

Professional Standards Ethics Bulletin

Criminal Justice



STATISTICS:

Currently Certified Law Enforcement in Oregon:

- Police 5403
- Corrections 4128
- Tele/EMD 887/850
- P & P 607
- OLCC 29

Professional Standards Cases Opened: 5

Mandatory Disqualifiers

- Police 1
- Corrections 1
- Tele/EMD 1
- P & P 0

Discretionary Disqualifiers

- Police 1
- Corrections 1
- Tele/EMD 0
- P & P 0

Professional Standards Cases Pending as of April 30: 108

Mandatory Disqualifiers

- Police 18
- Corrections 12
- Tele/EMD 1
- P & P 2

Discretionary Disqualifiers

- Police 40
- Corrections 26
- Tele/EMD 8
- P & P 1

Cases Closed: 18

- Revoked 5
- Denied 0
- No Action 13

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 standards, and for denying or revoking the certification of those who do not meet or fall below the standards.

In addition to physical and intellectual standards, the Board has adopted minimum standards of moral fitness. Public safety professionals and applicants for public safety positions who have been convicted of a crime or have engaged in behavior that is deemed to fall below the minimum standards are subject to review as prescribed in Oregon Administrative Rule 259-008-0070. The sole purpose of this review is to determine if the Board's standards of moral fitness have been violated and if proceeding to deny or revoke public safety certification should be initiated. The review specifically looks for behavior that appears to involve dishonesty, disregard for the rights of others, misuse of authority, gross misconduct, misconduct, insubordination and incompetence.

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.

The following cases have resulted in consideration of **revocation or denial** of certifications by DPSST in **April, 2016**.

Officer A received a probationary discharge from her agency as a police officer. Although Officer A was terminated during probation she had received Basic Police certification, therefore requiring review of the misconduct. The investigation that led to Officer A's discharge found that she had failed to fulfill requirements of her hiring pertaining to obtaining an Oregon driver's license and vehicle registration, that she was untruthful about military time off, and that she called in sick for two nights and was untruthful about that. DPSST notified Officer A that her case would be heard by the Police Policy Committee (PPC) and gave her the opportunity to provide mitigating circumstances for the PPC's consideration. The PPC met and recommended to the Board the revocation of Officer A's certification based on her Dishonesty. The Committee noted that the totality of her story was constantly changing and noted the timing of the purchase of her plane ticket vs. the time of the emergency that supposedly brought her back to town from military duty. They specifically pointed out that she called in sick at work for one reason when it was actually something else, and that she said she needed an extra day on Thursday to return from military duty when she clearly did not need the extra time. The PPC found as aggravating circumstances that Officer A was deceptive about her national service and took advantage of it. Also, Officer A's lies were continually changing – she lied to cover up previous lies. They also noted as aggravating that Officer A was a tenured police officer in another state and knew what she was doing and did it intentionally. The PPC found no mitigating circumstances to consider. Officer A was served with a Notice of Intent to Revoke and she requested a hearing. Prior to the hearing Officer A signed a Voluntary Relinquishment of her certification. Officer A was employed in Oregon as a police officer for less than a year.

Officer A's Basic Police certification is Revoked.

Officer B retired while under investigation. A case was opened and a request was sent for the investigation from the agency. The investigation consisted of both an internal investigation and a criminal investigation by involving DUII and Hit and Run. Officer B retired from the agency prior to the completion of the internal investigation. DPSST presented Officer B's case to the PPC, which found that Officer B's conduct involved Misconduct, Gross Misconduct and Dishonesty under OAR 259-008-0070, and that his certifications should be revoked. Officer B was served with a Notice of Intent to Revoke Certifications, and he requested a hearing. A hearing was held in this case with Administrative Law Judge Rick Barber presiding. During the hearing, Officer B admitted, while under oath, that he had been untruthful during the internal investigation when he told the investigator that he did not remember things that, in truth, he had remembered. He testified that he did that because he was frustrated that the investigation was politically motivated. ALJ Barber issued a Proposed Order in the case. He determined that DPSST had failed to prove any of its allegations contained in the Notice of Intent to Revoke. ALJ Barber acknowledged that Officer B admitted at hearing that he was deceptive during the original investigation, but that the matters to which Officer B admitted to being deceptive about were not addressed in the Notice of Intent to Revoke. ALJ Barber's review was limited to the facts set out in the Notice, therefore he could not rule on the matters about which Officer B admitted to being dishonest. DPSST issued a Final Order adopting the ALJ's Proposed Order in the original case. DPSST opened a new case regarding the instances of dishonesty in the interview in the original case that came to light later, during the hearing. DPSST notified Officer B that his case would be heard by the PPC regarding the admitted dishonesty during the hearing. The PPC found that Officer B engaged in Dishonesty when he lied during his internal affairs interview about those issues as noted in the PPC Staff Report for this meeting, and he admitted during his hearing that he lied. The PPC recommended a lifetime revocation for his dishonesty.

Officer B's misconduct ended his 29-year career.

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

Officer C retired while under investigation for sexual misconduct. Officer C was subsequently convicted of Harassment and during the plea agreement DPSST was asked to provide Officer C a Voluntarily Relinquishment of his certifications. Officer C agreed to the terms and voluntarily relinquished his certifications.

Officer C's misconduct ended his 25-year career.

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

Officer D was discharged for cause after an internal investigation after allegations of theft of drugs, specifically Methamphetamine from the department drug evidence locker. The investigation revealed that Officer D entered that drug evidence room and removed an unknown amount of methamphetamine from an evidence bag. Officer D's actions were recorded by a video recorder installed in the room after suspicions arose about his conduct. Officer D was ultimately discharged for the theft and mishandling of evidence and his dishonesty. DPSST issued Officer D a Notice of Intent to Revoke based upon his discharge and he requested a hearing. DPSST filed a Motion for Summary Determination and Officer D failed to provide a response. ALJ Whitaker issued a Ruling on Motion for Summary Determination and Proposed Order affirming DPSST's revocation. Officer D failed to file legal exceptions and a final order was issued. Officer D's misconduct ended his 14-year career.

Officer D's Basic and Intermediate Police and Corrections certifications were Revoked.

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www.dpsst.state.or.us

503-378-2100