DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter of the Proposed Revocation of the Basic, Intermediate and Advanced Police Certifications Issued to:

JAPHETH ADAMS
DPSST #49285

NOTICE OF INTENT TO REVOKE CERTIFICATION AND PROPOSED/FINAL ORDER ON DEFAULT

No timely hearing requested.
Default Final Order effective: 2/1/2024
By: MC

TO: Japheth Adams
[redacted]

NATURE OF PROPOSED ACTION

The Department of Public Safety Standards and Training ("DPSST" or "Department") proposes to revoke your Basic, Intermediate and Advanced Police Certifications ("Public Safety Certifications") pursuant to its authority in Oregon Revised Statute ("ORS") 181A.410(1)(e) and ORS 181A.640(1)(c). The Department proposes revocation because you do not meet the minimum moral fitness standards required of a police officer pursuant to Oregon Administrative Rule ("OAR") 259-008-0010(5); and required of a public safety professional pursuant to OAR 259-008-0300(3)(a)(A), (B) and (C); and OAR 259-008-0300(3)(b)(C).

The Department's proposed revocation is based on the following:

FINDINGS OF FACT

1. You currently hold Basic, Intermediate and Advanced Police certifications.
2. On April 1, 2010, you were hired by the Mount Angel Police Department as a Police Officer.
3. On August 4, 2010, you signed the Criminal Justice Code of Ethics.
4. On October 20, 2015, you were hired by the Lebanon Police Department (LPD) as a Police Officer.
5. On September 26, 2018, you resigned your employment with the LPD following an investigation into a sexual relationship you initiated with a crime victim you had met while responding to a call for service involving domestic violence, your misuse of

LPD resources and your dishonesty during the investigation into your behavior.

6. The Department has determined that you lacked moral fitness pursuant to OAR 259-008-0300(3)(a)(A), (B) and (C) and proposes to revoke your public safety certifications.

ULTIMATE FINDINGS OF FACT

1. OAR 259-008-0010(5) requires all police officers meet moral fitness standards for public safety certification defined in OAR 259-008-0300.
2. The Department may revoke a public safety professional's certifications under OAR 259-008-0300(3)(b)(C) if it finds that the certified individual has engaged in misconduct as defined in OAR 259-008-0300(3)(a)(A), (B) and (C).
3. You have not met the moral fitness standards required of a public safety professional for the following reasons:
    a. Pursuant to OAR 259-008-0300(3)(a)(A), you have committed acts constituting dishonesty, defined as intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth. You intentionally mislead the investigation into your conduct when you indicated that you only used your personal cell phone and landline home phone to contact the victim, when in fact you had two cell phones that you used. This conduct is evidence of dishonesty and is a separate and sufficient basis to revoke your certification under OAR 259-008-0300(3)(a)(A).
    b. Pursuant to OAR 259-008-0300(3)(a)(B), you have committed acts constituting misuse of authority, defined as intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another. You admitted to misusing LPD resources to gauge the location of other on-duty LPD officers to avoid being seen at the victim's house. This conduct is evidence of misuse of authority and is a separate and sufficient basis to revoke your certification under OAR 259-008-0300(3)(a)(B).
    c. Pursuant to OAR 259-008-0300(3)(a)(C), you have committed acts constituting misconduct, which includes conduct that violates criminal laws or

Department of Public Safety Standards and Training
4190 Aumsville Hwy SE
Salem, Oregon 97317
503 378 2100

conduct that threatens or harms persons, property or the efficient operations of any agency. You threatened the efficient operation of the agency when you initiated a sexual relationship with the victim you met during a call for service involving domestic violence. This conduct is evidence of misconduct and is a separate and sufficient basis to revoke your certification under OAR 259-008-0300(3)(a)(C).

4. Pursuant to OAR 259-008-0310(10)(c)(A) there are aggravating circumstances present in your case: You initiated an inappropriate relationship with the victim of a crime almost immediately after the call for service; You misused your police terminal to intentionally hide your behavior; Your behavior was predatory in nature; You were dishonesty during an internal investigation conducted by another agency regarding allegations of similar behavior; and You lied when you said you only had one cell phone, when in fact you had two.
5. Pursuant to OAR 259-008-0310(10)(c)(B), there are no mitigating circumstances in your case.
6. Your conduct and subsequent separation from employment is substantially related to your fitness and ability to perform the duties of a certified police officer. Your behavior directly violated the Criminal Justice Code of Ethics and compromises the public's trust in the public safety profession. You engaged in dishonesty, you misused your authority as a police officer and you engaged in misconduct while employed as a public safety professional by initiating a sexual relationship with the victim of a crime, then lying to hide your behavior, which adversely reflects on the public safety profession. Your conduct has compromised your integrity and renders you ineffective to serve in public safety.
7. After review of the facts and weighing the identified aggravating and mitigating circumstances unique to this case the Department proposes that your public safety certification be revoked.

