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.

Upcoming Board & Policy Committee Meetings

- Telecommunications Policy Committee—5/3/17
- Corrections Policy Committee—5/9/17
- Police Policy Committee—5/18/17
- Board on Public Safety Standards & Training—7/27/17
APRIL STATISTICS

Currently Certified Public Safety Professionals in Oregon:

◊ Police 5,361
◊ Corrections 4,062
◊ Tele/EMD 908/867
◊ P & P 620
◊ OLCC 33

Professional Standards Cases Opened in April:

◊ Police 10
◊ Corrections 12
◊ Tele/EMD 5
◊ P & P 0
◊ OLCC 0

Professional Standards Cases Pending as of April 30, 2017:

◊ Police 66
◊ Corrections 54
◊ Tele/EMD 8
◊ P & P 2
◊ OLCC 4

Cases Closed in April:

◊ Revoked 4
◊ Deny 0
◊ No Revoke 2
◊ No Deny 1
◊ No Action 15

To View prior Ethics bulletins visit HTTP://WWW.OREGON.GOV/DPSST/PAGES/PUBLICATIONS.ASPX
THE FOLLOWING CASES HAVE RESULTED IN REVOCATION OR DENIAL OR A VOTE NOT TO REVOKE OR DENY A PUBLIC SAFETY CERTIFICATION BY DPSST IN APRIL 2017

Officer A resigned during an investigation surrounding misconduct. It was determined that Officer A engaged in conduct that violated the moral fitness standards. Officer A was notified that the case would be reviewed by the Police Policy Committee (PPC) and was given an opportunity to provide mitigation. The PPC met and recommended revocation of Officer A’s certifications to the Board. The PPC considered the following factors in making their recommendation:

- Officer A’s conduct involved Insubordination. The PPC found that when Officer A was placed on administrative leave during an internal affairs investigation and was ordered to stay at their residence during set hours. Officer A was not there when an investigator stopped in to interview Officer A. The PPC voted unanimously that the identified Insubordination when considered alone does not rise to the level to warrant revocation of Officer A’s certifications.
- Officer A’s conduct involved Misconduct and Gross Misconduct. The PPC found that Officer A did not conduct themselves in a manner that a public safety professional should have or would have when Officer A failed to write reports for a theft case and then deleted e-mails to cover up the failure. Additionally Officer A claimed that no one wished to file charges in the case, when in fact they did.
- Officer A’s conduct involved Disregard for the Rights of Others. The PPC found that by Officer A not writing the reports for the theft it hindered the investigation, causing the victims to be re-victimized. Officer A failed in their fundamental duty to protect and serve the public.
- Officer A’s conduct involved Dishonesty. The PPC found that Officer A engaged in dishonesty by deleting e-mails to cover up evidence they received from a bank investigator and then lied in reports and to supervisors claiming there was no victim in the case.

The PPC found the following aggravating circumstances:
Officer A failed in their fundamental duty to serve and protect the public by failing to provide a decent work product, failed to provide a mitigation letter or explanation as to why the incident happened, did not take responsibility for their actions and instead tried to cover it up during the investigation, and the fact Officer A’s conduct rose to the level that a District Attorney had to review it in order to decide whether or not to file criminal charges against Officer A.

The PPC found as a mitigating factor:
It was unknown whether Officer A was told by a lawyer not to provide something in writing in case criminal charges were pending, but this does not excuse Officer A’s behavior.

The Board approved the recommendation of the PPC. Officer A was served with a Notice of Intent to Revoke and failed to provide a request for a hearing. Officer A’s misconduct ended their 10 year career.

Officer A’s Basic and Intermediate Police Certifications are Revoked.

Officer B worked a telecommunicator/emergency medical dispatcher from 1985 until their retirement in 2016. DPSST received a LEDS hit stating that Officer B had been arrested for the misdemeanor criminal charge of

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DUII. Officer B subsequently plead guilty and was convicted. Officer B’s was notified that the case would be reviewed by the Telecommunicator’s Policy Committee (TPC) and was given an opportunity to provide mitigation. The TPC met and recommended to the Board the revocation of Officer B’s certifications. The TPC considered the following factors in making their recommendation:

- Officer B’s conduct involved Misconduct. The TPC found that the arrest and conviction of DUII was identified in the Administrative Rule as Misconduct. The TPC also found that Officer B was negative and had a hostile attitude toward fellow law enforcement workers during Officer B’s arrest for DUII.
- Officer B’s conduct involved Gross Misconduct. The TPC found that Officer B’s refusal to perform Field Sobriety Exercises and provide a breath sample constituted Gross Misconduct. Additionally, when Officer B drove under the influence Officer B posed a risk to persons.

