

OREGON DPSST
ETHICS BULLETIN
Volume No. 132



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 2014**.

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	17	Of the 14 Cases Closed:	
Cases Closed	14	Revoked	5
Cases Pending	143	Denied	1
Reinstated	0	No Action	8

Officer A was convicted of a wildlife violation after an investigation revealed he had shot a deer in a zone for which he was not licensed, and then trespassed on private property to gut the deer. He was dishonest with the investigating trooper about why he had been on the private property. He was also dishonest with his employer when he told the employer the circumstances of his police contact. He admitted the dishonesty in a subsequent internal investigation, acknowledging that being deceitful is the same as being untruthful. 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, which he did. The CPC determined that Officer A's conduct involved Misconduct based on violation of the law with respect to the wildlife violation, and with respect to the trespass, even though he was not charged with that offense. The CPC also found that Officer A's conduct involved Disregard for the Rights of Others for the trespass and Dishonesty for his untruthful statements to the trooper and to his employer, as well as to the Committee. In a first letter to the CPC he stated he had been upfront and truthful to his employer and the trooper during the incident. In a second letter, after a delay in presenting the case to the CPC, Officer A stated he wished he had told the "110 % truth" and that he was sorry he had not. The CPC determined that Officer A's misconduct rose to the level to warrant revocation of his certification, with a lifetime period of ineligibility to reapply for certification. DPSST served Officer A with a Notice of Intent to Revoke Certification, and Officer A made a timely request for a hearing. Prior to the hearing, DPSST filed a Motion for Summary Determination, asserting that there were no material facts in dispute. Officer A filed

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a response to the motion. The Administrative Law Judge (ALJ) ruled in favor of DPSST and issued a Proposed Order upholding the revocation. Officer A did not file exceptions to the Proposed Order, and DPSST issued a Final Order revoking Officer A's certification. Officer A's misconduct ended his 20-year career.

Officer A's Basic Corrections certification is Revoked.

Officer B resigned while under investigation for improperly handling drug evidence and then being dishonest about it, denying that he had confiscated the drugs. While on administrative leave during the investigation, he was taken into custody on a peace officer's hold for an apparent suicide attempt during which he struggled with and threatened the officers. DPSST notified Officer B that his case would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances, which he did. The PPC determined that Officer B's conduct involved Misconduct, Gross Misconduct, and Dishonesty, and that the misconduct warranted a lifetime period of ineligibility to reapply for certification. DPSST served Officer B with a Notice of Intent to Revoke Certifications, and he failed to request a hearing. The Board affirmed the Committee recommendation to revoke, and his certifications were revoked by default. Officer B's misconduct ended his eight-year career.

Officer B's Basic Corrections certification and Basic Police certification are Revoked.

Officer C was long retired when he was convicted of Theft 3 – Shoplifting. DPSST notified him 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 C did not provide a response. The CPC determined that Officer C's conduct involved Misconduct for the violation of the law, and Dishonesty for lying about having shoplifted the items. DPSST served Officer C with a Notice of Intent to Revoke Certifications, and he failed to request a hearing. After the Board affirmed the Committee recommendation to revoke, Officer C's certifications were revoked by default.

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

Telecommunicator D resigned in lieu of termination after an internal investigation revealed that she had improperly accessed a co-worker's e-mail account and then printed out and shared some of the e-mails with other fellow dispatchers. She was also dishonest during the investigation. DPSST notified Telecommunicator D that her case would be reviewed by the Telecommunications Policy Committee (TPC) and gave her the opportunity to provide mitigating circumstances for the Committee's consideration, which she did. The TPC determined that Telecommunicator D's conduct involved Insubordination, Misconduct, Gross Misconduct, Disregard for the Rights of Others and Dishonesty. However, the Committee determined that the only category of misconduct that rose to the level to warrant revocation of certifications was Dishonesty, which warranted a lifetime period of ineligibility to reapply for certification. DPSST served Telecommunicator with a Notice of Intent to Revoke Certifications, and she failed to request a hearing. The Board affirmed the TPC recommendation to revoke, and her certifications were revoked by default.

Telecommunicator D's misconduct ended her 12-year career.

Telecommunicator D's Basic Telecommunicator and Basic Emergency Medical Dispatcher Certifications are Revoked.

Officer E resigned pursuant to her arrest for Assault IV and Disorderly Conduct II and subsequent suspension by her agency pending resolution of the criminal charges. She had

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engaged in an altercation in a bar while she was intoxicated, assaulting three males. She was later convicted of Disorderly Conduct in the Second Degree upon her guilty plea. DPSST notified Office E that her case would be reviewed by the Corrections Policy Committee and gave her the opportunity to provide mitigating circumstances for the Committee's consideration, which she did. The CPC determined that Officer E's conduct involved Misconduct, Gross Misconduct, Disregard for the Rights of Others and Dishonesty. She had denied to the investigating officer that she had assaulted two of the individuals, and the Committee did not accept her intoxication as an excuse for her later claim that she did not remember assaulting them. The CPC determined that Officer E's misconduct rose to the level to warrant revocation of her certification, with a lifetime period of ineligibility to reapply for certification due to the dishonesty. DPSST served Officer E with a Notice of Intent to Revoke Certification and she failed to request a hearing. The Board affirmed the CPC vote to revoke, and Officer E's certification was revoked by default. Officer E's misconduct ended her five-year career.

Officer E's Basic Corrections certification is Revoked.

Officer F requested an eligibility determination after the minimum period of ineligibility had passed for the 2009 revocation of his Basic Corrections certification. In the original case, Officer F had resigned in lieu of termination pursuant to an internal investigation. The investigation revealed that Officer F had engaged in an improper relationship with a subordinate employee and had been dishonest about it during the investigation. After his resignation, Officer F signed a Stipulated Order Revoking Certification. After his request for eligibility determination, DPSST notified Officer F that his request 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 recommended denial of Officer F's request for eligibility to reapply for certification due to the seriousness of the original misconduct, including dishonesty. They found no mitigating circumstances in the intervening time sufficient to warrant granting eligibility. DPSST served Officer F with a Notice of Intent to Deny, and he failed to request a hearing. The Board affirmed the Committee recommendation to deny, and Officer F's request was denied by default.

Officer F's request for eligibility determination is Denied, and his Basic Corrections certification remains Revoked.

Officer G retired as a Captain in 2009 while being investigated by the FBI. On January 15, 2013, Officer G signed a Petition to Enter Conditional Plea of Guilty in the United States District Court for Making False Statements to a Financial Institution. Officer G was served with a Notice of Intent to Revoke because he was convicted of a crime for which a maximum term of imprisonment of more than one year may be imposed, as required in OAR 259-008-0070. Officer G requested a hearing and DPSST filed a Motion for Summary Determination based upon no material facts at issue. DPSST prevailed and the Notice of Intent to Revoke was affirmed. Officer G did not file legal exceptions and DPSST served him with a Final Order. Officer G's misconduct ended his 29-year career.

Officer G's Basic, Intermediate, Advanced, Supervisory, Management and Executive Police Certification were Revoked.

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