

OREGON DPSST
ETHICS BULLETIN

Volume No. 10



The Board on Public Safety Standards and Training (BPSST) has the legislative mandate to establish and enforce the physical, mental, and moral fitness standards for all law enforcement officers, telecommunicators and emergency medical dispatchers in the state.

This requirement also defines the procedure for the Department and Board to use when denying or revoking certification of an officer, telecommunicator or emergency medical dispatcher who has fallen below the moral fitness standards.

The Ethics Bulletin is published to provide insight into the types of misconduct that could result in revocation or denial of certification. The following cases of misconduct resulted in **revocation and denial** of certifications by DPSST in **January 2004**.

Case 1

Officer A retired one day after he was arrested for official misconduct. While on-duty, Officer A inappropriately touched a woman and after the woman filed a complaint against him, Officer A tried to persuade the victim to obstruct investigators by lying about the allegations she had made. Officer A was convicted of Official Misconduct and, as a part of the sentencing agreement, Officer A stipulated to having his police certifications revoked.

Officer A's Basic and Intermediate Police Certifications were Revoked.

Case 2

Officer B was discharged for cause and later convicted of Unauthorized Use of Livestock. While on duty, and in uniform, Officer B assisted in the removal of a branded steer from public lands to a private residence of a person other than the owner of the steer. Officer B did not contact the owners of the steer regarding it's location however, nine months later, while on duty and in uniform, Officer B attempted to obtain a bill of sale from the rightful owners of the steer so that he could butcher the steer for personal use. Officer B's conduct ended his 24-year career.

Officer B's Basic, Intermediate, and Advance Police Certifications were Revoked

Case 3

Officer C was discharged for cause. While off-duty, and out of state, Officer C followed a transient, engaged in a verbal and physical confrontation with him, pulled a knife on the transient and ran from the scene when police arrived to intervene. Officer C did not report this incident to his employer. Shortly thereafter, an internal investigation showed that Officer C stole meals from the institution where he worked, repeatedly refused to conduct mandatory cell searches, and documented false information on his shakedown log. Officer C's conduct ended his 6-year career.

Officer C's Basic Corrections Certification was Revoked.

Case 4

Officer D resigned his position as a police officer during an internal investigation which later resulted in a conviction of Sexual Abuse in the Third Degree and two counts of Official Misconduct in the First Degree. Officer D engaged in conduct involving the inappropriate touching of a police department employee and a cadet while on the job. After the conviction, Officer D voluntarily agreed to sign a Stipulated Order revoking his certification. Officer D's conduct ended his 5-year career.

Officer D's Basic Police Certification was Revoked.

Case 5

Officer E was discharged for cause after an internal investigation revealed that she had engaged in improper conduct involving statements and actions relating to her medical release and medical restrictions. Officer E was repeatedly untruthful about her medical condition, the medical release, and the medical restrictions. During the investigation, Officer E was untruthful when she omitted facts, altered facts and provided nonfactual information to investigators. Officer E requested a hearing to contest the revocation and at the hearing it was revealed that she lied during cross-examination regarding the circumstances of her departure from a previous employer. Officer E's conduct ended her 4-year career.

Officer E's Basic and Intermediate Corrections Certifications were Revoked.

Case 6

Officer F was discharged for cause after an internal investigation revealed that she had an inappropriate relationship with an inmate. In violation of agency policy, Officer F had repeated personal calls with an inmate. These calls were outside the scope of the employee's duties. During the investigation, Officer F lied about the relationship however the inmate told the truth and phone records supported the inmate's information. This conduct ended Officer F's 5-year career.

Officer F's Basic Corrections Certification was Revoked.

Question from Readers:

How does the new law, from House Bill 2237, affect my agency regarding providing information on officer misconduct?

The new law **requires** that public safety agencies grant DPSST access to personnel records of an employee or former employee if an investigation is being conducted on the individual's qualifications for employment, training or certification.

What is the focus and scope of information that is requested?

- The request must be related to the issue being investigated.
- The purpose of obtaining the information is to determine whether the employee or former employee meets or continues to meet the minimum state standards for a public safety officer.

When my agency provides this information, what protection from civil liability is there?

The new law provides immunity to the public safety agency providing the information from civil liability from the disclosure.