

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 **June 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.

June Statistics

Cases Opened	35	Of the 14 Cases Closed:	
Cases Closed	14	Revoked	13
Cases Pending	208	Denied	00
Reinstated	00	No Action	01

Fire Service Professional A applied for his Hazardous Materials Responders Certificate. During a routine records checks it was determined that he had been convicted of Robbery with the use of a Firearm in the State of California in 1991. This crime is equivalent to First Degree Robbery in the State of Oregon, a Measure 11 crime. Fire Service Professional A was served with a Notice of Intent to Deny and Revoke. Fire Service Professional A made a timely request for a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings, asserting there was no material fact at issue. Administrative Law Judge Buntjer granted DPSST's Motion and issued a Proposed Order. Fire Service Professional A did not file legal exceptions to the Proposed Order. DPSST issued a Final Order.

Fire Service Professional A's Basic Fire Fighter, NFPA Fire Fighter I, NFPA Driver, Wildland Fire Operator, NFPA Aerial Operator, NFPA Mobile Water Supply Operator, Wildland Interface Fire Fighter, NFPA Wildland Interface Engine Boss, NFPA Fire Fighter II Certificates were Revoked and his application for Hazardous Materials Responder Certificate was Denied.

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Officer B discharged for cause after an internal investigation revealed that he had confronted a civilian off duty, engaged in a verbal argument and pointed his semi-automatic handgun at the individual. When interviewed regarding the incident Officer B denied pointing his handgun at the civilian. As a result of the investigation the District Attorney issued a letter stating he would no longer call Officer B as a witness on behalf of the State due to concerns about Officer B's credibility. Officer B was served with a Notice of Intent to Revoke. Officer B made a timely request for a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings, asserting there was no material fact at issue. Administrative Law Judge Buntjer granted DPSST's Motion and issued a Proposed Order. Officer B did not file legal exceptions to the Proposed Order. DPSST issued a Final Order. Officer B's misconduct ended his 12-year career.

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

Officer C was convicted of Delivering Methamphetamines, Manufacturing/Delivering a Controlled Substance and Possession of Methamphetamines, felony crimes. Officer C responded to an advertisement on Craigslist for "casual encounters" where he intended to meet a female for a casual sexual encounter in exchange for methamphetamine and Vicodin. Officer C was mailed a Notice of Intent to Revoke. He did not make a timely request for hearing and was subsequently issued a Default Final Order Revoking Certification. Officer C's misconduct ended his 6-year career.

Officer C's Basic Corrections Certification was Revoked.

Officer D was discharged for cause after an internal investigation revealed that he had failed to consistently meet the minimum performance standards, failed to render clear, accurate and complete reports of his activities and assignments, and was not honest and truthful during interviews with management. Officer D was served with a Notice of Intent to Revoke. Officer D made a timely request for a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings, asserting there was no material fact at issue. Administrative Law Judge Buntjer granted DPSST's Motion and issued a Proposed Order. Officer D did not file legal exceptions to the Proposed Order. DPSST issued a Final Order.

Officer D's misconduct ended his 15-year career.

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

Officer E resigned from his position as a police officer. Officer E agreed to sign a Stipulated Order Revoking his certifications as part of a Settlement Agreement with his Agency. Officer E's misconduct ended his 15-year career.

Officer E's Basic and Intermediate Police Certificates were Revoked.

Officer F was convicted of First Degree Official Misconduct. Officer F provided drivers licenses he had seized as a police officer to underage females. Officer F was served with a Notice of Intent to Revoke. Officer F made a timely request for a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings, asserting there was no material fact at issue. Administrative Law Judge Buntjer granted DPSST's

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Motion and issued a Proposed Order. Officer F did not file legal exceptions to the Proposed Order. DPSST issued a Final Order.

Officer F's misconduct ended his 5-year career.

Officer F's Basic Police Certification was Revoked.

Fire Service Professional G was discharged for cause after an investigation by the local law enforcement agency for falsification of fire certifications. The case was referred to the Office of the Inspector General Defense Criminal Investigative Service, as some of the certificates included forged Department of Defense certificates. Fire Service Professional G was served with a Notice of Intent to Revoke. Fire Service Professional G did not make a timely request for a hearing. DPSST issued a Default Final Order.

