

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 **April 2009**.

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.

April Statistics

Cases Opened	43	Of the 44 Cases Closed:	
Cases Closed	44	Revoked	09
Cases Pending	174	Denied	00
		No Action	35

Officer A was discharged for cause after an investigation by the FBI revealed allegations that Officer A participated in the sale of illegal narcotics, associated with known narcotics traffickers, provided law enforcement information to friends and/or family members, withheld information regarding the whereabouts of a wanted individual and loaned a firearm to an individual that subsequently used the firearm in a vehicle shooting. Officer A agreed to a polygraph administered by the FBI that showed he was truthful about denying involvement in illegal drug sales or use. However, it showed deception concerning his association with known drug dealers. As a result of the polygraph the United States Attorney's Office made a ruling that Officer A lacked credibility to testify and they would no longer accept cases that he was involved in. Officer A was issued a Notice of Intent to Revoke Certification. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certification. Officer A's misconduct ended his 8-year career.

Officer A's Basic Police Certification was Revoked.

Officer B was convicted of six counts of Use of a Child in Display of Sexually Explicit Conduct, a felony crime. Officer B was issued a Notice of Intent to Revoke Certifications. Officer B made a timely request for a hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal

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issues for which a decision is sought. Ultimately the ALJ granted the Motion and Affirmed DPSST's decision to revoke Officer B's certifications. DPSST issued a Final Order Revoking Certifications. Officer B's misconduct ended his 29-year career.

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

Officer C resigned and was subsequently convicted of two counts of Encouraging Child Sex Abuse and Attempt to Use Child in Display of Sexually Explicit Conduct. Officer C was issued a Notice of Intent to Revoke Certifications. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certifications. Officer C's misconduct ended his 5-year career.

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

On April 23, 2009, The Board on Public Safety Standards and Training met and reviewed cases which had previously been reviewed by the various Policy Committees. In the following cases, the Board upheld Policy Committee recommendations NOT to deny or revoke the officers' training or certification:

In **Officer D's** case, the Staff Report and associated documents were adopted as the record on which the determination was based. The conduct at issue was a 2002 DUUI and 2004 DWS. Both events occurred prior to Officer D entering public safety. Officer D had demonstrated changes in his lifestyle which included remaining alcohol-free and taking responsibility for his prior conduct, self-disclosing the events to his employer and making contributions to the community.

Officer D's Basic Police training and subsequent certification will not be denied.

In **Officer E's** case, the Staff Report and associated documents were adopted as the record on which the determination was based. The conduct at issue was a Criminal Mischief 2 conviction stemming from a DUUI incident in which property damage occurred as the result of a traffic collision. The Policy Committee determined that this was a single event in Officer E's 10-year career and that it did not involve untruthfulness. Officer E took responsibility for his conduct and made positive changes in his life which included signing a Last Chance Agreement with his employer outlining all parties' expectations and required accountability.

Officer E's Basic Police Certification was not revoked.

In **Officer F's** case, the Staff Report and associated documents were adopted as the record on which the determination was based. The conduct at issue was a 2006 Reckless Driving conviction stemming from a DUUI incident which occurred prior to Officer F entering public safety. The Policy Committee determined that Officer F was honest about the incident and he had not engaged in subsequent misconduct.

Officer F's Basic Police training and subsequent certification will not be denied.

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In **Officer G's** case, the Staff Report and associated documents were adopted as the record on which the determination was based. The conduct at issue was a 2001 Assault in the Fourth Degree conviction which occurred prior to Officer G entering public safety. The Policy Committee determined that Officer G's involvement was to a lesser degree than the other participants, that he fulfilled his court requirements and that he has demonstrated a stable and productive lifestyle and service in the fire discipline since this event. Also mitigating was the determination that crimes occurring prior to 2003, for fire service professionals, would not be considered for purposes of certification.

Officer G's Wildland Interface certification will not be denied.

Officer H was discharged for cause after an internal investigation revealed that he failed to be a role model as a lead worker and failed to maintain a work environment free from harassment. Officer H had also engaged in intimidation and coercing inmates during the investigation against him. Officer H grieved the discharge and ultimately an arbitrator reinstated Officer H. The arbitrator found that although the misconduct occurred, it did not warrant discharge; Officer H was reinstated and received a lesser discipline. Because the underlying misconduct was found to have occurred, this matter was prepared for the Corrections Policy Committee review to determine if Officer H had fallen below the minimum standards for an Oregon public safety officer. Prior to the case being heard by the Committee, Officer H was investigated for separate allegations of misconduct which involved sexual harassment of a civilian. After the investigation was completed, Officer H resigned prior to imposition of discipline. DPSST sought, and obtained a copy of the underlying investigation. Officer H was notified by DPSST that his case would be heard by the Corrections Policy Committee. As a routine matter, a Stipulated Order Revoking Certifications was included and Officer H voluntarily signed this Order. Officer H's misconduct ended his 17-year career.

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

Officer I resigned and was subsequently convicted of two counts of Menacing involving domestic violence. Officer I was issued a Notice of Intent to Revoke Certifications. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certifications. Officer I's misconduct ended his 5-year career.

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

Officer J was discharged for cause after his arrest for DUI and untruthfulness during the arrest. The DUI arrest violated an existing Last Chance Agreement that Officer J was on for reporting to work intoxicated. Officer J was issued a Notice of Intent to Revoke Certifications. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certifications. Officer J's misconduct ended his 13-year career.

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

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Officer K was convicted of Resisting Arrest in 2008. Officer K was issued a Notice of Intent to Revoke Certification. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certification. Officer K's misconduct ended his 8-year career.

Officer K's Basic Corrections Certification was Revoked.

Officer L was convicted of Fourth Degree Assault involving domestic violence in 2009. Officer L was issued a Notice of Intent to Revoke Certifications. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certifications. Officer L's misconduct ended his 9-year career.

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

Officer M was convicted of two counts of False Swearing-Perjury in 1999. Officer M was issued a Notice of Intent to Revoke Certification. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certification. Officer M's misconduct ended his 11-year career.

Officer M's Basic Police Certification was Revoked.

Officer N resigned after an internal investigation revealed that she had released information and evidentiary details to two offenders and interfered with a sex crimes investigation. Officer N was on a Last Chance Agreement for prior conduct which involved having a non-work related relationship with a criminal offender. Officer N was advised that her case would be heard before the Corrections Policy Committee and allowed an opportunity to provide mitigating circumstances for the committee's consideration. This matter was heard before the Corrections Policy Committee, which recommended her certification be revoked. The Board affirmed the Committee's recommendation. A Notice of Intent to Revoke Certification was issued and Officer N voluntarily signed a Stipulated Order Revoking Certification. Officer N's misconduct ended her 10-year career.

Officer N's Basic Parole and Probation Certificate was Revoked.