

OREGON DPSST
ETHICS BULLETIN

Volume No. 8



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 October through November 2003.

Case 1

Officer A was **discharged for cause** after he used his agency's computer to access unauthorized internet sites which allowed him to view and download sexually explicit materials from pornographic web sites. Officer A engaged in this activity on a weekly basis after he was directed not to. Officer A's conduct ended his 2-year career.

Officer A's Parole and Probation Certification was Revoked.

Case 2

Officer B was convicted of felony Tampering with a Witness and misdemeanor Sexual Abuse in the Third Degree when he touched a male victim and then attempted to get the victim to lie to investigators in a taped telephone conversation. As a part of the sentencing, the court required that Officer B stipulate to his certifications being revoked and Officer B signed a Final Stipulated Order Revoking Certifications. Officer B's convictions ended his 19-year career.

Officer B's Basic, Intermediate, Advanced, and Supervisor Police Certifications were Revoked.

Case 3

Officer C was moved to a civilian position by his employer after his conviction of Prostitution. The conviction of Prostitution is a mandatory disqualifying crime for purposes of denial or revocation of public safety certifications. Officer C's conviction ended his 8-year career.

Officer C's Basic Corrections Certification was Revoked.

Case 4

Officer D was **discharged for cause** after she failed to report to work after being medically released from a prior injury. Officer D was repeatedly instructed to report to work or provide medical justification for not reporting to work. Officer D's conduct ended her 2-year career.

Officer D's Basic Corrections Certification was Revoked.

Case 5

Officer E resigned after being arrested for stealing narcotics from the county jail dispensary where she worked as a corrections deputy. Officer E was later found guilty of Possession of a Controlled Substance and Official Misconduct. Officer E signed a Stipulated Order Revoking Certifications. These convictions ended her 21-year career in public safety.

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

Case 6

Officer F was **discharged for cause** after he was found to be insubordinate and neglected his duty. Officer F repeatedly missed mandatory meetings and training. Officer F also improperly handled investigations and calls for service that created an officer-safety risk for his fellow officers when he refused to respond to calls out of his assigned area. Officer F's conduct ended his 11-year career in public safety.

Officer F's Basic Police Certification was Revoked.

Case 7

Officer G was **discharged for cause** after he encouraged a fellow officer to honor the "code of silence" when a third officer was involved in misconduct. Officer G attempted to instill in the fellow officer the need for officers to use the "code of silence" when filing a factual report about the conduct of a third officer which could result in discipline. Officer G's conduct ended his 10-year career in public safety.

Officer G's Basic Corrections and Basic and Intermediate Police certifications were Revoked.

Case 8

Officer H resigned as a corrections officer, just prior to his conviction for Prostitution, a Class A Misdemeanor. According to the police report, Officer H entered into an agreement to exchange cocaine with a known prostitute in return for oral sex. After Officer H drove the prostitute to a crack house and provided her with \$20. The prostitute purchased and used the cocaine and drove to a location where they intended to engage in a sex act, however they were caught by police officers and both were arrested. Officer H and the prostitute later admitted to the cocaine purchase, use, and prostitution agreement. Officer H's conduct ended his 23-year career.

Officer H's Basic, Intermediate, and Advanced Corrections Certifications were Revoked.

Question from Readers: What does "Discharge for Cause" mean?

Oregon Administrative Rule 259-008-0070(2)(b) defines "discharge for cause" as:

(b) For purposes of (a) above, "discharged for cause", means an employer initiated termination of employment for any of the following reasons:

(A) Gross Negligence: means where the public safety professional's act or failure to act creates a danger or risk to persons, property, or to the efficient operation of the department, recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance;

(B) Insubordination: means a refusal by a public safety professional to comply with a rule or order where the rule or order was reasonably related to the orderly, efficient, or safe operation of the public or private safety agency and where the public safety professional's refusal to comply with the rule or order constitutes a substantial breach of that person's duties; or

(C) Incompetence or Gross Misconduct: in determining what constitutes "incompetence or gross misconduct," sources the Department may take into account include but are not limited to practices generally followed in the profession, current teaching at public safety training facilities, and technical reports and literature relevant to the fields of law enforcement, telecommunications, or emergency medical dispatch.