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 October 2012.

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.

<table>
<thead>
<tr>
<th>October Statistics</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases Opened</td>
</tr>
<tr>
<td>Cases Closed</td>
</tr>
<tr>
<td>Cases Pending</td>
</tr>
<tr>
<td>Reinstated</td>
</tr>
<tr>
<td>Of the 30 Cases Closed:</td>
</tr>
<tr>
<td>Revoked</td>
</tr>
<tr>
<td>Denied</td>
</tr>
<tr>
<td>No Action</td>
</tr>
</tbody>
</table>

**Officer A** retired while under investigation for numerous agency policy violations related to unbecoming conduct, ethics, integrity, trust and morality and immoral conduct, among others. Officer A had been pursuing a relationship with a female friend who did not want the relationship, and was establishing relationships with other women while using a false identity and conducting much of this activity while on duty and with agency resources. DPSST notified Officer A that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. Officer A chose to sign a Stipulated Order Revoking Certifications which permanently revoked his certifications. Officer A’s misconduct ended his 28-year career. **Officer A’s Basic Corrections certification and Basic, Intermediate, Advanced, Supervisory, Management and Executive Police Certifications were Revoked.**

**Officer B** retired while under investigation that sustained numerous agency policy violations relating to failing to report for duty, feigning illness, insubordination and truthfulness, among others. Officer B had requested time off and when that wasn’t granted, took the time off and claimed to have been ill. He was found to have been untruthful during the investigation. DPSST notified Officer B that his conduct would be reviewed by the Corrections Policy Committee (CPC) and gave him the opportunity to provide mitigating circumstances for the committee’s consideration. Officer B denied any misconduct, but chose to sign a Stipulation
Voluntarily Relinquishing Certifications which permanently revoked his certifications. Officer B’s misconduct ended his 18-year career.

Officer B’s Basic, Intermediate and Advanced Corrections certifications were Revoked.

Officer C was convicted of his third DUII offense and then resigned during the agency’s investigation to determine if he would be able to remain employed. DPSST notified Officer C that his conduct would be reviewed by the Corrections Policy Committee (CPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. Officer C chose to sign a Stipulation Voluntarily Relinquishing Certifications which permanently revoked his certifications. Officer C’s misconduct ended his 7-year career.

Officer C’s Basic, Intermediate and Advanced Parole & Probation certifications were Revoked.

Officer D resigned pursuant to a settlement agreement in lieu of termination after an agency investigation stemming from his arrest for a domestic violence assault, a DUII arrest, and an arrest for violating his release agreement on the domestic assault charge. He had failed to timely notify his agency about the DUII arrest and failed to notify the agency at all about the arrest for violation of the release agreement. The domestic assault charge was later dismissed through a diversion program. DPSST notified Officer D that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. The PPC determined that Officer D’s conduct involved Dishonesty, Gross Misconduct and Misconduct. The PPC found as aggravating circumstances that Officer D did not submit to the breath test, denied his intoxication, and failed to take responsibility for his actions. The committee found no mitigating circumstances. The PPC determined that Officer D’s misconduct rose to the level to warrant revocation of his certifications, with a lifetime revocation for Dishonesty, ten years for Gross Misconduct, and seven years for Misconduct. DPSST served Officer D with a Notice of Intent to Revoke Certifications and he made a timely request for a hearing. Officer D subsequently chose to sign a Stipulation Voluntarily Relinquishing Certifications to terminate the proceedings. Officer D’s misconduct ended his 10-year career.

Officer D’s Basic and Intermediate Police certifications were Revoked.

Officer E resigned during an investigation that revealed an improper personal on-duty relationship with another employee, although it had ended long before. As soon as the investigation began, he signed a Stipulation Voluntarily Revoking Certifications which permanently revoked his certifications. Officer E’s misconduct ended his thirteen-year career.

Officer E’s Instructor certification and Basic, Intermediate, Advanced and Supervisory Police certifications were revoked.

Officer F resigned pursuant to a settlement agreement while under an investigation for allegations of numerous agency policy violations including disciplinary policy and discriminatory harassment. The allegations generally involved numerous negative interactions with agency employees over a period of several years. DPSST notified Officer F that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. Officer F chose to sign a Stipulation Voluntarily Relinquishing Certifications which permanently revoked his certifications. Officer F’s misconduct ended his 18-year career.
Officer F revoked his certifications. Officer F’s misconduct ended his 16-year career. Officer F’s Instructor certification and his Basic, Intermediate, Advanced and Supervisory Police certifications were Revoked.

