

OREGON DPSST
ETHICS BULLETIN
Volume No. 120



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 **October 2013**.

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.

October Statistics

Cases Opened	18	Of the 41 Cases Closed:	
Cases Closed	41	Revoked	015
Cases Pending	175	Denied	000
Reinstated	0	No Action	026

Officer A resigned during an internal investigation into allegations that he was not supervising his case load, was using agency equipment for personal use, and was submitting time cards falsely reflecting time worked. DPSST notified Officer A that his case would be reviewed by the Corrections Policy Committee (CPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. Officer A instead chose to sign a Stipulation Voluntarily Relinquishing Certification which permanently revoked his certification. Officer A's misconduct ended his eight-year career.

Officer A's Basic Parole & Probation certification is Revoked.

Officer B was discharged for cause after an internal investigation revealed that he violated his last chance agreement by failing to properly investigate or document a report of a child being sexually abused by an older sibling who resided in the same residence as the victim. Officer B was served a Notice of Intent to Revoke and failed to request a hearing, resulting in a default final order. Officer B's misconduct ended his 14-year career.

Officer B's Basic, Intermediate and Advanced Police Certifications are Revoked.

Fire Service Professional C was discharged for cause after using his agency issued fuel card for unauthorized personal use. Fire Service Professional C was subsequently convicted of First Degree Theft. Fire Service Professional C was served with a Notice of Intent to Revoke and failed to request a hearing, resulting in a default final order.

Fire Service Professional C's NFPA Fire Fighter I Certification was Revoked.

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Telecommunicator D was discharged for cause after an internal investigation revealed that he violated agency policies by mishandling an assault and rape 9-1-1 call. Telecommunicator D was issued a Notice of Intent to Revoke and failed to request a hearing, resulting in a default final order. Telecommunicator D's misconduct ended his 11-year career.

Telecommunicator D's Basic and Intermediate Telecommunicator Certifications were Revoked.

Officer E resigned in lieu of termination after his conviction of two counts of First Degree Criminal Mistreatment, Class C felony crimes. Officer E was issued a Notice of Intent to Revoke and failed to request a hearing, resulting in a default final order. Officer E's misconduct ended his 8-year career.

Officer E's Basic Corrections Certification was Revoked.

Officer F resigned pursuant to a settlement agreement after an internal investigation found that he had violated agency policies relating to Code of Ethics, Code of Conduct, Respectful Workplace and Department Mission. DPSST notified Officer F that his case would be reviewed by the Corrections Policy Committee (CPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. The CPC found that Officer F's conduct involved Dishonesty, Misuse of Authority, Gross Misconduct, Misconduct and Insubordination. The committee determined that Officer F had taken property from a deceased co-workers vehicle and was dishonest about it, had misrepresented the number of times he had gone to strip clubs with co-workers, had lied about inappropriately touching a female subordinate, had attempted to use his position to influence his daughter's trial service in a nearby agency, inappropriately touched a female co-worker during a search training session, failed to follow protocols in securing the property from the deceased co-worker's vehicle, had involved himself in a co-worker's internal investigation after being directed to not do so, and had engaged in such disruptive, unprofessional behavior in the office that it affected the efficient operation of the agency. The CPC found that Officer F's misconduct rose to the level to warrant revocation of his certifications, with a lifetime ban for dishonesty. DPSST served Officer F with a Notice of Intent to Revoke Certifications, and he made a timely request for a hearing. After hearing the case, the Administrative Law Judge issued a Proposed Order that the evidence presented did not show that Officer F's conduct involved any of the categories as determined by the CPC, and that Officer F's certifications should not be revoked. DPSST issued a Final Order adopting the ALJ's Proposed Order and set aside the Notice of Intent to Revoke.

Officer F's Basic, Intermediate and Advanced Parole & Probation certifications, although lapsed, remain in good standing.

Officer G was arrested for First Degree Official Misconduct and Patronizing a Prostitute. Officer G resigned from his position as a police officer and voluntarily relinquished his certifications. Officer G was subsequently convicted of First Degree Official Misconduct. Officer G's misconduct ended his 24-year career.

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

Officer H had retired and later was arrested for DUII and Recklessly Endangering Another. He resolved the DUII through a diversion program, and was convicted of Recklessly Endangering. DPSST notified Officer H that his case would be reviewed by the Police Policy

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Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. He chose instead to sign a Stipulation Voluntarily Relinquishing Certifications, which revoked his certifications for ten years.

Officer H's Basic, Intermediate and Advanced Police certifications and Basic and Intermediate Corrections certifications are Revoked.

Officer I resigned and voluntarily relinquished her certification after an internal investigation revealed that she was having sex on duty.

Officer I's misconduct ended her 6-year career.

Officer I's Basic Corrections Certification was Revoked.

Officer J was discharged for cause and voluntarily relinquished his certification after an internal investigation revealed that he was having sex on duty.

Officer J's misconduct ended his 17-year career.

