

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 the physical, mental, and moral fitness standards for all law enforcement officers, 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 officer, telecommunicator or emergency medical dispatcher who has fallen below the moral fitness 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 **August 2008**.

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.

August Statistics

Cases Opened	37	Of the 35 Cases Closed:	
Cases Closed	35	Revoked	7
Cases Pending	171	Denied	0
		No Action	28

Case 1

Officer A was discharged for cause after an internal investigation revealed that he repeatedly violated agency policy when he engaged in inappropriate interactions with others. Officer A's actions resulted in progressive discipline for the incidents of misconduct and a Last Chance Agreement. After entering into the Last Chance Agreement, Officer A again engaged in inappropriate interactions with others and was untruthful with investigators during this event. It was then discovered that Officer A had been untruthful with background investigators during his initial employment process regarding prior convictions; he had maintained that lie during his employment. Officer A was issued a Notice of Intent to Revoke Certifications, did not request a hearing and was subsequently issued a Default Final Order Revoking Certifications. Officer A's misconduct ended his 35-year career.

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

Case 2

Officer B resigned while under investigation for violating agency policy, which included subjecting a co-worker to pornographic pictures on her agency computer and accessing pornographic web sites. Officer B's misconduct followed a pattern of progressive discipline which involved improperly handling evidence, forging a client's signature on a fingerprint card and reporting to work smelling of alcohol. Officer B was advised that her case would be heard before a Policy Committee for a review to determine if she had violated the established

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moral fitness standards. Officer B voluntarily signed a Stipulated Order Revoking Certifications. Officer B's misconduct ended her 13-year career.

Officer B's Basic Parole and Probation Certification was Revoked

Case 3

Officer C resigned after an internal investigation revealed that he falsified documents to the District Attorney's Office, to the court, and to community justice regarding individuals he was supervising, and was untruthful to supervisors. Officer C was advised that his case would be heard before the Corrections Policy Committee and he would be allowed to provide mitigating circumstances. The Policy Committee reviewed Officer C's case and recommended revoking his certifications based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. Officer C was issued a Notice of Intent to Revoke. Officer C did not make a timely request for a hearing. DPSST issued a Default Final Order Revoking Certifications. Officer C's misconduct ended his 10-year career.

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

Case 4

Officer D resigned in lieu of termination after an internal investigation revealed that he falsified documentation of his activities, instructed subordinates to perform their duties in a manner other than what was required by policy, was untruthful with the employer during the investigation and was disrespectful with a co-worker. Officer D was advised that his case would be heard before the Corrections Policy Committee and he would be allowed to provide mitigating circumstances. The Policy Committee reviewed Officer D's case and recommended revoking his certifications based on violation of the established moral fitness standards. The Board affirmed the Policy Committee's recommendation. Officer D was issued a Notice of Intent to Revoke. Officer D did not make a timely request for a hearing. DPSST issued a Default Final Order Revoking Certifications. Officer D's misconduct ended his 10-year career.

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

Case 5

Officer E was discharged for cause after an internal investigation revealed that he provided his cell phone number to an inmate who was being released and that he later met with the inmate. On another occasion Officer E engaged in an inappropriate relationship with a former inmate. Additionally, Officer E failed to account for an inmate's money during intake, communicated with the inmate about the money, and was untruthful with investigators when they questioned him. Officer E was issued a Notice of Intent to Revoke. Officer E 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. Prior to the ALJ ruling on the Motion, Officer E withdrew his request for a hearing. DPSST issued a Final Order Revoking Certification. Officer E's misconduct ended his 5-year career.

Officer E's Basic Corrections Certification was Revoked.

Case 6

Officer F, an agency head, resigned and was subsequently convicted of Assault in the Fourth Degree, Harassment and Attempted Coercion. This case stemmed from two incidents involving interactions with citizens in which Officer F acted unlawfully. DPSST issued Officer F a Contested Case Notice of Intent to Revoke. Officer F made a timely request for a hearing. Officer F then requested a continuance so that he could appeal his convictions, the basis of the revocation action. A continuance was granted. Officer F then entered the military and DPSST stayed the case based on the Servicemen's Act. During this time, the Court of Appeals dismissed Officer F's appeal of the convictions and they remain on his record. DPSST learned that Officer F had returned from his military service and provided him an opportunity for a hearing to contest the revocation of his certifications. Officer F did not respond and DPSST issued a Final Order Revoking Certifications. This case spanned a time period of 1998 – 2008. Officer F's misconduct ended his 6-year career.

Officer F's Basic Police Certification was Revoked.

