

Applicant Review Committee Minutes

February 23, 2022

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on September 15, 2021, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Mark Rauch called the meeting to order at 1:00 p.m.

Committee Members:

Mark Rauch, Public Member; Police Policy Committee
Andre Lindauer, Public Member; Telecommunications Policy Committee (Webex)
Erica Stolhand, APCO; Telecommunications Policy Committee (Webex)
Carol Dishion, DOC AFSCME; Corrections Policy Committee
Cody Smith, Non-Management Corrections Officer; Corrections Policy Committee (Webex)

Committee Members Absent:

Zachary Kenney, Non-Management Law Enforcement; Police Policy Committee
Vacant, Public Member; Board on Public Safety Standards and Training

Guests:

Eddie Jimenez

DPSST Staff:

Jerry Granderson, Director
Marsha Morin, Criminal Justice Certification Program Manager
Jordan James-Largent, Professional Standards Case Manager
Melissa Lang-Bacho, Professional Standards Case Manager
Erica Riddell, Criminal Justice Office Specialist
Shelby Alexander, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. Approve December 8, 2021 Meeting Minutes

Carol Dishion moved to approve the minutes from the December 8, 2021, Applicant Review Committee meeting. Andre Lindauer seconded the motion. The motion passed unanimously.

3. Application Review: Eddie Jimenez (62415)

Presented by Jordan James-Largent

DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Eddie Jimenez, where he disclosed a December 2, 2015, criminal conviction for *Disorderly Conduct in the Second Degree*. The conviction was the result of a criminal citation for *Disorderly Conduct in the Second Degree* Jimenez received after he admitted to pushing his father during an argument in a bar.

Jimenez also disclosed additional non-criminal dispositions that occurred prior to January 1, 2001. Pursuant to Oregon Administrative Rule (OAR) 259-008-0290(5)(a), DPSST review is not required.

<i>Applicant Review Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Andre Lindauer moved that the Applicant Review Committee adopt the staff report.	Erica Stolhand	5 ayes; 0 nays	Motion Passed Unanimously
<p>The committee found the following violations of the Board’s pre-employment moral fitness standards:</p> <p>Gross Misconduct: Jimenez’s conduct included violence against another person when he admitted to pushing his father.</p> <p>The committee 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"> ○ The committee did not identify any aggravating factors. • Mitigating <ul style="list-style-type: none"> ○ Jimenez did not initiate the altercation, but did push his father. ○ Jimenez’s conduct did not result in significant harm. ○ It appears that Jimenez did not want to have an altercation with his mother, so he attempted to leave. ○ Jimenez appeared to try and avoid any confrontation while at the bar. ○ Police were obligated to cite everyone that was involved, which included Jimenez. 			
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 Jimenez’s application	Carol Dishion	5 ayes; 0 nays	Motion Passed Unanimously

for training and subsequent certification.			
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4. **Application Review: Elmer Hernandez-Hernandez (62466)**

Presented by Jordan James-Largent

Reason for Discretionary Review

DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Elmer Hernandez-Hernandez, where he disclosed an August 2, 2017, conviction for *Driving While Intoxicated BAC >= 0.15* in Killeen, Texas. On May 7, 2016, Hernandez-Hernandez struck an occupied vehicle while driving intoxicated. Hernandez-Hernandez was ultimately convicted of *Driving While Intoxicated BAC >= 0.15*.

The Department identified that the conduct being reviewed violates the Board’s pre-employment moral fitness standards. Through the case review process, the committee will affirm, modify or negate the below identified elements of pre-employment moral fitness violations and make a determination on the disposition of this case.

<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.	Carol Dishion	5 ayes; 0 nays	Motion Passed Unanimously

The committee found the following violations of the Board’s moral fitness standard:

Gross Misconduct: Hernandez-Hernandez’s drove while intoxicated which resulted in him crashing into another vehicle that was occupied and could have caused significant harm to the other person and did cause significant harm to property

The committee identified the following aggravating and mitigating factors specific to this case:

- Aggravating
 - Hernandez-Hernandez knowingly made the decision to drive while intoxicated.
 - Hernandez-Hernandez hit another vehicle while driving intoxicated.
 - When Hernandez-Hernandez was placed in the officer’s backseat, he kicked the divider in the rear seat and demanded the officer’s chain of command.
- Mitigating
 - The conviction occurred nearly six years prior to employment.
 - Hernandez-Hernandez was hired by Washington County Community Corrections, who are aware of the conviction.
 - Hernandez-Hernandez completed all terms of his probation.
 - Hernandez-Hernandez successfully completed a federal background investigation.

<ul style="list-style-type: none"> ○ Hernandez-Hernandez has not received any additional criminal dispositions since this incident. ○ While completing standardized field sobriety tests during his arrest, Hernandez-Hernandez admitted to being intoxicated. It appears he was attempting to take responsibility. 			
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 Hernandez-Hernandez’s application for training and subsequent certification.	Andre Lindauer	5 ayes; 0 nays	Motion Passed Unanimously

5. 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

6. Next Applicant Review Committee Meeting: March 23, 2022 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.