

Corrections Policy Committee

Minutes

May 16, 2006

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 16, 2006 at the Oregon Public Safety Academy in Monmouth, Oregon. Chair Bob Wolfe called the meeting to order at 1:35 p.m.

Attendees

Committee Members:

Bob Wolfe, Oregon State Sheriffs' Association, Chair
Brian Belleque, Designee for Director of Department of Corrections
Chris Hoy, Oregon Jail Managers' Association
Greg Morton, Department of Corrections Training Division Director
Theresa L. Smith, Department of Corrections, Women's Correctional Facility
Timothy Woolery, Non-Management Corrections Officer
Thomas Wright, DOC Bargaining Unit Representative
Shane Hagey, Oregon Community Corrections Directors' Association
Mitchell Southwick, Oregon State Sheriffs' Association
Holly Russell, Oregon Jail Managers' Association

Committee Members Absent:

Paula Allen, Department of Corrections Security Manager

DPSST Staff:

Eriks Gabliks, Deputy Director
Theresa King, Professional Standards Coordinator
Marilyn Lorange, Records and Certification Supervisor
Cameron Campbell, Training Director
Doug Burch, Curriculum Supervisor
Tammera Hinshaw, Executive Assistant

Guests:

Nicole Braman, Portland State University
Sharron Noone, Portland State University
Masami Nishishiba, Portland State University



1. **Minutes (February 14, 2006)**

Timothy Woolery moved to approve the minutes of the February 14, 2006 Corrections Policy Committee meeting. Thomas Wright seconded the motion. The motion carried in a unanimous vote.

2. **Orser, Shauna DPSST #41669**

ISSUE:

Should Shauna ORSER's certification be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0010?

BACKGROUND:

On November 1, 2001, ORSER was employed as a corrections officer with the Oregon Department of Corrections.

ORSER holds a Basic Corrections Certification.

DPSST received anonymous information that ORSER had resigned in lieu of termination for misconduct.

Moral Fitness

OAR 259-008-0070(3) specifies discretionary disqualifying conduct. This rule provides for committee and Board consideration of aggravating and mitigating circumstances by stating, in part:

(6) Moral Fitness (Moral Character). All law enforcement Officers must be of good moral fitness as determined by a thorough background investigation.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a law enforcement officer. Examples include but are not limited to: Intoxication while on duty, untruthfulness, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which would affect the officer's performance on the job which makes the officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the officer's ability to perform competently.

Mitigating or Aggravating Circumstances:

On December 23, 2005, DPSST sent a letter, by certified and regular mail, to ORSER advising that her case would be heard before the Corrections Policy Committee and allowing over one month for her to provide any mitigating circumstances on her behalf. To date ORSER has not provided DPSST any information.

A staff review of the ORSER case includes the following:

1. ORSER violated numerous DOC agency policies.
2. ORSER lied to investigators on several occasions.
3. ORSER violated her Code of Ethics.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

1. Would ORSER's actions cause a reasonable person to have doubts about her honesty, respect for the rights of others, and respect for the laws of the state?
2. Did ORSER's conduct involve dishonesty, fraud, deceit, or misrepresentation?
3. Was ORSER's conduct prejudicial to the administration of justice?
4. Would ORSER's actions adversely reflect on her fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in her ability to perform competently?

STAFF CONCLUSION:

It appears that ORSER's conduct has violated the established moral fitness standards for Oregon public safety officers. While ORSER violated various agency policies, the two most egregious misconduct events appears to be facilitating a large amount of contraband to enter the institution and being untruthful during the investigation.

ACTION REQUESTED:

Staff requests the Corrections Policy Committee review the matter and recommend to the Board whether ORSER's certification should be revoked based on violation of the moral fitness standard.

Brian Belleque moved to recommend to the Board to revoke the certifications of Corrections Officer Shauna Orser. Chris Hoy seconded the motion. The motion carried in a unanimous vote.

3. Brown, Aspen DPSST #42753

ISSUE:

Should Aspen BROWN's certification be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0010?

BACKGROUND:

On May 3, 2004, BROWN was employed as a corrections officer with the Oregon Department of Corrections.

BROWN holds a Basic Corrections Certification.

DPSST obtained information that BROWN had been discharged for cause and sent a request for the underlying investigation. After receiving clarifying information from Superintendent GOWER, DPSST then sought, and obtained the underlying investigation that led to BROWNS resignation.

BROWN resigned after an internal investigation revealed misconduct.

Moral Fitness

OAR 259-008-0070(3) specifies discretionary disqualifying conduct. This rule provides for committee and Board consideration of aggravating and mitigating circumstances by stating, in part:

(6) Moral Fitness (Moral Character). All law enforcement officers must be of good moral fitness as determined by a thorough background investigation.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a law enforcement officer. Examples include but are not limited to: Intoxication while

on duty, untruthfulness, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which would affect the officer's performance on the job which makes the officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the officer's ability to perform competently.

