

OREGON DPSST
ETHICS BULLETIN
Volume No. 78



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 **March 2010**.

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.

March Statistics

Cases Opened 21
Cases Closed 29
Cases Pending 189
Reinstated 00

Of the 29 Cases Closed:
Revoked 12
Denied 00
No Action 17

Officer A resigned in lieu of termination. DPSST sought and obtained the underlying investigation that led to Officer A's resignation. DPSST determined that this matter must be reviewed by the Corrections Policy Committee. Officer A was notified that her case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The Committee determined that Officer A's misconduct involved multiple incidents of Dishonesty when she entered false information into a log, made false statements to a superior officer and lied to an inmate. The Committee also determined that Officer A's misconduct involved Disregard for the Rights of Others when she pitted inmates against staff and when her falsification of the log resulted in an inmate being placed into segregation. The Committee determined that Officer A's misconduct rose to the level to warrant revocation of her certifications and that a lifetime disqualifier was the appropriate remedy for Officer A's dishonesty; she may never reapply for her certifications. DPSST issued Officer A a Notice of Intent to Revoke. Officer A did not make a timely request for a hearing. DPSST issued a Default Final Order Revoking Certifications. Officer A's misconduct ended her 17-year career.

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

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Fire Service Professional B, an agency head, was convicted of Tampering with Drug Records on February 6, 2009, a discretionary disqualifying conviction for fire service professionals. Fire Service Professional B was contacted by DPSST and advised that his case would be reviewed by the Fire Policy Committee. Fire Service Professional B was allowed an opportunity to provide mitigating circumstances on his behalf and was also offered a Stipulated Order Denying & Revoking Certifications. After the Policy Committee reviewed the case, they unanimously voted to recommend that Fire Service Professional B's certifications be revoked and denied and that the initial minimum period of ineligibility to re-apply for certifications would be 60 days. The Board affirmed the Committee's recommendation. Fire Service Professional B was mailed a Notice of Intent to Revoke and Deny. He made a timely request for a hearing. Fire Service Professional B withdrew his request for a hearing and was subsequently issued a Default Final Order Revoking and Denying Certification.

Fire Service Professional B's NFPA Fire Fighter Certification was Revoked and his NFPA Fire Instructor Certification was Denied.

Officer C was convicted of Possession of a Controlled Substance and two counts of First Degree Official Misconduct on February 10, 2010. The convictions were the result of Officer C buying drugs while on duty and in uniform. After being notified of Officer C's arrest DPSST provided the District Attorney with a Stipulated Order to be used as part of any plea agreement. Officer C signed the Stipulated Order, ending his 10- year career.

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

Officer D resigned his employment and after review, DPSST determined that this matter must be reviewed by the Corrections Policy Committee (CPC). Officer D was notified that his case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The CPC determined that Officer D's misconduct involved *Dishonesty* when he crawled to the back seat after crashing his vehicle while driving intoxicated, asserting that the passenger was the driver. The CPC determined that Officer D's misconduct involved *Disregard for the Rights of Others* when he operated a motor vehicle while unlawfully impaired by alcohol; thereby creating the potential for harming others. The CPC noted that Officer D did not provide any mitigating circumstances. They determined that aggravating circumstances included Officer D driving with a suspended license, that there were two events only three months apart, and that Officer D attempted to blame his passenger for the vehicle crash. By unanimous vote, the CPC determined that Officer D's misconduct was a lifetime disqualifier due to his untruthfulness; he may never reapply to the CPC seeking certification. Officer D's misconduct ended his 7-year career.

Officer D's Basic and Intermediate Corrections Certificates were Revoked

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Officer E, an agency head, resigned and after review, DPSST determined that this matter must be reviewed by the Police Policy Committee (PPC). Officer E was notified that his case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The PPC determined that Officer E's misconduct involved *Disregard for the Rights of Others*; the citizens he served had a right to be protected and he ignored misconduct of which he had knowledge. The PPC determined that Officer E's misconduct involved *Misuse of Authority*; he abused the trust of his leadership position and the expectations of his agency and the community. The PPC determined that Officer E's misconduct involved *Gross Misconduct and Misconduct* when he withheld information known to him, to the detriment of the agency and the community. The PPC found no mitigating circumstances. The PPC found that aggravating circumstances included the letter Officer E wrote to DPSST, in which he provided no information for the committee. The PPC also found as aggravating that Officer E had an opportunity to address the misconduct as a sergeant, a lieutenant and finally as the chief of police, but instead he allowed the misconduct to tear the department down. The PPC unanimously voted that Officer E's misconduct was a lifetime disqualifier; he may never reapply to the PPC seeking certification. Officer E's misconduct ended his 29-year career.