CONCLUSION OF LAW

Based on your conduct, you do not meet the requirement of good moral fitness required pursuant to 259-008-0010(5). You committed acts of dishonesty pursuant to OAR 259-008-0300(3)(a)(A) when you intentionally misled the investigation by claiming you only had one cell phone, when in fact you had two. You committed acts of misuse of authority pursuant to OAR 259-008-0300(3)(a)(B) when you used LPD resources to intentionally hide your behavior from co-workers. You committed acts of misconduct pursuant to OAR 259-008-0300(3)(a)(C) when you threatened the efficient operations of the LPD by engaging in a sexual relationship with the victim of a crime you met while on a call for service.

PROPOSED/FINAL ORDER

Japheth Adams' Basic, Intermediate and Advanced Police certifications are hereby REVOKED. Your ineligibility period during which you may not apply for any public safety professional certifications is life pursuant to OAR 259-008-0310(10)(d)(A).

NOTICE OF RIGHT TO A HEARING

You are entitled to a contested case hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and the administrative rules of the Department. Requests for hearings must be made in writing and must be filed with the Department no later than 20 days of the date of mailing this notice to you. To be effective, your request must be mailed to:

Marsha Morin
Department of Public Safety Standards and Training
4190 Aumsville Hwy SE
Salem, OR 97317

If you request a hearing, you will be notified of the time and place of the hearing and provided with a description of the hearing procedures, right of representation and other rights of parties related to the hearing in accordance with ORS 183.413(2), prior to the commencement of the hearing. At the hearing, you have the right to represent yourself or be represented by legal counsel. Legal aid organizations may be able to assist a party with limited financial resources.

Notice to Active Duty Service members. Active duty service members are entitled to stay these proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501. You may contact the Oregon State Bar toll-free at (800) 452-8260, the Oregon Military Department toll-free at (800) 511-6944, or the United States Armed Forces Legal Assistance Legal Services Locator via the web at: **Armed Forces Legal Assistance (AFLA)** or **legalassistance.law.af.mil** for assistance.

NOTICE OF FINAL ORDER AND APPEAL RIGHTS

If you fail to request a hearing within the time specified above, withdraw a hearing request, notify the Department or the administrative law judge that you will not appear, or fail to appear at a scheduled hearing, this Notice of Proposed Revocation of Certification and Proposed/Final Order automatically becomes a Final Order by Default effective upon Board affirmation. In the event of a default, the Department designates the file, including any materials you submitted that relate to this matter, as the record for purpose of proving a prima facie case.

You are entitled to judicial review of any final order issued in the matter of this Notice of Intent to Revoke Certification in accordance with ORS 183.482 or 183.484. You may request judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date of this order.

IT IS SO ORDERED THIS 1ST day of Dec. 2020.

Les Hallman, Acting Director
Department of Public Safety Standards and Training

Department of Public Safety Standards and Training
Memo

Date: January 28, 2021

To: Board on Public Safety Standards and Training

From: Linsay Hale, Professional Standards Division Director

Subject: Professional Standards Review/ Recommendation
Japheth Adams, DPSST No. 49285

Reason for Discretionary Review:

Japheth Adams resigned in lieu of termination from the Lebanon Police Department (LPD) on September 26, 2018. At the time of his resignation, Adams was under investigation for having a sexual relationship with a woman/victim he had met while responding to a call for service involving domestic violence.

Staff has determined that Adams' decision to initiate a relationship with the victim of a crime, his subsequent misuse of LPD resources and his dishonesty during the investigation into his behavior violates the Board's moral fitness standards.

Police Policy Committee Recommendation:

The Police Policy Committee (PPC), in a unanimous vote, recommended that the Board take **ACTION** against Japheth Adams' certification. The PPC further unanimously recommends Adams be ineligible to hold public safety certification for life.

The PPC considered the following aggravating and mitigating factors in making their decision.

- Aggravating:
  - Adams initiated a sexual relationship with a crime victim almost immediately after a call for service.
  - Adams misused his police terminal and intentionally hid his behavior.
  - Adams' behavior was predatory in nature.
  - Adams' dishonesty during an investigation into similar behavior while employed with another police agency.
  - Adams lied when he said he only had one phone, when in fact he had two.
- Mitigating:
  - None identified.

Information Used in Determination:

- PPC Staff Report, with exhibits.

Action Item:

Review and affirm the recommendation of the PPC.