Officer G resigned during an internal investigation involving in improper relationship with an inmate, official misconduct and untruthfulness. Prior to DPSST opening an investigation, Officer G chose to sign a Stipulation Voluntarily Relinquishing Certification which permanently revoked her certification. Officer G’s misconduct ended her five-year career. Officer G's Basic Corrections certification was Revoked.

Officer H was arrested for DUII and later convicted of the charge. He had a previous DUII diversion as well as older charges for Reckless Driving and Recklessly Endangering. DPSST also obtained information that Officer H had been involved in an off-duty physical altercation between two other individuals. DPSST notified Officer H that his conduct would be reviewed by the Corrections Policy Committee and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. Subsequent to this, Officer H was cited for Driving While Suspended, and failed to notify his employer. This was discovered when the citing officer notified the employer. Officer H provided a letter to the CPC in which he failed to mention the DWS citation, which had occurred just three days prior. He also claimed to have never been disciplined for any reason by his employer during his employment, and that he was not involved in the altercation but was only a witness, and claimed to have been in full compliance with his probation terms for the DUII. The CPC determined that Officer H’s conduct involved Dishonesty, Disregard for the Rights of Others, Gross Misconduct and Misconduct. The CPC determined that Officer H’s misconduct rose to the level to warrant revocation of his certification, with a lifetime revocation for Dishonesty, fifteen years for Disregard for the Rights of Others, ten years for Gross Misconduct and seven years for Misconduct. DPSST served Officer H with a Notice of Intent to Revoke Certifications, and he made a timely request for a hearing. After the hearing the Administrative Law Judge issued a proposed order in favor of DPSST based on Officer H’s second DUII, the subsequent DWS citation, and his dishonest reply to DPSST. The ALJ did not find that Officer H was dishonest about his involvement in the altercation, gave no weight to the old Reckless Driving, and little to the DUII diversion case except as part of a pattern of Officer H’s alcohol use. Officer H did not file exceptions to the proposed order, and DPSST issued a Final Order revoking Officer H’s certification. Officer H’s misconduct ended his five-year career. Officer H's Basic Corrections certification was Revoked.

Officer I, an agency head, resigned after the Oregon Government Standards and Practices Commission (now the Oregon Government Ethics Commission) made a preliminary finding that he had violated provisions of Government Standards and Practices law over a period of several years. The violations found involved Officer H’s claims for reimbursement for using his parent’s property for his agency’s SWAT training when there was no evidence that had ever occurred; for writing checks to family members out of a checking account that was in the name of an Explorer’s group but that Officer I claimed was a personal account; for selling personal and family-owned vehicles for what he claimed was fundraising for youth groups when very little of the receipts went to the youth groups but instead went back to the family members and for failing to notify the city manager about the conflicts of interest in selling the vehicles, which had been donated by the family members for the Explorer program; for using his position to use a city-owned back hoe to bury a euthanized horse, claiming it was an

PLEASE DISSEMINATE THIS INFORMATION TO ALL PUBLIC SAFETY OFFICERS

www.dpsst.state.or.us  503-378-6702 – October 2012 Ethics Bulletin  Page 3 of 7
emergency; and for taking department laptop computers home for his children to use, claiming that the purpose was for testing the computers. Officer I resolved the complaint with the Commission with payment of money that the Commission stated “does not constitute any admission of or finding of wrongdoing.” DPSST notified Officer I that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the Committee’s consideration. The PPC determined that Officer I’s conduct involved Dishonesty, Misuse of Authority and Misconduct. The PPC determined that Officer I’s conduct rose to the level to warrant revocation of his certifications, with a lifetime disqualifier for Dishonesty, ten years for Misuse of Authority and seven years for Misconduct. DPSST served Officer I with a Notice of Intent to Revoke Certifications, and he filed a timely request for a hearing. Prior to hearing the parties negotiated a resolution in which Officer I signed a Stipulation Voluntarily Relinquishing Certifications. Included with the Stipulation was a letter to be filed with it in which he denied all wrongdoing and was prepared to present refuting evidence had the case continued to hearing, but he was entering into the agreement since he had no desire to continue his law enforcement career in Oregon.

