OREGON DPSST

ETHICS BULLETIN

Volume No. 72

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 **September 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.

September Statistics

Cases Opened	**23**	**Of the 23 Cases Closed:**		
Cases Closed	**23**		**Revoked**	**07**
Cases Pending	**188**		**Denied**	**00**
			No Action	**16**

Officer A was convicted of two counts of First Degree Sexual Abuse, felony crimes. Officer A was issued a Notice of Intent to Revoke Certification. 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Officer A's Basic Corrections Certification was Revoked

Officer B retired while under investigation. In this case, Officer B demonstrated a pattern of untruthfulness regarding his response to police calls for service and was on a Last Chance Agreement for similar conduct. Officer B was contacted by DPSST and advised that his case would be reviewed by the Police Policy Committee. Officer B was allowed an opportunity to provide mitigating circumstances on his behalf and was also offered a Stipulated Order Revoking Certifications. This matter was reviewed by the Policy Committee, which recommended revocation with a minimum period of ineligibility of seven years to reapply if he sought certification in the future. The Board affirmed the Policy Committee's recommendation. Officer B was issued a Notice of Intent to Revoke. Officer B did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certifications. Officer B's misconduct ended his 26-year career.
Officer B's Basic, Intermediate and Advanced Police Certifications were Revoked.

PLEASE DISSEMINATE THIS INFORMATION TO ALL PUBLIC SAFETY OFFICERS

Officer C resigned after an internal investigation revealed that she had engaged in sexual contact with a former inmate. Officer C was contacted by DPSST and advised that her case would be reviewed by the Corrections Policy Committee. Officer C was allowed an opportunity to provide mitigating circumstances on her behalf and was offered a Stipulated Order Revoking Certifications. Officer C voluntarily signed the Stipulated Order. Officer C's misconduct ended her 3-year career.
Officer C's Basic and Intermediate Corrections Certifications were Revoked.

Officer D resigned during an internal investigation that revealed she had engaged in a non-sexual relationship with an inmate. In this case the relationship consisted of telephone conversations and depositing money into his inmate account. Officer D was contacted by DPSST and advised that her case would be reviewed by the Corrections Policy Committee. Officer D was allowed an opportunity to provide mitigating circumstances on her behalf and was offered a Stipulated Order Revoking Certifications. Officer D voluntarily signed the Stipulated Order. Officer D's misconduct ended her 9-year career.
Officer D's Basic Corrections Certification was Revoked.

Officer E resigned after an internal investigation revealed that he had attended a party where he served alcohol to minors and attempted to solicit sex from an underage female. DPSST provided the District Attorney with a Stipulated Order Revoking Certifications, available for use in any plea agreements between the State and Officer E. Officer E voluntarily signed the Stipulated Order. Officer E's misconduct ended his 10-year career.
Officer E's Basic Corrections and Basic Police Certifications were Revoked.

Officer F resigned during an internal investigation that revealed he was untruthful about attempting to contact a female he met during a traffic stop. Officer F was contacted by DPSST and advised that his case would be reviewed by the Police Policy Committee. Officer F was allowed an opportunity to provide mitigating circumstances on his behalf and was also offered a Stipulated Order Revoking Certifications. Officer F voluntarily signed the Stipulated Order. Officer F's misconduct ended his 7-year career.
Officer F's Basic and Intermediate Police Certifications were Revoked.

Officer G resigned after an internal investigation revealed that he was untruthful during an investigation involving Officer G engaging in sexual conduct with a female inmate. Officer G contacted DPSST through his attorney and voluntarily signed a Stipulated Order Revoking his Certifications. Officer G's misconduct ended his 7-year career.
Officer G's Basic and Intermediate Corrections Certifications were Revoked.

Officer H was discharged for cause after her employer determined that she had violated several department policies, including: unsatisfactory work performance, improper time management, insubordination and untruthfulness. Officer H was issued a Notice of Intent to Revoke Certification and responded with a timely request for hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting 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. The ALJ issued a Proposed Order revoking Officer H's certification. Officer H did not file exceptions to the Proposed Order. DPSST issued a Final Order Revoking Certification. Officer H's misconduct ended her 2 year career.
Officer H's Basic Police Certification was Revoked.

