feist's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Miranda Feist's behavior did involve **Disregard for the Rights of Others** as defined in Administrative Rule based upon Assault in the Fourth Degree being a Category II offense based on the elements of the crime.

Jason Myers moved that the Corrections Policy Committee find that Miranda Feist's **Disregard for the Rights of Others** does rise to the level to warrant denial of Feist's Application for Training when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Miranda Feist's behavior did involve **Dishonesty** as defined in Administrative Rule based upon Feist's deception. Feist was presented with multiple chances to address the situation and chose to not do so.

Jeanine Hohn moved that the Corrections Policy Committee find that Miranda Feist's **Dishonesty** does rise to the level warrant denial of Feist's Application for Training when considered alone. Jason Myers seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Miranda Feist's behavior did involve **Aggravating Circumstances** based upon Feist's evasiveness during the interview when speaking with the DPSST employee. Feist stated the assault occurred in 2006 when it actually happened in 2010. Feist seemed dismissive about what the Assault Four charge on the F-5 Application for Training and minimized the situation. Feist's letter to the committee did not indicate that she took ownership for her actions and showed a history of inaccuracy. The F-5 form shows clarity when it reads; "have you ever been convicted of unlawful possession of less than one ounce of marijuana" as Feist's conviction was less than one ounce of marijuana and she still marked "no" "on the application. Several weeks before filling out the application, Feist was given the opportunity to self-disclose after a discussion with the Department of Correction background.

By discussion and consensus, the committee determined that Miranda Feist's behavior did involve **Mitigating Circumstances** based upon that the assault took place years prior before Feist's was in the position as a public safety officer.

After considering the totality of the circumstances, Jeff Hernandez moved that the committee recommends to the Board that Feist's Application for Training and subsequent certification **be denied**. Jason Myers seconded the motion. The motion carried unanimously.

Jason Myers moved that the committee recommends to the Board that Miranda Feist's **Misconduct** warrants for ineligibility period for three years. Nadine Purington seconded the motion. The motion carried unanimously

Jason Myers moved that the committee recommends to the Board that Miranda Feist's **Disregard for the Rights of Others** warrants for ineligibility for five years. Jeanine Hohn seconded the motion. The motion carried with eleven ayes and Jeff Hernandez voting nay.

Jeff Hernandez moved that the committee recommends to the Board that Miranda Feist's **Dishonesty** warrants for ineligibility period for a lifetime. Kristen Hanthorn seconded the motion. The motion carried unanimously.

**12. \*Frost, Nicholas J. DPSST #48377 – DRCI Department of Corrections; Basic and Intermediate Corrections Certification**

Presented by Kristen Hibberds (item #9 on the agenda)

The issue in this case is Frost's conduct surrounding his violation of agency policies and procedures, and whether his certifications should be revoked as a result.

Jeanine Hohn recommended that the Corrections Policy Committee does not adopt the staff report as the record upon which its recommendations are based due to missing pages which could hinder the decision of the case. The case will be tabled for now until all documents are available for review.

13. **\*Haase, Jon M. DPSST # 25534 – Multnomah County Sheriff's Office; Basic, Intermediate, Advanced, and Supervisory Corrections Certifications.**

Presented by Katrina Robson (item # 10 on the agenda)

The issue in this case is Haase's conduct resulting in his arrest and subsequent conviction of DUII and whether his Corrections certifications should be revoked as a result.

Jason Myers moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Carol Dishion seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Jon Haase's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Jon Haase's behavior did involve **Misconduct** as defined in Administrative Rule based upon Haase's conduct on September 5, 2002 which violated the law and resulted in his conviction of DUII.

Jason Myers moved that the Corrections Policy Committee find that Jon Haase's **Misconduct** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Jon Haase's behavior did involve **Gross Misconduct** as defined in Administrative Rule based upon DUII is presumed Gross Misconduct crime based on the elements of the crime.

Carol Dishion moved that the Corrections Policy Committee find that Jon Haase's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Kristen Hanthorn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Jon Haase's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Jon Haase's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Jon Haase's behavior did not involve **Dishonesty** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Jon Haase's behavior did involve **Aggravating Circumstances** based upon when Haase was asked to do a field sobriety test and refused to do so.

By discussion and consensus, the committee determined that Jon Haase's behavior did involve **Mitigating Circumstances** based upon Haase's wrote a very direct and mitigating letter even though he is retired. Haase took ownership for his actions and it appears from the time line that he has since stopped drinking and went into treatment immediately. Haase did report the incident to his employer and he continued to work and received 21 letters of accommodations for his years of service. It has also been 15 years since the incident took place with no other DUII's since.