Officer J's Basic Corrections Certification was Revoked.

Officer K resigned under a settlement agreement after an internal investigation determined that he had been having sex on duty, using agency equipment and personal equipment on duty and had been untruthful during the investigation. DPSST notified Officer K that his case would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration, which he did. The PPC determined that Officer K's conduct involved Dishonesty, Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct and Insubordination. He had been texting with a department cell phone to make arrangements for the sexual encounters, which occurred on duty and out of the city limits, and was untruthful about these issues after having been ordered to be truthful during the investigation. The PPC found that Officer K's misconduct rose to the level to warrant revocation of his certifications, with a lifetime ban for dishonesty. DPSST issued Officer K a Notice of Intent to Revoke Certifications and he failed to request a hearing. After the Board affirmed the committee's recommendation, Officer K's certifications were revoked by default. Officer K's misconduct ended his 11-year career.

Officer K's Basic, Intermediate, and Advanced Police certifications are Revoked.

Officer L resigned under a settlement agreement after an internal investigation determined that he had been having sex on duty, using agency equipment and personal equipment on duty and had been untruthful during the investigation. DPSST notified Officer L that his case would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration, which he did. The PPC determined that Officer L's conduct involved Dishonesty, Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct and Insubordination. He had been texting with a department cell phone to make arrangements for the sexual encounters, which occurred on duty and out of the city limits, and was untruthful about these issues after having been ordered to be truthful during the investigation. The PPC found that Officer L's misconduct rose to the level to warrant revocation of his certifications, with a lifetime ban for dishonesty. DPSST issued Officer L a Notice of Intent to Revoke Certifications and he failed to request a hearing. After the Board affirmed the committee's recommendation, Officer L's certifications were revoked by default. Officer L's misconduct ended his nine-year career.

Officer L's Basic, Intermediate, and Advanced Police certifications are Revoked.

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Officer M resigned while under investigation and pursuant to a settlement agreement involving violations of a work improvement plan, failure to conduct appropriate investigations and failure to complete incident reports as directed. DPSST notified Officer M that his case would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration, which he did. The PPC determined that Officer M's conduct did not violate any category of misconduct and that it consisted solely of performance-related issues. The committee determined that Officer M's conduct does not rise to the level to warrant revocation of his certifications, and the Board affirmed the committee's recommendation.

Officer M's Basic, Intermediate and Advanced Police certifications and his Basic Corrections certification, although lapsed, remain in good standing.

Officer N retired while under investigation after an internal investigation sustained violations of agency policies related to supervisory accountability, discipline and appeal, and truthfulness. At issue was whether Officer N had directed a subordinate to not issue a notice of investigation for a potential policy violation prior to interviewing an employee. DPSST notified Officer N that his case would be reviewed by the Corrections Policy Committee (CPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration, which he did. The CPC did not reach a consensus that Officer N's conduct involved dishonesty, and found no other category of misconduct. The committee determined that Officer N's conduct does not rise to the level to warrant revocation of his certifications, and the Board affirmed the committee's recommendation.

Officer N's Basic, Intermediate, Advanced, Supervisory, Management and Executive Corrections certifications, although lapsed, remain in good standing.

Officer O had not been employed in a certified public safety position for several years when she was convicted of Theft 3 for shoplifting. DPSST notified Officer O that her case would be reviewed by the Corrections Policy Committee (CPC) and gave her the opportunity to provide mitigating circumstances for the committee's consideration. She did not provide a response. The CPC determined that Officer O's conduct involved Dishonesty, Disregard for the Rights of Others and Misconduct. The committee found that Officer O's misconduct warranted the revocation of her certifications, with a lifetime ban for Dishonesty. DPSST served Officer O with a Notice of Intent to Revoke Certifications and she failed to request a hearing. The Board affirmed the committee's recommendation, and Officer O's certifications were revoked by default.

Officer O's Basic and Intermediate Corrections certifications are Revoked.

Officer P was arrested for Fourth Degree Assault and First Degree Official Misconduct for assaulting a jail inmate. Officer P resigned during the investigations and was later convicted of Harassment for that incident. DPSST notified Officer P that his case would be reviewed by the Corrections Policy Committee (CPC) and gave 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 Dishonesty, Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct, Misconduct and Insubordination. He had assaulted an inmate by choking him, while under the color of office, disregarded agency policies, violated a work plan related to similar conduct, failed to include the choking use of force in the incident report, and was not honest and forthcoming in the investigation. The CPC

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determined that Officer P's misconduct rose to the level to warrant revocation of his certifications, with a lifetime ban for Dishonesty. DPSST served Officer P with a Notice of Intent to Revoke Certifications and he failed to request a hearing. The Board affirmed the committee's recommendation, and Officer P's certifications were revoked by default. Officer P's misconduct ended his 24-year career.

Officer P's Basic, Intermediate, Advanced and Supervisory Corrections certifications are Revoked.

