

Applicant Review Committee Meeting Minutes

September 27, 2023

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on September 27, 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)
Raeann Thurber, Telecommunicator, Telecommunications Policy Committee (Webex)

Committee Members Absent:

Kathy McAlpine, OACP; Police Policy Committee
Cody Smith, Non-Management Corrections; Corrections Policy Committee
Vacant, Public Member; Board on Public Safety Standards and Training

Guests:

Adam Hobbs
Jacob McKie
George Smith

DPSST Staff:

Chris Brodniak, Professional Standards Division Director
Marsha Morin, Standards and Certification Program Manager
Cindy Park, Professional Standards Compliance Coordinator
Melissa Lang-Bacho, Professional Standards Compliance Coordinator
Jennifer Levario, Professional Standards Compliance Coordinator
Erica Riddell, Criminal Justice Office Specialist
Shelby Wright, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. Approve August 23, 2023 Meeting Minutes

Alex Garnder moved to approve the minutes from the August 23, 2023, Applicant Review Committee meeting. Raeann Thurber seconded the motion. The motion passed unanimously.

3. Hobbs, Adam (64477) Application Review: Police

Presented by Cindy Park, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On August 9, 2023, the DPSST received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Adam Hobbs, in which he disclosed a 2016 criminal disposition for *Driving Under the Influence of Intoxicants (DUII)*, a misdemeanor, in Linn

County, Oregon. He was also charged with the offense of *Reckless Endangerment of Another* as part of the 2016 incident.

According to the Linn County Sheriff’s Office incident report, Hobbs, while driving intoxicated, missed a stop sign and drove his vehicle across the road and into a ditch. Hobbs had a passenger in his vehicle at the time of the accident.

Adam Hobbs 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.	Alex Gardner	4 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: Hobbs was dishonest when he stated he had one alcoholic beverage at approximately 1930 or 2200 hours but had a Blood Alcohol Level (BAC) of .08 at 0223 hours. • Gross Misconduct: Hobbs’ reckless conduct of driving while under the influence of alcohol caused harm to his own vehicle and could have caused significant harm to his passenger and others on the public roadway. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Pursuant to OAR, the Department will not open a discretionary case for a successfully completed diversion in which the only charge was DUII- in this case, DUII was not the only charge, and the rule does not apply. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Hobbs was not employed in a certifiable position at the time of the conduct. • Hobbs was hired by the Lebanon Police Department who is aware of this criminal background. • This appears to be an isolated event. • Hobbs owned his misconduct, completed a DUII diversion program, and has demonstrated a subsequent commitment to service. • Hobbs appears remorseful and has used this experience to help others avoid the same experience. 			
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	Chelsea LaBar	4 ayes; 0 nays	Motion Passed Unanimously

<p>this case, that no action should be taken against Hobbs application for training and subsequent certification.</p>			
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4. McKie, Jacob (63484) Application Review: Corrections

Presented by Cindy Park, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department initially received an Application for Training (F5) and a Criminal History Reporting Form (F28) for Jacob McKie on October 11, 2022, in which he disclosed three previous, criminal citations/dispositions. However, in a search of records, the Department located additional criminal dispositions and requested McKie update his F28 and explain why he had not initially disclosed all the criminal dispositions.

In 2015 in Gem County, Idaho, McKie received a conviction for the offense of *Accident-Fail to Notify Upon Striking Fixtures on Highway*, a misdemeanor. In 2015 he was charged with the offense of *Driving Without Privileges*. In 2016, in Boise, Idaho, McKie was convicted for the offense of *Accident- Fail to Notify Upon Striking Unattended Vehicle*.

Jacob McKie 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	4 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: McKie was dishonest in two criminal convictions involving vehicle damage in which he failed to notify police regarding the accidents and instead left the scene. • Gross Misconduct: McKie’s pattern of reckless conduct caused significant harm to the property of others and could have caused significant harm to individuals. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • McKie left the scene after hitting two (2) parked cars instead of trying to find the owners. • McKie didn’t contact law enforcement after hitting the parked cars to get assistance. • McKie showed persistence in the conduct which reflects poor judgment and suggests dishonesty. • McKie did not meet his financial obligations, rather, the state had to garnish his tax returns to pay fines/fees. <p><i>Mitigating Factors:</i></p>

<ul style="list-style-type: none"> • McKie was not employed in a certifiable position at the time of the conduct. • McKie was hired by ODOC/SRCI who is aware of his criminal background. • The last incident was over seven (7) years ago. • The hiring agency is aware of Smith’s driving record. 			
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 action should be taken against McKie’s application for training and subsequent certification.	Raeann Thurber	4 ayes; 0 nays	Motion Passed Unanimously
Alex Gardner moved, after considering the totality of the case, that McKie be ineligible to apply for public safety training and subsequent certification for 5 years.	Raeann Thurber	4 ayes; 0 nays	Motion Passed Unanimously

5. Smith, George (64083) Application Review: Corrections

Presented by Cindy Park, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On March 15, 2023, the DPSST received an Application for Training (F5) for George Smith; however, he did not disclose a conviction later found by the Department. An amended F5 and Criminal History Reporting form (F28) was requested and received by the Department on August 11, 2023. The Oregon Department of Corrections (ODOC) reported this was a clerical error on their part as they typically fill out the forms for officers.

On May 2, 2015, Smith was cited for the offenses of *Reckless Driving, Reckless Endangering of Another Person* (4 counts), and *Exceeding the Speed Limit 100+ mph*. With passengers in his vehicle, Smith drove recklessly and at a high rate of speed along a public roadway. The officer observed that Smith appeared to be impaired from the use of marijuana, but not to a perceptible degree required for a charge of *Driving Under the Influence of Intoxicants*.

On January 3, 2016, Smith was cited for *Criminal Driving While Suspended* in Independence, Oregon after initially being stopped for speeding. Smith stated to the officer that he thought he would get his driver’s license back “around Christmas”. However, he had signed a document in his previous criminal case that detailed his dates of suspension from October 27, 2015, until January 25, 2016.

George Smith 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.	Raeann Thurber	4 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: Smith was dishonest when he told a police officer that he thought his driver’s license had been reinstated in December despite signing and receiving written notification of a ninety-day suspension of his driving privileges from October 27, 2015, to January 25, 2016. • Gross Misconduct: Smith, while impaired from the use of marijuana, recklessly drove a vehicle at a high rate of speed, causing a risk of significant harm to the passengers in his car and others traveling on the public roadway. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Smith signed paperwork that clearly had dates for when his driver’s license was suspended, and he was driving prior to the end of that suspension. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Smith was not employed in a certifiable position at the time of the conduct. • Smith was hired by ODOC/OSCI, who was aware of the criminal disposition. • The misconduct was approximately eight (8) years ago. • There was no evidence that Smith was actually under the influence at the time he was driving. • Smith completed all requirements of the court order/judgment. 			
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 Smith’s application for training and subsequent certification.	Chelsea LaBar	4 ayes; 0 nays	Motion Passed Unanimously

6. Inquiry Closure – Information Only

Presented by Cindy Park, Professional Standards Compliance Coordinator

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: October 25, 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.