

Applicant Review Committee Meeting Minutes

February 22, 2023

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on February 22, 2023, at the Oregon Public Safety Academy in Salem, Oregon. Suzy Herring called the meeting to order at 10:00 a.m.

Committee Members:

Maria Caballero Rubio, Public Member; Board on Public Safety Standards and Training (Webex)

Alex Gardner, OSP Command Staff Representative; Police Policy Committee

Chelsea LaBar, APCO; Telecommunications Policy Committee (Webex)

Kathy McAlpine, OACP; Police Policy Committee (Webex)

Cody Smith, Non-Management Corrections; Corrections Policy Committee (Webex)

Raeann Thurber, Telecommunicator; Telecommunications Policy Committee (Webex)

Committee Members Absent:

Carol Dishion, DOC, AFSCME; Corrections Policy Committee

Guests:

Jose Dominguez

Abraham Henriquez

Jennifer Warren

DPSST Staff:

Suzy Herring, Professional Standards Director

Marsha Morin, Standards and Certification Program Manager

Melissa Lang-Bacho, Professional Standards Case Manager

Jennifer Levario, Professional Standards Case Manager

Erica Riddell, Criminal Justice Office Specialist

Shelby Wright, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. Approve September 28, 2022 Meeting Minutes

Cody Smith moved to approve the minutes from the September 28, 2022, Applicant Review Committee meeting. Maria Caballero Rubio seconded the motion. Alex Gardner, Chelsea LaBar, Kathy McAlpine and Cody Smith abstained from the vote because they did not attend the previous meeting. The motion did not pass.

Suzy Herring discussed with the Applicant Review Committee members that they have the ability to vote on the minutes if they did not attend the previous meeting.

A second vote was called.

Cody Smith moved to approve the minutes from the September 28, 2022, Applicant Review Committee meeting. Maria Caballero Rubio seconded the motion. The motion passed unanimously.

3. Dominguez, Jose (#63587) Application Review: Police

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

On October 24, 2022, Jose Dominguez submitted an Application for Training (F5), reflecting a prior conviction of a crime that is punishable as a felony, misdemeanor, or violation. A review of Oregon online court records reflects that Dominguez was convicted of a crime punishable as a misdemeanor but sentenced as a violation. Dominguez was convicted on February 21, 2019, for *Taking, Angling, Hunting, or Trapping in Violation of Wildlife Law or Rule – Violation of Wildlife Law with Culpable Mental State – Misd.*

Jose Dominguez provided verbal mitigation for committee consideration.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Chelsea LaBar moved that the Applicant Review Committee adopt the staff report.	Cody Smith	6 ayes; 0 nays	Motion Passed Unanimously
<p>The Applicant Review Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> • Dishonesty: Dominguez was intentionally dishonest or deceptive with fish and wildlife officers when he stated that he did not know that it was illegal to hunt at night, when in fact he did. • Gross Misconduct: Dominguez deliberately attempted to cause significant harm to the property belonging to the state when he shot at what he believed was a deer. When Dominguez shot a firearm from a public roadway, he was reckless and could have caused significant harm to persons or property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any aggravating factors. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Dominguez’s age at the time of the offense. • The amount of time that has lapsed since the offense occurred. • Since the offense, Dominguez has been a Cadet and a Reserve Officer with the Yamhill County Sheriff’s Office. • Dominguez has no additional criminal offenses. • Dominguez has been hired by the Yamhill County Sheriff’s Office who is aware of the offense. • Dominguez was not employed in public safety at the time of his criminal disposition. 			

Cody Smith 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 Dominguez’s application for training and subsequent certification.	Chelsea LaBar	6 ayes; 0 nays	Motion Passed Unanimously
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4. Henriquez, Abraham (#63575) Application Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

The Department opened a pre-employment professional standards case to review a criminal disposition after Abraham Henriquez was hired by the Multnomah County Sheriff’s Office (MCSO) as a corrections officer and submitted an F4 – Personnel Action Form. Henriquez submitted a Criminal History Reporting Form (F28) disclosing a criminal disposition for *Theft II* that resulted in a civil compromise and dismissal of his case in 2016.

Abraham Henriquez provided verbal mitigation for committee consideration.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Alex Gardner moved that the Applicant Review Committee adopt the staff report.	Chelsea LaBar	6 ayes; 0 nays	Motion Passed Unanimously
<p>The Applicant Review Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> • Dishonesty: The committee did not identify elements of dishonesty. • Gross Misconduct: Henriquez deliberately could have caused significant harm to persons or property when he attempted to embezzle \$814.69 and \$40 in merchandise from his employer. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The conduct occurred over three to four months and was not just a one-time occurrence. • Henriquez was an adult at the time of the criminal disposition. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Seven years has passed since the offense. • When confronted by the loss prevention officer, Henriquez stayed on scene, took responsibility, and owned up to his mistake. • Henriquez’s written and verbal mitigation were found to be mitigating. 			

