

OREGON DPSST
ETHICS BULLETIN
Volume No. 105



The Board on Public Safety Standards and Training (BPSST) has the legislative mandate to establish and enforce minimum standards for all law enforcement officers, fire service professionals, 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 individual who has fallen below the minimum 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 2012**.

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	033	Of the 33 Cases Closed:	
Cases Closed	033	Revoked	011
Cases Pending	238	Denied	000
Reinstated	000	No Action	022

Telecommunicator A was convicted of four counts of First Degree Official Misconduct. DPSST received a request from the prosecuting District Attorney for a Stipulated Order. Telecommunicator A signed the Stipulated Order Revoking his certifications. Telecommunicator A's misconduct ended his 7-year career.

Telecommunicator A's Basic Telecommunicator and Emergency Medical Dispatcher Certifications were Revoked.

Officer B was convicted of Unlawful Use of Fireworks, a discretionary disqualifying misdemeanor. DPSST notified Officer B that his case would be heard by the Corrections Policy Committee (CPC) and gave him the opportunity to provide mitigating circumstances for the Committee's consideration. The CPC determined that Officer B's conduct involved Dishonesty and Misconduct. They found that he was untruthful in what he told the investigating officer about what he knew about the illegal fireworks being shot off at his residence. They also found his letter to them to be untruthful due to inconsistencies with the investigating officer's report. The CPC determined that Officer B's dishonest conduct rose to the level to warrant revocation of his certifications, with a lifetime disqualifier. They found that the conviction did not rise to the level to warrant revocation. DPSST served Officer B with a Notice of Intent to Revoke Certification. He made a timely request for a hearing. At the hearing the ALJ determined that DPSST failed to prove that Officer B committed discretionary disqualifying misconduct and issued a proposed order that DPSST not revoke Officer B's certification. DPSST did not adopt the ALJ's reasoning, finding instead that DPSST did not

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prove its case by a preponderance of evidence, but did adopt the proposed order to not revoke Officer B's certification. DPSST issued a Final Order not revoking Officer B's certification.

Officer B's Basic Corrections Certification remains in good standing.

Officer C resigned in lieu of termination after an internal investigation sustained findings of untruthfulness and insubordination. Officer C was untruthful about completing several assignments she had been directed to complete. During the internal investigation she was repeatedly untruthful until she was shown physical proof that she lied. DPSST notified Officer C that her case would be heard before the Corrections Policy Committee (CPC) and gave her the opportunity to provide mitigating circumstances for the committee's consideration. The CPC determined that Officer C's conduct involved Dishonesty, Misconduct and Insubordination. The CPC determined that Officer C's misconduct rose to the level to warrant revocation of her certification, with a lifetime disqualifier for the dishonesty. DPSST served Officer C with a Notice of Intent to Revoke Certification, and she made a timely request for a hearing. Prior to the hearing, DPSST submitted a Motion for Summary Determination. Officer C, through her attorney, submitted a response to the motion. The Administrative Law Judge found in favor of DPSST, and DPSST issued a Final Order revoking Officer C's certification. Officer C's misconduct ended her two-year career.

Officer C's Basic Corrections Certification was Revoked.

Officer D was arrested in Idaho for DUII and later convicted of Inattentive Driving, Idaho's equivalent crime to Oregon's Reckless Driving, a discretionary disqualifying conviction. DPSST presented the case to the Police Policy Committee (PPC), which voted to not revoke Officer D's certifications. Prior to the case being presented to the Board, Officer D was arrested for violating his probation on the DUII. DPSST pulled the case from the scheduled Board review to investigate the new matter. Officer D pled guilty to Probation Violation. DPSST notified him that both matters would be heard by the PPC and gave him the opportunity to provide mitigating circumstances for the Committee's consideration. The PPC did not change its recommendation in the first case, which was that Officer D's conduct involved Misconduct, for having committed the crimes of DUII and Reckless Driving, but that his misconduct did not rise to the level to warrant revocation of his certifications. The CPC found as mitigating circumstances that Officer D handled the matter appropriately, as did his police chief and the agency. On the second case, the PPC determined that Officer D's conduct involved Misconduct for violating the law by committing the probation violation and again found that his misconduct did not rise to the level to warrant revocation of his certifications. The committee found as mitigating circumstances the totality of the circumstances, that there were challenges in Officer D's personal life, that he was walking when stopped by the police, and he was fully cooperative and reported his convictions as required. The Board affirmed the CPC's recommendation, and Officer D's certifications were not revoked.

