

# Corrections Policy Committee Minutes November 14, 2006

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 14, 2006 at the Oregon Public Safety Academy in Salem, Oregon. Chair Bob Wolfe called the meeting to order at 9:05 a.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  
Bryan Goodman, Non-Management Corrections Officer  
Thomas Wright, DOC Bargaining Unit Representative  
Shane Hagey, Oregon Community Corrections Directors' Association  
Marie Bender, Oregon Jail Managers' Association  
Paula Allen, Department of Corrections Security Manager

### Committee Members Absent:

Mitchell Southwick, Oregon State Sheriff's Association

### DPSST Staff:

Eriks Gabliks, Deputy Director  
Bonnie Salle', Certification Coordinator  
Theresa King, Professional Standards Coordinator  
Cameron Campbell, Training Division Director  
Doug Burch, Curriculum Supervisor  
Annola DeJong, Administrative Support

### Guests:

Antony Ruvalcaba, Oregon Department of Corrections  
W. Garrett, Member of the Public  
Michael Vokral, Oregon Department of Corrections  
Mrs. Vokral  
Steve Liday, Multnomah County Department of Community Justice

## Minutes (August 15, 2006)

*Chris Hoy motioned to approve the minutes of the August 15, 2006 Corrections Policy Committee meeting. Paula Allen seconded the motion. The motion passed in a unanimous vote.*

### **1. Discussion of Executive Session**

Chair Wolfe reviewed the importance of utilizing Executive Session before the Board. Chair Wolfe moved the Committee into Executive Session to discuss confidential medical issues pertaining to Officer Keith Strange at 9:15 a.m.

### **2. Keith Strange – Medical Waiver**

Chair Wolfe moved the Committee back into Public Session at 9:48 a.m. .

*Chris Hoy motioned to recommend to the Board not to grant the medical waiver requests for acuity standard and depth perception for Keith Strange. Brian Belleque seconded the motion. Chair Wolfe asked for a roll-call vote. Paula Allen, Brian Belleque, Shane Hagey, Chris Hoy and Marie Bender voted in favor of the motion. Greg Morton, Bryan Goodman, Theresa Smith, Thomas Wright and Bob Wolfe voted against the motion. The motion tied in a 5-5-0 vote.*

*Chris Hoy motioned to recommend to the Board not to grant the medical waiver request for acuity standard for Keith Strange. Shane Hagey seconded the motion. In a vote of 3-6-0 the motion not to grant the medical waiver was over turned, and the recommendation to the Board will be to grant the medical waiver for Keith Strange.*

*Chris Hoy motioned to recommend to the Board not to grant the medical waiver request for the depth perception standard for Keith Strange. Paula Allen seconded the motion. The motion passed in a vote of 8-2-0.*

### **3. \*Bennett, William DPPST #44921**

Theresa King discussed the issue before the committee.

#### **ISSUE:**

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

## **BACKGROUND:**

On October 1, 2004, BENNETT was employed as a corrections officer with the Umatilla County Sheriff's Office. BENNETT holds a Basic Corrections certification.

On May 23, 2005, BENNETT signed a Criminal Justice Code of Ethics.

On March 10, 2006, BENNETT resigned from Umatilla County Sheriff's Office, in lieu of termination.

On March 27, 2006, DPSST sought and obtained the underlying investigation that led to BENNETT's resignation.

On August 20, 2006, Theresa King mailed a letter advising BENNETT advising that his case would be heard before the Corrections Policy Committee. BENNETT was advised he had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested. To date no DPSST has received no response from BENNETT.

## **Mitigating or Aggravating Circumstances:**

A significant aggravating factor is that Bennett was untruthful with his superiors on more than one occasion.

## **CONSIDERATIONS FOR THE POLICY COMMITTEE:**

Under OAR 259-008-0010(6):

1. Would BENNETT'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?
2. Did BENNETT's conduct involve dishonesty, fraud, deceit, or misrepresentation?
3. Was BENNETT's conduct prejudicial to the administration of justice?
4. Would BENNETT'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:**

Based on the totality of circumstances, it appears that BENNETT violated the established moral fitness standards for Oregon public safety officers by being untruthful on more than one occasion, and thereby violating the Criminal Justice Code of Ethics.

## **ACTION REQUESTED:**

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

*Brian Belleque motioned to recommend to the Board to revoke William Bennett's certification based on the violation of the moral fitness standard. Shane Hagey seconded the motion. The motion passed unanimously.*

## **4. \*Ruvalcaba, Antony DPSST #31282**

Theresa King discussed the issue before the committee.

### **ISSUE:**

Should Antony RUVALCABA certification be revoked based on his discretionary disqualifying convictions under OAR 259-008-0070, or violation of the Moral Fitness standards defined in OAR 259-008-0010, or both?

### **BACKGROUND:**

On July 1, 1995, RUVALCABA was employed as a corrections officer with the Oregon Department of Corrections. RUVALCABA holds Basic, Intermediate and Advanced Corrections certifications.

On November 1, 1995, RUVALCABA signed his Criminal Justice Code of Ethics.

On July 19, 2006, DPSST received an anonymous call that RUVALCABA had been convicted of misdemeanor crimes. An OJIN check confirmed 2005 DUII and DWS convictions.

On August 7, 2006, DPSST mailed a letter to the Washington County Circuit Court requesting a copy of the court judgment for the DUII and received this document.

