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 March 2017.
Officer A resigned in lieu of termination after allegations involving dishonesty. Officer A intentionally omitted information about Officer A’s children during the employment background. The dishonesty came to light when Officer A confessed to their spouse that they had children with another individual and that Officer A was tired of living a lie. Officer A was notified that a case would be reviewed by the Police Policy Committee (PPC) and was given an opportunity to provide mitigation. Officer A chose to close the administrative review and voluntarily relinquish their certifications. Officer A’s misconduct ended their 9-year career.

Officer A’s Basic Police Certification is Revoked.

Officer B retired during an investigation after allegations of misconduct. Officer B was notified that their conduct would be reviewed by the Police Policy Committee (PPC) and was given an opportunity to provide mitigating circumstances for consideration. The PPC met and recommended revocation of Officer B’s certifications to the Board on the following basis:

- Officer B’s conduct involved Misconduct. Officer B admitted to the investigator that they used the city vehicle to drive to locations where they gambled and made traffic stops and calls to justify driving that city vehicle. Officer B engaged in unprofessional traffic stops and encounters with citizens on these traffic stops. These stops often resulted in citizen complaints for which Officer B was counseled on at least one occasion. To the extent that the traffic stops were simply a cover for their improper use of an agency vehicle while Officer B was engaging in gambling activities, Officer B’s conduct violates the practices and standards generally followed in the Oregon Public Safety profession. This conduct is a separate and sufficient basis to revoke Officer B’s certification.

- Officer B’s conduct involved Gross Misconduct. As the Chief of Police Officer B engaged in behavior that compromised their ability to efficiently run the agency. Officer B tried to cover up and or minimize their actions. Officer B’s behavior made the department feel there was no trust or leadership and it put the department in turmoil. Officer B’s actions were reported in the newspaper which undermines the public’s trust, which ultimately led to public belief that the department was corrupt. All of this caused a large expenditure of resources to investigate. The totality of these circumstances constitutes gross misconduct by creating a risk to the efficient operation of the agency and is recognizable as a gross deviation from the standard of care that a reasonable public safety professional would observe in similar circumstances. This conduct is a separate and sufficient basis to revoke Officer B’s certifications.

- Officer B’s conduct involved Misuse of Authority. The investigator found that Officer B had driven the assigned city vehicle to different locations when off-duty or on-duty to gamble. Officer B admitted to the investigator that they had driven the city vehicle to locations where Officer B had played poker games and gambled. Officer B admitted to Olson that they made traffic stops and responded to calls from these locations to justify driving the city vehicle. Officer B abused the public’s trust and obtained a benefit of a city issued vehicle to engage in gambling activities. Officer B volunteered during their interview with the investigator that the only passenger they have had in the agency vehicle was their daughter who is a volunteer with the department. Staff confirmed with the City that Officer B’s daughter has never been a volunteer with the City and authorization for a passenger per policy was never submitted through the City allowing Officer B to have a passenger. Officer B violated their own agency’s policies and procedures related to vehicle use and safety. The agency had policies and procedures in place at the time that prohibited Officer B from using the vehicle for personal use and from having passengers unless otherwise authorized. Within the City policies related to vehicle use is the following statement:

“City vehicles are provided to eligible employees to enable them to efficiently perform their job functions for the City. They are not intended to be fringe benefit items.”

Officer B’s vehicle was leased to the City from Oregon State Motor Pool from 2002-2013. Officer B signed an Intergovernmental Agreement (IGA) with the State of Oregon Motor Pool. By signing the IGA, Officer B agreed to the terms and conditions outlined in the document as well as the DAS Statewide Vehicle Policies and ORS 283.395. ORS 283.395 specifically prohibits the use of a state owned vehicle for private purposes. Further, OAR 125-155-0010 defines a volunteer as:

(16) "Volunteer" means an unpaid person appointed by a state agency to work on its behalf. Volunteers are appointed in writing to do state business under agency direction and control. They receive no
remuneration. An agency may not call people volunteers for the primary purpose of justifying their transportation in a state vehicle. Volunteer and agent may be used interchangeably unless the context requires otherwise.

OAR 125-155-0420 further distinguishes when a passenger is allowed to ride in a state owned vehicle. That Officer B identified their daughter as a volunteer with the department appears to be Officer B's way of justifying her riding in the vehicle although Officer B never took the proper step to receive authorization to have a passenger.

Officer B abused the position as Chief of Police by failing to uphold the laws, policies and procedures related to the use of Officer B's state owned vehicle. Officer B received the benefit of a take home state owned car that they operated outside of the policies of the agency and in violation of Oregon law. This conduct is a separate and sufficient basis to revoke Officer B's certifications.

- Officer B's conduct involved Dishonesty. Officer B was untruthful with the investigator about when they told the City Manager, Officer B was seen frequenting an individual’s suspected drug house; the City Manager asserts it was only after the 15-page complaint was filed against Officer B. Officer B was untruthful about the timing of their final contact with the individual. Officer B asserted it was shortly after their meeting with a Chief from another agency, however the individual produced an email showing the relationship was ended months later. This conduct is a separate and sufficient basis to revoke Officer B's certifications.