Officer D's Basic, Intermediate and Advanced Police Certifications remain in good standing.

Officer E was received a probationary discharge after an internal investigation found violations of department policies related to Unbecoming Conduct, Conformance to Law, and Truthfulness. His conduct involved parking in a no-parking zone, and his employer identified untruthfulness in his response to them. DPSST notified Officer E that his case would be

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reviewed by the Police Policy Committee and gave him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC determined that Officer E's conduct did not meet DPSST's definitions of misconduct and recommended that his certification not be revoked. The Board affirmed the PPC's recommendation, and Officer E's certification was not revoked.

Officer E's Basic Police Certification remains in good standing.

Officer F resigned in lieu of termination after an internal investigation sustained violations of agency policies, the Criminal Justice Code of Ethics and the law by engaging in sexual activity with a custody associate while on duty and in uniform. Officer F had transported an intoxicated female passenger of a DUII arrestee to her residence and exchanged phone numbers. They then exchanged text messages, and the next night he went to her residence while he was on duty and engaged in sex with her. He was not charged with a criminal offense. DPSST notified Officer F that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC determined that Officer F's misconduct involved Misuse of Authority, Gross Misconduct and Misconduct. The PPC determined that Officer F's misconduct rose to the level to warrant revocation of his certifications, with a ten-year initial period of ineligibility for the Misuse of Authority, ten years for Gross Misconduct and seven years for Misconduct. DPSST served Officer F with a Notice of Intent to Revoke Certifications and he made a timely request for a hearing. Prior to the hearing Officer F signed a Stipulated Order Revoking Certifications. Officer F's misconduct ended his six-year career.

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

Officer G resigned in lieu of termination for violations of department policies including insubordination and untruthfulness. The internal investigation determined that Officer G had improperly investigated a criminal offense and was untruthful when asked about what he had done in the investigation. DPSST notified Officer G that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC determined that Officer G's conduct did not meet DPSST's definitions of misconduct and recommended that his certifications not be revoked. The Board affirmed the PPC's recommendation, and Officer G's certifications were not revoked.

Officer G's Basic, Intermediate, Advanced and Supervisory Police Certifications remain in good standing.

Officer H was discharged for cause after an internal investigation revealed repeated violations of numerous agency policies over a period of several years. Officer H grieved his discharge, but thereafter the union withdrew the grievance. DPSST issued Officer H a Notice of Intent to Revoke his certifications based on the discharge, and he made a timely request for a hearing. After review of the underlying basis for the agency's discharge, DPSST advised Officer H that his conduct would be reviewed by the Corrections Policy Committee (CPC), allowing him the opportunity to provide mitigating circumstances for the committee's consideration. The CPC determined that Officer H's conduct involved Disregard for the Rights of Others for accusations against other staff that bordered on defamation, and repeating his claims of their misconduct despite investigations that revealed no misconduct on their part. The CPC also found that Officer H's conduct involved Gross Misconduct for a

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confrontation he had with a staff member in front of inmates. This created a danger or risk to persons and to the efficient operation of the agency. The CPC determined that Officer H's conduct involved Misconduct and Insubordination for the totality of his e-mails, which violated the agency's policies regarding a respectful workplace, and for continuing his misconduct after being counseled and directed many times to stop. The committee determined that Officer H's conduct rose to the level to warrant revocation of his certification, with an initial five-year period of ineligibility to re-apply for certification. DPSST served Officer H with a Notice of Intent to Revoke Certifications based on the committee's findings. He failed to make a timely request for a hearing, and his certifications were revoked by default. Officer H's misconduct ended his 18-year career.

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

Officer I resigned during an investigation that revealed he had failed to conduct tier checks and falsified documentation related to the tier checks. DPSST notified Officer I that his conduct would be reviewed by the Corrections Policy Committee (CPC) and allowed him the opportunity to provide mitigating circumstances for the committee's review. He did not provide a response. The CPC determined that Officer I's conduct involved Dishonesty, Disregard for the Rights of Others, Gross Misconduct, Misconduct and Insubordination. The CPC determined that Officer I's conduct rose to the level to warrant revocation of his certifications, with a lifetime disqualifier for Dishonesty. DPSST served Officer I with a Notice of Intent to Revoke Certifications, he failed to make a request for a hearing, and his certifications were revoked by default. Officer I's misconduct ended his 11-year career.