Officer Q resigned during an internal investigation that sustained violations of agency policies related to performance expectations, professional conduct, insubordination and violation of his Last Chance Agreement. He had called in sick without properly notifying his supervisor, and the agency suspected continuing use of alcohol. Officer Q's Last Chance Agreement required him to submit to a breath test in such an event, and he refused the sergeant's order to take the test. DPSST notified Officer Q that his case would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's review. He did not provide a response. The PPC did not reach a consensus that Officer Q's conduct involved Dishonesty, and found that his conduct did involve Insubordination. The committee determined that Officer Q's misconduct rose to the level to warrant revocation of his certification, with an initial period of ineligibility to reapply for certification of the maximum of seven years for Insubordination. DPSST served Officer Q with a Notice of Intent to Revoke Certifications, and he failed to request a hearing. The Board affirmed the PPC's recommendation, and Officer Q's certifications were revoked by default. Officer Q's misconduct ended his 16-year career.

Officer Q's Basic, Intermediate, Advanced and Supervisory Police certifications are Revoked.

Officer R resigned in lieu of termination and pursuant to a settlement agreement after an internal investigation sustained violations of agency policies relating to performance of duties, attention to duty, and sleeping on duty. Officer R, recently back to duty after being reinstated by an arbitrator from a discharge for cause, was found to have fallen asleep while attending a court session guarding an inmate/murder suspect who was testifying. He had also placed himself behind a post in the courtroom, restricting his view and causing concern about the distance between him and the inmate. DPSST notified Officer R that his conduct would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration, which he did. The PPC determined that Officer R's conduct involved Insubordination because those actions violated agency policies related to the efficient operation of the agency. The committee determined that Officer R's misconduct did not rise to the level to warrant revocation of his certifications, and the Board affirmed the PPC's recommendation.

Officer R's Basic and Intermediate Police certifications, while lapsed, remain in good standing.

Officer S resigned during an internal investigation into violations of agency policies related to orders, standards for arrest, performance, safety, and assistance to agencies outside the city. Officer S had failed to make a required custodial arrest on a domestic violence suspect, failed to contact the District Attorney's Office as ordered, failed to keep his sergeant updated about the case as ordered, and repeatedly patrolled outside the city limits when ordered to not do so. DPSST notified Officer S that his case would be reviewed by the Police Policy

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Committee (PPC) and gave him the opportunity to provide mitigating circumstances, which he did. The PPC determined that Officer S' conduct involved Insubordination for these acts, but that his misconduct did not rise to the level to warrant revocation of his certifications. The Board affirmed the PPC's recommendation.

Officer S' Basic Police certification, while lapsed, remains in good standing.

Officer T resigned during an internal investigation into violations of agency policies related to standards of conduct, maintaining a professional workplace, and tactical training procedures. Officer T had acted unprofessionally towards two groups of students at separate times, and had unexpectedly and unsafely entered a training scenario in a vehicle. DPSST notified Officer T that her case would be reviewed by the Police Policy Committee (PPC) and gave her the opportunity to provide mitigating circumstances for the committee's consideration, which she did. The PPC determined that Officer T's conduct involved no category of misconduct and that her conduct did not rise to the level to warrant revocation of her certifications. The Board affirmed the committee's recommendation.

Officer T's Basic, Intermediate and Advanced Police certifications and Instructor certification, while lapsed, remain in good standing.

Officer U retired and while processing the paperwork, DPSST discovered that Officer U had been convicted of DUII in 2003. DPSST notified Officer U that his case would be reviewed by the Corrections Policy Committee (CPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration, which he did. The CPC determined that Officer U's conduct involved Gross Misconduct and Misconduct according to the definitions of those categories, but that his misconduct did not rise to the level to warrant revocation of his certification. The Board affirmed the committee's recommendation.

Officer U's Basic Corrections certification, although lapsed, remains in good standing.

Officer V resigned during an internal investigation into violations of agency policies related to professional conduct and truthfulness. Officer V had initiated a personal relationship with a woman whom he met through her calls to the agency for assistance. The woman apparently suffered from depression and alcoholism and frequently called the agency for help. DPSST notified Officer V that his case would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. He did not provide a response. The PPC determined that Officer V's conduct involved Dishonesty, Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct and Misconduct. Officer V manipulated agency resources to access the woman's information, including improperly using LEDS and DMV. He then sought her out and brought her alcohol when he knew she had alcohol problems and took medication for depression. Officer V lied numerous times during the internal investigation. The committee determined that Officer V's misconduct rose to the level to warrant revocation of his certifications, with a lifetime ban for dishonesty. DPSST served Officer V with a Notice of Intent to Revoke Certifications, and he failed to request a hearing. The Board affirmed the committee's recommendation, and Officer V's certifications were revoked by default. Officer V's misconduct ended his 8-year career.

Officer V's Basic and Intermediate Police certifications and Basic and Intermediate Corrections certifications are Revoked.

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