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 intellectual, physical and moral fitness standards, and for denying, suspending or revoking the certification of those who do not meet or fall below these standards.

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

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PROFESSIONAL STANDARDS STATISTICS

Actively Certified Public Safety in Oregon as of November 30, 2019:

Police 5554
Corrections 4159
Tele/EMD 946/904
P & P 609
OLCC 56
Instructors 875

Professional Standards Cases Opened in November 2019:

Police 09
Corrections 03
Tele/EMD 00
P & P 01
OLCC 00
Instructor 00

Professional Standards Cases Pending Criminal/Employment matters as of November 30, 2019:

Police 53
Corrections 62
Tele/EMD 06
P & P 03
OLCC 01
Instructor 02

Professional Standards Cases Pending Committee review as of November 30, 2019:

Police 54
Corrections 47
Tele/EMD 05
P & P 01
OLCC 02
Instructor 00

Cases Closed in November:

Revoked 10
Deny 00
Suspended 00
No Action 00
Admin. Closed 23
Officer A retired from employment during an investigation surrounding inappropriate and unwanted sexual comments to a coworker, unprofessional and unwelcome comments to a separate coworker, and disrespectful comments to an investigator about the agency head. Officer A chose to voluntarily relinquish their certifications in lieu of review by the Corrections Policy Committee (CPC).

Officer A’s Basic, Intermediate and Advanced Corrections Certifications are revoked and is ineligible to apply for new certification for life.

Officer B retired from employment during an investigation surrounding their engagement in unprofessional and inappropriate conduct when they sat on another Officer’s lap during roll call and made sexual innuendos. Officer B chose to voluntarily relinquish their certifications in lieu of review by the Police Policy Committee (PPC).

Officer B’s Basic Police Certification is revoked and is ineligible to apply for new certification for life.

Officer C was arrested for and subsequently convicted of Possession of Methamphetamine. Officer C’s conviction required revocation based upon the offense involving possession of a controlled substance. Officer C was issued a Notice of Intent to Revoke and did not request a hearing.

Officer C’s Basic Police Certification is revoked and is ineligible to apply for new certification for life.

Officer D was arrested for and subsequently convicted of Assault in the Second Degree – Constituting Domestic Violence. Officer D’s conviction required revocation based upon the offense involving domestic violence. Officer D was issued a Notice of Intent to Revoke and did not request a hearing.

Officer D’s Basic Corrections Certification is revoked and is ineligible to apply for new certification for life.

Officer E was terminated from employment surrounding their arrest for, and subsequent conviction of three counts of Possession of Depictions of a Minor Engaged in Sexually Explicit Conduct, Communication with a Minor for Immoral Purposes, and Sexual Exploitation of a Minor. Officer D’s convictions require revocation based upon the felony crimes and the requirement to register as a sex offender. Officer E was issued a Notice of Intent to Revoke and did not request a hearing.

Officer E’s Basic Corrections Certification is revoked and is ineligible to apply for new certification for life.
Officer F was arrested for and subsequently convicted of Possession of Marijuana. Officer F’s conviction requires revocation because it is a felony crime. Officer F was issued a Notice of Intent to Revoke and did not request a hearing.

**Officer F’s Basic Corrections Certification is revoked and is ineligible to apply for new certification for life.**

Officer G resigned from employment during an investigation surrounding workplace misconduct. Officer G used poor judgment when they demonstrated a takedown on their co-worker, without warning or permission resulting in injury. Officer G chose to voluntarily relinquish their certifications in lieu of review by the CPC.

**Officer G’s Basic, Intermediate and Advanced Parole and Probation Officer, and Basic Telecommunicator and Emergency Medical Dispatcher Certifications are revoked and is ineligible to apply for new certification for life.**

Officer H was arrested for and subsequently convicted of Theft in the First Degree. Officer H chose to voluntarily relinquish their certifications in lieu of mandatory certification revocation.

**Officer H’s Basic, Intermediate, Advanced, Supervisory, Management and Executive Police Certifications are revoked and is ineligible to apply for new certification for life.**

Officer I resigned from employment surrounding an internal investigation into alleged sexual harassment. Officer I was notified that their case would go before the PPC and was provided an opportunity to submit mitigation.

