

OREGON DPSST  
***ETHICS BULLETIN***  
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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 **August 2010**.

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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**August Statistics**

Cases Opened	009	Of the 010 Cases Closed:	
Cases Closed	010	Revoked	002
Cases Pending	212	Denied	000
Reinstated	000	No Action	008

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**Fire Service Professional A** was discharged for cause after his arrest for theft and forgery. Fire Service Professional A was caught stealing funds from the department's volunteer firefighting bank account. Fire Service Professional A was subsequently convicted of First Degree theft, Second Degree Theft and First Degree Forgery. Fire Service Professional A was served with a Notice of Intent to Revoke. Fire Service Professional A did not make a timely request for a hearing. DPSST issued a Default Final Order.

**Fire Service Professional A's NFPA Driver, NFPA Pumper Operator, NFPA Fire Fighter I and Wildland Interface Fire Fighter Certifications were Revoked.**

**Officer B** was issued his Basic Corrections Certificate in 2000 and was subsequently convicted of Menacing-Domestic Abuse in 2001. DPSST did not receive notification of his conviction until a routine criminal history check was completed when Officer B applied for his Intermediate and Advanced Certifications in 2009. Officer B was served with a Notice of Intent to Revoke and Deny. Officer B made a timely request for a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings asserting there was no material fact at issue. The ALJ granted DPSST's Motion and issued a Proposed Order. Officer B did not file legal exceptions to the Proposed Order. DPSST filed a Final Order. Officer B's misconduct ended his 11-year career.

**Officer B's Basic Corrections Certificate is Revoked and his Application for Intermediate and Advanced Corrections Certificates is Denied.**

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## Oregon Court of Appeals Updates

### Lister v. Department of Public Safety Standards and Training (A140664)

On the merits of the case and the lower court's ruling, the Oregon Court of Appeals affirmed DPSST's revocation action of a police certification less than three weeks after oral argument by Oregon Department of Justice Appellate Division AAG Erin Lagesen. Lister made demonstrably false statements in search warrant affidavits and in testimony, and was banned from testifying in courts in the jurisdiction where he worked. The Court of Appeals had previously ruled that DPSST's Final Order Revoking Certifications would stand while the appeal was pending.

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#### **The Untruthful Employee: Is Termination the Only Response?**

*By Ronal Serpas, Superintendent, New Orleans, Louisiana, Police Department; and Michael Hagar, Captain, Metropolitan Nashville, Tennessee, Police Department, "The Untruthful Employee: Is Termination the Only Response?," The Police Chief 77 (August 2010): 114-120*

Below is an introductory excerpt from this recent article:

*"Over the decades, law enforcement leaders have been under increasing pressure to answer the question, 'What do I do with a law enforcement employee who has been proven to be untruthful in the workplace?'*

*Many departments have been confronted with significant and far-reaching court decisions that play prominent roles in this decision-making process, as well as vigorous debates and lengthy court battles with labor organizations around the issue of truthfulness expectations in policy and disciplinary actions.*

*The U.S. Department of Justice has issued far-reaching instructions on the conduct of federal law enforcement cases that may involve local and state police employees who have histories of being untruthful in the workplace. There have been articles published in Police Chief magazine and other publications discussing this issue. In light of these critical and evolving issues, a recent decision from the Tennessee Court of Appeals analyzing the procedures and practices of the Metropolitan Nashville Police Department (MNPd), in Davidson County, Tennessee, can be instructive.*

*Without disregarding the import and consequences of Brady v. Maryland<sup>1</sup> and Giglio v. United States,<sup>2</sup> this article proposes that it should be the public policy of law enforcement agencies that untruthful conduct by a law enforcement agency employee has a most damaging effect on the day-to-day efficient and effective service of policing. Moreover, the use of untruthful statements to avoid disciplinary action further undermines the efficient and effective service expected of police departments. Truthfulness by employees is not only an issue of witness credibility in a court of law; it is the fundamental nature of law enforcement service and strikes to the core of the ability to provide appropriate service. As a result, untruthful conduct must be met with the most serious of disciplinary action: termination."*

Please read the remaining article which includes topics such as, "Credibility is Essential," "Training and Policies are Essential," "The Guiding Principle," "Passing Legal Scrutiny" and "Lessons Learned," among others. You may access this article in the recent "Police Chief Magazine" by using the following link:

[http://policechiefmagazine.org/magazine/index.cfm?fuseaction=print\\_display&article\\_id=2163&issue\\_id=82010](http://policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=2163&issue_id=82010)

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