Professional Standards
Ethics Bulletin
Criminal Justice

STATISTICS:

Currently Certified Law Enforcement in Oregon:
- Police: 5374
- Corrections: 4105
- Tele/EMD: 906/862
- P & P: 609
- OLCC: 31

Professional Standards Cases Opened: 29
- Police: 13
- Corrections: 14
- Tele/EMD: 0
- P & P: 1
- OLCC: 1

Professional Standards Cases Pending as of July 31: 135

Mandatory Disqualifiers
- Police: 22
- Corrections: 13
- Tele/EMD: 02
- P & P: 03

Discretionary Disqualifiers
- Police: 47
- Corrections: 39
- Tele/EMD: 08
- OLCC: 01

Cases Closed: 22
- Revoked: 5
- No Revoke: 2
- NoDeny: 1
- No Action: 14

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 July, 2016.
**Officer A** was hired as a police officer and submitted an F5, Application for Training. Officer A self-disclosed a conviction of *Operating while Intoxicated* in the state of Iowa. Officer A was notified that his case would be reviewed by the Police Policy Committee (PPC) and he was given an opportunity to provide mitigation. The PPC met and recommended to the Board not deny Officer A’s Application for Training and subsequent certification. The PPC considered the following factors in making their recommendation:

- Officer A’s conduct involved Misconduct; Officer A violated the law when he drove under the influence of intoxicants.
- Officer A’s conduct involved Gross Misconduct; DUII is a presumed Category IV-Gross Misconduct crime based on the elements of the offense, DUII creates a danger or risk to person and property.

**The PPC found aggravating circumstances:***

- Officer A’s alleged alcohol consumption did not match based on his BAC.
- Officer A was involved in an accident and left the scene, although he eventually returned.

**The PPC found mitigating circumstances:***

- Officer A self-reported the conviction, followed through with all requirements and has had no subsequent criminal history.
- Officer A was not a police officer at the time of the criminal conduct.

The Board approved the recommendation of the PPC. **Officer A’s Application for Training was Approved.**

**Officer B** submitted an F-7, Application for Certification, for Intermediate Corrections certification, and self-reported a 2010 DUII conviction. In this case the Circuit Court had issued a Judgment of Revocation/Violation based Officer B’s admission to consuming alcohol while on probation; this resulted in his probation being extended and he had to comply with additional court requirements. Officer B was notified that the Corrections Policy Committee (CPC) would review his case and he was given an opportunity to provide mitigation. The CPC met and recommended to the Board that Officer B’s Basic Corrections certification not be revoked and his application for Intermediate Corrections certification not be denied. The CPC considered the following factors in making their recommendation:

- Officer B’s conduct involved Misconduct; Officer B violated the law when he committed the crime of DUII and subsequently violated his probation.
- Officer B’s conduct involved Gross Misconduct; DUII is a presumed Category IV based on the elements of the crime. Officer B drove under the influence of intoxicants, thereby creating a danger or risk to persons and property.

**The CPC found aggravating circumstances:***

- Officer B was on probation with alcohol restrictions when he again consumed alcohol.
- Officer B’s BAC during his first DUII was 0.19, which is considered a high level.
- An Oregon Ignition Interlock device report showed that Officer B tried to start his vehicle six different times and each time he failed the breath test. Later, Officer B’s interlock device had two additional breath test failures for high BAC readings.
- Officer B’s letter of mitigation to the CPC did not coincide with the evidence in the record; he asserted he tried to start his car in the morning however records showed it was during the evening.
- During the initial DUII traffic stop, Officer B was asked on two occasions if he had consumed any alcohol and he responded, “No” each time.

**The CPC found mitigating circumstances:***

- During the booking process, Officer B used his phone call to self-report the arrest to his employer.
- The employer issued a letter of reprimand from his employer.
- Officer B had some mental health issues for which he needed more treatment than he received.
• Comments Officer B made to officers were mitigated by his level of intoxication.
• It has been four years since his conviction and he had no further criminal conduct.
• Officer B complied with his court requirement and re-enrolled in treatment.

The Board approved the recommendation of the CPC and Officer B’s Application for Certification was Approved. **Officer B retains his Basic Corrections certification and his Application for Certification is Approved.**

**Officer C** was arrested for *Recklessly Endangering Another Person* and subsequently convicted. Officer C was notified that his case would be reviewed by the Corrections Policy Committee (CPC) and he was given an opportunity to provide mitigation. The CPC met and recommended to the Board that Officer C’s Basic and Intermediate Corrections certifications not be revoked. The CPC considered the following factors in making their recommendation:

- Officer C’s conduct involved Misconduct; Officer C violated the law when he committed this crime.
- Officer C’s conduct involved Gross Misconduct; this crime is presumed a Category IV based on the elements of the crime, his conduct created a danger or risk to persons and property.

**The CPC found aggravating circumstances:**
- Officer C had completed a diversion program for an earlier conviction for DUII that involved a motor vehicle accident.

**The CPC found as mitigating:**
- Officer C took responsibility and did not place the blame on others.
- Officer C’s letter of mitigation provided good background information regarding how he ended up in this situation and what steps he has taken to become healthy.
- Officer C complied with all court requirements and was able to provide multiple letters of support.

