

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 **July 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.

July Statistics

Cases Opened	23	Of the 22 Cases Closed:	
Cases Closed	22	Revoked	4
Cases Pending	209	Denied	0
Reinstated	01	No Action	18

Officer A was discharged for cause after an internal investigation revealed that she was dishonest when reporting her working time, among other agency policy violations. Officer A grieved the discharge and an arbitrator reinstated Officer A's employment citing due process flaws but finding "probative evidence that grievant engaged in the misconduct for which she is charged. . ." In accordance with governing administrative rule, DPSST notified Officer A that her case would be reviewed by the Corrections Policy Committee (CPC) and allowed her an opportunity to provide mitigating circumstances for the Committee's consideration. The CPC reviewed the matter and found that Officer A's misconduct involved dishonesty when she was untruthful on her timesheet, that she disregarded the rights of others, misused her authority and engaged in gross misconduct when she used narcotics while on duty, slept on duty and engaged in angry and disrespectful outbursts towards co-workers. The CPC found as an aggravating factor that the district attorney would no longer call Officer A as a state's witness. The CPC determined that Officer A's certification should be revoked and that Officer A's misconduct was a lifetime disqualifier. Officer A was served with a Notice of Intent to Revoke Certification. Officer A failed to make a timely request for a hearing. Officer A's misconduct ended her 7-year career.

Officer A's Basic Corrections certification was Revoked.

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Officer B resigned during a criminal investigation that later led to his conviction of two counts of prostitution, two counts of official misconduct and one count of coercion. Officer B signed a Stipulated Order revoking his certification.

Officer B's misconduct ended his 2-year career.

Officer B's Basic Police certification was Revoked.

Officer C resigned in lieu of termination after an internal investigation revealed that Officer C engaged in improper and excessive use of the internet and was untruthful during the investigation. DPSST notified Officer C that his case would be reviewed by the Police Policy Committee (PPC) and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. The PPC reviewed the matter and found that Officer C's misconduct involved dishonesty when he was untruthful regarding the investigation leading to his resignation and in his application process seeking law enforcement employment; and that he engaged in gross misconduct when failed to respond to a dispatched call for service in a timely matter because of his involvement of the use of internet at work. The PPC found aggravating factors that included the employer having previously taken appropriate measures in addressing his inappropriate use of the internet, yet the behavior continued, and that Officer C was accessing pornographic and inappropriate materials from a co-worker's computer since he knew his computer access and usage was being monitored. The District Attorney characterized this behavior as "deceitful". The PPC determined that Officer C's certification should be revoked and that Officer C's misconduct was a lifetime disqualifier. Officer C was served with a Notice of Intent to Revoke Certification. Officer C failed to make a timely request for a hearing.

Officer C's misconduct ended his 3-year career.

Officer C's Basic Police Certification was Revoked.

Officer D was discharged for cause after an internal investigation revealed that she had violated agency policy against harassment and discrimination. Officer D engaged in physical harassment, assaultive behavior and violated the code of ethical conduct. This behavior occurred while she was under investigation for Official Misconduct. Officer D agreed to sign a Stipulated Order revoking her certifications as part of a criminal settlement.

Officer D's misconduct ended her 12-year career.

Officer D's Basic, Intermediate and Advanced Telecommunicator and Basic Emergency Medical Dispatcher Certifications were Revoked.

Officer E's Basic, Intermediate and Advanced Police Certificates were revoked in 1996 as a result of a criminal conviction for the crime of Contributing to the Sexual Delinquency of a Minor; Officer E engaged in a sexual relationship with a minor prior to her 18th birthday. In 1999, after completing all court-required sanctions, Officer E had his conviction set aside. Officer E subsequently contacted DPSST to seek a re-eligibility review of his revoked certifications. In July 2010, the Police Policy Committee (PPC) considered Officer E's request that his eligibility to apply for public safety certification be restored. The PPC reviewed Officer E's case, along with his mitigating circumstances which involved the passage of time, that he had been truthful with his prior employer and investigators, and that he had completed

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all court-required sanctions. The PPC determined that although Officer E's prior conduct had involved the misuse of authority, gross misconduct and misconduct, his mitigating circumstances of ongoing counseling, favorable evaluations as well as his ongoing employment in limited law enforcement capacities without further issues (animal control) allowed them to conclude that Officer E's eligibility to reapply for public safety certification be restored. The Board affirmed the PPC's recommendation.

Officer E is eligible to reapply for public safety certifications in the state of Oregon.

Officer F's Basic and Intermediate Police Certificates were revoked in 1997 as a result of two criminal convictions of Official Misconduct in the First Degree and Receiving a Contribution in a False Name; these mandatory disqualifying crimes were related to a sheriff's election. In 2007 Officer F had his convictions set aside. Officer F subsequently contacted DPSST to seek a re-eligibility review of his revoked certifications. In July 2010, the Police Policy Committee (PPC) considered Officer F's request that his eligibility to apply for public safety certification be restored. The PPC reviewed Officer F's case and determined that Officer F's prior misconduct involved dishonesty when he was untruthful about the source of election documents and funds on behalf of his campaign for sheriff, that his misconduct involved misuse of authority by obtaining a benefit of funds on behalf of his campaign and that he engaged in gross misconduct and misconduct, not as a mistake but as an intentional act. As aggravating the PPC determined that Officer F, an agency head, disrupted the operations of the agency, that as an elected official and leader of the agency where the violation involved people in his agency, Officer F's misconduct was harmful to the agency and that he was in a leadership role and had the responsibility to serve accordingly. In a unanimous vote, the PPC voted not to restore Officer F's eligibility to reapply for public safety certifications. The Board affirmed the PPC's recommendation.

Officer F's Basic and Intermediate Police Certifications remain REVOKED.

Officer G resigned in lieu of termination after an internal investigation revealed that while he was on duty and in uniform he had exposed his penis while a photograph was being taken of he and his work colleagues. Officer G was advised that this matter would be reviewed by the Police Policy Committee PPC to determine if he still met the minimum standards as an Oregon public safety officer. Officer G was afforded an opportunity to provide mitigating circumstances for the Committee's consideration. The PPC reviewed the matter and found that Officer G had engaged in Misconduct and that an aggravating factor was that his misconduct jeopardized the integrity of the team he served on and the professional reputation of his agency. Officer G sought to mitigate his actions by asserting that the photograph was intended for a limited audience and not for the public. However, the PPC did not find this mitigating. Ultimately the PPC determined that Officer G's misconduct was appropriately handled by the agency and recommended that his certifications not be revoked. This matter was then reviewed by the Board, which identified substantial concerns Officer G's conduct was unprofessional and absolutely unacceptable within public safety. Although the Board ultimately supported the committee's recommendation based on the employer's actions to address the matter, the Board directed DPSST staff to include their discussion and strong stance against such offensive conduct when this case was summarized in the Ethics Bulletin.

Officer G was allowed to retain his Basic and Intermediate Police certifications.

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