

OREGON DPSST
ETHICS BULLETIN
Volume No. 102



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 **April 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.

April Statistics

Cases Opened	025	Of the 38 Cases Closed:	
Cases Closed	038	Revoked	006
Cases Pending	236	Denied	001
Reinstated	000	No Action	031

Officer A was discharged for cause after an internal investigation revealed she had violated agency policies and procedures relating to her excessive unauthorized leave. Officer A had previous discipline for failing to report her arrest for a domestic violence crime and excessive unauthorized leave. Officer A was issued a Notice of Intent to Revoke. Officer A requested DPSST stay our action pending a grievance of her termination. DPSST was notified that the union withdrew the grievance and allowed Officer A the opportunity to request a hearing. Officer A did not request and hearing and DPSST filed a Final Order. Officer A's misconduct ended her 14-year career.

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

Officer B was discharged for cause after an internal investigation revealed he had violated agency policies and procedures relating to his tier checks. Officer B falsified the Post Information Log indicating he had conducted tier checks when he had not. When questioned about the information Officer B lied. Officer B was issued a Notice of Intent to Revoke. Officer B requested DPSST stay our action pending a grievance of his termination. DPSST was notified that the union withdrew the grievance and allowed Officer B the opportunity to request a hearing. Officer B did not request and hearing and DPSST filed a Final Order. Officer B's misconduct ended his 15-year career.

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

Officer C was discharged for cause after an internal investigation revealed he had violated agency policies and procedures based on his nonperformance issues and his failure to

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complete the terms of his Performance Improvement Plan. Officer C was issued a Notice of Intent to Revoke. He did not make a timely request for a hearing. DPSST filed a Final Order. Officer C's misconduct ended his 7-year career.

Officer C's Basic Parole and Probation Certification was Revoked.

Officer D was discharged for cause after his arrest for Second Degree Theft. Officer D was untruthful with arresting officers and untruthful during the internal investigation. Officer D was subsequently convicted of Second Degree Theft. Officer D was issued a Notice of Intent to Revoke. He did not make a timely request for a hearing. DPSST filed a Final Order. Officer D's misconduct ended his 11-year career.

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

Officer E was discharged for cause after being the subject of 5 different internal investigations that revealed significant policy violations and ongoing performance issues. The conduct related to the internal investigations included unbecoming conduct during several traffic stops, failure to follow through with writing a report and contradictory statements made during the investigation, an on-duty sexual relationship with a citizen and his attempt to contact a women online while in the course of his duties as a police officer. Officer E was issued a Notice of Intent to Revoke. He did not make a timely request for a hearing. DPSST filed a Final Order. Officer E's misconduct ended his 13-year career.

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

Officer F was discharged for cause after an internal investigation revealed he had violated agency policies and procedures and was untruthful during the investigation. Officer F was addicted to prescription pain medications and attempted to unlawfully get a controlled substance from his neighbor by harassing her. Additionally Officer F was untruthful about his drug use and failed to comply with the recommendations from his substance abuse providers. Officer F was issued a Notice of Intent to Revoke. Officer F requested a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings asserting there was no material fact at issue. The ALJ granted DPSST's Motion and issued a Proposed Order. Officer F did not file legal exceptions to the Proposed Order and a Final Order was filed adopting the Proposed Order in its entirety. Officer F's misconduct ended his 19-year career.

Officer F's Basic Police Certification was Revoked.

Fire Service Professional G applied for his NFPA Technical Rescuer certification and a routine records check revealed that he had been convicted of Attempt – Second Degree Robbery. DPSST notified Fire Service Professional G that his misconduct would be reviewed by the Fire Policy Committee (FPC) and gave him the opportunity to provide mitigating circumstances for the Committee's review. The FPC determined that Fire Service Professional G's misconduct violated the core values of Honesty, Professionalism and Justice, and that his misconduct rose to the level to warrant a denial of his application for certification. Fire Service Professional G was served with a Notice of Intent to Deny Certification, and he failed to make a timely request for a hearing. The Board affirmed the FPC's recommendation. Fire Service Professional G's application for certification was denied by default.

Fire Service Professional G's Application for NFPA Technical Rescuer Certification was Denied.