The TPC found the following aggravating circumstances:
Officer B told DPSST staff that they thought they had diversion for the DUII, but court documents clearly stated that Officer B was not diversion eligible.

The TPC found as a mitigating factor:
Officer B continued to work after their conviction.

The Board approved the recommendation of the TPC. Officer B was served with a Notice of Intent to Revoke and failed to provide a request for a hearing. Officer B’s misconduct ended their 32 year career.

Officer B’s Basic Telecommunicator and Basic Emergency Medical Dispatcher Certifications were Re-voked.

Officer C was hired as a corrections officer and submitted an Application for Training which indicated that Officer C had been convicted of Disorderly Conduct in the State of Michigan. Officer C was notified that the case would be reviewed by the Corrections Policy Committee (CPC) and was given an opportunity to provide mitigation. The CPC met and recommended to the Board not to deny Officer C’s Application for Training and subsequent certification. The CPC considered the following factors in making their recommendation:

- Officer C’s conduct involved Misconduct and Gross Misconduct by violating the law and being subsequently convicted.

The CPC found the following aggravating circumstances:
Officer C’s Blood Alcohol Content (BAC) at the time of arrest was .182 and that there had been destruction of property involved in the crime, which Officer C had not been convicted of.

The CPC found the following mitigating circumstances:
Officer C took full responsibility for their actions, appeared at the CPC meeting, the letter Officer C wrote was well written, Officer C was successfully discharged from probation, and there have been no incidents since. Additionally, Officer C was forthcoming from the beginning when they filed their Application for Training.

The Board approved the recommendation of the CPC.

Officer C’s Application for Training was Approved.

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Officer D worked as a corrections officer from 2002-2004. DPSST was notified that Officer D had been arrested and subsequently convicted of Harassment. Officer D was notified that the case would be reviewed by the Corrections Policy Committee (CPC) and was given an opportunity to provide mitigation. The CPC met and recommended revocation of Officer D’s certifications to the Board. The CPC considered the following factors in making their recommendation:

- Officer D’s conduct involved Misconduct. The CPC found that Officer D’s conviction of Harassment was a result of their violation of the law.
- Officer D’s conduct involved Disregard for the Rights of Others. The CPC found that Officer D’s conduct violated Disregard for the Rights of Others when they struck the victim that was trying to regain possession of their car.

The CPC found the following aggravating circumstances:
Officer D’s conduct involved domestic violence and when they were cited they blamed their conduct on the victim.

The CPC found as mitigating circumstances:
There appears to have been an agreement between Officer D and their significant other regarding the use of the car. Additionally, they took into account the victim requested that Officer D not be arrested or cited.

The Board approved the recommendation of the CPC. Officer D was served with a Notice of Intent to Revoke and failed to provide a request for a hearing.

Officer D’s Basic Corrections Certification was Revoked.

Officer E resigned during an investigation into allegations of misconduct. Officer E was notified that the Corrections Policy Committee (CPC) would review their case and provided an opportunity for Officer E to provide mitigation. The CPC met and recommended revocation of Officer E’s certifications to the Board. The CPC considered the following factors in making their recommendation:

- Officer E’s conduct involved Misconduct. The Committee found that Officer E harassed and hazed co-workers and employees of a protected class.
- Officer E’s conduct involved Gross Misconduct. The Committee found Officer E created a hostile work environment in conjunction with their harassing behavior. Officer E repeatedly and knowingly violated the agencies policies and procedures. Sexually explicit emails were found on Officer E’s County issued computer and Officer E failed to maintain a safe environment by their treatment of an opposite sex coworker.
- Officer E’s conduct involved Disregard for the Rights of Others. The Committee found that Officer E’s conduct violated Disregard for the Rights of Others based upon comments Officer E made about race and gender.
- Officer E’s conduct involved Dishonesty. The Committee found that the evidence shows Officer E engaged in dishonesty by omission, misrepresentation, and admission during the investigation.

The CPC found as aggravating circumstances:
Officer E’s behavior was not an isolated incident and that their harassing behavior created a hostile work environment and was ongoing. When Officer E was questioned about their conduct they chose to misrepresent and
omit information. Officer E also attempted to marginalize the behavior and after being warned that an investigation was opened and being reassigned continued to engage in the same behavior.

