

**OREGON DPSST**  
***ETHICS BULLETIN***  
**Volume No. 49**



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 have resulted in consideration of **revocation or denial** of certifications by DPSST in **September 2007**.

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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**September Statistics**

<b>Cases Opened</b>	<b>29</b>
<b>Cases Closed</b>	<b>26</b>
<b>Cases Pending</b>	<b>162</b>
<b>Of the 26 Cases Closed:</b>	
<b>Revoked</b>	<b>5</b>
<b>Denied</b>	<b>0</b>
<b>No Action</b>	<b>21</b>

**Case 1**

**Officer A** resigned and was subsequently convicted of Official Misconduct. Officer A developed a personal relationship with an inmate. This relationship then led to misconduct on which the conviction was based. Officer A voluntarily signed a Stipulated Order Revoking Certification. Officer A's misconduct ended his 9-year career.

**Officer A's Basic Corrections Certification was Revoked**

**Case 2**

**Officer B** was discharged for cause after an internal investigation revealed that she did not disclose that a former inmate and felon parolee was living at her residence and that she developed a personal relationship with the individual. Also, when Officer B became aware that a currently incarcerated inmate was having methamphetamine brought in, she did not disclose this information and when asked, refused to provide the name of the individual

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providing the drugs. Officer B was sent a Notice of Intent to Revoke Certifications and she did not make a timely request for a hearing. Officer B's conduct ended her 3-year career  
**Officer B's Basic Corrections Certification was Revoked**

### **Case 3**

**Officer C** resigned and voluntarily signed a Stipulated Order revoking his certifications. A number of years ago, Officer C seized a weapon from an individual during an investigation. Officer C did not enter the weapon into evidence or as safe keeping. Officer C eventually took the weapon home where he and his son used it for target practice. Ultimately, Officer C's wife committed suicide with the weapon and during the suicide investigation, Officer C lied to investigators about how he came to have the gun in his possession. Officer C's misconduct ended his 13-year career.

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

### **Case 4**

**Officer D** resigned and voluntarily signed a Stipulated Order revoking his certifications. Officer D was found guilty of Sexual Abuse in the Third Degree. Officer D engaged in an inappropriate relationship with a minor child. Officer D's misconduct ended his 11-year career.

**Officer D's Basic, Intermediate, Advanced and Supervisory Corrections Certifications, and his Basic, Intermediate, Advanced and Supervisory Police Certifications were Revoked.**

### **Case 5**

**Officer E** resigned and voluntarily signed a Stipulated Order revoking his certifications. Officer E pled guilty to Assault in the Fourth Degree, a crime involving domestic violence. Officer E removed the minor child of the victim, his girlfriend, to another room so that the child would not witness the assault, but the child returned when he heard his mother screaming. Officer E's misconduct ended his 26-year career.

**Officer E's Basic, Intermediate and Advanced Parole and Probation Certificates were Revoked.**

#### **Questions from our Readers:**

***In Ethics Bulletin #48, the denial and revocation administrative rules include "instructors." Is this a new addition to the rules?***

*No, instructors have been included in the public safety standards of conduct for quite a number of years.*

***In Ethics Bulletin #48, it includes insubordination. Does this mean that if I don't follow an instruction my employer can "discharge" me and my certification could be revoked?***

*Not necessarily. In order to fall within the category of misconduct that could lead to denial or revocation, misconduct must meet DPSS's definition, not simply the employer's definition. There are three elements to DPSS's definition of insubordination. The misconduct must meet each element for the State to pursue revocation action. The elements include:*

- *a refusal by a public safety professional or instructor to comply with a rule or order; and*
- *where the order was reasonably related to the orderly, efficient, or safe operation of the agency; and*
- *the public safety professional's, or instructor's, refusal to comply with the rule or order constitutes a substantial breach of that person's duties.*

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