Officer I was discharged for cause after his employer determined that he had violated several department policies, including: unsatisfactory work performance, improperly completed documentation and unauthorized time off. Officer H was issued a Notice of Intent to Revoke Certification and responded with a timely request for hearing. DPSST filed a Motion for Ruling on Legal Issues (Summary Determination) with the Administrative Law Judge (ALJ) asserting 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. The ALJ issued a Proposed Order revoking Officer I's certification. Officer I did not file exceptions to the Proposed Order. DPSST issued a Final Order Revoking Certification. Officer I's misconduct ended his 12-year career.
Officer I's Basic Parole & Probation Certification was Revoked.

Oregon Court of Appeals Action:

Ethics Bulletin 36-G cited the following case:

> **Officer G** resigned after criminal charges which had been filed against him were dropped as a part of an agreement that he resign. The charges included that while on duty, Officer G unlawfully and knowingly subjected a prisoner to offensive physical contact, unlawfully and recklessly created a substantial risk of serious injury to the prisoner, and unlawfully and intentionally harassed and annoyed a prisoner by subjecting him to offensive physical contact. Officer G was notified that his case would be heard before the Corrections Policy Committee on the basis of violating the established moral fitness standards; Officer G intentionally caused a shackled prisoner to strike the cage while being transported, and was untruthful about this event while on probation for lying about the cause of a previous traffic accident. Officer G was advised he could provide any mitigating circumstances he wished to have considered. The Corrections Policy Committee reviewed the matter and recommended revoking his certifications, based on violation of the established moral fitness standards. The Board affirmed the Committee's recommendation. Officer G was mailed a Notice of Intent to Revoke. Officer G made a timely request for a hearing. He examined reports and evidence against him as a part of discovery. A contested case hearing was held before an Administrative Law Judge, and Officer G appeared in person, was represented by counsel, and called witnesses, and cross-examined the Department's witnesses. The Judge subsequently issued a Proposed Order to revoke Officer G's certifications based on violation of the established moral fitness standards. Officer G filed exceptions to the Proposed Order which were reviewed. DPSST adopted the Judge's Proposed Order in its entirety. Officer G's conduct ended his 6-year career.
> **Officer G's Basic Corrections and Basic Police Certifications were Revoked.**

Officer G filed a petition for a judicial review with the Oregon Court of Appeals. On September 22, 2009, the Oregon Court of Appeals issued a Judgment affirming without opinion the Final Order revoking this Officer's certifications.

For additional details, reference *John D. Deck v. Department of Public Safety Standards and Training, A133337*.

The Code Of Ethics And A Code Of Silence Cannot Coexist

In public safety agencies, the term "Code of Silence" is used to describe the unspoken rule that encourages people to lend a blind eye, a deaf ear and a mute tongue to unethical, immoral or improper actions on the part of others. The code is an invisible barrier to the free flow of communication. It leads to an unsafe environment, injuries and lawsuits. It also costs otherwise good employees their jobs, reputations and livelihoods.

We recognize that it's natural for bonds of friendship and camaraderie to develop among people working together in complex environments such as we have in [public safety]. However, some people take those bonds too far, and see loyalty to their co-workers as a valid basis for the Code of Silence. This is not true. The Code of Silence is a form of corruption. It is a corruption that begins with one person and spreads both in its severity and the number of people involved. The Code of Silence can't exist where higher principles are held as the top priority; we trust that you will place loyalty to honor and integrity above all else.

The Code of Silence is not a time-honored tradition. It is a hindrance to safe, sound and secure [public safety services] and it demeans each of us as [public safety] professionals. Pleading ignorance, lack of training, or honest mistakes as excuses for unethical behavior is unacceptable.

Excerpts originally printed in the June 2004 Ethics Bulletin #14, with permission from author Max Williams Director, Oregon Department of Corrections.