After considering the totality of the circumstances, Jeff Hernandez moved that the committee recommends to the Board that Haase's Corrections certification **not be revoked**. Gary Bergerson seconded the motion. The motion carried unanimously.

The Corrections Policy Committee took a short break at 1:15 p.m. and reconvened at 1:25 p.m.

**14. \*Jones-Anderson, Odessa DPSST # 42884 – Warm Springs Parole and Probation; Basic Parole and Probation Certification**

Presented by Katrina Robson (item # 12 on the agenda)

The issue in this case is Jones-Anderson's discharge from employment and whether her certification should be revoked as a result.

Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Carol Dishion seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did involve **Misconduct** as defined in Administrative Rule based upon Jones-Anderson violation of the Warm Springs Parole and Probation Department policies and procedures.

Jeanine Hohn moved that the Corrections Policy Committee find that Odessa Jones-Anderson's **Misconduct** does rise to the level to warrant revocation when considered alone. Kristen Hanthorn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did not involve **Gross Misconduct** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did not involve **Misuse of Authority** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did not involve **Disregard for the Rights of Others** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did involve **Dishonesty** as defined in Administrative Rule due to the Jones-Anderson's contradictory and inconsistent statements made to her supervisor and Human Resource Director about her medical history and treatment. Jones-Anderson was asked to submit to a urinalysis test in which three of the four samples were diluted. Jones-Anderson also stated that her dismissal was overturned when in actuality it was upheld.

Jeanine Hohn moved that the Corrections Policy Committee find that Odessa Jones-Anderson's **Dishonesty** does rise to the level to warrant revocation when considered alone. Jason Myers seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did involve **Aggravating Circumstances** based upon Jones-Anderson showed a pattern of inconsistent statements in regards to saying she had mailed the paperwork when she had not and being dishonest when asked if she had received them. Jones-Anderson also stated that her dismissal was overturned when in actuality it was upheld. The general drug use and her uncooperative behavior towards her supervisor was also an **Aggravating Circumstance**.

By discussion and consensus, the committee determined that Odessa Jones-Anderson's behavior did not involve **Mitigating Circumstances**

After considering the totality of the circumstances, Jeff Hernandez moved that the committee recommends to the Board that Jones-Anderson's Certification **be revoked**. Jeanine Hohn seconded the motion. The motion carried unanimously.

Jeff Hernandez moved that the committee recommends to the Board that Jones-Anderson's **Misconduct** warrants for ineligibility for seven years. Jeanine Hohn seconded the motion. The motion carried unanimously.

Jeff Hernandez moved that the committee recommends to the Board that Jones-Anderson's **Dishonesty** warrants for ineligibility for a lifetime. Nadine Purington seconded the motion. The motion carried unanimously.

**15. \*Losh, Calvin DPSST # 49149 – Josephine County Sheriff's Office; Basic Correction Officer Certification**

Presented by Katrina Robson (item #13 on the agenda)

The issue in this case is Losh's conduct which led to an internal affairs investigation and subsequent arrest/diversion for Use of ESG/Tear Gas/Mace in the Second Degree and whether his Basic Corrections Certifications should be revoked as a result.

Jason Myers moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Carol Dishion seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Losh's behavior did not involve **Insubordination** as defined in Administrative Rule.

By discussion and consensus, the committee determined that Losh's behavior did involve **Misconduct** as defined in Administrative Rule based upon his conduct violating the law and his misuse of a Taser.

Jason Myers moved that the Corrections Policy Committee find that Losh's Misconduct does rise to the level to warrant revocation when considered alone. Jeff Hernandez seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Lush's behavior did involve **Gross Misconduct** as defined in Administrative Rule based upon Losh's improper use of force being a unnecessary and gross deviation from that standard of care a reasonable public safety professional would observe.

Jason Myers moved that the Corrections Policy Committee find that Losh's Gross Misconduct does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Losh's behavior did involve **Misuse of Authority** as defined in Administrative Rule due to using the Taser for punitive reasons.

Jeff Hernandez moved that the Corrections Policy Committee find that Losh's **Misuse of Authority** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Losh's behavior did involve **Disregard for the Rights of Others** as defined in Administrative Rule due to using the Taser to punish and threaten inmates. There was not any legitimate correctional criminal objective for his use of the Taser. He informed an inmate after pulling his Taser that he would give them a "five second ride" which showed a lack of professionalism.

Jeff Hernandez moved that the Corrections Policy Committee find that Losh's **Disregard for the Rights of Others** does rise to the level to warrant revocation when considered alone. Carol Dishion seconded the motion. The motion carried unanimously.