The CPC found no mitigating factors.

The Board approved the recommendation of the CPC and Officer E was served with a Notice of Intent to Revoke. Officer E did not request a hearing. Officer E’s misconduct ended their 4-year career.

Officer E’s Basic Corrections Certification was Revoked.

Officer F resigned during an investigation related to a personal relationship they were involved in with a subordinate. Officer F was notified that the Police Policy Committee (PPC) would review the case and provided an opportunity to submit mitigation in writing. The PPC met and recommended not to revoke Officer F’s certifications to the Board. The PPC considered the following factors in making their recommendation:

- Officer F’s conduct involved Misconduct and Gross Misconduct. The Committee found that Officer F admitted to having an extramarital affair with a subordinate during the internal affairs investigation. Additionally, Officer F had a physical relationship to include kissing and petting, however not sexual in nature, with another subordinate 5 to 7 years prior to that while Officer F was married. Officer F’s behavior in these relationships, even though they were not direct subordinates, is not behavior that a supervisor should have engaged in.

The PPC found as aggravating circumstances:
Officer F had a couple of intimate affairs while married. These affairs impacted the working environment of the agency. Additionally, the PPC considered Officer F’s rank and position within the agency while engaged in these affairs aggravation as well.

The PPC found as mitigating circumstances:
Officer F took responsibility for their actions which resulted in their resignation and that the mitigation letter to the committee was honest and had good points.

The Board approved the recommendation of the PPC.

Officer F’s Basic, Intermediate, Advanced, Supervisory, Management and Executive Police Certification Were Not Revoked.

Officer G resigned during an investigation related to a personal relationship Officer G was involved in with a suspect there was an open criminal investigation on. Officer G was notified that the Police Policy Committee (PPC) would review the case and provided an opportunity to submit mitigation in writing. The PPC met and recommended not to revoke Officer G’s certifications to the Board. The PPC considered the following factors in making their recommendation:

- Officer G’s conduct involved Misconduct. The Committee found that Officer G was on duty and dispatched to a domestic fight. Officer G placed the suspect under arrest for Harassment – Domestic Violence. Shortly thereafter Officer G ran into the suspect and offered to look into the status of the criminal charges against the suspect. Following Officer G looking into the status of the case and being requested by the DA to provide a follow up statement from the victim, which Officer G did not provide, individuals from neighboring law enforcement agencies saw Officer G with the suspect in the community holding hands. During an interview with the suspect, they stated that they were currently dating Officer G and had been for the past three weeks. As of the date of the PPC, the criminal case was still pending with the District Attorney’s Office.

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Officer G’s conduct involved Gross Misconduct. The Committee found that Officer G’s conduct described under Misconduct constitutes Gross Misconduct as well based on the danger and risk they created for the victim of a crime and to the efficient operation of the agency.

Officer G’s conduct involved Misuse of Authority. The Committee found that Officer G engaged in a personal relationship then romantic relationship with an individual they arrested and who still had a criminal case pending. Officer G’s conduct and failure to provide follow up to the DA demonstrated their misuse of authority and the benefit received by justifying their actions and continuing a relationship with an individual they had arrested for a domestic violence crime.

Officer G’s conduct involved Disregard for the Rights of Others. Officer G’s conduct and failure to provide follow-up to the DA demonstrated a disregard for the respect for the rights of others, protecting vulnerable persons and the fundamental duty to protect and serve the public.

The PPC found no aggravating circumstances.

The PPC found as mitigating factors:
At the time of Officer G’s conduct their life was falling apart, there were numerous letters of support received from individuals such as the Sheriff and the retired Undersheriff. It was obvious Officer G was very forthcoming and honest with the individuals who provided letters of support and acknowledged the situation Officer G was in.

The Board approved the PPC’s recommendation.

Officer G’s Basic, Intermediate and Advanced Police Certifications Were Not Revoked.

Officer H retired as a corrections officer with over 25 years of service. DPSST was notified of Officer H’s conviction of DUII. Officer H was notified that the Corrections Policy Committee (CPC) would review their case and was provided an opportunity to provide mitigation. The CPC met and recommended not to revoke Officer H’s certifications to the Board. The CPC considered the following factors in making their recommendation:

- Officer H’s conduct involved Misconduct and Gross Misconduct. The Committee found that Officer H violated the law when they were convicted of DUII that involved injury to a victim involved in the crash. Officer H created a danger and risk to persons and property when they drove under the influence of intoxicants.
- Officer H’s conduct involved Disregard for the Rights of Others. The Committee found that Officer H got behind the wheel after drinking and taking medication causing a crash with damage and injuries. Officer H disregarded the rights of others, specifically the victim involved in the accident.