The PPC found Officer I committed acts of Gross Misconduct when they sexually harassed two female coworkers. The PPC reviewed and considered the aggravating and mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B). Additionally aggravating was Officer I’s lack of remorse or responsibility accepted for their misconduct, demonstrated, by placing blame on the victims and others involved. Officer I’s known “nickname” corroborated their reputation of inappropriate and unprofessional workplace behavior. They lacked awareness of the harmful effects their behavior caused others. Their conduct demonstrated a lack of respect for others. The recentness of their inappropriate, unwanted and offensive behavior has continued and spanned over a period of many years. Additionally mitigating were the comments from Officer I’s human resource department regarding the issues/culture of the agency and Officer I’s open and honest statements. Ultimately, the PPC found Officer I’s conduct did warrant revocation and recommended an ineligibility period of 5 years and 1 day to the Board. The Board voted to approve the PPC’s recommendation and Officer I was issued a Notice of Intent to Revoke. Officer I requested a hearing. A hearing was held in this case with an Administrative Law Judge (ALJ) presiding. The ALJ issued a Proposed Order affirming the revocation of Officer I’s certifications. No legal exceptions to the Proposed Order were filed and a Final Order was issued.

**Officer I’s Basic Police Certification is revoked and is ineligible to apply for new certification for 5 years and 1 day.**
Officer J resigned from employment during an internal investigation surrounding allegations made against other employees that were determined to be false and misleading. Officer J was notified that their case would go before the CPC and was provided an opportunity to submit mitigation.

The CPC found that Officer J committed acts of Gross Misconduct when they made allegations against another employee that, after investigation, were determined to be false. The investigations surrounding their false claims impacted personnel and tied up agency resources. The CPC found that Officer J committed acts of dishonesty when they were knowingly untruthful when they made allegations claiming that they were being harassed and bullied by another person that was determined to be false, were knowingly untruthful when they accused their supervisor of physically poking them in the arm during a conversation and were knowingly untruthful about how another employee treated them in a meeting with others present.

The CPC reviewed and considered the aggravating and mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(B). Additionally aggravating was their written mitigation showing no accountability or responsibility for their actions, and their previous discipline for similar conduct. No additional mitigating circumstances were considered.

Ultimately the CPC found that Officer J’s conduct did warrant revocation and recommended a lifetime ineligibility period to the Board. The Board voted to approve the CPC’s decision and Officer J was issued a Notice of Intent to Revoke. Officer J requested a hearing, and subsequently withdrew their request for hearing.

Officer J’s Basic and Intermediate Corrections Certifications are revoked and is ineligible to apply for new certification for life.

THE FOLLOWING PROFESSIONAL STANDARDS CASES WERE ADMINISTRATIVELY CLOSED IN NOVEMBER 2019

DPSST may recommend administrative closure of a professional standards case to a Policy Committee if DPSST determines that the conduct being reviewed does not meet the statutory and administrative rule requirements for denial, suspension or revocation or the conduct being reviewed involves one or more criminal dispositions that meet all of the following criteria:

(i) The criminal dispositions occurred five years or more prior to the date the public safety professional began employment as a public safety professional;

(ii) The criminal dispositions are the result of one criminal act arising out of one set of facts and circumstances which is the only criminal incident in the public safety professional’s history;

(iii) The conduct involved did not include dishonesty or deceit;

(iv) The public safety professional has completed any court-ordered form of supervision; and
(v) The public safety professional does not have any unpaid restitution, court fines or fees resulting from the criminal disposition.

DPSST may administratively close professional standards cases involving deferred convictions for DUII upon confirmation of dismissal.

- **Police Officer Applicant 1** was convicted of Driving Under the Influence in California. The conviction occurred more than five years prior to employment, is the only conviction on the individual’s record, and did not include an element of dishonesty/deceit and all court obligations are satisfied.

- **Parole and Probation Officer 2** was separated from employment after engaging in dishonesty when they denied engaging in a particular sex act. An Arbitrator’s opinion found the employee engaged in dishonesty, however there was insufficient evidence to prove the dishonesty was engaged in knowingly pursuant to the moral fitness standards. As such, DPSST recommended administrative closure with no action.

- **Corrections Officer Applicant 3** was arrested for Driving Under the Influence in Washington. The officer subsequently resigned from their agency. A criminal history check will be completed if Applicant 3 obtains future employment in a position requiring public safety certification.

- **Corrections Officer Applicant 4** was convicted of two counts of False Application for Fish/Wildlife License/Tag/Permit, a misdemeanor at the time of the charge, however, the District Attorney charged Applicant 4 with violations, which were not punishable as crimes. Applicant 4’s conduct does not violate the Board’s moral fitness standard, and the arrest did not result in a criminal disposition of a criminal offense that requires review.

- **Corrections Officer Applicant 5** was convicted of Misdemeanor Treated as a Violation. Staff review determined the conviction was not for an offense that is punishable as a crime. Applicant 5’s conduct does not violate the Board’s moral fitness standard. Applicant 5’s arrest did not result in the criminal disposition of a criminal offense that requires review.