**Officer I’s Basic, Intermediate, Advanced, Supervisory, Management and Executive Police certifications were Revoked.**

Officer J resigned in lieu of termination after an internal investigation sustained violations of department policies regarding truthfulness, insubordination, abuse of sick leave, and the Law Enforcement Code of Ethics. The investigation determined that Officer J had failed to remain in contact with victims of a burglary about the progress of their case, had not properly followed up on the case, had not completed reports on several cases, had been untruthful about responding to a deputy district attorney’s request for information, and had improperly processed evidence in a case. Another investigation found that Officer J had called in sick for a night shift but had gone hunting the next morning during a time when he would have been on duty had he not called in sick. DPSST notified Officer J that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. The PPC found that there was not sufficient information to sustain any category of misconduct except Insubordination for failing to finish a report as directed by his supervisor. The committee found no aggravating circumstances, and found as mitigating that Officer J wrote a letter to the committee, and that both investigators in his case later had integrity issues themselves. The PPC determined that Officer J’s misconduct did not rise to the level to warrant revocation of his certifications, and the Board affirmed the committee’s recommendation. **Officer J’s Basic and Intermediate Police certifications remain in good standing.**

Telecommunicator K was convicted of DUII at a time when she was not employed in a certified public safety position, approximately a year after she had last worked in such a position. She contacted DPSST and asked what effect such a conviction would have on prospective employment. DPSST then obtained the arrest report and judgment, and advised Telecommunicator K that her case would be reviewed by the Telecommunications Policy Committee (TPC) and allowed her the opportunity to provide mitigating circumstances for the committee’s consideration. The TPC determined that Telecommunicator K’s conduct involved Disregard for the Rights of Others, Gross Misconduct and Misconduct. The committee identified as aggravating circumstances that Telecommunicator K’s blood-alcohol content was nearly three times the legal limit, and that she had consumed a prescription narcotic with the alcohol. Mitigating circumstances were that Telecommunicator K wrote a
letter to the TPC, took responsibility for her actions, had no previous trouble, was cooperative, followed through with her court obligations, and had no other trouble since the incident several years prior. The TPC determined that Telecommunicator K’s misconduct did not rise to the level to warrant revocation of her certifications, and the Board affirmed the committee’s recommendation.

Telecommunicator K’s Basic Telecommunicator and Basic Emergency Medical Dispatcher certifications remain in good standing.

Officer L had not been employed in public safety in Oregon for approximately 10 years when DPSST received information that he had recently been convicted of DUII from an arrest five years prior. DPSST obtained the information and learned that Officer L’s had just turned himself in on a warrant from the old arrest and then pled guilty to the charge. DPSST also learned then that Officer L had been convicted of DUII in 2004. DPSST notified Officer L that his conduct would be reviewed by the Corrections Policy Committee (CPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. The CPC determined that Officer L’s conduct involved Dishonesty, Gross Misconduct and Misconduct. The CPC determined that Officer L’s misconduct rose to the level to warrant revocation of his certification, with a lifetime disqualifier for Dishonesty, ten years for Gross Misconduct, and seven years for Misconduct. DPSST served Officer L with a Notice of Intent to Revoke Certifications. He failed to request a hearing and his certification was revoked by default.

Officer L’s Basic Corrections certification was Revoked.

Officer M was convicted of DUII after a guilty plea. He had a previous DUII that was dismissed pursuant to successful completion of a diversion program. DPSST notified Officer M that his conduct would be reviewed by the Corrections Policy Committee (CPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. The CPC determined that Officer M’s conduct involved Gross Misconduct and Misconduct. The committee found as aggravating circumstances that Officer M had high BAC levels in both cases. They found as mitigating circumstances that Officer M was a long-time employee with no discipline matters on his record other than the letter of reprimand for the second DUII, that he took responsibility for his conduct, wrote a letter to the committee and provided letters of support, that he showed good compliance with the court’s requirements, and appeared to have gotten his life back on track. The CPC determined that Officer M’s misconduct did not rise to the level to warrant revocation of his certifications, and the Board affirmed their recommendation.

Officer M’s Basic, Intermediate and Advanced Corrections certifications remain in good standing.

Officer N retired while under investigation for violations of agency policies regarding visually observing inmates under his supervision, properly accounting for the inmates, and properly documenting the accounting. Officer N was supervising a prison work crew in the community, and one of the crew got separated from the group and left behind when they returned to the prison. Officer N was unaware of it until the prisoner called in and requested to be picked up. DPSST notified Officer N that his conduct would be reviewed by the Corrections Policy Committee (CPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. The CPC determined that Officer N’s conduct involved Gross Misconduct and Misconduct for not counting his crew properly and
leaving the inmate at the worksite. The committee found as aggravating circumstances that Officer N was a long-time employee and was expected to properly count the inmates in his charge, and that his misconduct was an embarrassment to the agency. Mitigating circumstances were that Officer N had no prior discipline matters on his record, and that he may have been suffering from some medical and health issues. The CPS determined that Officer N’s misconduct did not rise to the level to warrant revocation of his certifications, and the Board affirmed the committee’s recommendation.

