

OREGON DPSST
ETHICS BULLETIN

Volume No. 28



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 in **December 2005**.

Case 1

In 1988, Officer A was discharged for cause and his certifications were revoked based on a finding of untruthfulness. Officer A appealed to the Oregon Court of Appeals and after review, the Court of Appeals affirmed the finding. In late 2004, Officer A sought to have his certifications reinstated. However, during subsequent interviews with DPSST staff, Officer A was untruthful about whether he had disclosed his revoked status to an out-of-state police employer. Officer A's case was taken to the Police Policy Committee, which unanimously voted to deny his certifications based on Officer A's sustained pattern of untruthfulness, violating the established moral fitness standards for Oregon public safety officers. The Board reviewed the case and affirmed the Policy Committee's recommendation. Officer A was issued a Notice of Intent to Deny Certifications and did not make a timely request for a hearing. Officer A's conduct ended his 30-year career.

Officer A's Basic, Intermediate, & Advanced Police Certifications were Denied

Case 2

Officer B resigned after an internal investigation revealed that he had sex with a 20-year old Explorer in his patrol car while on duty. Officer B pleaded no contest to two counts of Official Misconduct in the First Degree. As a part of the plea negotiation, Officer B agreed to the revocation of his police certifications and to never work in law enforcement in the state of Oregon. Officer B's conduct ended his nearly 9-year career.

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

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Case 3

Officer C was discharged for cause after an internal investigation revealed that he was untruthful and insubordinate. In this case, when the employer told Officer C not to have contact with a particular female, or go to her apartment, while on duty, Officer C told the employer that he had never gone to her apartment. When the employer advised Officer C that there were pictures showing that he had, Officer C admitted he had gone there. Officer C was then give a direct and specific order not to have any future contact with the female while on duty. Within a few days, it was discovered that he was talking with her on the telephone, in the office on a taped line, and while on duty. Officer C's conduct ended his 2-year career.

Officer C's Basic and Intermediate Police Certifications were Revoked

Case 4

Officer D was discharged for cause after she repeatedly did not show up for her scheduled work assignment and repeatedly did not submit requests for leave prior to taking days off. Officer D refused to comply with her employer's policies and refused to be truthful about her absences. Officer D failed to appear during her pre-dismissal hearing. After DPSST issued a Notice of Intent to Revoke Certification, Officer D requested a hearing. DPSST, through the Oregon Department of Justice, filed a Motion for Ruling on Legal Issues (Summary Judgment) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought. The Motion was filed with the Administrative Law Judge and a copy was provided to Officer D. The Administrative Law Judge mailed Officer D a notice giving her an opportunity to file a response to DPSST's motion. Officer D did not file a response, and the Judge issued a Proposed Order revoking Officer D's Basic Corrections certification. Officer D did not file any exceptions and a Final Order revoking Officer D's certification was issued. Officer D's conduct ended her 3-year career.

Officer D's Basic Corrections Certification was Revoked

Case 5

Officer E was discharged for cause after an internal investigation revealed that he had used excessive force on an inmate and had failed to truthfully document the use of force. Officer E was mailed a Notice of Intent to Revoke and requested a hearing. Because Officer E's employment case was in arbitration, DPSST stayed the revocation case. Officer E's challenge to his discharge ended with a Court of Appeals decision which affirmed the employer's decision to discharge. DPSST offered Officer E the option to sign a Stipulated Order, or to proceed to hearing. Officer E voluntarily signed the Stipulated Order Revoking Certification. Officer E's conduct ended his 15-year career.

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

Case 6

Officer F was in a supervisory position. Officer F was discharged for cause after an internal investigation revealed that he forced a former officer to engage in sexual intercourse against her will and told her not to discuss the matter with anyone. Officer F also called in sick for another female officer so that she could stay at the bar and drink with him, although the female officer did not want Officer F to make the call. Officer F was issued a Notice of Intent to Revoke Certification and requested a hearing. DPSST, through the Oregon Department of Justice, filed a Motion for Ruling on Legal Issues (Summary Judgment) asserting that there

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was no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought. The Motion was filed with the Administrative Law Judge and a copy was provided to Officer F. The Administrative Law Judge mailed Officer F a notice giving him an opportunity to file a response to DPSST's motion. Officer F did not file a response and the Judge issued a Proposed Order revoking Officer F's Basic Corrections certification. Officer F did not file any exceptions and a Final Order revoking Officer F's certifications was issued. Officer F's conduct ended his 15-year career.

