

OREGON DPSST
ETHICS BULLETIN
Volume No. 71



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 2009**.

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.

August Statistics

Cases Opened	37	Of the 31 Cases Closed:	
Cases Closed	31	Revoked	05
Cases Pending	193	Denied	00
		No Action	26

Officer A resigned after a multi-agency investigation revealed that he was untruthful when reporting facts, including filing a false report, of an alleged crime involving a fellow officer. Officer A was notified that his case would be presented to the Police Policy Committee to determine whether he met the minimum standards for an Oregon public safety officer. Officer A was invited to provide mitigating circumstances for the Committee's consideration. After the Committee reviewed the case, they unanimously voted to recommend that Officer A's certifications be revoked and that this be a lifetime disqualifier; he may never reapply. The Board affirmed the Committee's recommendation. Officer A was mailed a Notice of Intent to Revoke. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certification. Officer A's misconduct ended his 14-year career. **Officer A's Basic, Intermediate and Advanced Police Certifications were Revoked.**

Officer B resigned during an internal investigation which revealed that he was untruthful when questioned during an internal investigation for sexual harassment. In this case, Officer B made inappropriate sexual comments and gestures in the presence of a female inmate. Officer B was notified that his case would be presented to the Corrections Policy Committee to determine whether he met the minimum standards for an Oregon public safety officer. Officer B was invited to provide mitigating circumstances for the Committee's consideration

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which he did. After the Committee reviewed the case, they unanimously voted to recommend that Officer B's certifications be revoked and that this be a lifetime disqualifier; he may never reapply. The Board affirmed the Committee's recommendation. Officer B was mailed a Notice of Intent to Revoke. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certification. Officer B's misconduct ended his 4-year career.

Officer B's Basic Corrections Certification was Revoked.

Officer C resigned from public safety. A number of years later, he was arrested for Attempted Burglary, and subsequently convicted of Criminal Mischief in the Second Degree. In this case, Officer C engaged in hostile interactions with the responding officers, creating a substantial risk to the officers. Officer C was notified that his case would be presented to the Police Policy Committee to determine whether he met the minimum standards for an Oregon public safety officer. Officer C was invited to provide mitigating circumstances for the Committee's consideration. After the Committee reviewed the case, they unanimously voted, with one abstention, to recommend that Officer C's certification be revoked and that 10 years be the initial minimum period of ineligibility. The Board affirmed the Committee's recommendation. Officer C was mailed a Notice of Intent to Revoke. He did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certification. Officer C's misconduct ended his 15-year career.

Officer C's Basic Police Certification was Revoked.

Officer D resigned during an investigation and was subsequently charged with Official Misconduct in the First Degree and Custodial Sexual Misconduct. In this case, Officer D was having a sexual relationship with a female inmate, in various locations in the facility, in an attempt to avoid observation by security cameras. As a part of an agreement, Officer D agreed to relinquish his DPSST certification. Officer D signed a Stipulated Order Revoking his certification. Officer D's misconduct ended his 3-year career.

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

Officer E, an agency head, resigned during an investigation of allegations of First Degree Official Misconduct. As part of an agreement with the Department of Justice, Officer E agreed to sign a Stipulated Order revoking his certifications. Officer E's misconduct ended his 20-year career.

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

In the following case, the Board upheld the Police Policy Committee recommendation NOT to revoke Officer F's certification:

Officer F was discharged during probation and during an internal investigation regarding another officer. The Committee found that Officer F engaged in misconduct and insubordination. However, the fact that Officer F had previously attempted to remain anonymous, and had expressed concerns about possible retaliation, was found to be mitigating circumstances. They also found that the employer had adequately addressed the single event through a probationary discharge. The Committee

recommended in a 6-4 vote that the conduct did not rise to the level to warrant revocation. The board affirmed the Policy Committee's recommendation.
Officer F will retain his Basic Police Certification.

POLICE CODE OF SILENCE

**By Neal Trautman
Director**

The National Institute of Ethics

Presented at the annual conference of the International Association of Chiefs of Police

**The following paragraphs are excerpted from the full article, which can be found at
<http://www.aele.org/loscode2000.html>**

"The National Institute of Ethics has concluded the most extensive research ever conducted on the police Code of Silence. Between February, 1999 and June, 2000, 3,714 officers and academy recruits from forty-two different states were asked to participate in the study by the Institute. One aspect of the research determined the views of academy recruits, while the other identified officers who had taken part in the code, then asked why and how it occurred. These findings mark the first time law enforcement has ever been able to learn the truth about this crucial problem. The significance of this knowledge is that if we can learn how to effectively control the Code of Silence, serious corruption cannot exist because many people become aware of a scandal as it expands.

Conclusions *[partial list from 55 conclusions identified in the article]:*

2. Some form of a Code of Silence will develop among officers in virtually any agency.
6. The Code of Silence in law enforcement is more dominant and influential than most other vocations or professions.
15. The Code of Silence typically conceals serious law enforcement misconduct for years before the corruption is revealed.
20. The Code of Silence usually occurs within cultures created by the role-modeling of leaders.
26. A culture which acts as fertile ground for the destructive features of the Code of Silence to grow is one that promotes loyalty to people over integrity.
27. Field training officers have the ability to alter the Code of Silence in a positive fashion, if their commitment to do so is obtained.
34. An administrative indifference toward the Code of Silence exists.
49. To be successful at preventing the Code of Silence, we must be able to develop cultures in which the bad officers are the ones who are alienated.

The most powerful means for transforming the organizational culture of a law enforcement agency into an atmosphere that is consistent with employees embracing loyalty to principle above all else is a combination of leadership, role modeling and training. Role modeling by the chief administrator must come first, for what a chief or sheriff actually does is what informal and formal leaders use to decide whether they will support any attempts to improve the culture. Other actions that help to create a positive culture includes providing in-service training on developing and maintaining an internal culture of integrity, asking for the help of "informal leaders" in developing an integrity driven internal culture, harshly disciplining any supervisor who promotes the "Us vs. them" attitude and rewarding supervisors who strive to eliminate it. The fact that controlling the code will save careers and lives must be discussed and believed."

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