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

Officer J was convicted in Idaho of two fish and game criminal offenses. The equivalent Oregon statutes are Hunting from a Motorized Vehicle and Criminal Trespass II. DPSST notified Officer J that his conduct would be reviewed by the Corrections Policy Committee (CPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. Officer J did provide a response. The CPC determined that Officer J's conduct involved Misconduct for the two law violations, but that his conduct did not rise to the level to warrant revocation of his certifications. The CPC found as mitigating circumstances that Officer J was cooperative and respectful, and took responsibility for his actions. The committee found as aggravating circumstances that Officer J had prior citations for game violations, and that he had failed to report the convictions to his employer.

Officer J's Basic and Intermediate Corrections Certifications remain in good standing.

Officer K was previously employed by various Oregon public safety agencies but had left and formed a private company. DPSST learned that Officer K had testified in a civil trial that he held a college degree. Officer K had previously been notified by the Oregon Office of Degree Authorization that the degree was not valid because it was issued by a known "diploma mill" and that it was a criminal offense to claim the degree. Subsequent to this, the PPC directed DPSST to investigate Officer K's conduct related to a case brought to them regarding another officer's conduct. The PPC identified that Officer K's conduct related to the issuance of canine certifications was inconsistent with the professional standards for one holding Oregon police certifications. Following a staff investigation, DPSST notified Officer K that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC determined that Officer K's conduct involved Dishonesty and Misconduct. The PPC

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determined that Officer K's misconduct rose to the level to warrant revocation of his certifications, with a lifetime disqualifier for Dishonesty. DPSST served Officer K with a Notice of Intent to Revoke Certifications. He failed to make a request for a hearing, and his certifications were revoked by default.

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

Telecommunicator L resigned in lieu of termination after an agency investigation revealed violations of agency policies, including improper use of LEADS and allowing unauthorized visitors into the communications center and denying she knew of these policies, and continuing to violate these and other policies after being counseled. DPSST notified Telecommunicator L that her conduct would be reviewed by the Telecommunications Policy Committee (TPC) and allowed her the opportunity to provide mitigating circumstances for the committee's consideration. She did not provide a response. The TPC determined that Telecommunicator L's conduct involved Dishonesty, Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct and Insubordination. The TPC determined that Telecommunicator L's misconduct rose to the level to warrant revocation of her certifications, with a lifetime disqualifier for Dishonesty. DPSST served Telecommunicator L with a Notice of Intent to Revoke Certifications. She failed to make a request for a hearing, and her certifications were revoked by default. Telecommunicator L's misconduct ended her four-year career.

Telecommunicator L's Basic Telecommunicator and Basic Emergency Medical Dispatcher Certifications were Revoked.

Officer M was convicted of Recklessly Endangering Another after an off-duty incident involving a stand-off with police, during which he discharged a weapon. A companion charge of Unlawful Use of a Weapon was dismissed upon his plea of no contest to the Recklessly Endangering. DPSST notified Officer M that his case would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. Officer M did provide a response. The PPC determined that Officer M's conduct involved Gross Misconduct and Misconduct for firing a weapon during the commission of a crime, and for the crime itself. The committee found as mitigating circumstances that Officer M was off-duty at the time of the incident, was under mental and emotional turmoil, obtained and continues treatment, attended the PPC meeting, wrote a compelling letter to the committee addressing his alcohol abuse and other issues and had provided letters of support. The committee found as aggravating circumstances that Officer M had used a weapon and fired a round that could have cost someone their life.

Officer M's Basic, Intermediate and Advanced Police Certifications remain in good standing.

