

Applicant Review Committee Minutes

September 28, 2022

The Applicant Review Committee of the Board on Public Safety Standards and Training held a regular meeting on September 28, 2022, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Mark Rauch called the meeting to order at 10:00 am.

Committee Members:

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

Committee Members Absent:

Carol Dishion, DOC, AFSCME; Corrections Policy Committee
Maria Caballero Rubio, Public Member; Board on Public Safety Standards and Training
Vacant, Non-Management Law Enforcement

Guests:

Michael Shepherd (Webex)

DPSST Staff:

Suzy Herring, Professional Standards Director
Melissa Lang-Bacho, Professional Standards Case Manager
Juanita Birdsong, Professional Standards Case Coordinator
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 July 27, 2022 Meeting Minutes

Cody Smith moved to approve the minutes from the July 27, 2022, Applicant Review Committee meeting. Andre Lindauer seconded the motion. The motion passed unanimously.

3. Shepherd, Michael (62933) 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 Michael Shepherd, where he disclosed multiple criminal dispositions.

- On June 25, 2017, Shepherd was arrested for *Driving Under the Influence* in Jefferson County, Idaho. On November 6, 2017, Shepherd pled guilty, and a misdemeanor judgment was entered in the case. On December 18, 2018, he completed the terms of his

probation.

- On August 5, 2017, Shepherd was arrested for *Driving Under the Influence* and *Driving without Privilege* in Jefferson County, Idaho. On Motion of the Prosecutor, the charge of *Driving Under the Influence* was dismissed. This case was also heard on November 6, 2017, Shepherd pled guilty to *Driving without Privileges*, and a misdemeanor judgment was entered in the case. On December 18, 2018, he completed the terms of his probation.

Michael Shepherd 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	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: Shepherd was intentionally dishonest when he told law enforcement that he had not been drinking but provided a breath sample reflecting a 0.097 and 0.080 breath alcohol content. • Gross Misconduct: Shepherd was reckless when he drove his vehicle without a license or insurance and did not maintain control of his vehicle, which could have caused significant harm to persons or property. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Shepherd was not truthful in his retelling of the historical events in his mitigation about the amount of alcohol he consumed when he received a DUII. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Shepherd’s arrests occurred before his employment in public safety. • Shepherd’s mitigation letter was not completely consistent with the arrest report but was ultimately found to be mitigating by the committee because the details identified as untruthful were understandable oversights. • Shepherd owned up to his mistakes and explained how he has grown in his mitigation. • Shepherd identified that he is aware that his actions have consequences that he has to live with for the rest of his life. 			
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	Andre Lindauer	4 ayes; 0 nays	Motion Passed Unanimously

this case, that no action should be taken against Shepherd's application for training and subsequent certification.			
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4. 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

5. Next Applicant Review Committee Meeting: October 26, 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.