

# Applicant Review Committee Meeting Minutes

## March 22, 2023

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

### **Committee Members:**

Carol Dishion, Chair, DOC, AFSCME; Corrections Policy Committee  
Alex Gardner, OSP Command Staff Representative; Police Policy Committee  
Chelsea LaBar, APCO; Telecommunications Policy Committee (Webex)  
Kathy McAlpine, OACP; Police Policy Committee (Webex)  
Raeann Thurber, Telecommunicator, Telecommunications Policy Committee (Webex)

### **Committee Members Absent:**

Maria Caballero Rubio, Vice Chair, Public Member; Board on Public Safety Standards and Training  
Cody Smith, Non-Management Corrections; Corrections Policy Committee

### **Guests:**

Brandon Merrill (Webex)  
Rachel Albertson (Webex)

### **DPSST Staff:**

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 January 25, 2023 and February 22, 2023, Meeting Minutes**

*Alex Gardner moved to approve the minutes from the January 25, 2023, and February 22, 2023, Applicant Review Committee meetings. Kathy McAlpine seconded the motion. The motion passed unanimously.*

### **3. Albertson, Rachel (63817) Application Review: Corrections**

Presented by Jennifer Levario, Professional Standards Case Manager

#### *Reason for Discretionary Review*

The Department of Public Safety Standards and Training (DPSST) received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Rachel Albertson, where she disclosed a June 26, 2020, criminal citation for Harassment – Offensive Physical Contact, a class B misdemeanor.

Albertson punched a motorcyclist repeatedly in the head and pulled on his helmet during an altercation at the Lake County Fairgrounds (LCF). Albertson accepted a guilty plea to

Harassment as a Class A Violation as reduced by the Lake County District Attorney. Albertson was sentenced to pay a fine of \$440.00.

*Rachel Albertson 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.	Kathy McAlpine	5 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"> <li>• Dishonesty: The committee did not identify elements of dishonesty.</li> <li>• Gross Misconduct: Albertson engaged in gross misconduct when she admitted to and was witnessed punching a motorcyclist several times in the head and pulling on his helmet during an altercation at the LCF which could have caused significant harm to the victim.</li> </ul> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> <li>• Albertson found a physical solution for a problem that did not need to be physical.</li> <li>• Albertson used physical force in front of her children.</li> <li>• The criminal charge would have been a felony if there was an injury involved.</li> <li>• The victim said his pain level was a “10” (10 being the highest) on a scale of 1-10</li> <li>• Albertson’s mitigation claim of self-defense was a “hard sell.”</li> <li>• The criminal charge was not that long ago calling into question Albertson’s current maturity level when confronted with handling a high-stress situation in a confined space, such as she will be at the DOC.</li> </ul> <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> <li>• Albertson was not employed in law enforcement at the time of the criminal citation.</li> <li>• Albertson owned her behavior.</li> <li>• There was no injury to the victim.</li> <li>• The misdemeanor was treated as a violation.</li> <li>• The employing agency (DOC) is aware of the conviction and has decided to employ her.</li> <li>• There are a number of conflicting stories regarding what happened the day of the incident which calls into question what the full picture of the story was.</li> </ul>			

Kathy McAlpine 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 Albertson’s application for training and subsequent certification.	Alex Gardner	4 ayes; 1 nay (Dishion)	Motion Passed
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**4. Hernandez, Christian (63842) Application Review: Corrections**

Presented by Jennifer Levario, Professional Standards Case Manager

*Reason for Discretionary Review*

The Department of Public Safety Standards and Training (DPSST) received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Cristian Hernandez, where he disclosed a criminal misdemeanor citation for *Soliciting without a City Permit* in Garden City Idaho, on April 28, 2016. Hernandez ultimately pleaded guilty and was sentenced to a fine of \$150.00.

<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.	Raeann Thurber	5 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"> <li>• Dishonesty: Hernandez was dishonest with law enforcement when he misrepresented the truth about what he was doing when cited for soliciting without a permit in a trailer park in Garden City, Idaho.</li> <li>• Gross Misconduct: The committee did not identify elements of gross misconduct.</li> </ul> <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> <li>• Hernandez’s decision to separate from his employment with the insurance provider did not appear to be a result of understanding that his behavior was wrong. He wrote in his mitigation letter that he separated from the employment because he was uncomfortable with the work environment.</li> <li>• Hernandez’s mitigation letter lacked information regarding what has changed for him since the criminal disposition.</li> </ul>
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<ul style="list-style-type: none"> <li>The dramatization of the scenario, from police reports, to the conduct that led to the citation for Soliciting Without a City Permit was concerning enough to deploy several law enforcement officers to determine what was going on.</li> </ul> <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> <li>Hernandez did separate from the insurance employer shortly after this criminal citation.</li> <li>The length of time between his employment with the DOC/Snake River Correctional Institution and the criminal disposition.</li> <li>He was 21 years old at the time of the citation and was able to see the optics of the situation and ask his supervisor for help.</li> <li>Since this incident, there have been no other incidents or patters of this type of behavior.</li> </ul>			
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 Hernandez’s application for training and subsequent certification.	Kathy McAlpine	5 ayes; 0 nays	Motion Passed Unanimously

**5. Merrill, Brandon (63771) Application Review: Corrections**

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

*Reason for Discretionary Review*

The Department received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Brandon Merrill, reporting a criminal disposition for a December 10, 2015, conviction for Violation of Wildlife Law with Culpable Mental State – Misdemeanor. The severity of the conviction was reduced from a misdemeanor to a violation by the district attorney.

*Brandon Merrill 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.	Kathy McAlpine	5 ayes; 0 nays	Motion Passed Unanimously
The Applicant Review Committee found the following moral fitness violations and factors:			

*Moral Fitness Violations:*

- Dishonesty: Merrill was deceptive with the police officer.
- Gross Misconduct: Merrill recklessly caused significant harm to property by taking a deer without the proper authority to possess or take the deer.

*Aggravating Factors:*

- It is concerning that Merrill's agency instructed him to complete the F5 incorrectly.
- It is equally concerning that Merrill completed a form incorrectly when the definition of a criminal disposition was on the form and signed next to a statement indicating the form was accurate.
- The totality of the information between the police report and the inaccuracy of the F5 form points to dishonesty and should not be mitigated solely by his honesty with the police officer about shooting the deer.
- Merrill stuck to his story when the evidence in the case did not support his telling of the events. Neither Merrill nor the agency indicated if there was a clearing of the air to flush out what happened, and the presumption of untruthfulness remains in the case.

*Mitigating Factors:*

- Over seven years have passed since Deputy Merrill obtained the criminal disposition.
- Deputy Merrill was honest with the police officer, indicating that he did shoot the deer. Many cases presented to the committee come with the original F5 listing no criminal dispositions, even though there are.
- Deputy Merrill was not employed in public safety at the time he obtained the criminal disposition in 2015.
- Deputy Merrill has been hired as a public safety professional by the Curry County Sheriff's Office (CCSO). The CCSO is aware of Merrill's prior criminal disposition.

Chelsea LaBar 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 Merrill's application for training and subsequent certification.	Kathy McAlpine	5 ayes; 0 nays	Motion Passed Unanimously
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**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. Next Applicant Review Committee Meeting: April 26, 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](mailto:dpsst.records@dpsst.oregon.gov).*