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

Case 7

Officer G resigned from his agency and was subsequently convicted of Rape in the Third Degree and Delivery of a Controlled Substance to a Minor in the First and Second Degrees. At printing time, Officer G is a wanted felon with a \$50,000.00 warrant for his arrest. Officer G was sent a Notice Of Intent To Revoke Certifications. He did not make a timely request for a hearing. Officer G's conduct ended his 1-year career.

Officer G's Basic Corrections Certification was Revoked

Case 8

Officer H received a notice of intent to discipline for violations of agency policies after repeatedly failing to qualify with the required firearms, an essential duty of her position. Officer H's failure to qualify was subsequent to repeated remedial efforts by her agency. Officer H, through her Association, and her employer, signed an agreement acknowledging that if Officer H did not resign, she would be terminated. She also signed a Stipulated Order Revoking Certifications. Officer H's inability to meet the minimum standards for her agency ended her 15-year career.

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

Case 9

Officer I was discharged for cause after an internal investigation revealed that he had engaged in unauthorized off-duty security work, that while doing so he acted outside the scope of his authority, and that in an avoidable situation, Officer I pointed a deadly weapon at a citizen without justification. When questioned by investigators Officer I then lied about his involvement and the facts surrounding the altercation. Officer F was issued a Notice of Intent to Revoke Certification and requested a hearing. DPSST, through the Oregon Department of Justice, filed a Motion for Ruling on Legal Issues (Summary Judgment) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal issue as to which a decision is sought. The Motion was filed with the Administrative Law Judge and a copy was provided to Officer I. The Administrative Law Judge mailed Officer I a notice giving her an opportunity to file a response to DPSST's motion. Officer I did not file a response and the Judge issued a Proposed Order revoking Officer I's Basic Corrections certification. Officer I did not file any exceptions and a Final Order revoking Officer I's certifications was issued. Officer I's conduct ended his 6-year career.

Officer I's Basic Corrections Certification was Revoked.

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Case 10

Officer J resigned after an investigation revealed that on numerous traffic stops, he induced female occupants to expose their breasts to him by accusing them of possibly hiding drugs in their bra. Officer J was notified that his case was being prepared to be heard at the Police Policy Committee for violation of the established moral fitness guidelines. Officer J was offered a Stipulated Order Revoking Certifications, which he voluntarily signed. Officer J's conduct ended his 7-year career.

Officer J's Basic Police Certification was Revoked.

Case 11

Officer K was discharged for cause after an internal investigation revealed that she had received two DUUI convictions and had not notified her employer. Additionally, Officer K operated an agency vehicle with knowledge that her driving privileges were suspended. When interviewed, Officer K was initially untruthful with investigators, and later told them the truth. Officer K was served with a Notice of Intent to Revoke Certifications. Officer K voluntarily signed a Stipulated Order Revoking Certifications. Officer K's conduct ended her 24-year career.

Officer K's Basic Parole and Probation Certification was Revoked

Case 12

Officer L resigned and was subsequently convicted of two counts of Official Misconduct, which were reduced to violations. Officer L used the Law Enforcement Data System (LEDS) for an unauthorized purpose. Officer L voluntarily signed a Stipulated Order Revoking Certifications. Officer L's conduct tarnished a 24-year career.

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

Case 13

Officer M was discharged for cause after an internal investigation revealed that he had stolen some tools from the institution where he worked. During the investigation, Officer M lied about his knowledge of where the tools were. When the tools were located and Officer M was told the tools were being submitted for fingerprint comparison, Officer M admitted to taking the tools. Officer M was charged with, and convicted of, Theft in the Second Degree. Officer M's conduct ended his 4-year career.

Officer M's Basic Corrections Certification was Revoked

Case 14

Officer N resigned during an internal investigation which revealed that he had molested an individual being detained. When this case was sent to the district attorney's office, the officer signed a Stipulated Order Revoking Certification as a part of a plea agreement. Officer N's conduct ended his 7-year career.

Officer N's basic Police Certification was Revoked

Case 15

Officer O was discharged for cause after repeated violations of agency policy and progressive discipline. Officer O voluntarily signed a Stipulated Order Revoking Certification. Officer O's conduct ended his 8-year career.

Officer O's Basic Police Certification was Revoked

*Next Ethics Bulletin: A review of "Police Officer Truthfulness and the Brady Decision"
For the complete article, go to the IACP website, "The Police Chief", vol. 70, no.10, October 2003*

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