

OREGON DPSST
ETHICS BULLETIN
Volume No. 123



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 **January 2014**.

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.

January Statistics

Cases Opened	020	Of the 037 Cases Closed:	
Cases Closed	037	Revoked	08
Cases Pending	136	Denied	03
Reinstated	0	No Action	026

Officer A was hired as a corrections officer and applied for training. Based upon prior misconduct while employed as a public safety officer, Officer A's case required review by the Corrections Policy Committee (CPC). The CPC met and after reviewing the facts of the case, unanimously voted to recommend that Officer A's Application for Training and subsequent certifications be denied based on his discretionary disqualifying misconduct. The CPC determined that Officer A's misconduct involved Dishonesty when he used the Department issued meal card to purchase meals for his brother when the meal card rules were clear; and when he omitted the number of times he administered a breath sample test to a person in custody for the criminal offense of Driving Under the Influence of Intoxicants (DUII), when he had been trained in what to do under these circumstances. The CPC determined that Officer A's misconduct involved Disregard for the Rights of Others by his behavior as stated in the Dishonesty subsection. Also noted was that his conduct in the DUII matter could have compromised the criminal case. The CPC determined that Officer A's misconduct involved Misuse of Authority by his behavior as stated in the Dishonesty subsection. He attempted to obtain a benefit by his misuse of the meal card, and abused the public trust by his conduct in the DUII matter. The CPC determined that Officer A's misconduct involved Misconduct evident by his behavior as stated in the Dishonesty subsection which violates the law, practices or standards generally followed in the profession. The CPC determined an aggravating factor was that Officer A failed to accept responsibility for the issues at hand and placed blame. The CPC determined that a mitigating factor included his identification of a lack of communication during his tenure at the Police Department involving room for

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improvement in that agency's Field Training Program (FTO), but the decisions involving the DUII incident were made individually by Officer A, so the lack of communication did not mitigate his decisions. By unanimous vote, the CPC determined that Officer A's misconduct was a lifetime disqualifier; he may never reapply to the CPC seeking certification eligibility. DPSST served Officer A with a Notice of Intent to Deny Application for Training and Subsequent Certifications, and he made a timely request for a hearing. After hearing the case, the Administrative Law Judge issued a Proposed Order reversing DPSST's Notice of Intent to Deny. The CPC took the Proposed Order and record under consideration. DPSST issued an Amended Proposed Order approved by the CPC. Exceptions were submitted and were considered. DPSST issued a Final Order denying Officer A's ability to apply for Training and Subsequent Certifications through December 31, 2013.

Officer A's Application for Training was Denied.

Officer B was discharged for cause after an internal investigation revealed that she had failed to follow established protocols regarding an in progress crime. Officer B failed to recognize a person who was at risk for assault and declined to accept and dispatch the in-progress crime. Officer B was served with a Notice of Intent to Revoke and failed to request a hearing. The Notice was final by default and Officer B's misconduct ended her 30-year career.

Officer B's Basic, Intermediate, Advanced and Supervisory Telecommunicator Certifications and Basic Emergency Medical Dispatcher Certification were Revoked.

Officer C was discharged for cause after an internal investigation revealed that she had entered information into CAD for a 9-1-1 call that was false. Additionally Officer C was untruthful to a supervisor and co-workers when she led them to believe a family member had died. This false death allowed Officer C to receive bereavement leave, which she was not entitled to. Officer C was served with a Notice of Intent to Revoke and failed to request a hearing. The Notice was final by default and Officer C's misconduct ended her 3-year career.

Officer C's Basic Telecommunicator and Emergency Medical Dispatcher Certifications were Revoked.

Officer D was discharged for cause after an internal investigation revealed that she was watching movies while on duty. Additionally, Officer D engaged in this behavior while serving as a FTO for a new recruit. Officer D watched Netflix while on duty and was responsible for training a new recruit for approximately 20 shifts out of 26 total. DPSST served Officer D with a Notice of Intent to Revoke Certifications, and she made a timely request for a hearing. Prior to the hearing DPSST filed a Motion for Summary Determination, asserting there were no material facts at issue. Administrative Law Judge Fair affirmed DPSST's Motion. Officer D's misconduct ended her 13-year career.

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

Fire Service Professional E was convicted of Second Degree Assault, a Measure 11 crime. Fire Service Professional E was served with a Notice of Intent to Revoke and did not request a hearing. The Notice of Intent to Revoke was final by default.

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Fire Service Professional E's NFPA Driver, NFPA Wildland Fire Operator, NFPA Pumper Operator, First Responder Operations, Wildland Interface Fire Fighter, NFPA Fire Fighter I, Basic Fire Fighter and Instructor I Certifications were Revoked.

Officer F was discharged for cause after an internal investigation revealed she had missed numerous tier checks in the institution over a period of time, and had falsified many entries showing that she had completed tier checks when she had not. DPSST served Officer F with a Notice of Intent to Revoke Certification, and she failed to request a hearing. Her certification was revoked by default final order. Officer F's misconduct ended her two-year career.

Officer F's Basic Corrections certification is Revoked.

