

**OREGON DPSST**  
***ETHICS BULLETIN***  
**Volume No. 65**



The Board on Public Safety Standards and Training (BPSST) has the legislative mandate to establish and enforce minimum standards for all law enforcement officers, fire service professionals, 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 individual who has fallen below the minimum 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 have resulted in consideration of **revocation or denial** of certifications by DPSST in **February 2009**.

The Department continues to ensure that certified public safety officers and those seeking certification who abuse the public's trust will be held accountable for their actions.

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**February Statistics**

<b>Cases Opened</b>	<b>40</b>	<b>Of the 51 Cases Closed:</b>	
<b>Cases Closed</b>	<b>51</b>	<b>Revoked</b>	<b>16</b>
<b>Cases Pending</b>	<b>170</b>	<b>Denied</b>	<b>00</b>
		<b>No Action</b>	<b>35</b>

**Officer A's** case was reviewed by the Police Policy Committee (PPC). In this case when Officer A was stopped by the police he left the traffic stop. He had subsequent telephone communications relating to the traffic stop with citizens and with the police but refused to return to the scene. The PPC determined Officer A engaged in untruthfulness during this conduct, and that his conduct was not consistent with the law enforcement profession. The Committee also identified that the criminal nature of Officer A's conduct remained regardless of his eventual plea agreement on his criminal case. The PPC determined that the fact pattern met the preponderance of evidence, that Officer A's conduct constituted grounds for revocation and that his conduct rises to the level to warrant revocation. The PPC voted to recommend that Officer A's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer A did not make a timely request for a hearing. Officer A's misconduct ended his 8-year career.

**Officer A's Basic Police Certification was Revoked**

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**Telecommunicator B's** case was reviewed by the Telecommunications Policy Committee (TPC). Telecommunicator B resigned in lieu of termination. In this case Telecommunicator B demonstrated dishonesty when she created false documents and records to support sick leave that she took, and was untruthful when interviewed by the employer. The TPC determined Telecommunicator B's conduct violated the established moral fitness standards and that Telecommunicator B's conduct would allow a defense attorney to attack her credibility if she were required to testify in court. The TPC found no mitigating circumstances on Telecommunicator B's behalf. The TPC determined that the fact pattern met the preponderance of evidence, that Telecommunicator B's conduct constituted grounds for revocation and that her conduct rises to the level to warrant revocation. The TPC voted to recommend that Telecommunicator B's certifications be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Telecommunicator B did not make a timely request for a hearing. Telecommunicator B's misconduct ended her 3-year career.

### **Telecommunicator B's Basic Telecommunicator and Emergency Medical Dispatcher Certifications were Revoked**

**Officer C's** case was reviewed by the Corrections Policy Committee (CPC). In this case Officer C engaged in a disturbance involving domestic violence and became combative with the police, causing them to use a Taser on him. Officer C ultimately resigned from his agency and was convicted of Disorderly Conduct; the Resisting Arrest charge was dismissed as a part of a plea agreement. The CPC found that although Officer C's conduct occurred when he was intoxicated, and that the report indicates that there may have been issues of mental health, based on the totality of circumstances Officer C's conduct fell below the minimum standards for a correctional officer. The CPC found by a preponderance that Officer C engaged in this misconduct, that the conduct constituted grounds for revocation and that the conduct rises to the level to warrant revocation. The CPC voted to recommend that Officer C's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer C did not make a timely request for a hearing. Officer C's misconduct ended his 4-year Career.

### **Officer C's Basic Corrections Certification was Revoked.**

**Officer D's** case was reviewed by the Corrections Policy Committee (CPC). Officer D resigned in lieu of termination. In this case, Officer D engaged in inappropriate sexual contact with an inmate. When questioned by the employer, Officer D denied the relationship; however, a paternity test later disproved Officer D's assertions. In a separate incident, Officer D was convicted of Attempt Resisting Arrest. The CPC found that Officer D's misconduct involved untruthfulness and inappropriate sexual contact with an inmate. The CPC found by a preponderance that Officer D engaged in this misconduct, that the conduct constituted grounds for revocation and that the conduct rises to the level to warrant revocation. The CPC voted to recommend that Officer D's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer D did not make a timely request for a hearing. Officer D's misconduct ended his 8-year career.