Fire Service Professional G's NFPA Driver, NFPA Pumper Operator, First Responder Operations, NFPA Fire Fighter I, NFPA Rope Rescue Technician, NFPA Surface Water Rescue Technician, NFPA Confined Space Rescue Technician and NFPA Trench Rescue Technician Certifications were Revoked.

Officer H was discharged for cause for conduct that included dishonesty when he was engaging in sexual acts while on duty. Officer H misused his Law Enforcement Data System user agreement and certifications by intentionally accessing information. Officer H failed to appropriately follow-up on criminal investigations to which he was assigned. Officer H was served with a Notice of Intent to Revoke. Officer H made a timely request for a hearing. DPSST sought a Motion for Summary Determination before the Office of Administrative Hearings, asserting there was no material fact at issue. Prior to the ALJ issuing a ruling on the Motion for Summary Determination, Officer H agreed to sign a Stipulated Order Revoking his certifications.

Officer H's misconduct ended his 10-year career.

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

Officer I was convicted of Obstructing Governmental or Judicial Administration after he was found guilty of failing to fully advise his agency of his son's involvement in a wildlife crime. Officer I was mailed a Notice of Intent to Revoke. He did not make a timely request for hearing and was subsequently issued a Default Final Order Revoking Certification.

Officer I's misconduct tarnished his 28-year career.

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

Officer J was discharged for cause after he engaged in a physical altercation with an inmate. Officer J was later charged and convicted of Second Degree Assault and Official Misconduct. Officer J was mailed a Notice of Intent to Revoke. He did not make a timely request for hearing and was subsequently issued a Default Final Order Revoking Certification.

Officer J's misconduct ended his 18-year career.

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

Officer K was discharged for cause after an internal investigation revealed that he had violated numerous policies and procedures. Specifically, Officer K failed to notify his agency of his contact with law enforcement, accessed LEDS information for personal reasons, failed to disclose a pending internal investigation during his background investigation and was untruthful with the detectives conducting the internal investigation. Officer K was mailed a

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Notice of Intent to Revoke. He did not make a timely request for hearing and was subsequently issued a Default Final Order Revoking Certification.

Officer K's misconduct ended his 29-year career.

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

Officer L resigned during an investigation after allegations of personal and sexual relationship with an inmate. DPSST sent Officer L a letter informing her that this matter must be reviewed by the Corrections Policy Committee and offered her the opportunity to provide mitigating circumstances. A Stipulated Order Revoking Certification(s) was also enclosed. Officer L signed the Stipulated Order. Officer L's misconduct ended her 2-year career.

Officer L's Basic Corrections Certification was Revoked.

Officer M resigned in lieu of termination after an investigation revealed that she knowingly allowed a felon to use her duty weapon. DPSST sent Officer M a letter informing her that this matter must be reviewed by the Corrections Policy Committee and offered her the opportunity to provide mitigating circumstances. A Stipulated Order Revoking Certification(s) was also enclosed. Officer M signed the Stipulated Order. Officer M's misconduct ended her 2-year career.

Officer M's Basic Corrections Certification was Revoked.

Oregon Court of Appeals

In 2008, Ethics Bulletin 57-B cited the following case:

Officer B was arrested for charges involving domestic violence stemming from a domestic disturbance. Officer B was later convicted of the crime of Interference with Making a Report, a Class A Misdemeanor. Under OAR 259-008-0070(2)(a)(D) Officer B's conduct in preventing his girlfriend from calling the police was an act involving domestic violence and is therefore a mandatory disqualifying crime, for purposes of revocation of certification. Officer B was issued a Notice of Intent to Revoke Certification. 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. The ALJ issued a Proposed Order revoking Officer B's certification. Officer B filed exceptions to the Proposed Order. DPSST adopted the ALJ's Proposed Order in its entirety and filed a Final Order Revoking Certification. Officer B's misconduct ended his 5-year career.

Officer B's Basic Corrections Certification was Revoked.

Officer B made a petition for judicial review with the Oregon Court of Appeals. On June 30, 2010, the Oregon Court of Appeals Affirmed without Opinion DPSST's revocation of Officer B's certification.

For additional details, reference Baimbridge v. Department of Public Safety Standards and Training (A139653) <http://www.publications.ojd.state.or.us/appeals.htm#june10>

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