

OREGON DPSST
ETHICS BULLETIN
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The Board on Public Safety Standards and Training (BPSST) has the legislative mandate to establish and enforce the physical, mental, and moral fitness standards for all law enforcement officers, telecommunicators and emergency medical dispatchers in the state. This requirement also defines the procedure for the Department and Board to use when denying or revoking certification of an officer, telecommunicator or emergency medical dispatcher who has fallen below the moral fitness standards.

The Ethics Bulletin is published to provide insight into the types of misconduct that could result in revocation or denial of certification. The following cases have resulted in consideration of **revocation or denial** of certifications by DPSST in **July 2008**.

The Department continues to ensure that certified public safety officers and those seeking certification who abuse the public's trust will be held accountable for their actions.

July Statistics

Cases Opened	67	Of the 47 Cases Closed:	
Cases Closed	47	Revoked	8
Cases Pending	169	Denied	0
		No Action	39

Case 1

Officer A's case was reviewed by the Police Policy Committee regarding allegations of untruthfulness. The Police Policy Committee recommended revocation based on violation of the established moral fitness standards. However, prior to the Board hearing the matter, Officer A, an agency head, signed a Stipulated Order which caused his certifications to be revoked.

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

Case 2

Officer B resigned and his case was subsequently reviewed by the Corrections Policy Committee and the Board to determine if he had violated the established moral fitness standards for Oregon public safety officers. In this case, while working in a correctional facility, Officer B walked off the job mid-shift, leaving the staffing at or below minimum staffing levels. Officer B did not inform any co-workers that the inmates knew he was quitting his job and leaving the premises, nor did he inform them that the inmates had not been placed in their cells and were still in a common area. The employer asserted that Officer B's conduct endangered inmates as well as staff. After review, the Corrections Policy Committee recommended Officer B's certifications be revoke based on violation of the established moral

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fitness standards. The Board affirmed the Policy's recommendation to revoke Officer B's certifications. Officer B was issued a Notice of Intent to Revoke. Officer B made a timely request for a hearing to contest the revocation of his certification. A hearing was held and the Administrative Law Judge issued a Proposed Order revoking Officer B's certifications. DPSST adopted the ALJ's Proposed Order in its entirety and filed a Final Order Revoking Certifications. Officer B's Misconduct ended his 6-year career.

Officer B's Basic and Intermediate Corrections Certifications were Revoked.

Case 3

Officer C was discharged for cause after an internal investigation revealed that he used unreasonable force on a passenger of a vehicle that he had attempted to stop. Officer C initially sought to grieve his termination however his Union ultimately chose not to pursue the grievance. Officer C was issued a Notice of Intent to Revoke Certifications. Officer C made a timely request for a hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal issues for which a decision is sought. The ALJ issued a Proposed Order revoking Officer C's certifications. DPSST adopted the ALJ's Proposed Order in its entirety and filed a Final Order Revoking Certifications. Officer C's Misconduct ended his 9-year career.

Officer C's Basic, Intermediate and Advanced Police Certifications were Revoked.

Case 4

Officer D was discharged for cause after an internal investigation revealed that he violated multiple policies regarding professional ethics and mobile video recording equipment. Among other violations, Officer D willfully disobeyed direct orders to use his in-car video equipment when he and his supervisor frequently met for extended periods of time alone in his vehicle or his house, while on duty. Officer D was frequently unavailable by radio and failed to respond for requests for assistance from fellow officers. On two occasions Officer D refused, without justification, to assist a fellow police officer in the service of an arrest warrant. Finally, Officer D was untruthful during the internal investigation. Officer D's misconduct ended his 13-year career.

Officer D's Basic, Intermediate and Advanced Police Certifications were Revoked.

Case 5

Officer E's case was heard before the Corrections Policy Committee (CPC) based on a misdemeanor conviction. Six years prior to entering public safety, Officer E was convicted of Animal Abuse in the Second Degree. In this case Officer E shot and killed his neighbor's dog after it came into contact with his dog. Officer E called the police and reported what he had done, was forthright with the police, pled guilty to the crime, paid restitution to the dog's owner and was truthful and forthright with his future hiring agency about the incident. The CPC considered the discretionary disqualifying crime and the established moral fitness standards for officers. The CPC determined that mitigating factors included Officer E's age at the time of the conviction, the passage of time with no other criminal activity, and most importantly, the honest and forthright manner in which Officer E handled his prior conduct. The Board affirmed the CPC recommendation and this case was closed administratively.

