

OREGON DPSST
ETHICS BULLETIN
Volume No. 88



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 **February 2011**.

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.

February Statistics

Cases Opened	11	Of the 22 Cases Closed:	
Cases Closed	22	Revoked	10
Cases Pending	205	Denied	000
Reinstated	000	No Action	12

Fire Service Professional A was discharged for cause after an internal investigation revealed that he stole Fire Department property and attempted to sell it on Craigslist. Fire Service Professional A was served with a Notice of Intent to Revoke Certifications. Fire Service Professional A did not make a timely request for a hearing.

Fire Service Professional A's First Responder Operations and NFPA Fire Fighter I Certifications were Revoked.

Fire Service Professional B applied for Fire Certifications and as part of a routine records check it was determined that he had been convicted of Fourth Degree Assault, Possession of a Schedule II Substance and Second Degree Theft. DPSST notified Fire Service Professional B that his case would be reviewed by the Fire Policy Committee (FPC) and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. The FPC reviewed the matter and found that Fire Service Professional B's misconduct violated the core values of honesty, professionalism and justice. The FPC identified as aggravating circumstances the track record of criminal history, the element of domestic abuse and that he engaged in criminal activity after becoming a volunteer Firefighter. The FPC identified as a mitigating circumstance his letters of support. The FPC determined that Fire Service Professional B's conduct does rise to the level to warrant denial and revocation of his certifications and his initial minimum period of ineligibility to re-apply for certification will be three years. Fire Service Professional B was issued a Notice of Intent to Deny and Revoke. He did not make a timely request for a hearing.

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Fire Service Professional B's Basic Fire Fighter, Wildland Interface Fire Fighter, NFPA Driver, First Responder Operations, NFPA Fire Fighter I, NFPA Pumper Operator, NFPA Mobile Water Supply Operator and NFPA Wildland Fire Operator Certifications were Revoked and his Wildland Interface Engine Boss Certification was Denied.

Officer C was convicted of Possession of less than an ounce of Marijuana within 1000 ft of a school, a mandatory disqualifying misdemeanor. Officer C was served with a Notice of Intent to Revoke Certification. Officer C did not make a timely request for a hearing.

Officer C's Basic Corrections Certification was Revoked.

Officer D was discharged for cause after an internal investigation revealed Officer D was repeatedly untruthful, made disparaging remarks to citizens during a call and resisted enforcing a court order. Officer D was served with a Notice of Intent to Revoke Certification. Officer D made a timely request for a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings asserting there was no material fact at issue. The ALJ granted DPSST's Motion and issued a Proposed Order. Officer D did not file legal exceptions to the Proposed Order. DPSST filed a Final Order. Officer D's misconduct ended his 8-year career.

Officer D's Basic Police Certification was Revoked.

Telecommunicator E was discharged for cause after an internal investigation revealed that she had deliberately made false or misleading statements, failed to give suitable attention to the performance of her duties and falsified an official report. Officer E was served with a Notice of Intent to Revoke Certifications. Officer E did not make a timely request for a hearing. Officer E's misconduct ended her 5-year career.

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

Officer F was convicted of 101 counts of Encouraging Child Sex Abuse, Class C Felony crimes. Officer F was served with a Notice of Intent to Revoke Certifications. Officer F did not make a timely request for a hearing. Officer F's misconduct ended his 28-year career.

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

Officer G was convicted of Criminally Negligent Homicide and Failure to Perform the Duties of a Driver, Felony crimes. Officer G was served with a Notice of Intent to Revoke Certifications. Officer G did not make a timely request for a hearing. Officer G's misconduct ended his 21-year career.

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

Officer H was the subject of a criminal investigation for Official Misconduct and Public Indecency. Officer H resigned from his position as a police officer and voluntarily signed a Stipulated Order revoking certification. Officer H's misconduct ended his 3-year career.

Officer H's Basic Police Certification was Revoked.

Officer I was the subject of a criminal investigation after allegations were made that he had a sexual relationship with an individual he had supervised. Officer I was convicted of two counts of Custodial Sex Misconduct and one count of Official Misconduct. Officer I resigned from his position as a corrections officer and voluntarily signed a Stipulated Order revoking certification. Officer I's misconduct ended his 11-year career.

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Officer I's Basic Corrections Certification was Revoked.

Officer J was discharged for cause after an internal investigation revealed that Officer J had engaged in unprofessional off duty conduct, unsatisfactory performance and untruthfulness. Officer J was served with a Notice of Intent to Revoke Certifications. Officer J did not make a timely request for a hearing. Officer J's misconduct ended his 10-year career.

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

Oregon Supreme Court Action:

Ethics Bulletin 62-D cited the following case:

Officer D was discharged for cause after he had misrepresented facts in numerous affidavits for search warrants of private residences. The agency head had an outside agency conduct an internal investigation. This matter was also referred to the District Attorney who ultimately declined to use Officer D as a state's witness. Officer D grieved the discharge and through arbitration, Officer D was reinstated; the arbitrator found that the underlying misconduct had occurred but did not feel the misconduct warranted termination. DPSST presented this case to the Police Policy Committee which determined that Officer D's misconduct violated the established moral fitness standards and recommended revocation. The Board affirmed the Policy Committee's recommendation. DPSST issued a Notice of Intent to Revoke Certifications and Officer D made a timely request for a hearing. Additional acts of misconduct by Officer D were uncovered prior to the contested case hearing. Two instances had occurred prior to the misconduct involving affidavits. One occurred while officer D was on limited duty because he could not be used as a state's witness. In that instance, Officer D intervened in a traffic stop which resulted in the driver handing over a large amount of narcotics to him. When the primary officer asked what he was supposed to do with the discovered narcotics, Officer D told him to "pretend I wasn't here." The District Attorney declined to file felony charges against the suspect. A hearing was held before an Administrative Law Judge who subsequently issued a Proposed Order revoking Officer D's certifications. Officer D filed exceptions; after a review of the exceptions a Final Order was issued revoking Officer D's certifications. Officer D's misconduct ended his 19-year career.

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

Officer D made a petition for a judicial review with the Oregon Court of Appeals and on September 1, 2010, the court affirmed DPSST's action without opinion. Officer D filed a Petition for Review of the Court of Appeals decision with the Supreme Court. On February 3, 2011, the Oregon Supreme Court issued an Order Denying Petition for Review.

For additional details, reference *Ronald D. Lister v. Department of Public Safety Standards and Training, S058965*.