<ul style="list-style-type: none"> Henriquez was not employed in public safety at the time of the offense. Henriquez has been hired by the MCSO who is aware of his prior criminal disposition. 			
Cody Smith 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 Henriquez’s application for training and subsequent certification.	Kathy McAlpine	6 ayes; 0 nays	Motion Passed Unanimously

5. Warren, Jennifer (#63643) Application Review: Telecommunications/EMD

Presented by Jennifer Levario, Professional Standards Case Manager

Reason for Discretionary Review

DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Jennifer Warren, where she disclosed that she had been arrested for *Driving Under the Influence of Intoxicants (DUII)*. Warren was hired by Columbia County 911 Communications Dispatch on November 28, 2022, and has been scheduled to begin DPSST training on February 27, 2023.

Jennifer Warren provided verbal mitigation for committee consideration.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Cody Smith moved that the Applicant Review Committee adopt the staff report.	Alex Gardner	6 ayes; 0 nays	Motion Passed Unanimously
<p>The Applicant Review Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> Dishonesty: The committee did not identify elements of dishonesty. Gross Misconduct: Warren’s decision to drive while over the legal limit of alcohol was reckless and could have caused significant harm to persons or property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> The hiring process takes time, and it is extremely concerning that Warren was arrested for DUII only six days prior to her start date. It is concerning that Warren submitted a 0.16% Blood Alcohol Content (BAC) during her arrest. 			

<ul style="list-style-type: none"> In order to have submitted a 0.16% BAC, one would have to be an experienced drinker and therefore, may not realize what it takes to be intoxicated. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> Mitigation letter from the Columbia County 911 Mitigation letter from Warren Verbal Mitigation from Warren Warren was honest to the DPSST and Columbia County 911 about her arrest. 			
Alex Gardner 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 Warren’s application for training and subsequent certification.	Kathy McAlpine	6 ayes; 0 nays	Motion Passed Unanimously

Halcom, Toby (#63123) Application Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

The Department began a review of Toby Halcom’s pre-employment criminal dispositions after he submitted an Academy Training Application Form (F5) and supplemental Criminal History Reporting Form (F28) on June 22, 2022.

Halcom reported on the F28:

- July 12, 2014 – Possession of Protected Fish, Strawberry Reservoir, Utah
Outcome: Guilty Class B Misdemeanor – August 25, 2014
- 2013 Speeding Ticket, Lemhi County, Idaho
Outcome: Paid Fine Through Mail

Halcom’s speeding ticket was an infraction that does not constitute a criminal offense with the possibility of jail time, according to Idaho State Legislature 18-1 (Exhibit A8). Given that his ticket was not a criminal offense, it does not meet the definition of a criminal disposition that requires Department review under OAR 259-008-0290(6)(a).

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Alex Gardner moved that the Applicant Review Committee adopt the staff report.	Cody Smith	6 ayes; 0 nays	Motion Passed Unanimously

<p>The Applicant Review Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> • Dishonesty: The committee did not identify elements of dishonesty. • Gross Misconduct: Halcom was reckless when he possessed a protected fish, which could have caused significant harm to property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any aggravating factors. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • There were no signs of dishonesty. • Halcom took responsibility and paid the fines and fees associated with his case, fulfilling his obligations with the court. • The offense occurred almost ten years ago. • The Natural Resource Office suggested a minimum restitution fee in his case. • Halcom was not employed in public safety at the time of the offense. • Halcom has been hired by the Department of Corrections who is aware of his prior criminal disposition. 			
<p>Alex Gardner 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 Halcom’s application for training and subsequent certification.</p>	<p>Chelsea LaBar</p>	<p>6 ayes; 0 nays</p>	<p>Motion Passed Unanimously</p>

6. Inquiry Closure – Information Only

Presented by Jennifer Levario, Professional Standards Case Manager

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. Applicant Review Committee Bylaws Proposed Revisions

Presented by Suzy Herring, Professional Standards Administrator

Cody Smith moved to approve the Proposed Revisions to the Applicant Review Committee Bylaws. Alex Gardner seconded the motion. The motion passed unanimously.

8. Next Applicant Review Committee Meeting: March 22, 2023 at 10:00 a.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.