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Officer H submitted an application for basic certification on which he acknowledged a conviction for DUII in the State of Washington. DPSST notified Officer H that his misconduct would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC determined that Officer H's conduct constituted Misconduct under DPSST rules, but did not rise to the level to warrant denial of his certification. The PPC found as a mitigating circumstance that Officer H had properly acknowledged the conviction prior to his hiring. The Board affirmed the PPC's recommendation.

Officer H's Basic Police Certification was granted.

Officer I was arrested after a domestic dispute and charged with Harassment, Recklessly Endangering Another and Contempt of Court. After a jury trial he was acquitted of two charges and convicted of Contempt of Court. In an unrelated incident later in the year, Officer I was charged with Reckless Driving after a vehicle crash. He pled guilty to that charge. DPSST notified Officer I that his misconduct 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 determined that Officer I's misconduct involved Misconduct for the conviction of the crime of Contempt of Court. The committee also found that Officer I's Reckless Driving misconduct involved Disregard for the Rights of Others and Gross Misconduct. The CPC found as mitigating circumstances that Officer I notified his agency of the matters, rectified his behavior both personally and professionally, maintained his employment, completed anger management classes, and was very open and honest in obtaining many letters of support. The CPC recommended that Officer I's misconduct did not rise to the level to warrant revocation of his certifications, and the Board affirmed the recommendation.

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

Officer J resigned during an internal investigation that revealed she failed to thoroughly investigate a domestic violence shooting incident. She was also not completing other investigations for which she was responsible. DPSST notified Officer J that her conduct would be reviewed by the Police Policy Committee (PPC) and gave her the opportunity to provide mitigating circumstances for the committee's consideration. The PPC determined that Officer J's misconduct involved Disregard for the Rights of Others, Gross Misconduct and Misconduct for not properly investigating the incident, failing to recognize the danger to others that the suspect presented, failing to protect the public, not reporting the use of the firearm and not making the required arrest, and for not completing other investigations. The PPC found as mitigating circumstances that Officer J had a long law enforcement career with no issues until the previous two years, the letter of support that the Chief of Police wrote to the PPC in which the reasons for the recent issues were satisfactorily explained, and the agency's apparent lack of early intervention or assistance. The PPC determined that Officer J's misconduct did not rise to the level to warrant revocation of her certifications, and the Board affirmed the recommendation.

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

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Officer K was convicted of Driving While Suspended after pleading guilty to a reduced charge. The original DWS charge was a misdemeanor, stemming from a suspension from an earlier DUII that was resolved through diversion. DPSST notified Officer K that his misconduct 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 determined that Officer K's misconduct involved Misconduct when he committed and was convicted of Driving While Suspended. The committee found as mitigating circumstances that Officer K notified his agency immediately, took responsibility for his actions, that he may have simply been mistaken about his license status, and that he successfully completed his DUII diversion. The CPC determined that Officer K's misconduct did not rise to the level to warrant revocation of his certification, and the Board affirmed the recommendation.

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

Officer L, who has not been employed in a public safety position since 1998, was convicted of DUII in 2011. DPSST notified Officer L that his misconduct would be reviewed by the Police Policy Committee (PPC) and gave him the opportunity to provide mitigating circumstances for the committee's consideration. The PPC determined that Officer L's misconduct involved Gross Misconduct and Misconduct when he committed the crime of DUII. The committee found as mitigating circumstances that Officer L wrote a letter to the PPC, he was remorseful for his conduct, he was cooperative during the DUII investigation, he was ineligible for diversion only because he possessed a commercial driver's license, and there were no subsequent DUIIs. The PPC determined that Officer L's misconduct did not rise to the level to warrant revocation of his certifications, and the Board affirmed the recommendation.

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

Officer M was convicted of DUII in 2008. Due to a paperwork problem in the court system, Officer M's completion of his community service obligation was not recorded for several years, and due to this, the case was in warrant status until 2011, when it was finally resolved. DPSST notified Officer M that his misconduct 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 determined that Officer M's conduct involved Gross Misconduct for having committed the crime of DUII. The committee found as aggravating circumstances that Officer M did not cooperate with the breath test when he burped during the test. Mitigating circumstances included that Officer M complied with his obligations under the DUII conviction, he wrote a letter to the CPC, and that it had been 5 years since the incident with no further issues. The CPC determined that Officer M's misconduct did not rise to the level to warrant revocation of his certifications, and the Board affirmed the recommendation.

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

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