

1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

2 STATE OF OREGON

3 In the Matter of the:

4 **Revocation of the Basic, Intermediate,
Advanced, and Supervisory Police
Certifications Issued to:**

5 **Jeffrey Keniston**
6 **Respondent**
DPSST No. 34239

**NOTICE OF PROPOSED REVOCATION OF
CERTIFICATIONS AND PROPOSED/FINAL
ORDER ON DEFAULT**

7
8 TO: Jeffrey Keniston
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11 The Department of Public Safety Standards and Training (Department or DPSST)
12 proposes to revoke Respondent’s Basic, Intermediate, Advanced, and Supervisory Police
13 Certifications pursuant to its authority in Oregon Revised Statute (ORS) 181A.410(1)(e), ORS
14 181A.630, and ORS 181A.640. The Department proposes revocation because Respondent does
15 not meet the moral fitness standards required of a public safety professional pursuant to Oregon
16 Administrative Rule (OAR) 259-008-0010(6), ORS 181A.640(2)(f)(F) and (5). The
17 Department’s proposed revocation is based on the following:

18 **FINDINGS OF FACT**

- 19 1. The Respondent Jeffrey Keniston (“Keniston” or “Respondent”) currently holds
20 Basic, Intermediate, Advanced, and Supervisory Police Certifications.
21 2. On June 14, 2004, Respondent was hired by the Salem Police Department (SPD) as a
22 Police Officer.
23 3. On October 29, 2001, Respondent signed a Criminal Justice Code of Ethics.
4. On December 8, 2022, Respondent was discharged for cause from employment with
the SPD for intentional conduct performed under the color of office for his personal
gain.

1 The Respondent gained an advantage by using his position as a domestic violence
2 officer and department issued equipment and resources to contact a domestic violence
3 victim he was assigned to follow up with for personal gain, which included sexual
4 contact.

5 The Respondent's discharge for cause was also for disregarding his duty to protect
6 vulnerable persons for his own personal interests, untruthfulness during the
7 investigations into his conduct, and a lack of integrity.

- 8 5. The Department has determined that Respondent violated moral fitness pursuant to
9 ORS 181A.640(2)(f)(F) and (5) and proposes to revoke Respondent's public safety
10 certifications.

11 **ULTIMATE FINDINGS OF FACT**

- 12 1. Pursuant to ORS 181A.410, the Board on Public Safety Standards and Training
13 ("Board"), established by rule reasonable minimum requirements of moral fitness for
14 public safety professionals. Pursuant to this authority, the Board and the policy
15 committees have adopted OAR 259-008-0010(6) requiring all public safety
16 professionals to meet the minimum moral fitness standards for certification as
17 established in the rule by the Board and the policy committees.

- 18 2. The Department is charged with implementing the moral fitness standards and must
19 propose to revoke a public safety professional's certifications when the public safety
20 professional has violated the moral fitness standards for certification defined in ORS
21 181A.640(2)(f) or (5).

- 22 3. Under ORS 181A.640(2)(f) the department shall revoke the certifications of a police
23 officer based upon finding that:

(f) The officer has been discharged for cause from employment as a police officer as
a result of intentional conduct performed under the color of office to:

(A) Obtain false confessions;

(B) Make false arrests;

1 (C) Create or use falsified evidence, including false testimony, or to destroy evidence
2 to create a false impression;

3 (D) Compel a person to abstain from doing, or to do, any act that the person has a
4 legal right to do or abstain from doing;

5 (E) Deprive, or attempt to deprive, another person or persons of their legal rights;

6 (F) Gain advantage for a public or private safety agency or for personal gain;

7 (G) Use force that was determined to be excessive or without justification;

8 (H) Engage in the abuse of lawful authority; or

9 (I) Engage in policing indicative of bias or discriminatory intent against an individual
10 based on the individual's real or perceived age, race, ethnicity, color, national origin,
11 language, sex, gender identity, sexual orientation, political affiliation, religion,
12 homelessness, or disability.

13 4. Under ORS 181A.640(5) the department shall revoke the certifications of any public
14 safety officer based upon finding that the public safety officer has been discharged for
15 cause from employment as a public safety officer.

16 5. The Respondent was discharged for cause from employment as a police officer as a
17 result of intentional conduct performed under the color of office. The Respondent
18 gained an advantage by using his position as a domestic violence officer and
19 department issued equipment and resources to contact a domestic violence victim he
20 was assigned to follow up with for personal gain, which included sexual contact. The
21 Respondent's conduct is evidence of the Respondent's failure to meet the moral
22 fitness standards in ORS 181A.640(2)(f)(F) which specifically provides that the
23 Department shall revoke certifications when a police officer has been discharged for
cause. Respondent's violation of ORS 181A.640(2)(f)(F), is a separate and sufficient
basis to revoke Respondent's public safety professional certification.

6. The Respondent was discharged for cause from employment as a public safety

1 officer. The Respondent used his position as a domestic violence police officer for
2 personal gain to have a relationship with a domestic violence victim. The
3 Respondent's discharge for cause was also for disregarding his duty to protect
4 vulnerable persons for his own personal interests, untruthfulness during the
5 investigations into his conduct, and a lack of integrity. The Respondent's conduct is
6 evidence of the Respondent's failure to meet the moral fitness standards in ORS
7 181A.640(5) which specifically provides that the Department shall revoke the
8 certifications of any public safety officer based upon a finding that the public safety
9 officer has been discharged for cause from employment as a public safety officer.
10 Respondent's violation of ORS 181A.640(5), is a separate and sufficient basis to
11 revoke Respondent's public safety professional certification.