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

Officer F resigned while under investigation and after review, DPSST determined that this matter must be reviewed by the Corrections Policy Committee (CPC). Officer F was notified that his case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The CPC determined that Officer F's misconduct involved *Dishonesty* when he misrepresented his activities and those of the parolees under his supervision in official records. The CPC determined that Officer F's misconduct involved *Disregard for the Rights of Others* when he violated the fundamental duty to protect others by doing what was easier [for him], not what was right, particularly concerning a case involving a victim and offender related to one another. The CPC determined that Officer F's misconduct involved *Misuse of Authority* when he abused his public trust and the trust the court placed in him based on his position. The CPC determined that Officer F's misconduct involved *Gross Misconduct and Misconduct* when his continued poor work performance resulted in detriment to those under his supervision. They particularly noted Officer F's mis-stating of a time period and his filing of a false detainer. The CPC determined that Officer F's misconduct involved *Insubordination* when, on repeated occasions, he violated agency policy and after multiple agency attempts to correct his performance. The CPC noted that while Officer F attempted to mitigate his written documentation with his employer, his effort was consistent with his on-going pattern of misconduct. By unanimous vote, the CPC determined that Officer F's misconduct was a lifetime disqualifier; he may never reapply to the CPC seeking certification. Officer F's misconduct ended his 5-year career.

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

Officer G resigned in lieu of termination and after review, DPSST determined that this matter must be reviewed by the Police Policy Committee (PPC). Officer G was notified that his case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The PPC determined that Officer G's misconduct involved *Dishonesty* when he did not disclose his unlawful steroid use in his employment application. The PPC determined that Officer G's misconduct involved *Gross Misconduct and Misconduct* when he withheld criminal information regarding a long time associate of his who was an illegal steroid supplier and who was being investigated by federal authorities. The PPC noted that while Officer G's prior employment history was positive, he served on a narcotics enforcement team whose mission was committed to drug-related offenses and that he demonstrated a pattern of dishonesty surrounding his use and knowledge of illegal steroid trafficking. With one abstention, the PPC unanimously voted that Officer G's misconduct was a lifetime disqualifier; he may never reapply to the PPC seeking certification. Officer G's misconduct ended his 4-year career.

Officer G's Basic Police Certification was Revoked.

Officer H resigned in lieu of termination and after review, DPSST determined that this matter must be reviewed by the Corrections Policy Committee (CPC). Officer H was notified that her case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The CPC determined that Officer H's misconduct involved *Dishonesty* when she was untruthful in her original employment application process, untruthful about performing tier checks and untruthful about her use of the institution email system. The CPC determined that Officer H's misconduct involved *Disregard for the Rights of Others* when she violated the fundamental duty to protect others by failure to perform required tier checks to ensure the safety of inmates and of the institution. The CPC determined that Officer H's misconduct involved *Misuse of Authority and Gross Misconduct* when she used the institution database to look up information for other than official purposes and when she engaged in a relationship with an inmate. The CPC determined that Officer H's conduct involved *Misconduct* because she did not follow policy regarding performing required tier checks. The CPC determined that aggravating factors included Officer H's multiple contacts with inmates and her untruthfulness; they did not find mitigating factors. By a unanimous vote the CPC determined that Officer H's misconduct was a lifetime disqualifier; she may never reapply to the CPC seeking certification. Officer H's misconduct ended her 1-year career.

Officer H's Basic Corrections Certification was Revoked.

Officer I was discharged for cause. DPSST sought and obtained the investigation that led to Officer I's discharge. After a review of the basis for the discharge, DPSST served Officer I with a Notice of Intent to Revoke. Officer I, through her attorney made a timely request for a hearing. Subsequent to this, the employer and Officer I entered into a Settlement Agreement. Based on this Agreement, DPSST withdrew its Notice, advised Officer I that this matter would be heard before the Police Policy Committee (PPC), and allowed Officer I an opportunity to provide mitigating circumstances for the Committee's consideration. These documents were sent certified mail. The PPC determined that Officer I's misconduct involved *Dishonesty* when she was untruthful in her application seeking to obtain funds; although she sought a weight-loss surgical procedure she claimed the surgery was for her gall bladder. The PPC determined that Officer I's misconduct involved *Misconduct* when she was

dishonest in her application and this misconduct was contrary to the standards of truthfulness for Oregon public safety officers. The PPC found as potentially mitigating the circumstances surrounding Officer I's embarrassment in seeking a weight-loss procedure. The PPC found it an aggravating factor that although the dispersal of funds may have been lax and lacking administrative procedures, Officer I took advantage of these lax standards and took funds from other officers. The PPC also found that Officer I's untruthfulness was aggravating. In a vote of six to three, the PPC voted that Officer I's misconduct was a lifetime disqualifier; she may never reapply to the PPC seeking certification. Officer I's misconduct ended her 13-year career.

