STATISTICS:

Currently Certified Law Enforcement in Oregon:

- Police 5384
- Corrections 4116
- Tele/EMD 888/850
- P & P 611
- OLCC 29

Professional Standards Cases Opened: 17

Mandatory Disqualifiers
- Police 3
- Corrections 4
- Tele/EMD 1
- P & P 0

Discretionary Disqualifiers
- Police 4
- Corrections 4
- Tele/EMD 0
- P & P 1

Professional Standards Cases Pending as of May 31: 137

Mandatory Disqualifiers
- Police 23
- Corrections 18
- Tele/EMD 03
- P & P 04

Discretionary Disqualifiers
- Police 45
- Corrections 32
- Tele/EMD 10
- P & P 02

Cases Closed: 8
- Revoked 3
- Denied 0
- No Action 5

To increase the public's trust, the Oregon legislature has mandated the Board on Public Safety Standards and Training establish minimum standards that are required to be met and maintained by Oregon's providers of public safety, including police officers, corrections officers, parole and probation officers, telecommunicators (9-1-1), emergency medical dispatchers, public safety instructors and OLCC regulatory specialists. The Department of Public Safety Standards and Training is responsible for certifying public safety professionals who meet all of the Board-established standards, and for denying or revoking the certification of those who do not meet or fall below the standards.

In addition to physical and intellectual standards, the Board has adopted minimum standards of moral fitness. Public safety professionals and applicants for public safety positions who have been convicted of a crime or have engaged in behavior that is deemed to fall below the minimum standards are subject to review as prescribed in Oregon Administrative Rule 259-008-0070. The sole purpose of this review is to determine if the Board's standards of moral fitness have been violated and if proceeding to deny or revoke public safety certification should be initiated. The review specifically looks for behavior that appears to involve dishonesty, disregard for the rights of others, misuse of authority, gross misconduct, misconduct, insubordination and incompetence.

The Professional Standards Ethics Bulletin has been developed as an educational tool aimed at providing insight and transparency into situations involving public safety professionals that may violate the Board's standard of moral fitness. The bulletin details the conduct and the resulting DPSST action. The names and agencies of the individuals in this report have been omitted to ensure focus remains on the behavior.

Questions about these incidents or about DPSST's processes and procedures can be directed to DPSST: (503) 378-2100 or oregon.dpsst@state.or.us.

The following cases have resulted in consideration of revocation or denial of certifications by DPSST in May, 2016.
**Officer A** received an oral reprimand after an internal investigation revealed that he had provided a prescription drug to a prisoner against agency policy. Additionally, in the complaint, allegations were made that the female prisoner was having an on-going sexual relationship with Officer A. The agency determined that the sexual relationship was unfounded. Months after the investigation, allegations and rumors continued resulting in Officer A reporting to his agency that he had engaged in a sexual relationship with the inmate after she was released and was dishonest regarding his conduct during the internal investigation. Officer A signed a Stipulated Order Voluntarily Relinquishing his police certifications. Officer A's Misconduct ended his 14-year career.

**Officer A's Basic, Intermediate and Advanced Police certifications are Revoked.**

**Officer B** retired in 2015 shortly after her arrest for First Degree Theft and First Degree Animal Abuse. Officer B was subsequently convicted of First Degree Animal Abuse, a misdemeanor crime identified as a mandatory disqualifier for certification. Officer B was issued a Notice of Intent to Revoke and failed to request a hearing resulting in a Default Final Order. Officer B worked as a corrections officer for 15-years prior to her retirement and conviction.

**Officer B's Basic Corrections certifications is Revoked.**

**Officer C** retired during an investigation into his off duty conduct. The agency asked for a criminal investigation after hearing allegations that Officer C went on a trip to the casino and was consuming alcohol and subsequently crashed his vehicle on his way home. A criminal investigation and an internal affairs investigation were conducted. Officer C was notified that the conduct surrounding his retirement requires review by the Police Policy Committee (PPC). The committee found that Officer C's conduct involved Dishonesty when he was questioned about the damage to his vehicle and he said it wasn't necessary to report it and that he replaced the bumper for $175, but when asked about the receipt for the bumper Officer C said he had not fixed his car. Officer C told the investigator that he was not required to file a report on the accident because the damage was not significant enough, but he told someone shortly after the accident that his car was totaled or not fixable.

