

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 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 June through July 2003.

Case #1

Officer A was convicted of Encouraging Child Sexual Abuse in the Second Degree, three counts of Bribe Receiving, three counts of Supplying Contraband, and three counts of Official Misconduct. Officer A smuggled large amounts of tobacco into the prison and sold the contraband for cash. Officer A also possessed child pornography on his home computer. These convictions ended an 11-year career.

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

Case #2

Officer B applied for an Intermediate Certification but did not disclose his Assault 4 conviction and the application had an incorrect date of birth. Prior to this, Officer B had submitted his Basic Certification application with an incorrect date of birth, and did not disclose the Assault 4 conviction; therefore the conviction was not discovered until a name match search was conducted. This matter was reviewed by the Police Policy Committee who recommended revocation based on falsification and their recommendation was affirmed by the Board. The officer's conduct ended a 3-year career.

Officer B's Basic Police Certification was Revoked and his Intermediate Certification was Denied.

Case #3

Officer C was discharged for cause after an investigation revealed that he attempted to get a new officer to falsify a report. During the investigation Officer C lied about the event. The officer's conduct ended an 18-year career.

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

Case #4

Officer D was convicted of Assault in the Third Degree. Officer D was off-duty when he assaulted a citizen outside of a nightclub. This conviction ended a 2-year career.

Officer D's Basic Police Certification was Revoked.

Case #5

Officer E was discharged for cause when he was repeatedly neglectful in the performance of his duties. Officer E failed to perform scheduled cell checks and violated officer safety protocol by failing to carry or answer his radio. Officer E was found to be insubordinate when he repeatedly violated established protocols and in doing so placed himself, his co-workers, and inmates in unsafe conditions. The officer's conduct ended a 1-year career.

Officer E's Basic Corrections Certification was Revoked.

Case #6

Officer F resigned during an investigation in which it was alleged that she borrowed money from an inmate on two separate occasions. Revocation proceeded under the violation of **Moral Fitness** standards established by Oregon Administrative Rule. The officer's conduct ended a 5-year career.

Officer F's Basic Corrections Certification was Revoked.

Case #7

Officer G resigned after he was arrested for driving while intoxicated. Officer G crashed his vehicle into a police vehicle and three persons were injured. DUI is a discretionary disqualifying crime. This matter was reviewed by the Police Policy Committee who recommended revocation and their recommendation was affirmed by the Board. This conviction ended a 25-year career. **Officer G's Basic, Intermediate, Advanced, and Supervisory Police certificates were Revoked.**

Question from our Readers: What constitutes Moral Fitness?

Oregon Administrative Rule defines Moral Fitness in 259-008-0010(6) Moral Fitness (Moral Character). All law enforcement officers must be of good moral fitness as determined by a thorough background investigation.

(a) For purposes of this standard, lack of good moral fitness means conduct not restricted to those acts that reflect moral turpitude but rather extending to acts and conduct which would cause a reasonable person to have substantial doubts about the individual's honesty, fairness, respect for the rights of others, or for the laws of the state and/or the nation.

(b) The following are indicators of a lack of good moral fitness:

(A) Illegal conduct involving moral turpitude;

(B) Conduct involving dishonesty, fraud, deceit, or misrepresentation;

(C) Intentional deception or fraud or attempted deception or fraud in any application, examination, or other document for securing certification or eligibility for certification;

(D) Conduct that is prejudicial to the administration of justice;

(E) Conduct that adversely reflects on his or her fitness to perform as a law enforcement officer. Examples include but are not limited to: Intoxication while on duty, untruthfulness, unauthorized absences from duty not involving extenuating circumstances, or a history of personal habits off the job which would affect the officer's performance on the job which makes the officer both inefficient and otherwise unfit to render effective service because of the agency's and/or public's loss of confidence in the officer's ability to perform competently.

(c) If reliable evidence is received by the Board or Department that a law enforcement officer lacks good moral fitness, a rebuttable presumption will be raised that the law enforcement officer does not possess the requisite moral fitness to be a law enforcement officer. The burden shall be upon the law enforcement officer to prove good moral fitness.