

Applicant Review Committee Minutes

October 27, 2021

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on October 27, 2021, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Greg Martin called the meeting to order at 1:00 pm.

Committee Members:

Mark Rauch, Public Member; Police Policy Committee
Andre Lindauer, Public Member; Telecommunications Policy Committee
Erica Stolhand, APCO; Telecommunications Policy Committee
Greg Martin, DOC AOCE; Corrections Policy Committee
Zachary Kenney, Portland Police Bureau; Police Policy Committee

Committee Members Absent:

Rob Persson, DOC Superintendent; Corrections Policy Committee
Vacant, Public Member; Board on Public Safety Standards and Training

Guests:

Ashley Conway

DPSST Staff:

Marsha Morin, Criminal Justice Certification Program Manager
Wendy Nunez, Criminal Justice Office Specialist
Jordan James-Largent, Professional Standards Case Manager
Melissa Lang, Professional Standards Case Manager
Shelby Alexander, Executive Support Specialist



1. Introductions

Introductions of members, guest and staff were presented.

2. Approve September 15, 2021 Meeting Minutes

Mark Rauch moved to approve the minutes from the 9/15/2021, Applicant Review Committee meeting. Andre Lindauer seconded the motion. The motion passed unanimously.

3. Application Review: Elizabeth Conway

Presented by Jordan James Largent

DPSST received an Application for Training (F5) and a Criminal History Reporting form (F28) for Elizabeth Conway, where she disclosed two criminal dispositions prior

to being hired by the Department of Corrections (DOC). Conway also reported additional violations that do not require review by DPSST.

On February 7, 2015, Conway was a passenger of a vehicle that was stopped for a traffic violation. When police made contact with Conway they determined she was 20 years old, in possession of her older sister’s identification card, and under the influence of alcohol. Conway received a criminal citation for *Minor in Consumption (MIC)* in Boise, Idaho. Conway ultimately pled guilty and was convicted of *MIC* on April 3, 2015.

On August 8, 2019, Conway was arrested for *Resisting or Obstructing Officers* in Boise, Idaho. Conway refused to follow the requests of the police and exhibited angry, aggressive, disorganized and reckless behavior with police and hospital staff. Conway ultimately pled guilty and was convicted of *Disturbing the Peace* on December 9, 2019.

In reference to the 2015 incident, staff determined that Conway misrepresented her age by using her sister’s identification to drink alcoholic beverages underage. During the 2019 arrest, Conway was reckless in her conduct with law enforcement when not following their orders while putting her daughter in imminent danger. Both instances violate the Board’s pre-employment moral fitness standards.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Mark Rauch moved that the Applicant Review Committee adopt the staff report.	Zachary Kenney	4 ayes; 0 nays; 1 did not vote due technology issues. (Stohland)	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Conway was released from probation for less than a year since becoming employed with DOC/SRCI. ○ The recentness of Conway’s arrest and conduct. ○ Conway’s conduct required involvement from multiple police officers and hospital staff. ○ Conway’s conduct while interacting with the police. ○ Conway’s behavior demonstrates the inability to control her temper in stressful situations which is an essential duty of a public safety professional. ○ Conway and her daughter were not dressed appropriately when attempting to leave the hospital. 			

<ul style="list-style-type: none"> ○ Conway's mitigation did not provide sufficient justification for her conduct during arrest. ○ There is no established pattern of improvement since Conway's arrest. ○ The physical nature that Conway used to leave the hospital. ● Mitigating <ul style="list-style-type: none"> ○ Conway paid her fines and fees in full. ○ Conway was professional attending the committee meeting. ○ Conway provided verbal mitigation to the committee. ○ Conway was not employed in a certifiable position at the time of the conduct. ○ Conway was hired by the DOC/SRCI who is aware of her criminal background. 			
Mark Rauch moved, after considering the identified violations of the Board's pre-employment moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that action should be taken against Conway's application for training and subsequent certification.	Greg Martin	5 ayes; 0 nays;	Motion Passed Unanimously
Greg Martin moved, after considering the totality of the case, that Conway be ineligible to apply public safety training and subsequent certification for 4 years.	Zachary Kenney	5 ayes; 0 nays;	Motion Passed Unanimously

4. Application Review: Alexander Barbion

Presented by Jordan James Largent

DPSST received an Application for Training (F5) and a Criminal History Reporting form (F28) for Alexander Barbion, where he disclosed a 2012 criminal disposition for *Battery* in Payette, Idaho. On multiple dates in April 2012, Barbion was involved in three separate incidents where he and group of other middle school students physically assaulted three younger students. Barbion ultimately admitted guilt and received a deferred sentence for *Battery*.