**The PPC found the following aggravating circumstances:**

- Behavior as Chief of Police is extremely embarrassing and eroded the public's trust state wide and nationally.
- Officer B should have been setting an example as a leader for the agency.
- The Chief's behavior has a bigger impact on a smaller department based on the day to day citizen contacts they have.

**The PPC found no mitigating circumstances.**

In a unanimous vote, the PPC determined that Officer B's misconduct warrants revocation of their certifications for an initial period of ineligibility of the maximum in each category: for Misconduct, seven years; for Gross Misconduct, ten years; for Misuse of Authority, ten years; for Dishonesty, lifetime. Officer B was issued a Notice of Intent to Revoke and requested a hearing. Prior to the hearing Officer B chose to sign a Stipulation of Revocation of Certification. Officer B's misconduct ended their 34-year career.

**Officer B's Basic, Intermediate, Advanced, Supervisory, Management and Executive Police Certifications were Revoked.**

Officer C retired while under investigation concerning allegations of domestic violence, after 36 years in law enforcement. Officer C was notified that the case would be heard by the Police Policy Committee and was given an opportunity to provide mitigation. Officer C chose to voluntarily relinquish their certifications.

**Officer C's Basic, Intermediate, Advanced, Supervisory, Management and Executive Certifications were Revoked.**

Officer D was discharged for cause after Officer D was the subject of multiple child abuse and domestic disturbance investigations. Child Protective Services had founded allegations against Officer D for repeated physical abuse of Officer D's step son, Officer D's mentally abusive language towards the child and engagement in domestic violence in the child's presence. Officer D's spouse subsequently obtained a restraining order against Officer D. Officer D was issued a Notice of Intent to Revoke based on Officer D's discharge for cause involving Gross Misconduct. Officer D requested a hearing. DPSST referred the case to the Office of Administrative Hearings. DPSST filed a Motion for Summary Determination asserting no material facts at issue and received a Ruling and Proposed Order affirming DPSST's action. Officer D failed to file legal exceptions to the Proposed Order and a Final Order was issued. Officer D's misconduct ended their 12-year career.

**Officer D's Basic, Intermediate and Advanced Police and Basic Corrections Certifications were Revoked.**
Officer E worked as a corrections officer from 2002 to December 2016. DPSST received an F-4 stating Officer E was discharged for cause. Officer E engaged in gross misconduct by violating agency policies and procedures by dating a convicted felon who also lived with Officer E. Officer E was asked to terminate the relationship, but refused to do so. Officer E was a corrections officer while the convicted felon was incarcerated in the same facility, and additionally was a supervisor over the probation officers while the convicted felon was on probation. DPSST issued a Notice of Intent (NOI) to Revoke and Officer E failed to request a hearing within 20 days, causing the NOI to default to a Final Order. Officer E’s misconduct ended their 14 year career.

**Officer E’s Basic, Intermediate, Advanced, and Supervisory Corrections certifications and Basic Parole and Probation Officer and Intermediate Parole and Probation Officer certifications were Revoked.**

Officer F worked as a police officer from 1988 to September 2016. DPSST received an F-4 stating that Officer F retired while under investigation. Officer F was charged criminally with Official Misconduct in the First Degree, ORS 162.415, and as part of Officer F’s plea agreement, Officer F stipulated to the voluntary relinquishment of Officer F’s police certifications. Officer F’s misconduct ended their 28 year career.

**Officer F’s Basic, Intermediate, Advanced, Supervisory, and Management Police Certifications were Revoked.**

Officer G was discharged for cause after Officer G violated agency policies and procedures and compromised the safety and security of the jail when Officer G used a personal cell-phone in a restricted jail area, took non-authorized images and sent them to an unknown person via Officer G’s phone. Officer G enlisted the help of another Deputy to take photos of Officer G in uniform, which included images of the interior of the Jail Work Center. Officer G then sent the non-authorized images over the internet via their phone to an unknown person Officer G met through an on-line dating service. Officer G was issued a Notice of Intent to Revoke based on Officer G’s discharge for cause involving Gross Misconduct. Officer G requested a hearing. DPSST referred the case to the Office of Administrative Hearings. Officer G through their attorney agreed to a Stipulated Final Order agreeing to the revocation of their certifications. Officer G’s misconduct ended their 12-year career.

**Officer G’s Basic, Intermediate and Advanced Corrections, Basic and Intermediate Police, and Instructor Certifications were Revoked.**

**Update**

DPSST has developed a training to help our constituent partners and members of the public navigate the proposed changes to the standards that govern the denial, revocation and suspension of criminal justice certifications in Oregon. The training is approximately 33 minutes in length and includes instructions on how to add this training event to a DPSST Training Record.

The video can be viewed by searching for DPSST Professional Standards on YouTube or by copying this link: https://youtu.be/kMY8fkzMm2M

Any questions or concerns about any of these recommendations 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).