12 7. Each of these grounds is a separate and distinct basis supporting a finding that the
13 public safety professional does not meet the moral fitness standards required by OAR
14 259-008-0010(6) and defined in ORS 181A.640(2)(f) and (5). The Department is not
15 required to prove that all grounds stated hereinabove, or violations exist to revoke
16 Respondent's public safety professional certifications.

17 8. The Respondent's discharge for cause is substantially related to Respondent's fitness
18 and ability to perform the duties of a certified Police officer. Respondent's conduct
19 directly violated the Criminal Justice Code of Ethics and compromised the public's
20 trust in the public safety profession. The Respondent used his position for personal
21 gain and engaged in a sexual relationship with a victim he was sworn to protect,
22 reflecting an extreme violation of trust, adversely reflecting on the public safety
23 profession. Respondent's conduct has compromised their integrity and renders them
ineffective to serve in public safety.

9. After review of the facts, the Department proposes that the Respondent's Basic,
Intermediate, Advanced, and Supervisory Police certifications be revoked.

CONCLUSION OF LAW

The Department must revoke a public safety professional's certifications if the public
safety professional does not meet the minimum requirement of good moral fitness required

1 pursuant to ORS 181A.410, ORS 181A.640, and OAR 259-008-0010(6). Based on Respondent's
2 conduct, the Respondent does not meet the minimum moral fitness standards in OAR 259-008-
3 0010(6), ORS 181A.640(2)(f)(F), or (5).

4 **PROPOSED/FINAL ORDER**

5 The Respondent's Basic, Intermediate, Advanced, and Supervisory Police Certifications are
6 hereby REVOKED. Respondent is prohibited from performing the duties of a certifiable public
7 safety professional and the Respondent is permanently ineligible for certification as a public
8 safety professional pursuant to OAR 259-008-0310(2).

9 **NOTICE OF RIGHT TO A** 10 **HEARING AND ISSUANCE OF** 11 **DEFAULT FINAL ORDER**

12 You are entitled to a contested case hearing as provided by the Administrative Procedures
13 Act (ORS Chapter 183) and the administrative rules of the Department. If you wish to receive a
14 hearing, you must file your request in writing with the Department no later than 20 (twenty) days
15 from the service date.

16 If this Notice was served to Respondent in person, the service date is the date Respondent
17 received this Notice. If the Notice was serviced through the mail, the service date is the date the
18 Notice was mailed, not the date Respondent received it.

19 Your request may be submitted by mail to the address below, by email to
20 melissa.lang@dpsst.oregon.gov, or by facsimile at 503-378-4600.

21 **Department of Public Safety Standards and Training**
22 **Melissa Lang-Bacho**
23 **4190 Aumsville Hwy, SE**
Salem, Oregon 97317

24 If a request for hearing is not received within 20 (twenty) days, your right to a hearing is
25 considered waived unless the failure to request a hearing was beyond Respondent's reasonable
26 control. For a hearing request that is mailed to be timely, it must be postmarked within 20 days
27 from the date of service of this Notice. If the hearing request is submitted by email or facsimile,
28 it must be received by the Department by 5:00 p.m. PT within 20 days from the date the Notice

1 is mailed. If you do not submit a timely request for a hearing, your right to a hearing shall be
2 considered waived.

3 You have the right to be represented by legal counsel. Legal aid organizations may be
4 able to assist a party with limited financial resources.

5 When the Department receives a request for a hearing, it will refer the matter to the
6 Office of Administrative Hearings which will designate the time and place for the hearing. You
7 will receive information on the procedure, right of representation and other rights of parties
8 relating to the conduct of the hearing before the commencement of the hearing. The hearing will
9 be conducted, according to the Administrative Procedure Act (ORS Chapter 83), Attorney
10 General's Rules of the Office of Administrative Hearings (OAR Chapter 137) and Department's
11 Administrative Rules (Chapter 259 Divisions 05 and 08).


12 If you fail to request a hearing within the time specified above, withdraw a hearing
13 request, notify the Department or the administrative law judge that you will not appear, or fail to
14 appear at a scheduled hearing, is deemed invalid under OAR 137-003-0550(4), this Notice of
15 Proposed Revocation of Certifications and Proposed/Final Order on Default automatically
16 becomes a Final Order by Default. In the event of a default, the Department designates the file,
17 including any materials you submitted that relate to this matter, as the record for purpose of
18 proving a prima facie case supporting its final order by default.

19 You are entitled to judicial review of any final order issued in the matter of this Notice of
20 Proposed Revocation of Certifications and Proposed/Final Order on Default in accordance with
21 ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in
22 Salem, Oregon, within 60 (sixty) days from the date of this order if it becomes a final order.

23 **Notice to Active-Duty Servicemembers.** 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.

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IT IS SO ORDERED THIS 31st day of August 2023.



Phil Castle, Director

1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

2 STATE OF OREGON

3 In the Matter of the Proposed

CERTIFICATE OF SERVICE

4 **Jeffrey Keniston**
5 **Respondent**
6 DPSST No. 34239

7
8 I certify that on the 6th day of September, 2023, I served the foregoing, *Notice*
9 *of Proposed Revocation of Certifications and Proposed/Final Order on Default* on the party
10 hereto by mailing, by regular mail, postage prepaid, and certified mail, return receipt requested,
11 true, exact, and full copies thereof to:

11 Jeffrey Keniston

12 
13 **Via Electronic Mail Only**

14 Salem Police Department
15 Trevor Womack – Chief of Police
16 TWomack@cityofsalem.net

17 Aumsville Police Department
18 Damian Flowers – Chief of Police
19 dflowers@aumsville.us

20 Department of Public Safety Standards & Training

21 By: 
22 _____
23 Melissa Lang-Bacho
Professional Standards Compliance Coordinator