On August 7, 2006, DPSST mailed a letter to the Multnomah County Courts requesting a copy of the court judgment for the DWS and received this document.

On August 7, 2006, DPSST mailed a letter to the Washington County Sheriff's Office requesting a copy of the incident report on the DUII and received this document.

On August 7, 2006, DPSST mailed a letter to the Portland Police Bureau requesting a copy of the incident report on the DWS and received this document.

On August 7, 2006, RUVALCABA was mailed a letter advising him that his case would be heard before the Corrections Policy Committee. RUVALCABA was advised he had

an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested.

On August 22 - 28, 2006 DPSST received information from Administrator Palmateer on behalf of RUVALCABA.

On September 18, 2006, RUVALCABA and his employer provided mitigating circumstances for the Corrections Policy Committee to consider.

**Mitigating or Aggravating Circumstances:**

1. RUVALCABA has engaged in two alcohol-related incidents which resulted in arrest. There has been a 3-year interval between the two events. The first incident, a DUII, was ultimately dismissed. The subsequent incidents resulted in DUII and DWS convictions.
2. RUVALCABA was forthright with the arresting officers and with his employer.
3. RUVALCABA took responsibility for his actions by voluntarily resigning his position with the tactical team, by successfully completing DUII treatment and by serving as a role model to his peers and subordinates by openly speaking about his mistakes.

**CONSIDERATIONS FOR THE POLICY COMMITTEE:**

Under OAR 259-008-0010(6):

1. Would RUVALCABA'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?
2. Did RUVALCABA's conduct involve dishonesty, fraud, deceit, or misrepresentation?
3. Was RUVALCABA's conduct prejudicial to the administration of justice?
4. Would RUVALCABA'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:**

After considering the totality of circumstances, it appears that although RUVALCABA engaged in unlawful conduct during two incidents in 2004 and 2005, there were no aggravating circumstances during the incidents and he was forthright with officers and his employer and has taken notable steps to remediate his actions.

## **ACTION REQUESTED:**

Staff requests the Corrections Policy Committee review the matter and recommend to the Board whether RUVALCABA's certification should be revoked based on the discretionary disqualifying convictions, or violation of the moral fitness standard, or both.

*Chris Hoy motioned that the Committee not recommend revocation of Antony Ruvalcaba's certification based on the discretionary disqualifying convictions, or violation of the moral fitness standard, or both. Bryan Goodman seconded the motion. The motion passed in a unanimous vote.*

## **4. \*Vokral, Michael DPSST #37004**

Theresa King discussed the issue before the committee.

### **ISSUE:**

Should Michael A. Vokral's certification be revoked based on his discretionary disqualifying convictions under OAR 259-008-0070, or violation of the Moral Fitness standards defined in OAR 259-008-0010, or both?

### **BACKGROUND:**

On January 18, 1999, VOKRAL was employed as a corrections officer with the Oregon Department of Corrections. VOKRAL holds a Basic Corrections certification.

On September 27, 2006, VOKRAL signed his Criminal Justice Code of Ethics.

On July 18, 2006, VOKRAL pled guilty to the crime of Disturbing the Peace in the Payette County Court, State of Idaho.

On August 7, 2006, DPSST mailed a letter to the Payette County Sheriff's Office requesting the underlying investigation.

On August 21, 2006, VOKRAL was mailed a letter advising him that his case would be heard before the Corrections Policy Committee. VOKRAL was advised he had an opportunity to provide mitigating circumstances, in writing, for the Committee's consideration. This letter was sent regular mail and certified mail, return receipt requested.

On September 15, 2006 VOKRAL and his employer provided mitigating circumstances for the Corrections Policy Committee to consider.

### **Mitigating or Aggravating Circumstances:**

1. VOKRAL has engaged in two alcohol-related incidents which resulted in arrest. There has been a 16-year interval between the two events. The first incident was ultimately dismissed. The second incident resulted in an Idaho “Disturbing the Peace” conviction; the equivalent of Oregon’s “Disorderly Conduct” crime.
2. Based on incident reports and witnesses statements, it is clear that it was not VOKRAL’s intent to harm another, but to obtain vehicle keys for the purpose of driving.
3. VOKRAL was compliant with officers and forthright with his employer about the incident, has demonstrated his remorse, and has taken a number of voluntary steps to remediate his actions, to include apologies to affected parties.

### **CONSIDERATIONS FOR THE POLICY COMMITTEE:**

Under OAR 259-008-0010(6):

1. Would VOKRAL’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?
2. Did VOKRAL’s conduct involve dishonesty, fraud, deceit, or misrepresentation?
3. Was VOKRAL’s conduct prejudicial to the administration of justice?
4. Would VOKRAL’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:**

After considering the totality of circumstances, although VOKRAL engaged in an unlawful incident, he was forthright with officers, the court, and his employer. He and his employer have taken significant steps to remediate his actions.

### **ACTION REQUESTED:**

Staff requests the Corrections Policy Committee review the matter and recommend to the Board whether VOKRAL’s certification should be revoked based on the discretionary disqualifying convictions, or violation of the moral fitness standard, or both.

*Bryan Goodman motioned that the Committee not recommend revocation of Michael Vokral’s certification based on the discretionary disqualifying convictions, or violation of the moral fitness standard, or both. Thomas Wright seconded the motion. The motion passed in a unanimous vote.*

There being no further business before the Committee the meeting adjourned at 10:25 a.m.