

**OREGON DPSST**  
***ETHICS BULLETIN***  
**Volume No. 87**



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 **January 2011**.

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.

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**January Statistics**

Cases Opened	029	Of the 028 Cases Closed:	
Cases Closed	028	Revoked	013
Cases Pending	215	Denied	000
Reinstated	000	No Action	015

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**Fire Service Professional A** was convicted of First Degree and Second Degree Murder in the State of Washington. Fire Service Professional A served with a Notice of Intent to Revoke Certifications. 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. The ALJ granted DPSST's Motion and issued a Proposed Order. Fire Service Professional A did not file legal exceptions to the Proposed Order. DPSST filed a Final Order.

**Fire Service Professional A's NFPA Driver, First Responder Operations, NFPA Pumper Operator, NFPA Fire Fighter II and Instructor I Certifications were Revoked.**

**Officer B** was convicted of Theft from Indian Tribal Organization, a federal crime. Officer B stole money that was seized as evidence in a criminal case. Officer B was served with a Notice of Intent to Revoke Certifications. Officer B did not make a timely request for a hearing. Officer B's misconduct ended his 12-year career.

**Officer B's Basic Police Certification was Revoked.**

**Officer C** was discharged for cause after an internal investigation revealed that he had attempted to use his position as a public safety officer to avoid an arrest and violated agency policies. Officer C was served with a Notice of Intent to Revoke Certifications. Officer C did not make a timely request for a hearing. Officer C's misconduct ended his 8-year career.

**Officer C's Basic Corrections Certification was Revoked.**

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**Officer D** was discharged for cause after an internal investigation revealed that he had inappropriate relationships with inmates and program clients. Officer D was served with a Notice of Intent to Revoke Certifications. Officer D did not make a timely request for a hearing. Officer D's misconduct ended his 3-year career.

**Officer D's Basic Corrections Certification was Revoked.**

**Officer E** was convicted of Felony Driving While Suspended, a mandatory disqualifier for Public Safety Professionals. Officer E was served with a Notice of Intent to Revoke Certifications. Officer E did not make a timely request for a hearing. Officer E's misconduct ended his 4-year career.

**Officer E's Basic Corrections Certification was Revoked.**

**Officer F** retired during an investigation into allegations of improper sexual conduct while on duty. Officer F voluntarily signed a Stipulated Order revoking certifications. Officer F's misconduct ended his 28-year career.

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

**Officer G** received a probationary discharge after he admitted to having an ongoing sexual relationship with a female on probation. Officer G was notified that his case would be reviewed by the Corrections Policy Committee and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. Officer G voluntarily signed a Stipulated Order revoking certification. Officer G's misconduct ended his 1-year career.

**Officer G's Basic Corrections Certification was Revoked.**

**Officer H** received a probationary discharge. DPSST reviewed the circumstances surrounding the discharge, which revealed she had misrepresented the reason she could not come to work on more than one occasion and why she could not participate in a medical transport of an inmate; and that she had failed to accurately observe and report a person on a suicide watch. DPSST notified Officer H that her case would be reviewed by (CPC) and allowed her an opportunity to provide mitigating circumstances for the Committee's consideration. The CPC reviewed the matter and found that Officer H's misconduct involved Dishonesty, Misuse of Authority and Gross Misconduct. The CPC unanimously voted to recommend revocation and that her misconduct warranted a lifetime ineligibility to reapply for certifications. Officer H was served with a Notice of Intent to Revoke Certification. Officer H made a timely request for a hearing. A hearing was held before an Administrative Law Judge (ALJ) who ultimately affirmed DPSST's decision to revoke Officer H's certifications, subject to lifetime revocation. Officer H did not file timely legal exceptions and a Final Order was issued revoking Officer H's certifications. Officer H's misconduct ended her 12-year career.

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

**Officer I** resigned during two criminal investigations against him. One investigation stemmed from Officer I stealing food from a store and resulted in a conviction for Theft in the Third Degree. The other investigation stemmed from allegations that Officer I met with the girlfriend of an inmate and engaged in sexual activity with her in exchange for introducing contraband in to the prison. DPSST determined that this matter must be reviewed by the Corrections Policy Committee (CPC). DPSST notified Officer I that his case would be reviewed by (CPC) and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. The CPC reviewed the matter and found that Officer I's

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misconduct involved Dishonesty, Misuse of Authority, Gross Misconduct, Disregard for the Rights of Others and Misconduct. The CPC unanimously voted to recommend revocation and that his misconduct warranted a lifetime ineligibility to reapply for certifications. Officer I was served with a Notice of Intent to Revoke Certification. Officer I 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. The ALJ granted DPSST's Motion and issued a Proposed Order. Officer I did not file legal exceptions to the Proposed Order. DPSST filed a Final Order. Officer I's misconduct ended his 9-year career.

