

Board Approved

Department of Public Safety Standards and Training Memo

Date: July 22, 2021

To: Board on Public Safety Standards and Training

From: Melissa Lang, Professional Standards Case Manager

Subject: Professional Standards Review/Recommendation
Orrin Wallace (51611)

Reason for Discretionary Review:

On 1/10/20, Orrin Wallace resigned from the Coquille Police Department (CPD) as part of a settlement agreement. Wallace was untruthful during an investigation into his conduct surrounding his attempts to undermine the CPD and the City.

Staff has determined that Wallace's untruthfulness during investigations and conduct violates the Board's moral fitness standards.

Policy Committee Recommendation:

The Police Policy Committee (PPC), in an 11 to 2 vote, recommends that the Board take **NO ACTION** against Orrin Wallace's Certifications.

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

- Aggravating:
 - Wallace's behavior changed for the worse after he self-demoted from sergeant.
 - Wallace's statements during the phone call to the Budget Committee member were full of reckless misinformation.
 - Wallace stated during the phone call that he was going to make the Chief fail.
 - Wallace's attempts to undermine the CPD and the City negatively impacted the effectiveness of the department and marred the professional reputation of staff.
- Mitigating:
 - It was plausible that Wallace did not remember the phone call with the Budget Committee member because he was on prescription medications that could have affected his memory.
 - The agency had a culture of dysfunction.
 - Wallace had multiple roles – Union President and Police Officer, it is not clear under which role he was operating under when he called the Budget Committee member.
 - Wallace believed he did everything correctly with his workers' compensation claim.

Information Used in Determination:

- Transcript of the verbal mitigation.
- PPC Staff Report, with exhibits
- Recorded phone call between Wallace and the Budget Committee member
- Video of workers' compensation investigation.

Action Item:

Review and affirm the recommendation of the committee.

Department of Public Safety Standards and Training

Memo

Date: May 20, 2021

To: Police Policy Committee

From: Melissa Lang, Professional Standards Case Manager

Subject: Orrin Wallace, DPSST No. 51611

Reason for Discretionary Review

On 1/10/20, Orrin Wallace resigned from the Coquille Police Department (CPD) as part of a settlement agreement. Wallace was untruthful during an investigation into his conduct surrounding his attempts to undermine the CPD and the City.

Staff has determined that Wallace's untruthfulness during investigations and conduct violates the Board's moral fitness standards.

Material Events and Conduct

On 5/8/19, Wallace made a 50 minute phone call to a budget committee member for the city. The phone call was made to the business line of the budget committee member and was automatically recorded. During the conversation Wallace made efforts to negatively influence the budget approval process involving the police department. The budget committee member provided the recording to the CPD.

On 6/28/19, an investigation was opened into Wallace's conduct related to misuse of sick leave, falsification of injury claim, and insubordination and dishonesty.

On 8/8/19, Wallace was interviewed as part of the investigation into his conduct. As part of the interview, Wallace was questioned about the conversation he had with a budget committee member.

In the interview, Wallace provided inconsistent statements to those made to the budget committee manager in the recorded phone call:

- Wallace denied efforts to discredit the Chief, City Manager, Sergeant and other coworkers after being demoted.
- Wallace denied bringing up issues about lawsuits.
- Wallace denied knowing details about a new coworker's background investigation.
- Wallace denied stating that an officer barely knows how to investigate a theft.
- Wallace denied believing that an officer could not investigate herself out of a wet paper bag.

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- Wallace denied making a complaint to the budget committee member about how the police department and city were being managed.
 - Wallace stated he didn't think he raised an issue with an officer being under review with DPSST.
 - Wallace denied that he suggested to anyone that the chief should leave the department.
 - Wallace indicated that he did not raise questions about the city budget not being approved due to concerns about a sergeant being hired.
 - Wallace suggested that the budget committee member was bringing up issues that were not part of the conversation he had with him.

At the conclusion of the interview, the investigator reported to Wallace's attorney that Wallace had repeatedly made false statements and contradicted other statements he made in the recorded phone call with the budget committee member.

Following the interview with Wallace that uncovered inconsistent statements, another investigation was opened on 9/3/19 to review the statements Wallace made. Wallace was interviewed again and he maintained he did not recall any part of the conversation with the budget committee member indicating he had been on narcotic pain medication since February 2019. Further stating that after he learned of the recording he spoke to his doctor who indicated narcotic medication could affect memory. The doctor changed his medication at this time.

Relevant Circumstances for Consideration

Wallace obtained Basic, Intermediate and Advanced Police certification.

Wallace had been employed at various police agencies since 2010.

At the time of his separation, Wallace was also under investigation through the city's insurance into worker's compensation fraud. A city insurance investigator recorded Wallace completing strenuous tasks such as twisting his torso for a sustained period while backing up a vehicle, stooping and carrying brush doing yard cleanup, and building a fence.

Although there were reasons to not approve the worker's compensation claim, it ultimately was approved.

Wallace had received an overpayment on his paycheck. When asked to set up a withholding schedule to recoup the overpayment of funds from his paycheck, he authorized the city to take 1 cent per month from his check. The overpayment funds were never repaid.

In the initial investigation there were sustained allegations into insubordination and dishonesty.

Wallace had to be ordered to meet with the second investigator after two months of attempts by that investigator to schedule the meeting.

Wallace did not provide a letter or statement from his doctor indicating memory loss as a condition of the medication he was taking or confirming the date the medication was changed as a result of his questioning.

Exhibits Reference	
DPSST Employee Profile Report	A1
F4s Personnel Action Separation Form	A2
Investigation Opened 6/9/19	A3
Investigation Opened 9/3/19	A4
Investigation into Worker's Comp Fraud	A5
Notice of Termination	A6
Sick Leave Usage Letter	A7
Email Correspondence with Coquille Chief of Police	A8
Documentation Received from Orrin Wallace	A9

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 Misconduct.* If the committee recommends Board action for Misuse of Authority or 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.