The Board approved the recommendation of the CPC and Officer C retains his certifications. **Officer C’s Basic and Intermediate Corrections certifications remain in good standing.**

**Officer D** had not worked in public safety since 2011 when he was employed as a police officer for three years. DPSST opened a case after being notified of Officer D’s arrest for DUII. Officer D was subsequently convicted and DPSST notified him that his conviction required review by the Police Policy Committee (PPC). Officer D requested to voluntarily relinquish his certifications, therefore terminating the review of his conduct surrounding his conviction. Officer D signed a Stipulation Voluntarily Relinquishing his certifications. **Officer D’s Basic and Intermediate Police certifications are Revoked.**

**Officer E** was convicted of *Use Tag of Another, Attempt To Take Trophy Mule Deer in Closed Season* and *Attempt to take Simulated Wildlife* in the state of Idaho. Officer E was notified that his case would be reviewed by the Police Policy Committee (PPC) and he was given an opportunity to provide mitigation. With the exception of one member’s recusal, the PPC voted to revoke Officer E’s certifications. The PPC considered the following factors in making their recommendation:

- Officer E’s conduct involved Misconduct; he violated the law when he was convicted of these three crimes and when he had an open container of alcohol in his vehicle.
- Officer E’s conduct involved Gross Misconduct; based on his criminal history he has repeatedly engaged in alcohol-related conduct that resulted in criminal convictions. This repeat criminal conduct creates a risk to the efficient operation of the agency by creating distrust within the community regarding Officer E’s ability to effectively uphold the laws of this state.
- Officer E’s conduct involved Dishonesty; he engaged in dishonesty by omission and deception based on his statements to Idaho Conservation Officers. When asked for his deer tag Officer E stated that he didn’t have the tag on him. However, after being told that it was unlawful to fail to produce a license or tag
upon request, Officer E presented officers with a deer tag issued to his friend. The deer tag had a proxy statement filled out but it was missing was the kill date and animal information needed for transport. Arresting officers found that based on their training and experience, the only reason to fill out a proxy statement prior to killing an animal is to premeditatedly and intentionally use the tag of another person.

The PPC found aggravating circumstances:

- Officer E’s statements to officers demonstrated he was aware of the misconduct he was engaging in when he stated, “I knew it”, “I always wondered how people got caught”, “Actually, you know what, I have my buddies tag, so I’m really screwed”, “I don’t want to get him in trouble, I’m going to lose my job and everything else.”
- This is Officer E’s third incident that has come before the committee, and during this situation, he engaged in pre-meditated behavior and intentionally took steps to commit a crime.
- One of Officer E’s statements in his letter was particularly offensive when he attempted to make excuses by stating, “I was raised with a lack of respect for fish and game laws and in an environment that romanticized not following the rules.” The PPC determined that as a police officer, Officer E took an oath to uphold the laws of our state.
- The PPC found it aggravating that Officer E would attempt to excuse his behavior by citing a past shooting incident.

The PPC found no mitigating circumstances.

Prior to Board approval, Officer E contacted DPSST to voluntarily relinquish his certifications. Officer E signed a Stipulation Voluntarily Relinquishing his certifications.

Officer E’s misconduct ended his 12-year career.

Officer E’s Basic, Intermediate and Advanced Police certifications are Revoked.

Officer F was convicted of Fourth Degree Assault involving domestic violence. Subsequent to his conviction Officer F resigned from his position as a corrections officer. Officer F was issued a Notice of Intent to Revoke based upon this conviction Officer F failed to request a hearing and he was revoked by Default.

Officer F’s misconduct ended his 6-year career.

Officer F’s Basic Corrections certification is Revoked.

Officer G left his employment in 2012 after working 14 years as a corrections officer. DPSST was notified of Officer G’s arrest and subsequent conviction of First Degree Criminal Mischief and Third Degree Assault, both felony crimes. Officer G was issued a Notice of Intent to Revoke based upon his convictions. Officer G failed to request a hearing and he was revoked by Default.

Officer G’s Basic Corrections certification was Revoked.

Officer H resigned from her position as a corrections officer during an investigation. Officer H was subsequently convicted of three counts of Identity Theft and three counts of First Degree Custodial Sexual Misconduct, both felony crimes related to her position as a corrections officer. Officer H signed a Stipulated Order Revoking Certifications.

Officer H’s misconduct ended her 19-year career.

Officer H’s Basic, Intermediate and Advanced Corrections certifications are Revoked.
IMPORTANT UPDATES

During the May 2015 meetings, the Telecommunications, Corrections and Police Policy Committees approved DPSST’s request to form a workgroup to review the criminal justice denial and revocation administrative rule which has been in place since 2007.

The workgroup held its first meeting on January 5, 2016. Over the course of several meetings the workgroup reviewed the statutory authorities and current processes regarding denial and revocation of criminal justice certifications for public safety professionals. While the denial and revocation review process is still ongoing, the workgroup’s discussions have resulted in the following recommendation to implement annual ethics training for all public safety officers:

- The Criminal Justice Denial/Revocation Workgroup is recommending that all police officers, corrections officers, parole and probation officers, OLCC regulatory specialists, telecommunicators, and emergency medical dispatchers complete a minimum of one hour of ethics training annually.
- In order to phase in an ethics training requirement for all certified public safety officers, the completion of a minimum of one hour of ethics training every year will be recommended training for a period of three years. At the end of the three year period, completing a minimum of one hour of ethics training annually will become a mandatory certification maintenance requirement for all disciplines.

This recommendation is currently being reviewed by the Telecommunications, Corrections and Police Policy Committees and is expected to go before the Board for final disposition at their regularly scheduled meeting in October. If approved, the recommendation will be opened for public comment as required by law.

Any questions or concerns can be directed to DPSST Administrative Rules Coordinator Jennifer Howald (503-378-2432/Jennifer.howald@state.or.us) or Professional Standards Division Director Linsay Hale (503-378-2427/linsay.hale@state.or.us).