**Officer N’s Basic, Intermediate and Advanced Corrections Certifications remain in good standing.**

**Officer O** submitted an application for Advanced Certification on which he acknowledged a DUII conviction earlier that year. DPSST notified Officer O that his case would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. The PPC determined that Officer O’s conduct involved Gross Misconduct and Misconduct for committing the crime of DUII and creating a danger to persons and property. The committee found no aggravating circumstances, and mitigating circumstances were that Officer O was cooperative, compliant and timely took responsibility for his conduct. He also provided a letter to the PPC, and his agency head provided a letter in support that identified their active measures taken to hold Officer O accountable. The PPC determined that Officer O’s misconduct did not rise to the level to warrant revocation of his certifications or denial of his Advanced certifications, and the Board affirmed the committee’s recommendation.

**Officer O’s Basic and Intermediate Police certifications remain in good standing, and his application for Advanced certification was approved.**

**Officer P** resigned in lieu of termination after an internal investigation revealed he had violated agency policies of Professional Conduct, Competent Performance and Prohibited Conduct for cheating on a DRE training exam. DPSST notified Officer P that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. The PPC determined that Officer P’s conduct involved Misconduct because cheating on the DRE test violated the practices and standards generally followed in the Oregon public safety profession. The PPC identified no aggravating circumstances. Mitigating circumstances were the young age and short time the Officer P had been employed, that the DRE instructors would allow him to retake the test, that he was honest when confronted, and that the agency head reversed an initial finding of dishonesty in the internal investigation. The PPC determined that Officer P’s misconduct did not rise to the level to warrant revocation of his certification, and the Board affirmed the committee’s recommendation.

**Officer P’s Basic Police certification remains in good standing.**

**Officer Q** resigned in lieu of termination after an internal investigation revealed he had altered a doctor’s release to change the date for his return to work, and then did not show up for work for three more days. DPSST notified Officer Q that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. He provided a response. The PPC determined that Officer Q’s conduct involved Dishonesty and Misconduct. The PPC determined that Officer Q’s misconduct rose to the level to warrant revocation of his certifications, with an initial period of ineligibility of five years for Dishonesty and three years
for Misconduct. DPSST served Officer Q with a Notice of Intent to Revoke Certifications. He failed to request a hearing, and his certifications were revoked by default. Officer Q’s misconduct ended his 35-year career.

**Officer Q’s Basic, Intermediate, Advanced and Supervisory Police certifications were Revoked.**

**Officer R** was discharged for cause after an internal investigation found he had been untruthful regarding missing an agency training class and untruthful in the investigation. DPSST served Officer R with a Notice of Intent to Revoke Certification. Officer R challenged his termination and was reinstated after a hearing. DPSST withdrew the Notice of Intent to Revoke and notified Officer R that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee’s consideration. Officer R submitted a response, with letters of support. The PPC determined that Officer R’s conduct involved no misconduct and recommended that his certification not be revoked. After the PPC’s decision, the agency head requested a second review and submitted additional documents. The additional documentation claimed that Officer R would be subject to Brady challenges as a necessary witness in court, and that Officer R had claimed that the agency head had threatened the employment of a fellow officer to keep that officer from providing a letter of support for Officer R. DPSST obtained more documentation from the agency and from Officer R, and submitted the case to the PPC at a later meeting. The PPC reviewed the matter and again found no misconduct, determined that the additional information did not change their original recommendation, and affirmed their previous recommendation to not revoke Officer R’s certification. The Board affirmed the PPC’s recommendation.

**Officer R’s Basic Police certification remains in good standing.**

**Officer S** was arrested on a charge of Assault IV involving domestic violence. He entered into a diversion program, one condition of which was that he surrenders his DPSST certification. After entry into the diversion program, Officer S resigned from his agency and signed a Stipulated Order Revoking Certification. Officer S’ misconduct ended his eight-year career.

**Officer S’ Basic Police certification was Revoked.**

**Officer T** resigned from his position as a corrections officer and was subsequently convicted of First Degree Official Misconduct. As part of a plea agreement with District Attorney’s Office Officer in the criminal matter Officer T agreed to a Stipulated Order Revoking his certifications. Officer T’s Misconduct ended his 31-year career.

**Officer T's Basic, Intermediate and Advanced Corrections Certifications are Revoked.**