**Officer I's Basic and Intermediate Corrections Certifications were Revoked.**

**Officer J's** was convicted of Criminal Mischief in the Second Degree, a crime that stemmed from a DUll which resulted in a diversion, and which also resulted in property damage. DPSST subsequently sought and obtained the underlying criminal investigations and determined that this matter must be reviewed by the Corrections Policy Committee (CPC). DPSST notified Officer J that his case would be reviewed by (CPC) and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. Prior to the CPC, DPSST followed up on Officer J's assertions in the letter he sent to the CPC and found that he had misrepresented the matter. The CPC reviewed the matter and found that Officer J's misconduct involved Dishonesty, Disregard for the Rights of Others, Gross Misconduct and Misconduct. The CPC unanimously voted to recommend revocation and that his misconduct warranted a lifetime ineligibility to reapply for certifications. Officer J was served with a Notice of Intent to Revoke Certification. Officer J made a timely request for a hearing. Prior to the hearing, DPSST discovered that Officer J had engaged in additional misconduct and determined that the matter should be returned to the CPC for re-consideration. Again DPSST notified Officer J that his case would be heard before the CPC and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. The CPC re-consideration was two-fold; to have the CPC consider if the additional information altered their prior determination that Officer J's certifications should be revoked and to include the additional information in the upcoming contested case hearing. The CPC's original determination of lifetime revocation was not altered and they found the additional misconduct involved Misuse of Authority; he used the racial slur against inmates over whom he had control as a correctional officer, while he was on duty, in a position of authority. Prior to the hearing, Officer J resigned and voluntarily signed a Stipulated Order Revoking his certifications. Officer J's misconduct ended his 19-year career.

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

**Officer K** was arrested for DUll and received a diversion. Later Officer K was arrested for Assault and Disorderly Conduct. Officer K entered into a civil compromise with the victim of the Assault and entered a plea of guilty to the Disorderly Conduct. Subsequent to this, Officer K was arrested for DUll, was convicted, and was placed on probation, which he ultimately violated. DPSST sought and obtained information relating to the Officer K's conduct. DPSST notified Officer K that his case would be reviewed by (CPC) and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. The CPC determined that Officer K's misconduct involved Dishonesty and Disregard for the Rights of Others. The CPC voted to revoke Officer K's certifications and that his misconduct warranted a lifetime ineligibility for reapplication of certifications. Officer K was served with a Notice of Intent to Revoke Certification. Officer K made a timely request for a hearing. Officer K signed a Stipulated Order, stipulating to the submission of the exhibits as the record, and

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that the subsequent hearing's focus would be on how long Officer K's certification should be revoked. Furthermore, Officer K stipulated that the Administrative Law Judge (ALJ) Proposed Order would be the Final Order. The ALJ issued a Proposed Order revoking Officer K's certification, subject to lifetime revocation and found that, "[Officer K's] dishonesty was a recurring theme in the incidents of his misconduct." Officer K's misconduct ended his 12-year career.

**Officer K's Basic Corrections Certification was Revoked.**

**Officer L** was convicted of DUII and Reckless Driving and received a diversion on the DUII. Reckless Driving is a misdemeanor crime and requires a review by the Policy Committee to determine whether the officer meets the minimum established standards. DPSST notified Officer L 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 L's misconduct did not involve Dishonesty, Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct or Insubordination. The PPC determined that Officer L did engage in Misconduct when he engaged in the crime of Reckless Driving. The PPC determined that Officer L's misconduct did not rise to the level to warrant revocation of his certification and found mitigating circumstances, including that he took responsibility for his conduct and followed through with his diversion. The Board affirmed the PPC's recommendation not to revoke his certification and this matter was closed administratively.

**Officer L retains his Basic Police Certification.**

**Officer M** resigned in lieu of termination after an internal investigation revealed that he had violated agency policies when he made an unscheduled stop to purchase coffee while driving an inmate transportation van, drew the inmates' attention to the female barista causing her to feel vulnerable and unsafe, left the inmates alone with a junior deputy, and made contact with the female barista using an unauthorized entry door. DPSST notified Officer M that his case would be reviewed by the Corrections Policy Committee (CPC) and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. The CPC reviewed the matter and found that Officer M's misconduct involved Disregard for the Rights of Others, Misuse of Authority, Gross Misconduct and Misconduct. The CPC determined that Officer M's misconduct rises to the level to warrant revocation of his certification and that the period of ineligibility to re-apply for certification would be 15 years. Officer M was served with a Notice of Intent to Revoke Certifications. He did not make a timely request for a hearing. The Board affirmed the CPC's recommendation. Officer M's misconduct ended his 12-year career.

**Officer M's Basic and Intermediate Corrections Certifications were Revoked.**

**Officer N** was convicted of a Fish and Game misdemeanor crime which required that his case be reviewed by the Corrections Policy Committee. DPSST notified Officer N that his case would be reviewed by the Corrections Policy Committee (CPC) and allowed him an opportunity to provide mitigating circumstances for the Committee's consideration. The CPC reviewed the matter and found that Officer N's conduct involved Misconduct. As aggravating was that Officer N's father was a Fish and Game officer and had been involved in the criminal activity; therefore, Officer N clearly knew what he was doing was unlawful. The CPC determined that Officer N's misconduct rises to the level to warrant revocation of his certification and that the period of ineligibility to re-apply for certification would be 7 years, which is the maximum allowed for this category. Officer N was served with a Notice of Intent to Revoke Certifications. He did not make a timely request for a hearing. The Board affirmed the CPC's recommendation. Officer N's misconduct ended his 2-year career.

**Officer N's Basic Corrections Certification was Revoked.**

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