Officer C told the media that his car cost $950 to repair, contradicting his other statement of $175 for repairs and the statement about the car being totaled. When Officer C was questioned about having talked in front of the group on the bus, he claimed he could not remember if it did happen, even though he stated he was not intoxicated and he was able to remember how many drinks he had that night. Officer C also had the presence of mind to call a tow truck after his accident, but could not remember speaking in front of the group on the bus. Officer C also minimized how much he had to drink that night, contrary to other witness accounts. In his statement to the media, he said he had only a few drinks over a five-hour period, but in the investigative interview Officer C said he had more drinks than what he told the media. Officer C's conduct did not involve Disregard for the Rights of Others, Misuse of Authority or Insubordination. Officer C's conduct involved Gross Misconduct and Misconduct. Officer C was driving under the influence of intoxicants by a preponderance of the evidence, and wrecked his vehicle. Officer C admitted drinking alcohol and driving, and he did not report the accident. Also, several people he had been with, including police / 911 dispatchers and former bartenders said Officer C was too intoxicated to drive. Officer C told them he was not going to drive but sleep in his car, so he recognized that he had too much to drink. But shortly after telling them this, Officer C drove and wrecked his car. These acts created a danger or risk to persons or property and are recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in a similar circumstance. These acts also violated the law and the practices and standards generally followed in the Oregon public safety profession. The PPC found as aggravating circumstances that Officer C claimed that his conduct was not driving under the influence of intoxicants and that the matter was harassment by the Sheriff. The Committee found that the Sheriff did the right thing by forwarding the information to an outside agency for investigation. Officer C's vocalness in using television and other media to try to sway the case his way was also found to be aggravating and disrespectful. The manner in which he handled the case also went against policies and procedures that most agencies have adopted. The committee found no mitigating factors. In a unanimous vote the PPC determined that Officer C's misconduct rises to the level to warrant revocation of his certifications and recommends to the Board the same. In a unanimous vote the PPC determined that Officer C's misconduct
warrants a revocation of his certifications for an initial period of ineligibility of the maximum in each category: for Dishonesty, lifetime; for Gross Misconduct, ten years; and for Misconduct, seven years. Officer C was issued a Notice of Intent to Revoke and he requested a hearing. An in person hearing was held at DPSST by the Office of Administrative Hearings. During the hearing, Officer C admitted, while under oath, that he had been untruthful during the internal investigation when he told the investigator that he did not remember things that, in truth, he had remembered. He testified that he did that because he was frustrated that the investigation was politically motivated. The Administrative Law Judge (ALJ) issued a Proposed Order in the case. The ALJ determined that DPSST had failed to prove any of its allegations contained in the Notice of Intent to Revoke. The ALJ acknowledged that Officer C admitted at hearing that he was deceptive during the original investigation, but that the matters to which Officer C admitted to being deceptive about were not addressed in the Notice of Intent to Revoke. The ALJ’s review was limited to the facts set out in the Notice, therefore he could not rule on the matters about which Officer C admitted to being dishonest. As to the instances of alleged dishonesty that were in the Notice, the ALJ found that DPSST had not proven that Officer C was dishonest in those. DPSST issued a Final Order adopting the ALJ’s Proposed Order in the original case. DPSST issued a new case for the PPC’s review regarding the instances of dishonesty in the interview in the original case that came to light later, during the hearing. The Committee determined that Officer C’s conduct involved Dishonesty. During the agency’s internal investigation, Officer C answered the investigator that he did not remember what casino games he played, whether he bought his drinks at the bar or at another place in the casino, how many drinks he had to drink while there, and what he talked to his daughter about. During the hearing in the original case, Officer C testified that those answers were not truthful. He said he gave those answers because he was frustrated and felt that the investigation was politically motivated. The ALJ hearing the case noted in his proposed order that Officer C had admitted his dishonesty. Officer C further testified at the hearing that the reason he called his wife on the way back from the casino was because it was their anniversary, and that he called his daughter to check whether she knew if his wife was ok about him going to the casino on their anniversary, since he knew his wife might not have admitted it directly to him if she was upset. During the interview Officer C said only that he called his wife to let her know he was on his way home, and to just chat. He said he did not remember what he talked to his daughter about. The Committee determined by unanimous vote that this conduct rises to the level to warrant revocation of Officer C’s certifications. The PPC found no aggravating or mitigating circumstances in this case. The PPC recommended revocation of Officer C’s certifications to the Board with a lifetime ineligibility for Dishonesty. Officer C was issued a Notice of Intent to Revoke and he requested a hearing. A contested case hearing was scheduled, however prior to the hearing Officer C and DPSST filed Motions for Summary Determinations, with responses and replies, asserting that there were no genuine issues as to any material facts in the case. The ALJ issued a Ruling on Motions for Summary Determination and Proposed Order in this case. The PPC met and recommended to the Board that the Proposed Order issued by the ALJ be amended. DPSST issued an Amended Rulings on Motions for Summary Determination and Proposed Order to Officer C after Board approval. Officer C through his attorney filed legal Exceptions to the Amended Rulings on Motions for Summary Determination and Proposed Order. DPSST reviewed Officer C’s Exceptions and determined that no changes would be made to the Amended Rulings on Motions for Summary Determination and Proposed Order based upon those Exceptions. A Final Order was issued revoking Officer C’s certifications. Officer C’s misconduct ended his 30-year career.

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

**Telecommunicator D** submitted an Application for Training in which she acknowledged being convicted of a DUI in the state of Washington. Telecommunicator D was advised that her criminal conviction would require review by the Telecommunicator Policy Committee (TPC). The TPC met and recommended to the Board that Telecommunicator D’s application for training not be denied. Telecommunicator D’s conduct involved Gross Misconduct and Misconduct. The Committee found that Telecommunicator D violated the law when she committed the crime of DUII. DUII is a presumed Category IV based on the elements of the crime. The TPC found as mitigating circumstances the efforts shown from Telecommunicator D after the situation shows that she made a positive effort to move on. Also, the comments from fellow workers on her behalf would be considered in Telecommunicator D’s favor. Also mitigating is the fact that the agency had to complete background investigation before hiring Telecommunicator D was employed despite the old conviction. After
considering the totality of the circumstances the TPC voted unanimously, less one abstention that Telecommunicator D’s conduct does not rise to the level to warrant denial of her application for training and recommended to the Board the same. 

Telecommunicator D’s Application for Training was approved.