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**Officer D's Basic Corrections Certification was Revoked.**

**Officer E** was convicted of DUII in 2007. Officer E was advised that his case would be heard before the Corrections Policy Committee and was allowed an opportunity to provide mitigating circumstances on his behalf. DPSST routinely encloses a Stipulated Order Revoking Certification that the affected officer may consider. In this case, Officer E voluntarily signed the Stipulated Order Revoking Certifications. Officer E's misconduct ended his 19-year career.

**Officer E's Basic, Intermediate & Advanced Corrections Certifications were Revoked.**

**Officer F** was arrested for Failing to Perform the Duties of a Driver, a Class C Felony, Reckless Driving, Assault 4 and Failing to Perform the Duties of a Driver, Class A Misdemeanors. The District Attorney prosecuting the case was providing a Stipulated Order to be used during any plea agreements. Officer F voluntarily signed the Stipulated Order Revoking Certifications. Officer F's misconduct ended his 3-year career.

**Officer F's Basic Corrections Certification was Revoked.**

**Officer G** resigned after an internal investigation revealed that he was untruthful during an internal investigation about having a sexual relationship with a subordinate. Officer G was also found to have used state equipment for personal use and for conducting himself inappropriately while on duty; each relating to the sexual relationship. Officer G was advised his case would be heard before the Corrections Policy Committee (CPC) and allowed an opportunity to provide mitigating circumstances on his behalf. DPSST routinely encloses a Stipulated Order Revoking Certification that the affected officer may consider. In this case, Officer G voluntarily signed the Stipulated Order Revoking Certifications. Officer G's misconduct ended his 5-year career.

**Officer G's Basic Corrections Certification was Revoked.**

**Officer H's** case was reviewed by the Police Policy Committee (PPC). In this case Officer H was found to be untruthful and misleading in a series of communications relating to his failure to appear for a grand jury subpoena. The PPC determined Officer H compromised his own integrity and his actions had the potential of compromising his colleagues. The PPC determined that the fact pattern met the preponderance of evidence, that Officer H's conduct constituted grounds for revocation and that his conduct rises to the level to warrant revocation. The PPC voted to recommend that Officer H's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer H did not make a timely request for a hearing. Officer H's misconduct ended his 2-year career.

**Officer H's Basic Police Certification was Revoked**

**Officer I's** case was reviewed by the Corrections Policy Committee (CPC). On June 17, 2008, DPSST received a F4. Personnel Action Report showing Officer I had retired. A routine records check revealed that Officer I had a 2006 DUII conviction that had not been reported to DPSST. The CPC found that Officer I's misconduct involved untruthfulness by omission when he failed to notify his employer of his conviction, a violation of Oregon

Administrative Rule. The CPC found that an aggravating factor to the DUII was Officer I's violation of his probation on several occasions. The CPC found by preponderance that Officer I engaged in this misconduct, that the conduct constituted grounds for revocation and that the conduct rises to the level to warrant revocation. The CPC voted to recommend that Officer D's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer I did not make a timely request for a hearing. Officer I's misconduct ended his 21-year career.

**Officer I's Basic Corrections Certification was Revoked.**

**Telecommunicator J's** case was reviewed by the Telecommunications Policy Committee (TPC). Telecommunicator J retired after he was arrested for DUII and unsuccessfully entered a diversion. Subsequent to his retirement, Telecommunicator J was arrested and convicted of a second DUII. Telecommunicator J was advised his case would be heard before the TPC and allowed an opportunity to provide mitigating circumstances on his behalf. Telecommunicator J did not provide any mitigating circumstances. The TPC found that there were no mitigating circumstances; aggravating circumstances included the failed diversion, his refusal to submit to the intoxilyzer test during the first DUII and his untruthfulness with the police officer during the second DUII. The TPC determined that the fact pattern met the preponderance of evidence, that Officer J's conduct constituted grounds for revocation and that his conduct rises to the level to warrant revocation. The TPC voted to recommend that Telecommunicator J's certifications be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Telecommunicator J did not make a timely request for a hearing. Telecommunicator J's misconduct tarnished his 21-year career.

**Telecommunicator J's Basic, Intermediate, Advanced and Supervisory Telecommunicator Certifications were Revoked.**

**Officer K's** case was reviewed by the Corrections Policy Committee (CPC). Officer K resigned during an internal investigation which ultimately revealed that he violated agency policy and was untruthful during a criminal investigation involving a fugitive. Officer K was advised his case would be heard before the CPC and allowed an opportunity to provide mitigating circumstances on his behalf. Officer K did not provide any mitigating circumstances. The CPC found that there were no mitigating circumstances; aggravating circumstances included his untruthfulness and his blatant disregard for public safety when he impeded the investigation to locate and return the fugitive. The CPC determined that the fact pattern met the preponderance of evidence, that Officer K's conduct constituted grounds for revocation and that his conduct rises to the level to warrant revocation. The CPC voted to recommend that Officer K's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer K did not make a timely request for a hearing. Officer K's misconduct ended his 12-year career.

