

Applicant Review Committee Minutes

July 27, 2022

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on July 27, 2022, 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
Zachary Kenney, Non-Management Law Enforcement; Police Policy Committee (Webex)
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:

Vacant, Public Member; Board on Public Safety Standards and Training

Guests:

Alexander Delgadillo

DPSST Staff:

Suzy Herring, Professional Standards Administrator
Melissa Lang-Bacho, 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 May 25, 2022 Meeting Minutes

Cody Smith *moved to approve the minutes from the May 25, 2022, Applicant Review Committee meeting.* Carol Dishion *seconded the motion.* *The motion passed unanimously.*

3. Delgadillo, Alexander (62905) Application Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Alexander Delgadillo, where he disclosed a September 4, 2019, criminal conviction for Driving-Reckless in Gem County, Idaho. Delgadillo ultimately pled guilty and was convicted of Driving-Reckless.

Delgadillo also disclosed a 2018 traffic infraction for Driving-Stop Sign-Fail to Stop in Canyon County, Idaho. This charge is an infraction and is not punishable as a crime therefore, it did not result in a criminal disposition that requires review by DPSST.

Alexander Delgadillo provided verbal mitigation for committee consideration.

<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	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: Delgadillo was deceptive when he indicated to police that the license plate on the motorcycle he was riding belonged to his previous motorcycle. • Gross Misconduct: Delgadillo was reckless when he failed to pull over for police and drove his motorcycle at high speeds, which could have caused significant harm to persons and property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Switching license plates, as described in the police reports, could have been a felony charge, if it occurred in Oregon. • It has only been three years since Delgadillo pled guilty to the misdemeanor, <i>Driving-Reckless</i> charge. • Delgadillo was reckless and endangered people. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Delgadillo’s presence at the ARC meeting demonstrated that he understands how the actions of his past can impact his future career. • Delgadillo had a natural fight-or-flight reaction when he saw the police officer and ran. • Delgadillo ultimately took responsibility and turned himself into law enforcement. • Delgadillo had just become old enough to be considered an adult at the time of the incident. • Delgadillo was unaware that it was illegal to switch license plates between his motorcycles but did disclose to the officer what happened. • The Department of Corrections hired Delgadillo with knowledge of his criminal history. • Delgadillo's criminal citation occurred prior to his employment in a certifiable position. 			
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	Andre Lindauer	6 ayes; 0 nays	Motion Passed Unanimously

taken against Delgadillo's application for training and subsequent certification.			
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4. Forrest, Andrea (62966) Application Review: Telecommunications/Emergency Medical Dispatch

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Andrea Forrest (Boothby), where she disclosed a criminal citation for *Theft in the Third Degree*. Forrest ultimately pled no contest on April 25, 2019, and was granted a diverted sentence which was completed and *Theft in the Third Degree* was dismissed.

<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.	Zachary Kenney	6 ayes; 0 nays	Motion Passed Unanimously

The Applicant Review Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: Forrest received a criminal citation for *Theft in the Third Degree*, which is a crime that involves dishonesty.
- Gross Misconduct: The committee did not identify elements of gross misconduct.

Aggravating Factors:

- Forrest was on video picking up nasal spray in one aisle, then opening and discarding the packaging in another aisle, placing the nasal spray in her pocket and leaving the store.
- Two weeks after the event occurred, she checked her coat pocket and found the nasal spray; due to the area of the state and time of year would make it unrealistic that she did not use her coat prior to that.

Mitigating Factors:

- Forrest turned herself in to the police after she saw her photo posted online.
- Forrest provided a bank statement reflecting that she had paid for other items while shopping at the store that day.
- Forrest indicated she does not remember taking the nasal spray because of a medical condition which is a plausible reason to question her state of mind at the time of the incident.
- The Harney County Sheriff's Office hired Forrest with knowledge of her criminal history.
- Forrest's criminal citation occurred prior to her employment in a certifiable position.

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 Forrest’s application for training and subsequent certification.	Mark Rauch	6 ayes; 0 nays	Motion Passed Unanimously
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5. Inquiry Closure – Information Only

Presented by Melissa Lang-Bacho, 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.

6. Program Manager Update

Presented by Suzy Herring, Professional Standards Administrator

- The Applicant Review Committee, after discussion, has unanimously agreed to change the scheduled time of the Applicant Review Committee Meetings from 1:00 p.m. to 10:00 a.m. effective next meeting. Email reminders will go out before the next meeting.
- DPSST has been actively recruiting for a new Compliance Specialist 3 position. The deadline to apply for the position is today. Candidates will be chosen in the next few weeks, followed by interviews, and then a final decision. The intent of this new position is to increase the number of cases being heard by the Policy Committees.
- DPSST has been actively recruiting for a Compliance Specialist 2 position. The deadline to apply for this position is August 9th.

7. Next Applicant Review Committee Meeting: September 28, 2022 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.