

OREGON DPSST
ETHICS BULLETIN

Volume No. 7



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 from August through September 2003.

Case 1

Officer A was discharged for cause after his continued failure to follow agency procedures. Officer A failed to provide timely back-up to fellow officers on numerous occasions and engaged in unprofessional citizen contact at a crash scene by telling a teen-age driver who had slid into the ditch, "You're screwed". Officer A failed to follow a lawful order by a superior, and was untruthful during the internal investigation. The officer's conduct ended his 8-year career. **Officer A's Basic and Intermediate Certifications were Revoked.**

Case 2

Officer B resigned after he was found guilty of felony Attempted Unlawful Possession of a Machine Gun. As a part of the court judgment, Officer B was ordered to resign his certifications. Officer B signed a **Stipulated Final Order Revoking Certifications** that ended the revocation process. The officer's conviction ended his 16-year career. **Officer B's Basic Corrections and Basic, Intermediate and Advanced Police Certifications were Revoked.**

Case 3

Telecommunicator C was discharged for cause after he was found sleeping on duty. Telecommunicator C also failed to dispatch medical calls appropriately, unnecessarily delayed the dispatch of medical calls and willfully defied a direct supervisory order. The telecommunicator's conduct ended his 24-year career. **Telecommunicator C's Telecommunicator, Emergency Medical Dispatch and Multi-Disciplinary Certifications were Revoked.**

Case 4

Emergency Medical Dispatcher D was hired by his employer in 1999, however the employer did not send the Personnel Action to DPSST until October, 2002. Emergency Medical Dispatcher D was denied certification after a records check showed that he had a First Degree Robbery Conviction in another state. Emergency Medical Dispatcher D's prior conduct prevented him from entering a public safety profession. **Emergency Medical Dispatcher D's Basic Certification was Denied.**

Case 5

Officer E resigned during an internal investigation in which it was alleged that while on duty he violated his agency's standard of conduct by having repeated sexual contact with a woman. During the investigation, Officer E used his cell phone in an agency police car to coach the woman on what to tell investigators. This conversation was recorded and the woman passed a polygraph showing she had been truthful with investigators. This case was prepared for review by the Police Policy Committee, however Officer E signed a **Stipulated Final Order Revoking Certification** which ended the revocation process. The officer's conduct ended his 4-year career.

Officer E's Basic Police Certification was Revoked.

Case 6

Telecommunicator F was denied training as a telecommunicator because she had previously been "discharged for cause" from another agency and she falsified her Application for Training with her current employer by marking "NO" to the question, "Have you ever been discharged for cause from a public safety agency". A records check showed that Telecommunicator F had been discharged for cause several years earlier. Because "discharge for cause" is a mandatory denial or revocation action, Telecommunicator F is uncertifiable, therefore training was denied.

Telecommunicator F's training was denied.

Question from Readers: What is a "Stipulated Final Order Revoking Certification"?

Certification denial or revocation occurs under only specific circumstances. These circumstances are defined in Oregon Revised Statutes and Oregon Administrative Rules.

Mandatory denial or revocation includes circumstances in OAR 259-008-0070(2):

- *Discharge for Cause*
- *Conviction that is punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed*
- *Conviction involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotics or dangerous drug (more than one ounce of marijuana)*
- *Conviction of crimes listed in (2)(e)*

Discretionary denial or revocation includes circumstances in OAR 259-008-0070(3):

- *Falsification of any information submitted on an application for certification or on any document submitted to the Board or the Department*
- *Conviction of a crime other than the mandatory crimes listed above*
- *Violation of the Moral Fitness standard defined in OAR 259-008-0010(6)*

With adequate information, mandatory cases are forwarded directly to Department of Justice that issues A Notice of Intent to Deny or Revoke.

With adequate information, discretionary cases are forwarded to the discipline-specific Policy Committee for review and recommendation whether to deny or revoke, and then to the Board.

*A public safety officer may sign a **Stipulated Final Order Revoking Certifications** to avoid the longer process or to avoid having the case heard and decided by the Board. This decision is made by the individual or by the courts, and is formalized in a **Stipulated Final Order Revoking Certifications**, a process between the individual and the Department of Justice. The courts may also initiate this process as a part of an agreement in a criminal conviction in which the officer stipulates to their certification being revoked as a part of sentencing or a plea bargain.*