- **Corrections Officer 6** was arrested for Patronizing a Prostitute and charged with Commercial Sexual Solicitation. A deferred sentence for Commercial Sexual Solicitation was granted and after completion of the court’s requirements, the charge was subsequently dismissed. (NOTE: The deferred sentence was entered prior to the Administrative Rule change requiring Board review of pleas of guilt and no contest filed effective August 1, 2017).

- **Corrections Officer 7** was arrested for Fail to Pay Fine – Misdemeanor. The charge was ultimately dismissed.

- **Corrections Officer 8** received a citation for Reckless Endangerment. No charges were filed.
• **Corrections Officer Applicant 9** was convicted of Impaired Driving in Utah. The conviction occurred more than five years prior to employment, is the only conviction on the individual’s record, and did not include an element of dishonesty/deceit and all court obligations are satisfied.

• **Police Officer 10** was arrested for Driving Under the Influence (DUI). A deferred sentence was entered and was subsequently dismissed after complying with all of the court’s requirements. NOTE: Pursuant to Oregon Administrative Rules, a DUI diversion is the only deferred sentence that does not require Committee and Board review.

• **Emergency Medical Dispatcher 11** was separated from employment after an investigation into an allegation that they lied to a supervisor. There was insufficient evidence to support a finding of dishonesty. No violations to the Board’s moral fitness standards were identified.

• **Emergency Medical Dispatcher Applicant 12** was found to possibly have a criminal conviction during DPSST’s routine background review. Upon further review, it was found that the conviction did not belong to the applicant.

• **Police Officer Applicant 13** was separated from employment after repeated violations related to officer safety, sleeping on duty and overall performance. Staff determined Applicant 13’s conduct violates the Board’s moral fitness standard after repeatedly falling asleep on duty. However, this individual does not hold DPSST certification, therefore the Board has no jurisdiction over this matter. The case will be reviewed should this individual be hired into a certifiable public safety position in the future.

• **Police Officer Applicant 14** was separated from employment after an investigation revealed that they had engaged in dishonesty on two separate occasions. Staff determined that Applicant 14’s conduct violates the Board’s moral fitness standard surrounding their dishonest statements to their Field Training Officer and Sergeant. However, this individual does not hold DPSST certification, therefore the Board has no jurisdiction over this matter. The case will be reviewed should this individual be hired into a certifiable public safety position in the future.

• **Police Officer 15** was separated from employment; DPSST’s case was stayed pending an employment arbitration. Staff was notified that prior to arbitration, Officer 15’s employment was reinstated. Based on employment being reinstated prior to arbitration, no certification review is required pursuant to OAR.

• **Police Officer Applicant 16** was separated from employment after an investigation revealed that they were not truthful during the application process with their agency. Staff determined that Applicant 16’s conduct violates the Board’s moral fitness standard. However, the individual does not hold DPSST certification, therefore the Board has no jurisdiction in this matter. The case will be reviewed should this individual be hired into a certifiable public safety position in the future.
Police Officer Applicant 17 was separated from employment after an investigation revealed they misrepresented information to their Commander about their failure to report a job-related injury, the medical release related to the injury and reporting for work while impaired due to the use of medication. Staff determined that Applicant 17’s conduct violates the Board’s moral fitness standard. However the individual does not hold DPSST certification, therefore the Board has no jurisdiction in this matter. The case will be reviewed should this individual be hired into a certifiable public safety position in the future.

Police Officer 18 was separated from employment. It was indicated on the separation form submitted to DPSST that there was an investigation pending at the time of separation. Staff spoke with the Chief of Police who indicated the investigation was unrelated to any allegations of misconduct. The investigation pending, at the time of his separation, was routine and the result of an officer-involved shooting.

Police Officer Applicant 19 was separated after an investigation revealed that they were dishonest during their agency’s background investigation. Staff determined Applicant 19’s conduct violates the Board’s moral fitness standard. However, the individual does not hold DPSST certification, therefore the Board has no jurisdiction in the matter. The case will be reviewed should this individual be hired into a certifiable public safety position in the future.

Police Officer Applicant 20 was separated from employment after an investigation revealed that they were untruthful during their background investigation and were dishonest during the internal affairs investigation about their addiction and problem with viewing pornography. Staff determined that Applicant 20’s conduct violates the Board’s moral fitness standard. However, the individual does not hold DPSST certification, therefore the Board has no jurisdiction in the matter. A new case will be opened should this individual be hired into a certifiable public safety position in the future.

Police Officer 21 was separated from employment as a result of a settlement agreement. During an investigation, Officer 21’s agency had concerns regarding the truthfulness surrounding allegations of discrimination made by Officer 21, however, the investigation did not result in any sustained violations against Officer 21. Officer 21’s settlement agreement was due to an on the job injury. Staff determined that Officer 21’s conduct does not violate the Board’s moral fitness standard.

