

OREGON DPSST
ETHICS BULLETIN
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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 **October 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.

October Statistics

Cases Opened	26	Of the 19 Cases Closed:	
Cases Closed	19	Revoked	05
Cases Pending	194	Denied	00
Reinstated	01	No Action	14

Officer A was discharged for cause after an internal investigation revealed that she had violated agency policies on multiple occasions, thereby endangering responding personnel and the public. Officer A had previously received discipline for similar incidents. Officer A was issued a Notice of Intent to Revoke Certifications. She did not make a timely request for a hearing and was subsequently issued a Default Final Order Revoking Certifications. Officer A's misconduct ended her 3-year career.

Officer A's Basic Emergency Medical Dispatcher and Telecommunicator Certifications were Revoked

Officer B was discharged for cause after an investigation revealed that he had engaged in a disturbance that involved domestic violence, while on duty. He also violated several agency policies during the incident. Officer B 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 B's

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certification. Officer B did not file exceptions to the Proposed Order. DPSST issued a Final Order Revoking Certification. Officer B's misconduct ended his 5 year career.

Officer B's Basic Police Certification was Revoked.

Officer C resigned during an investigation into allegations involving Officer C engaging in inappropriate conduct while on duty. Officer C contacted DPSST through his attorney and voluntarily signed a Stipulated Order Revoking his Certifications. Officer C's misconduct ended his 8-year career.

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

Officer D resigned during an internal investigation that revealed he violated several department policies, endangering fellow officers and the public. Officer D was contacted by DPSST and advised that his case would be reviewed by the Corrections Policy Committee. Officer D was allowed an opportunity to provide mitigating circumstances on his behalf and was also offered a Stipulated Order Revoking Certifications. Officer D voluntarily signed the Stipulated Order. Officer D's misconduct ended his 12-year career.

Officer D's Basic, Intermediate and Advanced Corrections Certifications and his Basic, Intermediate and Advanced Parole and Probation Certifications were Revoked.

Officer E resigned from his position as a corrections officer in 2000 and was subsequently convicted of Second Degree Robbery in 2002. Officer E 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 E's misconduct ended his 4-year career.

Officer E's Basic Corrections Certification was Revoked

In the following cases, the Board upheld the Policy Committee's recommendations NOT to revoke the following officer's certifications:

Officer F was convicted of the discretionary disqualifying crime of Harassment. The Police Policy Committee found that Officer F engaged in gross misconduct and disregarded the rights of others. However, the fact that Officer F had attended an alcohol treatment program was found to be a mitigating factor. They also found that the employer had adequately addressed the event internally. The Committee recommended by unanimous 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, Intermediate, Advanced and Supervisory Police Certifications and his Basic Corrections Certification.

Officer G was convicted of the discretionary disqualifying crime of Public Indecency and the Corrections Policy Committee found that Officer G engaged in misconduct. However, the facts that Officer G had cooperated fully with the investigating officer and that it was a single incident, were found to be mitigating factors. They also found that the employer had adequately addressed the event internally. The Committee

recommended by unanimous vote that the conduct did not rise to the level to warrant revocation. The Board affirmed the Policy Committee's recommendation.

Officer G will retain his Basic and Intermediate Corrections Certifications.

Officer H was convicted of the discretionary disqualifying crime of Driving Under the Influence of Intoxicants, which led to a single vehicle accident. The Police Policy Committee found that Officer H engaged in gross misconduct, misconduct and disregard for the rights of others. However, the Committee identified as mitigating factors that Officer H had accepted responsibility for his actions and that the employer had adequately addressed the event internally. The Committee recommended by unanimous vote that the conduct did not rise to the level to warrant revocation. The Board affirmed the Policy Committee's recommendation.

Officer H will retain his Basic Police Certification.

In the following case, the Board upheld the Policy Committee's recommendation to restore eligibility for certification:

Officer I was previously discharged for cause and his certification was revoked due to an unreported Theft 2 conviction in 1995. Officer I had the Theft 2 Wildlife conviction expunged and applied for eligibility to be re-certified. The Police Policy Committee reviewed the facts of the case. The fact that Officer I had previously attempted to expunge the conviction was found to be a mitigating factor in their discussion regarding Officer I's truthfulness. They also found that Officer I's honesty about the conviction to his subsequent employers and the passage of time were mitigating factors. The Police Policy Committee found that Officer I's conduct did not involve dishonesty, disregard for the rights of others, misuse of authority, misconduct or insubordination. The Committee recommended by unanimous vote to restore Officer I's eligibility to apply for certification. The Board affirmed the Policy Committee's recommendation.

Officer I is eligible to apply for Public Safety Certifications.

Michael F. McCracken, Clackamas County employee, wrote the following poem after a staff discussion on ethics.
It was provided to DPSST to be shared with others.

Weep for the fallen

Weep for the fallen
We thought him so true
But seek not to judge him
This man could be you.
Forsaking the oaths
He had sworn to defend
His sins are uncovered
His career's at an end.
The road to destruction
At times seems unwatched
But with one lapse in judgment
Your integrity is botched.
The threats that assail us
Are varied and great
Not just guns and knives
Also lust, greed and hate.
So while donning your Kevlar,
Your gun and your shield
Prepare your mind also
With a will that won't yield.
Then weep for the fallen
He once was like you
But when faced with temptation
He didn't stay true.

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