

**OREGON DPSST**  
***ETHICS BULLETIN***  
**Volume No. 94**



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 **August 2011**.

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.

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**August Statistics**

Cases Opened	018	Of the 20 Cases Closed:	
Cases Closed	020	Revoked	003
Cases Pending	219	Denied	000
Reinstated	000	No Action	017

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**Officer A** resigned during an investigation for sustained misconduct involving policy violations and being less than forthright with investigators. The Police Policy Committee reviewed the case and determined that Officer A's conduct did not involve dishonesty, disregard for the rights of others, misuse of authority, gross misconduct, misconduct, or insubordination. The officer had engaged in a personal and off-duty relationship with an individual who was not, and had not been, under his direct supervision. When asked about the relationship he was honest and forthright. The PPC found as a somewhat aggravating factor that the officer had discussed the relationship with a subordinate, but that was done in the context of a confidant, not as supervisor to subordinate, and that issue was appropriately handled internally by the employer. The PPC determined that Officer A's conduct did not rise to the level to warrant revocation of his certifications and recommended such to the Board, which affirmed their recommendation. **Officer A's Basic, Intermediate, Advanced and Supervisory Police Certifications remain in good standing.**

**Emergency Medical Dispatcher B's** case was reviewed by the Telecommunications Policy Committee after the employer notified DPSST of her conviction for DUUI, a discretionary disqualifying crime. She has a previous DUUI arrest several years prior that resulted in a diversion. The TPC determined that Emergency Medical Dispatcher B's conduct did not involve dishonesty, misuse of authority, or insubordination. The TPC found that her misconduct did involve Disregard for the Rights of Others, Gross Misconduct, and

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Misconduct; this was an abuse of the public trust and is a crime in the category of Gross Misconduct. The TPC determined that mitigating circumstances included her successful treatment for alcohol abuse, the support from her employer and others, and other impacts from personal history. The TPC determined that aggravating circumstances included that she was arrested for DUII on both occasions while serving in public safety and she had previously received treatment for alcohol abuse. The TPC determined that Emergency Medical Dispatcher B's conduct did not rise to the level to warrant revocation of her certifications and recommended such to the Board, which affirmed their recommendation.

**Emergency Medical Dispatcher B's Basic Police and Basic Emergency Medical Dispatcher Certifications remain in good standing.**

**Officer C** resigned during an internal investigation for misconduct that involved violating agency policies, including providing a handwritten note with inappropriate contents on it to a female inmate, and spending prolonged periods of time in front of the inmate's cell for other than official purposes. Officer C was notified that his conduct would be reviewed by the Corrections Policy Committee (CPC) and invited to provide a response for their consideration. Officer C did not provide a response. The CPC reviewed the matter and determined that Officer C engaged in Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct and Misconduct. Aggravating circumstances included Officer C's inappropriate contact with the female inmate he supervised, that he abruptly quit at the onset of the investigation, and did not provide any information for the CPC's consideration. Mitigating circumstances included Officer C's lack of experience as a correctional officer. The CPC determined that Officer C's misconduct rose to the level to warrant revocation and that the initial period of ineligibility to reapply for certification would be 15 years, the maximum possible for the involved categories. Officer C was issued a Notice of Intent to Revoke. Officer C did not request a hearing, and DPSST closed the case by default. Officer C's misconduct ended his two-year career.

**Officer C's Basic Corrections Certification was Revoked.**

**Officer D** was discharged for cause after an internal investigation revealed that she had violated agency policies and procedures when she engaged in inappropriate conduct with an offender and when she misused the agency computer system. Officer D was issued a Notice of Intent to Revoke Certifications. She did not make a timely request for a hearing, and DPSST closed the case by default. Officer D's misconduct ended her 6-year career.

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

**Officer E** was convicted of Fourth Degree Assault – Constituting Domestic Violence on April 20, 2011. Officer E was issued a Notice of Intent to Revoke Certification. He did not make a timely request for a hearing, and DPSST closed the case by default. Officer E's misconduct ended his 2-year career.

**Officer E's Basic Corrections Certification was Revoked.**

## Oregon Court of Appeals Action:

Ethics Bulletin 62-B cited the following case:

**Officer B** was discharged for cause after an internal investigation revealed that he engaged in a pattern of poor decision-making involving the use of his emergency vehicle, which continued after remedial training and progressive discipline. Officer B was issued a Notice of Intent to Revoke Certifications. Officer B made a timely request for a hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting that there was no genuine issue as to any material fact that is relevant to resolution of the legal issues for which a decision is sought. Ultimately the ALJ granted the Motion and Affirmed DPSST's decision to revoke Officer B's certification. DPSST issued a Final Order Revoking Certification. Officer B's misconduct ended his 2-year career.

**Officer B's Basic Police Certification was Revoked.**

Officer B made a petition for a judicial review with the Oregon Court of Appeals and on August 31, 2011, the court affirmed DPSST's action.

For additional details, reference *Matthew Marolla v. Department of Public Safety Standards and Training, A141119.*



### Honesty in Attendance?

What's wrong with signing a training roster attesting to the number of hours attended, and then leaving the training prior to the conclusion of the training, or being absent for periods of time? Does this pose only an ethical dilemma that stabs at the conscience, or could the ramifications be much greater?

This issue was recently at the forefront of the public's consideration when seven current and former San Bernardino County Sheriff's employees were charged with multiple counts of perjury, grand theft and conspiracy for the above-cited misconduct. Not only did this issue create an ethical dilemma, but subsequent fall-out relating to criminal charges, police certifications, and salaries attached to retirement wages, as well. *"What this case boils down to is greed and theft"* stated Deputy District Attorney Daniel Silverman, San Bernardino District Attorney's Office.

This issue caught the eye of one of Oregon's public safety leaders recently when he was attending a training targeting public safety leaders and he noticed that there were signed rosters at tables where no one was sitting.....

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