Mitigating or Aggravating Circumstances:

On December 14, 2005, DPSST sent a letter, by certified and regular mail, to BROWN advising that her case would be heard before the Corrections Policy Committee and allowing over one month for her to provide any mitigating circumstances on her behalf. To date BROWN has not provided DPSST any information.

A staff review of the BROWN cases includes the following:

4. BROWN violated numerous DOC agency policies.
5. BROWN lied to the investigator on several occasions.
6. BROWN violated her Code of Ethics.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

5. Would BROWN's actions cause a reasonable person to have doubts about her honesty, respect for the rights of others, and respect for the laws of the state?
6. Did BROWN's conduct involve dishonesty, fraud, deceit, or misrepresentation?
7. Was BROWN's conduct prejudicial to the administration of justice?
8. Would BROWN's actions adversely reflect on her fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in her ability to perform competently?

STAFF CONCLUSION:

It appears that BROWN's conduct has violated the established moral fitness standards for Oregon public safety officers. While BROWN violated various agency policies, the most egregious misconduct appears to be her untruthfulness during the investigation.

ACTION REQUESTED:

Staff requests the Corrections Policy Committee review the matter and recommend to the Board whether BROWN's certification should be revoked based on violation of the moral fitness standard.

Timothy Woolery moved to recommend to the Board to revoke the certification of Corrections Officer Aspen Brown. Brian Belleque seconded the motion. The motion carried in a unanimous vote.

4. Herron, Jerry DPSST #25739

SUBJECT: HERRON, Jerry DPSST #25739

ISSUE:

Should Jerry HERRON's certifications be revoked based on violation of the Moral Fitness standards defined in OAR 259-008-0010?

BACKGROUND:

On October 1, 1984, HERRON was employed as a corrections officer with the Oregon Department of Corrections.

In 1992 when HERRON made application for his Basic Corrections Certification, he fully disclosed a Theft 2 conviction. At that time, this crime was not a disqualifying event and HERRON was certified.

In 1997, when HERRON made application for his Intermediate Corrections Certification, he fully disclosed a 1995 DUII conviction. DPSST mailed HERRON a letter addressing concerns about the DUII conviction, yet granted him certification.

Since that time, additional criminal activity has resulted in a number of convictions.

Moral Fitness

OAR 259-008-0070(3) specifies discretionary disqualifying conduct. This rule provides for committee and Board consideration of aggravating and mitigating circumstances by stating, in part:

(6) Moral Fitness (Moral Character). All law enforcement officers must be of good moral fitness as determined by a thorough background investigation.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a law enforcement officer. Examples include but are not limited to: Intoxication while on duty, untruthfulness, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which would affect the officer's performance on the job which makes the officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the officer's ability to perform competently.

CONSIDERATIONS FOR THE POLICY COMMITTEE:

Under OAR 259-008-0010(6):

9. Would HERRON's actions cause a reasonable person to have doubts about his honesty, respect for the rights of others, and respect for the laws of the state?
10. Did HERRON's conduct involve dishonesty, fraud, deceit, or misrepresentation?
11. Was HERRON's conduct prejudicial to the administration of justice?
12. Would HERRON's actions adversely reflect on his fitness to perform as a law enforcement officer and do his actions make him inefficient and otherwise unfit to render effective service because of the agency's and public's loss of confidence in his ability to perform competently?

STAFF CONCLUSION:

While much of HERRON's activities did not result in criminal convictions, they appear to demonstrate a pattern of physical abuse to family members or those known to him. Additionally, it appears that HERRON has demonstrated a pattern of non-compliance with a judge's orders.

There does appear to be a passage of time since the last event cited above. During the period since 2002, HERRON has not been arrested for criminal activity. If HERRON's prior conduct has been remediated through alcohol and anger management treatment, this appears to be encouraging.

Staff defers to the Policy Committee.

ACTION REQUESTED:

Staff requests the Corrections Policy Committee review the matter and recommend to the Board whether HERRON's certifications should be revoked based on violation of the moral fitness standard.

Greg Morton moved to recommend to the Board not to revoke the certifications of Corrections Officer Jerry Herron. Theresa Smith seconded the motion. The motion carried in a unanimous vote.

5. **Strategic Planning**

Representatives of the Hatfield School of Government at Portland State University (PSU) provided an overview of the strategic planning process information gathered at this point. Community Corrections and Jail Managers were asked to send further input to PSU. PSU will bring committee members up to date by June 1 via e-mail. There will be a 6-hour meeting in June or July to discuss the input and to engage in the strategic planning process for Corrections and Parole and Probation. Time and date to be announced.

There being no further issues to come before the Committee, the meeting adjourned at 2:55 p.m.