Officer E is eligible to obtain his Basic Corrections Certification.

Case 6

Officer F was discharged for cause after an internal investigation revealed that he violated agency policies regarding truthfulness and integrity when he kept his former wife on his city health benefit coverage when she was no longer eligible for such coverage. This conduct occurred over a number of years. Officer F was issued a Notice of Intent to Revoke Certifications. Officer F made a timely request for a hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal issues for which a decision is sought. The ALJ issued a Proposed Order revoking Officer F's certification. DPSST adopted the ALJ's Proposed Order in its entirety and filed a Final Order Revoking Certification. Officer F's Misconduct ended his 21-year career.

Officer C's Basic Police Certification was Revoked.

Case 7

Officer G retired and was later arrested and convicted of two counts of Sodomy in the First Degree and two counts of Sexual Penetration with a Foreign Object, all Class A felonies. Officer G was also convicted of two counts of Sexual Abuse in the First Degree, Class B felonies. The victim in this case was Officer G's granddaughter. Officer G was issued a Notice of Intent to Revoke Certifications. Officer G did not make a timely request for a hearing. Officer G's misconduct tarnished his 28-year career.

Officer G's Basic, Intermediate and Advanced Police Certifications were Revoked.

Case 8

Officer H resigned and signed a Stipulated Order Revoking his Certifications after an internal investigation revealed that he had engaged in an inappropriate relationship with a high school student while he served as a school resource officer at the victim's school. Officer H was investigated both criminally and administratively and was found to be untruthful on several occasions in each investigation. Officer H engaged in this misconduct both on and off duty, facilitated the relationship using agency resources, and released highly confidential information to the victim student. Officer H's misconduct ended his 7-year career.

Officer H's Basic and Intermediate Police Certifications were Revoked.

Case 9

Officer I resigned and was later convicted of Prostitution. Prostitution is a mandatory disqualifying crime, for purposes of public safety certification. In this case, Officer I was arrested during an undercover police sting operation in which the contact originated on the Internet. Officer I then met the undercover officer in a hotel room. Officer I's misconduct ended his 18-year career.

Officer I's Basic, Intermediate, Advanced and Supervisory Police Certifications were Revoked.

A brief excerpt from “ **The Untruthful Officer: A Proactive Management Approach**

By Carl Milazzo Esq., Former Legal Advisor, Fayetteville NC Police Dept.

Integrity is one of the most important character foundations of a good police officer, but there is a growing frustration at what seems to be an expanding lack of integrity and an even greater lack of support for disciplinary measures by politically elected or appointed boards. The root of all evil in law enforcement can be traced to a lack of integrity, from excessive force to uninspired work performance. There are severe legal consequences for not properly managing the untruthful officer, and there are some proactive steps that should be implemented to reduce the potential for an organizational tolerance or culture of untruthfulness. Common issues tend to surface when during [sic] disciplinary proceedings involving integrity violations. They are:

A. Little lies – Are all lies the same? Should every act of untruthfulness receive the same level of discipline, or are there distinguishing factors that you can consistently use to justify disparate discipline? Assuming you do, how do you justify the distinction and convince officers that the different discipline is fair, when you are often restricted from discussing the details by statutory personnel privacy restrictions?

B. Internal Investigations – How often have you seen an otherwise competent officer lie about some minor rule infraction that would have merited insignificant discipline, yet they continued on a downward spiral that ended their career? What benefit do they perceive in lying when telling the truth would have led to less discipline? Do you reward honesty by imposing less discipline for those who come forward or readily admit to wrongdoing?

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The Ticking Timebomb – Impeachment in Court and the Management Responsibility

The duty to disclose exculpatory information includes the duty to disclose information which is relevant to the credibility of witnesses, including law enforcement witnesses. Police officers are in an occupation unlike any other because they testify under oath as a job requirement, and they testify frequently. Thus, once character and credibility has been destroyed, the officer is tainted forever. If the number of impeachable officers multiply, or are concentrated in high profile investigative positions, then a department could be literally crippled from investigating crime. The decision to retain rather than terminate an impeachable officer will eventually reflect upon the management decision to retain, rather than terminate the untruthful officer. All eyes will rotate to the chief executive, and not to the officer. This is a problem that should not sneak up on anyone, it can be anticipated and is susceptible to proactive management initiative.

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This material was provided at the International Association of Chiefs of Police, 2000 Conference. To review this entire article, please use the following link:

<http://www.aele.org/lostruth2000.html>

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