Police Officer 22 resigned from employment during the beginning of an investigation into being romantically involved with another agency officer that was alleged to have used an illicit drug. The investigation was to determine the extent of Officer 22’s involvement in the drug possession and use that implicated another agency officer, and two other officers from a neighboring agency. Additionally, there were concerns that Officer 22 had misrepresented information they received concerning a supervisor’s interaction with other staff. DPSST staff interviewed Officer 22 concerning the issues listed above that were not able to be investigated as a result of their resignation. Based on Officer 22’s interview with staff, there is no evidence to suggest that they ever possessed or used and illicit substance or that they had any knowledge or information surrounding others use or possession. Officer 22 was asked about the information they
received concerning a supervisor’s interactions with dispatchers and staff determined there was no evidence to suggest that they misrepresented information they received. Staff determined that Officer 22’s conduct does not violate the Board’s moral fitness standard.

- **Police Officer Applicant 23** was separated from employment after an investigation revealed they had engaged in misconduct including flipping off their ex-spouse in a place of business, unlawfully entering their ex-spouse’s garage and unprofessional interaction with responding law enforcement officers to the incident. Staff determined that Officer 23’s conduct violates the Board’s moral fitness standard. However, the individual does not hold DPSST certification, therefore the Board has no jurisdiction. A new case will be opened should this individual be hired into a certifiable public safety position in the future.

**NEW & NOTEWORTHY ITEMS**

**CRIMINAL JUSTICE BACKGROUND INVESTIGATIONS**

**Background Rule Changes**
The proposed rule changes for OAR 259-008-0015 Background Investigations were reviewed by the Telecommunications, Corrections and Police Policy Committees during their November meetings, and are being recommended to the Board for adoption of the proposed rule change. The proposed rule change includes the recommendation from the Criminal Justice Moral Fitness Workgroup that would require hiring agencies to contact DPSST during their background investigation for review of any professional standards records on file for their applicant. In the meantime, hiring agencies are encouraged to contact DPSST for a review of professional standards records. Agencies should expect this review to become a requirement in early 2020.

**Did you know that DPSST provides access to a list of all open and pending professional standards cases?**

DPSST provides access to a list of open professional standards cases involving currently and formerly employed police officers, corrections officers, parole and probation officers, OLCC regulatory specialists, telecommunicators and emergency medical dispatchers in Oregon. This list indicates that DPSST has opened a professional standards case that is pending review due to the receipt of information that an officer may have engaged in behavior resulting in an arrest/conviction, non-voluntary separation from employment or, in narrow circumstances, a complaint being filed with DPSST. Note: INCLUSION ON THIS LIST IS NOT PROOF OF MISCONDUCT. The list is maintained on the CJ Background Resource webpage.

https://www.oregon.gov/dpsst/cj/Pages/Background.aspx

**LIVE STREAM OF BOARD AND POLICY COMMITTEE MEETINGS - NOW AVAILABLE**
Visit the DPSST Facebook page to live stream scheduled Board and Policy Committee meetings from wherever you are.

**EXPIRING CERTIFICATIONS**

A proposed rule change, establishing an expired certification status for DPSST Public Safety Professional Certifications (regarding Moral Fitness Requirements), is currently open for public comment and closes December 21, 2019. The proposed change adds an expired status to a criminal justice professional’s certification if they are no longer employed in their certified role more than 5 years. Expired certifications will not need to be reviewed for moral fitness standards upon an arrest occurring 5 years after employment as public safety professionals. Individuals re-hired after their certifications are expired will be required to meet all moral fitness standards at the time of re-employment. For more information visit [https://www.oregon.gov/dpsst/SC/Pages/ProposedRulesPublicComment.aspx](https://www.oregon.gov/dpsst/SC/Pages/ProposedRulesPublicComment.aspx).

**ADDING UNDER REVIEW STATUS IN IRIS**

Beginning January 2020, in an effort to further transparency of current Professional Standards cases, IRIS will indicate when an individual’s certification is under review by DPSST Professional Standards. An Under Review (UR) indicator will be added to certified individuals who have had something occur that may violate the Boards moral fitness standards. This does not mean a standard has been violated, only that a case is open to determine if any standards have been violated. Upon final determination, the UR flag will be removed and the status updated according to the outcome of the case.

It is important to note that, until a determination of whether the standards have been violated is made, the individual’s certification(s) remain in good standing.

**SIGN-UP FOR GovDelivery**

Interested in keeping up to date with important DPSST news and information? Sign up for GovDelivery! This new instant communication system allows newsletters, administrative updates, training announcements and more to be sent right to your email address or phone. For more information: [https://www.oregon.gov/dpsst/Pages/govdelivery.aspx](https://www.oregon.gov/dpsst/Pages/govdelivery.aspx)
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.

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