The CPC found as aggravating circumstances:
Officer H not only drove under the influence their negligence resulted in a crash causing injuries to a victim. Officer H holds an Executive Corrections certification and has over 25-years of experience in the profession and should have known better.

The CPC found as mitigating factors:
Officer H was cooperative at the time of the arrest and restitution as ordered by the Court has been paid.

The Board approved the recommendation of the CPC.

Officer H’s Basic, Intermediate, Advanced, Supervisory, Management and Executive Corrections Certifications Were Not Revoked.

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NEW & NOTEWORTHY ITEMS

◊ DPSST Professional Standards and Certification will be hosting a Professional Standards Workshop on June 7, 2017. Please click on the link below to learn more and to register.

https://goo.gl/forms/MbXGOj2SKeUlDx832

◊ Notification of a Permanent Rule Change

OARs 259-008-0010, 259-008-0011, 259-008-0075 & 259-008-0080 – Notification of Arrest

Effective April 1, 2017

This permanent rule change applies to all public safety professionals and includes:

Police Officers,
Corrections Officers,
Parole and Probation Officers,
Regulatory Specialists,
Telecommunicators,
Emergency Medical Dispatchers, and
DPSST certified criminal justice instructors.

Rule Summary: This rule change requires a public safety professional who is arrested, or receives a criminal citation to appear or its equivalent, for any offense punishable as a crime, to notify DPSST within 5 business days. This requirement allows DPSST to monitor criminal cases and ensure that appropriate action is taken at the conclusion of the case. Failure to report an arrest, or criminal citation to appear, may be considered aggravation during a denial, suspension or revocation proceeding.

Notification must be in writing and include the date of the arrest or citation, the location of the arrest or citation, the reason for the arrest or citation and the arresting or citing agency.

Notifications can be sent using any of the following methods:

By e-mail: oregon.dpsst@state.or.us
By fax: (503) 378-4600
By mail: Department of Public Safety Standards and Training
Attn: Criminal Justice Professional Standards
4190 Aumsville Hwy SE
Salem, OR 97317

These changes became effective April 1, 2017.

NOTE: This is a Board minimum standard and does not replace any additional arrest or conviction reporting requirements that are a part of an employer/employee agreement or policy.
NEW & NOTEWORTHY ITEMS

◊ Notification of a Permanent Rule Change (continued)

The rule text is available on the DPSST website. [http://www.oregon.gov/dpsst/SC/Pages/PermanentRulesFiledSoS.aspx](http://www.oregon.gov/dpsst/SC/Pages/PermanentRulesFiledSoS.aspx)

**Questions and Contacts:** Question about disqualifiers or the denial/revocation process may be submitted to DPSST Professional Standards Investigators:

Kristen Hibberds, 503-378-6702 kristen.hibberds@state.or.us

or

Katrina Robson, 503-378-2305 katrina.robson@state.or.us.

Questions regarding the rule change may be sent to Jennifer Howald, DPSST Rules Coordinator, at 503-378-2432 or Jennifer.howald@state.or.us.
Our mission is to promote excellence in public safety by delivering quality training and developing and upholding professional standards for police, fire, corrections, parole and probation, and telecommunications personnel, in addition to licensing private security providers and private investigators in Oregon.

DPSST also regulates and licenses polygraph examiners, determines sheriff candidates’ eligibility to run for office and provides staffing for the Public Safety Memorial Fund. We strive to provide resources and certification programs that public safety officers and local public safety organizations need to maintain the highest professional skill standards, stewardship and service to Oregon’s communities and citizens. These services are based at our 236-acre academy and extend across the state through a network of regional training coordinators.

Agency functions are guided by several Oregon Revised Statutes and our authority is defined specifically in Chapter No. 259 of the Oregon Administrative Rules. We are governed by a 24-member Board and five discipline-specific policy committees; we serve more than 41,000 public safety constituents across the state.

To view the Oregon Administrative Rules for Criminal Justice please visit: http://arcweb.sos.state.or.us/pages/rules/oars_200/oar_259/259_008.html