Case 7

Officer G resigned during a pre-dismissal/disciplinary process which involved allegations of Code of Ethics, Code of Conduct and Respectful Workplace violations. This case involved inappropriate off-duty conduct and failure to adhere to a Deferred Sentencing Agreement. Officer G subsequently signed a Stipulated Order Revoking his certifications. In this case, Officer G's misconduct ended his 24-year career.

Officer G's Basic, Intermediate, Advanced, Supervisory and Management Corrections Certifications were Revoked.

A brief excerpt from "Ethical Survival: Officers must prepare for not only physical danger but ethical danger as well"

By Lt. Randy Sutton, a 29-year police veteran, Las Vegas Police Department. This article was printed in the May 2006 Law Officer Magazine

" . . . On a dreary autumn morning seven years ago, Sgt. Philip Ross stuffed his fully loaded 9mm SIG into his waistband and headed into the wooded area behind his home. He thought of his wife, his daughter and his 14 years at the police department where his fellow officers were more like family than co-workers. A note in his pocket said, simply, "I'm sorry, please forgive me." Attached to the note was a New Jersey grand jury indictment bearing his name. Fortunately, Ross' wife was home. Running into the woods, she came upon him in time to stop him from his planned suicide attempt. Back at the house, he showered and dressed, and together they drove to the court for his sentencing. Now, seven years later, with pain still etched on his face, former police Sergeant Phil Ross told me, "For years I trained . . . firearms, tactics, officer safety, and in the end I destroyed my own career and almost my life with one stupid decision." What was that decision? Ross had bolstered the strength of a case against a major narcotics trafficker by claiming in an investigative report that narcotics found in the suspect's residence were discovered after a search warrant was issued. In reality, the evidence had been discovered during a protective sweep before a search warrant was issued. Ross' motives were noble — he wanted justice to prevail in a case where the suspect was clearly guilty — but by lying, he violated his oath of office. Noble-cause corruption is still corruption.

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The New Survival Challenge

Physical danger is among the most fundamental aspects of law enforcement, and so, in order to survive, we train to protect ourselves both physically and mentally. Yet the last decade has seen a leveling off of line-of-duty deaths of law enforcement officers. Most point to better equipment, body armor and training, and as a police trainer for one of the largest police agencies in the United States, I must agree. The training budget in most police departments is geared heavily toward firearms training, tactical training and officer safety, and, accordingly, those are the concerns in the minds of our nation's law enforcement officers each day as they pin on their badges and strap on their gun belts. But ethical danger, as Ross experienced, can also prove fatal, at least career-wise.

The Concept of Ultimate Responsibility

Our job entails a great amount of discretion and autonomy; we must accept a degree of responsibility commensurate with our positions. If I make a decision, however big or small, I am accountable for it. Ownership of each decision, from the mundane to the life changing, lies with the one who makes it. This is the concept of ultimate responsibility. If we embrace this basic idea, we can avoid myriad ethical pitfalls.

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Statistically, law enforcement agencies across the country are seeing higher rates of termination for truthfulness issues than ever before. Regrettably, in many cases, had the officers not lied about the initial conduct under investigation, they would not have been terminated. Aside from basic ethical duty, a number of pragmatic reasons indicate why law enforcement agencies nationwide increasingly hold officers strictly accountable for truthfulness, including public awareness of officer conduct and oversight scrutiny provided by citizens' review boards. Court decisions, such as U.S. vs. Henthorn, that allow a judge to examine a law enforcement officer's personnel file in order to determine an officer's credibility pose another factor. If an officer has a truthfulness issue on record, their usefulness as a witness is basically forfeited.

Preparing for Ethical Survival

Lack of truthfulness, however corrosive, is not the most potentially destructive enemy of an on-duty law enforcement officer: complacency is. Complacency means more than dropping your guard. It means shortchanging yourself and the quality of your life by doing only the minimum necessary to get by. Ethical survival requires preparing the psyche with the same vigor you use to prepare for tactical survival.

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Conclusion

Law enforcement continues to lose dedicated, talented officers to ethics-related mistakes. Just as we prepare ourselves tactically for physical threats, we must prepare ourselves mentally for ethical threats. By embracing the concept of ultimate responsibility — the principle of accountability — we take charge of our own professional destinies. By equipping ourselves with self-knowledge, we protect ourselves with the armor of values and professional honor. Otherwise, as Ross can attest, it's a long and lonely walk into the courtroom for sentencing, but it's an even longer walk into the woods.

To review the complete article, please visit:

<http://www.policeone.com/writers/columnists/lom/articles/129744/>

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