Department of Public Safety Standards and Training
Memo

Date: November 19, 2020

To: Police Policy Committee

From: Linsay Hale, Professional Standards Division Director

Subject: Japheth Adams, DPSST No. 49285

Reason for Discretionary Review

Japheth Adams resigned in lieu of termination from the Lebanon Police Department (LPD) on September 26, 2018. At the time of his resignation, Adams was under investigation for having a sexual relationship with a woman/victim he had met while responding to a call for service involving domestic violence.

Staff has determined that Adams' decision to initiate a relationship with the victim of a crime, his subsequent misuse of LPD resources and his dishonesty during the investigation into his behavior violates the Board's moral fitness standards.

Material Events and Conduct	
On June 17, 2018, Adams was one of several LPD officers who responded to a call for service involving domestic violence. At the request of his supervisor, Adams went back to the victim's residence several hours later to conduct a welfare check. During this visit Adams gave the victim his personal cell phone number. Adams was later contacted by the victim, and ultimately engaged in a sexual relationship with her from June to August 24, 2018.	A3 p. 3-4
On August 27, 2018 LPD became aware of this relationship and opened an internal investigation.	A3 p. 1
During his interview, Adams denies ever engaging in sex while on duty, but admitted to stopping by the victim's house while on duty and using the LPD mobile data terminal (MDT) to gauge the location of other on-duty LPD officers to avoid being seen.	A3 p. 5-6

When asked by investigators how he contacted the victim, Adams indicated that he used his personal cell phone and landline home phone only. Later investigation and interviews with the victim indicate that Adams had two cell phones he used to contact the victim.	A3, p.6-7
Relevant Circumstances for Consideration	
Adams holds Basic, Intermediate and Advanced Police certifications.	A1
At the time of his resignation, Adams had over 10 years of experience as a police office in Oregon.	A1
During the interview Adams admitted to kissing another female he had met during a call for service while in uniform and on duty.	A3 p. 4-5
The investigation reveals that Adams had been under investigation for similar conduct while employed as a police officer with the Mt. Angel Police Department (MAPD). During the LPD investigation Adams admitted to an affair while employed with MAPD. LPD's interview with the Chief of MAPD confirmed Adams' blatant dishonesty during the previous investigation.	A3 p.6, 25
Exhibits Reference	
DPSST Public Safety Employee Profile Report	A1
F4s Personnel Action Separation Form	A2
LPD Investigation	A3

Committee Member Instructions:

Committee members shall review and discuss each record for moral fitness violations as defined by rule, including aggravating and mitigating circumstances and, upon adoption of the record, make a recommendation to the Board of *action* or *no action.*

By discussion, motion, and vote, the committee members shall take the following action(s):

- Following discussion, adopt the record or return to staff with instructions regarding the record.
- If the record is adopted, make a recommendation to the Board of *action* or *no action*.
- If board action is recommended, recommend the period of ineligibility.

Definitions and Standards (Abridged):

Moral Fitness Violations:

- Dishonesty - intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth
- Misuse of Authority - intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another
- Misconduct - conduct that violates criminal laws or conduct that threatens or harms persons, property or the efficient operations of any agency.

Aggravating and Mitigating Circumstances:

Aggravating and mitigating circumstances are conditions, factors, or actions that increase or decrease the total impact that the identified moral fitness violation has on the public safety professional's fitness for certification.

> *Aggravating circumstances* generally increase the severity of the impact the moral fitness violation has on fitness for certification and may, in addition to the moral fitness violation, be grounds to deny or revoke certification. Aggravating circumstances may increase the recommended ineligibility period. Circumstances that may be considered aggravating include, but are not limited to, the degree of the criminal disposition, prior criminal dispositions or misconduct, lack of accountability, number of persons involved in the underlying conduct, number of separate incidents, passage of time from date of incident or incidents, or any other circumstance the Department or the Policy Committee consider aggravating given the specific issues in the case.
>
> *Mitigating circumstances* do not excuse or justify the conduct, but generally decrease the severity of the impact the moral fitness violation has on fitness for certification and may decrease the recommended ineligibility period or result in no action Circumstances that may be considered mitigating include, but are not limited to, written letters of support, truthfulness, cooperation during the incident or investigation, or any other circumstance the Department or the Policy Committee consider mitigating given the specific issues in the case.

Ineligibility Periods:

The *ineligibility period* is the time that the public safety professional or applicant is ineligible to hold a DPSST certification or to apply for training or certification, based upon the moral fitness violation(s) and the aggravating and mitigating circumstances. If Board action is recommended, a single ineligibility period of three years to life, inclusive and concurrent of all violations, shall be recommended.

- *Misuse of Authority* and/or *Gross Misconduct*. If the committee recommends Board action for Misuse of Authority or Gross Misconduct, the committee must recommend an ineligibility period of three to ten years.
- *Dishonesty*. If the committee recommends Board action for Dishonesty, the committee must recommend an ineligibility period of three to ten years but may increase it to life.