Officer G was arrested and later convicted in Washington for Negligent Driving, the equivalent of Oregon's DUII. During the initial investigation by the arresting officer, Officer G was untruthful about how much he had to drink. The agency conducted an internal investigation after the conviction and Officer G repeated the same untruthful information to the agency investigator, later admitting that he lied both times about how much he had to drink the night of his arrest. Shortly after this he resigned his employment. DPSST notified Officer G that his conduct would be reviewed by the Corrections Policy Committee (CPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. He did not provide a response. The CPC determined that Officer G's conduct involved Dishonesty, Gross Misconduct and Misconduct, with a lifetime ban for dishonesty. DPSST served Officer G with a Notice of Intent to Revoke Certification, and he failed to request a hearing. His certification was revoked by default final order. Officer G's misconduct ended his four-year career.

Officer G's Basic Corrections certification is Revoked.

Officer H resigned under a settlement agreement after an internal investigation revealed that he had engaged in on-duty sexual activity. DPSST notified Officer H that his case would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC found that Officer H's conduct involved Gross Misconduct and Misconduct. The committee determined that Officer H's conduct of having sex on duty violated his agencies policies and procedures and violates practices and standards generally followed in the Oregon public safety profession. Additionally the PPC found that Officer H's conduct of engaging in on-duty sexual conduct with the wife of a local Police Department officer was aggravating. Officer H's agency and the local Police Department respond to calls in a rural county. Officer H's admitted conduct could have negatively impacted the working relationship of these two agencies. The PPC found that Officer H's misconduct rose to the level to warrant revocation of his certifications, with an ineligibility period of five years for Gross Misconduct and three years for Misconduct. DPSST served Officer H with a Notice of Intent to Revoke Certifications, and he made an untimely request for a hearing. His certifications were revoked by default final order. Officer H's misconduct ended his 18-year career.

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

Officer I retired after an investigation revealed he had engaged in misconduct involving violations of agency policies related to unsatisfactory performance and untruthfulness. DPSST notified Officer I that his case would be reviewed by the Police Policy Committee

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(PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC found that Officer I's conduct involved Dishonesty, Gross Misconduct and Misconduct. Specifically, they found Officer I's dishonesty during the investigation and his negligence in handling his firearm off duty created a danger or risk to persons, property, and to the efficient operation of the agency. The PPC found that Officer I's misconduct rose to the level to warrant revocation of his certifications, with a lifetime ineligibility period. DPSST served Officer I with a Notice of Intent to Revoke Certifications and Officer I subsequently signed a Stipulation Voluntarily Relinquishing Certifications. Officer I's misconduct ended his 31-year career.

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

Fire Service Professional J applied for a Wildland Interface Firefighter certification. A criminal history check revealed that he had been convicted of Assault 3, a Class C felony. DPSST notified Fire Service Professional J that his case would be reviewed by the Fire Policy Committee (FPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. He did not provide a response. The FPC determined that Fire Service Professional J's conduct violated the core values of Professionalism and Justice, and recommended denial of his application until successful completion of his criminal probation. DPSST served Fire Service Professional J with a Notice of Intent to Deny Certification, and he did not request a hearing. The Board affirmed the committee's recommendation, and the Notice of Intent to Deny became final by default.

Fire Service Professional J's Wildland Interface Firefighter certification was Denied.

Fire Service Professional K applied for a Wildland Interface certification. A criminal history check revealed that he had been convicted of Unlawful Use of a Weapon, a Class A misdemeanor reduced from a Class C felony. DPSST notified Fire Service Professional K that his case would be reviewed by the Fire Policy Committee (FPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. He provided a response. The FPC determined that Fire Service Professional K's conduct violated the core value of Professionalism, and recommended denial of his application until successful completion of his criminal probation. DPSST served Fire Service Professional K with a Notice of Intent to Deny Certification, and he did not request a hearing. The Board affirmed the committee's recommendation, and the Notice of Intent to Deny became final by default.

Fire Service Professional K's Wildland Interface certification was Denied.

Ethics Bulletin Statistics for 2008-2013

Police:

- In 5 years (2009-13) BPSST decertified a total of 203 police officers (out of about 5500 police officers or roughly 4%)
- 94% male and 6% female, compared to about 90% male in the profession and 10% female
- The average level of experience of the decertified officers was 12.72 years

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- 67 (or roughly 1/3) were decertified for criminal conduct
- Roughly 2/3 were decertified for on-duty conduct; about 1/3 for off duty conduct.
- About half (100) were decertified for dishonesty (may have been among other things)
- Over 15% were decertified for sexual conduct (about same as corrections)
- 17% of those decertified were supervisors and above – unique to police (not true of other disciplines)

Corrections:

- In 5 years BPSST decertified a total of 198 corrections certified officers (out of roughly 4500 certified corrections officers or roughly 4%)
- It was roughly 70% male and 30% female- nearly the same ratio as males and females in the profession
- The average level of experience of the decertified officers was 9 years 2 months
- The split between Department of Corrections and local corrections was roughly 2/3 DOC and 1/3 local – about the same percentage as the number of corrections officers employed in each
- Roughly 2/3 were decertified for on-duty conduct; about 1/3 were decertified for off duty conduct
- About 45% were decertified for dishonesty
- Over ¼ involved improper activities with inmates

Telecommunications:

- 37 Telecommunicators decertified out of total of about 1000 certified telecommunicators (again about 4%)
- Average length of experience 8.67 years
- 2/3 female/1/3 male – roughly same as certified
- About 4 in 10 were decertified for dishonesty

Parole and Probation:

- 16 decertified
- Average length of experience 10 2/3 years
- Roughly 75/25% male/female

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