Barbion disclosed an additional criminal disposition for *Minor in Consumption* in Mountrail County, North Dakota. Barbion pled guilty to Misdemeanor B charges and received a deferred sentence. Staff determined that Barbion's conduct in this incident did not violate the Board's pre-employment moral fitness standards and will not be included in the review.

Staff determined that Barbion's violence against another person violates the Board's pre-employment moral fitness standards.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Mark Rauch moved that the Applicant Review Committee adopt the staff report.	Erica Stolhand	5 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating: <ul style="list-style-type: none"> ○ Barbion’s bullying behavior and how that will affect his career as a corrections officer. ○ The committee is unable to determine that Barbion has matured since these incidents. • Mitigating: <ul style="list-style-type: none"> ○ The conduct occurred almost 10 years ago, which would be outside of the ability of the ARC to review the case. ○ Barbion’s age at the time of the conduct. ○ Barbion was not employed in public safety at the time and has been hired by the Department of Corrections who is aware of the criminal disposition. ○ Based on the name of the “gang” it appears to be more of a group of kids than a gang by current standards. 			
Mark Rauch moved, after considering the identified violations of the Board’s pre-employment moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case that no action should be taken against Barbion’s application for training and subsequent certification.	Greg Martin	5 ayes; 0 nays;	Motion Passed Unanimously

5. Application Review: Ryan Healy

Presented by Jordan James Largent

DPSST received an Application for Training (F5) and a Criminal History Reporting form (F28) for Ryan Healy, where he disclosed an August 18, 2011, arrest for *Driving Under the Influence (DUI)* and *DUI of Alcohol of .08% or More*. Healy ultimately pled no contest and was convicted of *DUI* on October 3, 2011. The charge of *DUI of Alcohol of .08% or More* was dismissed.

Healy disclosed two additional incidents that resulted in dispositions:

- 2001 *Minor in Possession (MIP)* in Portland, Oregon, which is a non-criminal offense that does not require review by DPSST.

- 2002 *DUI, MIP, Offensive Littering, and Violation of the Open Container Law in a Motor Vehicle* in Crook County, Oregon. All charges were dismissed, including the DUI after Healy successfully completed diversion.

Staff determined that Healy’s conduct related to his *DUI* was reckless when he drove intoxicated and threatened the safety of construction workers while driving which violates the Board’s pre-employment moral fitness standards.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Zachary Kenney moved that the Applicant Review Committee adopt the staff report.	Mark Rauch	5 ayes; 0 nays;	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating: <ul style="list-style-type: none"> ○ Healy has been arrested multiple times for the same conduct. ○ Healy potentially put others in danger in an active construction zone by driving impaired. • Mitigating: <ul style="list-style-type: none"> ○ The incident occurred more than 10 years ago. ○ Healy’s blood alcohol content at the time of the arrest. ○ The time that has passed since the most recent arrest. ○ Healy was not employed as public safety professional at the time. ○ Healy has been hired by the Department of Corrections who is aware of the criminal history. 			
Zachary Kenney moved, after considering the identified violations of the Board’s pre-employment moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that no action should be taken against Healy’s application for training and subsequent certification.	Andre Lindauer	5 ayes; 0 nays;	Motion Passed Unanimously

6. Inquiry Closure – Information Only

Presented by Jordan James Largent

DPSST presented the list of applicants for public safety training/certification who had engaged in pre-employment criminal conduct that was determined to not require

committee review. This information was presented as information only and required no action by the committee

7. Next Applicant Review Committee Meeting: December 8, 2021 at 1:00 p.m.

Administrative Notes:

These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.

All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@dpsst.oregon.gov.