By discussion and consensus, the committee determined that Losh's behavior did involve **Dishonesty** as defined in Administrative Rule due to the witness statements from other staff members were different from the statements that Losh reported which indicate untruthfulness. There was also a video of the incident that contradicted Losh's statement showing untruthfulness. Losh lied about his OC spray saying he did not use it and it was empty, but in fact when the OC spray was checked it was not empty like Losh had indicated. Losh's action shows that he violated agency policy and procedures and the jail standards.

Carol Dishion moved that the Corrections Policy Committee find that Losh's **Dishonesty** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Losh's behavior did involve **Aggravating Circumstances** based upon the threats he made to inmates showing a lack of conduct that was unprofessional. There was no substantiated threat when he tasered the inmate that was lying on his bed causing other employees so uncomfortable with the circumstance, that they immediately reported it. Losh showed indifference toward the rights of others and had been employed since 1992 in which case Losh should be well aware of the rules and regulations of a Correction Officer.

By discussion and consensus, the committee determined that Losh's behavior did not involve **Mitigating Circumstances**.

After considering the totality of the circumstances, Jeanine Hohn moved that the committee recommends to the Board that Losh's Certification **be revoked**. Carol Dishion seconded the motion. The motion carried unanimously.

Jeff Hernandez moved that the committee recommends to the Board that Losh's **Misconduct** warrants for ineligibility for seven years. Jeanine Hohn seconded the motion. The motion carried unanimously.

Kristen Hanthorn moved that the committee recommends to the Board that Losh's **Gross Misconduct** warrants for ineligibility for ten years. Carol Dishion seconded the motion. The motion carried unanimously.

Jeff Hernandez moved that the committee recommends to the Board that Losh's **Misuse of Authority** warrants ineligibility for ten years. Gary Bergerson seconded the motion. The motion carried unanimously.

Jeanine Hohn moved that the committee recommends to the Board that Losh's **Disregard for the Rights of Others** warrants ineligibility for fifteen years. Rob Persson seconded the motion. The motion carried unanimously.

Jason Myer moved that the committee recommends to the Board the Losh's **Dishonesty** warrants ineligibility for a lifetime. Nadine Purington seconded the motion. The motion carried unanimously.

## **16. \*Election of New Chair**

Jeff Hernandez moved that Jason Myers be elected new chair of the Corrections Policy Committee. Nadine Purington seconded the motion. The motion carried unanimously.

Jeff Hernandez moved that Nadine Purington be elected vice chair of the Corrections Policy Committee. Jeanine Hohn seconded the motion. The motion carried unanimously.

Jason Myers wanted to thank Brian Burger for his leadership and service on the Corrections Policy Committee as well as on the Board.

## **17. Department Updates**

### ***Linsay Hale reported:***

- Linsay introduced Marsha Morin as the newly hired Criminal Justice Certification Program Manager.
- The Governor has announced that we are currently in a 1.4 billion dollar revenue shortfall and has asked to put a temporarily hold on all hiring positions with the State of Oregon, as well as travel restrictions. DPSST will give an update to the Public Safety Ways and Means. This will be an overview based on the ongoing forecast and will be delivered in consultation with our partner agencies.

Linsay reported that all three Board-approved bills are expected to have their third reading soon and then will be passed to the Governor for signature.

The bills include:

- Granting the Board the authority to immediately suspend the certification of armed private security provider for a failure to complete annual training; which includes the marksmanship training.
  - Addition of a public member to all of the policy committees
  - The Board-approve housekeeping bill clarifying DPSST's fingerprinting authorities
- Effective May 1<sup>st</sup> all Personnel Action Forms must be signed by either a Department Head or DPSST-certified individual. This will help ensure that the separations of public safety professionals are being reported to DPSST appropriately.

- Effective April 1<sup>st</sup>, the requirement will be in effect to have all certified individuals report to DPSST any arrest or criminal citation within five days. This requirement replaces a previous requirement when an individual was required to report a conviction to their employer and then the employer would report it to DPSST.
- The Professional Standards Workshop conference has been scheduled for June 7<sup>th</sup>. The intent of the conference is to share changes relating to forms, rule updates, and different regulatory requirements. The Conference is geared towards administrative staff, training officers and others that deal with DPSST on a regular basis.
- The option was presented to the Board members at the last meeting to have meeting materials electronically delivered. We will open this opportunity up to the policy members for the next meeting. You will still have the opportunity to receive a book but there will be a second option to receive the information via electronically if you so choose.

**18. Next Regularly Scheduled Meeting – August 8, 2017 @ 1:30 p.m.**

*\* 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).*