

**OREGON DPSST**  
***ETHICS BULLETIN***  
**Volume No. 93**



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 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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**July Statistics**

Cases Opened	046	Of the 07 Cases Closed:	
Cases Closed	007	Revoked	003
Cases Pending	215	Denied	000
Reinstated	000	No Action	004

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**Officer A** was discharged for cause after an internal investigation revealed that he had sexually abused an intoxicated male while off duty. Officer A was served with a Notice of Intent to Revoke Certifications. Officer A made a timely request for a hearing. Officer A was convicted of Harassment and voluntarily signed a stipulated order agreeing to the revocation of his certifications. Officer A's misconduct ended his 6-year career.

**Officer A's Basic and Intermediate Police Certifications were Revoked.**

**Officer B's** employment was terminated based upon medical and expert conclusions that Officer B was not fit to perform the essential functions of a police officer. Officer B signed a Stipulated Order revoking his certifications, ending his 8-year career. **Officer B's Basic, Intermediate and Advanced Police Certifications were Revoked.**

**Officer C** resigned during an investigation that revealed he had violated agency policies and the Criminal Justice Code of Ethics. While on duty Officer C engaged in inappropriate communications with females under the age of 18. Officer C was notified that his conduct would be reviewed by the Police Policy Committee (PPC) and invited to provide a response for their consideration. Officer C was provided a Stipulated Order Revoking Certifications, which he voluntarily signed. Officer C's misconduct ended his 13-year career.

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

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**PLEASE DISSEMINATE THIS INFORMATION TO ALL PUBLIC SAFETY OFFICERS**

## **Agency Policies Imperative to Disclose *Brady v. Maryland* Materials to Prosecutors**

Below is an *excerpt* from a March 2011 article in the International Association of Chiefs of Police magazine, "The Police Chief." To review the article in its entirety, please go to: [http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display\\_arch&article\\_id=2329&issue\\_id=32011](http://policechiefmagazine.org/magazine/index.cfm?fuseaction=display_arch&article_id=2329&issue_id=32011). Also see last month's Ethics Bulletin for an additional excerpt.

"Does your law enforcement agency have a policy regarding the disclosure of *Brady v. Maryland* information to prosecutors? . . . Even though the *Brady* decision is nearly 50 years old, law enforcement agencies across the country are reluctant, if not defiant, to disclose potentially damaging information about police officers within their ranks. . . .As a result of the 1963 U.S. Supreme Court decision regarding *Brady*, prosecutors are required to provide all exculpatory information about their witnesses to defense attorneys prior to trial. Subsequent U. S. Supreme Court decisions in *Giglio v. U.S.* and *U.S. V Agures* further expanded the duty of prosecutors to provide this information to defense attorneys prior to trial, even if no prior request was made. However, the court's decision in *Kyles v. Whitley* has had the most significant impact on law enforcement agencies. It requires prosecutors to learn about any favorable information to the defendant that is known to others who are acting on behalf of the government, including information about police officers. This duty also extends to information about police officers contained in internal affairs files. But if prosecutors are unaware of that information or evidence, subsequent disclosures to defense attorneys can never occur. The result can be devastating for prosecutors, victims of crime and law enforcement agencies. . . .Law enforcement executives must recognize that an officer's past conduct can have a significant impact on criminal prosecution. Not only does a defendant have the right to review personnel files about an officer's past conduct that may discredit the officer's credibility, but the prosecutor has a constitutional duty to disclose it. To that end, law enforcement executives must be diligent in gathering that information and communicate it to prosecutors. . . .The failure to disclose *Brady* information about all witnesses in a criminal case to defense attorneys can be used as a basis to overturn a conviction, release a defendant from prison, or to establish a civil lawsuit. At a minimum, the discovery of *Brady* information after a criminal trial has concluded will result in the review of all other criminal cases, pending or closed, in which the officer was involved. . . .Last, but certainly not least, all law enforcement agencies should consider the establishment of strict policies to terminate the employment of any officer determined to be untruthful in any official report, testimony or investigative interview. The success of any law enforcement agency relies upon the integrity of the officers that compose its ranks. This element is necessary to maintain the confidence of the public and the employees of the agency. A dishonest police officer discredits the hard work of all law enforcement officers and jeopardizes the effectiveness of the criminal justice system."

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