Officer I's Basic Police Certificate was Revoked

Officer J received a probationary discharge and after review, DPSST determined that this matter must be reviewed by the Corrections Policy Committee (CPC). Officer J was notified that his case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The CPC determined that Officer J's misconduct involved *Dishonesty* when he was untruthful with the employer during the investigation regarding the number of non-work related websites he accessed and whose computer was used for this purpose. The CPC determined that Officer J's misconduct involved *Disregard for the Rights of Others* when his attention was diverted from the job for long periods of time when he was being paid to perform duties of a correctional officer, and his misconduct had the potential to negatively impact his coworkers and the inmates. The CPC determined that Officer J's misconduct involved *Misuse of Authority* because he was not performing the job he was being paid to perform and instead he was watching pornography or accessing non-work related materials. The CPC determined that Office J's misconduct involved *Gross Misconduct and Misconduct* when he created a danger or risk to others by being distracted for long periods of time and not providing protection, in violation of agency policy. The CPC determined that although Officer J's attempted to mitigate his misconduct with his employer, aggravating factors included a pattern of misconduct; that he was new to the job and had recently gone through training, so policies and procedures should have been fresh in his mind; and that he intentionally attempted to circumvent the rules by bringing in his own external hard drive. The CPC unanimously determined that Officer J's misconduct was a lifetime disqualifier; he may never reapply to the CPC seeking certification. Officer J's misconduct ended his 1-year career.

Officer J's Basic Corrections Certificate was Revoked

Officer K resigned in lieu of termination and after review, DPSST determined that this matter must be reviewed by the Police Policy Committee (PPC). Officer K was notified that his case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The PPC determined that Officer K's misconduct involved *Dishonesty* when he was untruthful with several people about his relationship with a female on probation. The PPC determined that Officer K's misconduct involved *Gross Misconduct and Misconduct* when he brought his personal life into the workplace by visiting the female on probation while on duty, when he failed to report her drug use and when he allowed his weapon to be in the probationer's presence. The PPC determined that Officer K's misconduct involved *Insubordination* when he continued to contact the female after being told by a

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superior not to contact her. The PPC found that the impact of Officer K's misconduct on others in his workplace was an aggravating factor.

In a unanimous vote the PPC determined that Officer K's misconduct was a lifetime disqualifier; he may never reapply to the PPC seeking certification. Officer K's misconduct ended his 7-year career.

Officer K's Basic Corrections and Basic and Intermediate Police Certificates were Revoked

Officer L resigned while under investigation and after review, DPSST determined that this matter must be reviewed by the Corrections Policy Committee (CPC). Officer L was notified that her case would be heard before the Committee and allowed an opportunity to provide mitigating circumstances for their review. The CPC determined that Officer L's misconduct involved *Dishonesty* when she demonstrated a pattern of writing checks against an account that she knew or should have known did not have sufficient funds. Officer L also gave conflicting answers to the investigator regarding her conduct. The CPC determined that Officer L's misconduct involved *Disregard for the Rights of Others* when her misconduct affected local businesses in the community she resided and worked in, and was a negative reflection on her employer. The CPC determined that Officer L's misconduct involved *Misuse of Authority* when she borrowed money from subordinates she was supervising. The CPC determined that Officer L's misconduct involved *Misconduct* when she violated the law.

The CPC determined that aggravating factors included a pattern of misconduct, that she took no action to address her misconduct until she was under scrutiny and that she was untruthful. The CPC unanimously determined that Officer L's misconduct was a lifetime disqualifier; she may never reapply to the Corrections Policy Committee seeking certification. Officer L's misconduct ended her 10-year career.

Officer L's Basic Corrections Certificate was Revoked

Constituent Feedback Requested: *In this issue of the Ethics Bulletin we are including more of the details of the discretionary cases based on the summaries of committee recommendations that were provided to the Board. Please let us know if the additional information makes this Ethics Bulletin more useful as a training tool or if you prefer the more abbreviated summaries that were provided in previous issues. Send your feedback to marliyn.lorance@state.or.us.*