**Officer K's Basic and Intermediate Corrections Certifications were Revoked.**

**Officer L's** case was reviewed by the Police Policy Committee (PPC). Officer L resigned during an internal investigation which ultimately revealed that he violated agency policy and was untruthful when he asserted he had not engaged in a sexual relationship with a former

inmate. Officer L was advised his case would be heard before the PPC and allowed an opportunity to provide mitigating circumstances on his behalf. Officer L provided mitigating circumstances for the PPC in which he admitted to the sexual contact with the former inmate and that his statements to the employer were misconstrued. The PPC found that there were no mitigating circumstances; aggravating circumstances included his untruthfulness, and that he used poor judgment which placed himself and his agency in a position of significant liability. The PPC determined that the fact pattern met the preponderance of evidence, that Officer L's conduct constituted grounds for revocation and that his conduct rises to the level to warrant revocation. The PPC voted to recommend that Officer L's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer L did not make a timely request for a hearing. Officer L's misconduct ended his 1-year career.

**Officer L's Basic Police Certification was Revoked.**

**Officer M's** case was reviewed by the Corrections Policy Committee (CPC). Officer M resigned in lieu of termination. In this case, DPSST requested a copy of the underlying investigation that led to the resignation. The investigation revealed that Officer M had used crystal methamphetamine within the two weeks prior to her arrest for a domestic violence assault. The CPC identified the conduct as recent use of illegal substances, after prior use and attendance at a treatment facility. The CPC found that the possession and use of the illegal substance constituted a felony crime, even though it was not prosecuted as such. The CPC found by preponderance that Officer M engaged in this misconduct, that the conduct constituted grounds for revocation and that the conduct rises to the level to warrant revocation. The CPC voted to recommend that Officer M's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer M did not make a timely request for a hearing. Officer M's misconduct ended her 7-year career.

**Officer M's Basic Corrections Certification was Revoked.**

**Fire Service Professional N** was discharged for cause after an internal investigation revealed that he had violated the agency's code of conduct policy, drug & alcohol policy and provided alcohol to a minor. DPSST issued a Notice of Intent to Revoke Certification. Fire Service Professional N did not make a timely request for a hearing. Fire Service Professional N's misconduct ended his 4-year career.

**Fire Service Professional N's NFPA Driver, NFPA Pumper Operator & NFPA Firefighter I Certifications were Revoked.**

**Officer O** retired and was subsequently convicted of Reckless Driving and received a diversion for DUII. Officer O was advised that his case would be heard before the Police Policy Committee and was allowed an opportunity to provide mitigating circumstances on his behalf. DPSST routinely encloses a Stipulated Order Revoking Certification that the affected officer may consider. In this case, Officer O voluntarily signed the Stipulated Order Revoking Certifications. Officer O's misconduct tarnished his 28-year career.

**Officer O's Basic, Intermediate & Advanced Police Certifications were Revoked.**

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**Officer P's** case was reviewed by the Police Policy Committee (PPC). Officer P resigned after an internal investigation revealed that he had falsified a police report. Based on this, the district attorney determined Officer P to no longer be a credible witness. The PPC determined that when Officer P falsified his police report, he compromised his own integrity and his actions had the potential of compromising the integrity of his colleagues. The PPC determined that this case rested on Officer P's lack of honesty and credibility; that Officer P was experienced and knew how to write a police report and when he wrote this report, he was knowingly writing inaccuracies. The PPC determined that the fact pattern met the preponderance of evidence, that Officer P's conduct constituted grounds for revocation and that the conduct rises to the level to warrant revocation. The PPC voted to recommend that Officer P's certification be revoked based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certification. Officer P made a timely request for a hearing, but then withdrew his request for a hearing. Officer P's misconduct ended his 10-year career. **Officer P's Basic Emergency Medical Dispatcher, Basic and Intermediate Telecommunicator and Basic and Intermediate Police Certifications were Revoked.**

"Integrity is telling myself the truth. And honesty is telling the truth to other people."  
By Spencer Johnson, motivational writer.

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