Officer N resigned during a criminal investigation that resulted in his arrest for Telephonic Harassment. The charges were later dismissed pursuant to civil compromise. Officer N had a relationship with a woman who later broke off the relationship, and told Officer N to not contact her any more. He then contacted her several times via calling and text. She also alleged that they had sex while Officer N was on duty and in uniform. The investigation also revealed that Officer N had checked the woman's name on LEADS for personal purposes. DPSST notified Officer N that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. Officer N did not provide a response. The PPC determined that

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conduct involved Dishonesty, Disregard for the Rights of Others, Misuse of Authority and Misconduct. The committee found that Officer N's conduct rose to the level to warrant revocation of his certification, with a lifetime disqualifier for Dishonesty. DPSST served Officer N with a Notice of Intent to Revoke Certification. He failed to make a request for a hearing, and his certification was revoked by default. Officer N's misconduct ended his two-year career.

Officer N's Basic Police Certification was Revoked.

Officer O resigned in lieu of termination after an internal investigation sustained violations of department policies regarding performance, report preparation and truthfulness. Officer O was found to have stated in a report that he observed something that he had not but that had been observed and reported to him by a fellow officer. He was also found to have serious deficiencies in his report writing and his attitude that he had failed to correct with counseling. DPSST notified Officer O that his conduct would be reviewed by the Police Policy Committee (PPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. He did provide a response. The PPC determined that Officer N's conduct did not meet DPSST's definition of misconduct and recommended that his certifications not be revoked. The Board affirmed the committee's recommendation and Officer O's certifications were not revoked.

Officer O's Basic and Intermediate Police Certifications remain in good standing.

Officer P resigned by abandonment of his job when he failed to return after an extended medical leave, failed to call his sergeant when directed to do so, and failed to notify the agency that he would not be returning to work. DPSST notified Officer P that his case would be reviewed by the Corrections Policy Committee (CPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. He did not provide a response. The CPC determined that Officer P's conduct involved Disregard for the Rights of Others, Gross Misconduct, Misconduct and Insubordination. The CPC determined that Officer P's misconduct rose to the level to warrant revocation of his certification, with an initial period of ineligibility of five years for Disregard for the Rights of Others, five years for Gross Misconduct, three years for Misconduct and three years for Insubordination. DPSST served Officer P with a Notice of Intent to Revoke Certification. He failed to request a hearing, and his certification was revoked by default. Officer P's misconduct ended his three-year career.

Officer P's Basic Corrections Certification was Revoked.

Officer Q resigned during an investigation alleging he was having a relationship with a former inmate currently on parole. Officer Q admitted to the relationship claiming that he did not know she was on parole. Officer Q voluntarily signed a Stipulated Order Revoking his certifications. Officer Q's misconduct ended his 14-year career.

Officer Q's Basic, Intermediate and Advanced Corrections Certifications were Revoked.

Fire Service Professional R resigned after an internal investigation revealed that he had forged his Chief's signature on an application for certification and falsified other training information claiming qualifications he did not possess. Fire Service Professional R voluntarily signed a Stipulated Order Revoking his fire certifications.

Fire Service Professional R's Basic Fire Fighter, NFPA Surface Water Rescue Technician, Fire Ground Leader, NFPA Fire Investigator, Maritime Fire Service Deck

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Hand, Maritime Fire Service Basic Awareness, NFPA Fire Officer I & II, NFPA Fire Instructor I & II, NFPA Fire Fighter I & II, Wildland Interface Strike Team Lead, Wildland Interface Engine Boss, Wildland Interface Fire Fighter, NFPA Public Information Officer, Hazardous Materials Technician, On Scene Incident Commander, First Responder Operations, NFPA Mobile Water Supply Operator, NFPA Aerial Operator, NFPA Pumper Operator, NFPA Wildland Fire Operator, NFPA Driver and NFPA Marine FF for Land Based FF Certifications were Revoked.

Fire Service Professional S was convicted of Fourth Degree Assault, a discretionary disqualifying conviction for fire service. DPSST notified Fire Service Professional S that his conviction would be reviewed by the Fire Policy Committee (FPC) and allowed him the opportunity to provide mitigating circumstances for the committee's consideration. He did provide a response. The FPC determined that Fire Service Professional S's conduct associated with his arrest and subsequent conviction violated the core values of Professionalism and Justice. After reviewing the facts of the case the FPC voted to recommend that Fire Professional Service S's conduct does not rise to the level to warrant denial of his certification. The Board affirmed the committee's recommendation and Fire Service Professional S's application for certification was approved.

Fire Service Professional S's application for NFPA Fire Apparatus Driver/Operator was approved.

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