

# Board Approved

## Department of Public Safety Standards and Training Memo

**Date:** July 22, 2021

**To:** Board on Public Safety Standards and Training

**From:** Linsay Hale, Professional Standards Director

**Subject:** Professional Standards Review/ Recommendation  
Patricia Winnie (47307)

### **Reason for Discretionary Review:**

DPSST received a notice from LEDS, that on 5/8/19, Patricia Winnie was issued a criminal citation for *Failure to Perform the Duties of a Driver* after hitting a parked vehicle and leaving the scene. On 10/1/19, Winnie was convicted of *Reckless Driving*.

Staff has determined Winnie's conduct violates the Board's moral fitness standards.

### **Policy Committee Recommendation:**

The Corrections Policy Committee (CPC), in a unanimous vote, recommends that the Board take **ACTION** against Patricia Winnie's Certification(s). The committee further recommended Winnie be ineligible to hold public safety certification for a lifetime.

The committee considered the following aggravating and mitigating factors in making their decision.

- Aggravating:
  - Winnie was dishonest to police about hitting another vehicle.
  - Winnie was using a controlled substance while operating a motor vehicle.
  - Winnie failed to complete the obligations of her sentencing.
- Mitigating:
  - Winnie was not employed in public safety at the time of her arrest.

### **Information Used in Determination:**

- CPC Staff Report, with exhibits.

### **Action Item:**

Review and affirm the recommendation of the committee.

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter of the Proposed  
Revocation of the Basic and Intermediate  
Corrections Certifications Issued to:

**NOTICE OF INTENT TO REVOKE  
CERTIFICATIONS AND PROPOSED/FINAL  
ORDER ON DEFAULT**

**PATRICIA WINNIE**  
DPSST No. 47307

TO: Patricia Winnie



NATURE OF PROPOSED ACTION

The Department of Public Safety Standards and Training (“DPSST” or “Department”) proposes to revoke your Basic and Intermediate Corrections Certifications (“Certifications”) pursuant to its authority in Oregon Revised Statute (“ORS”) 181A.410(1)(e) and ORS 181A.640(1)(c). The Department proposes revocation because you do not meet the minimum moral fitness standards required of an officer pursuant to Oregon Administrative Rule (“OAR”) 259-008-0010(5); OAR 259-008-0300(3)(a)(A); OAR 259-008-0300(3)(a)(C)(i) and OAR 259-008-0300(3)(b)(A).

The Department’s proposed revocation is based on the following:

FINDINGS OF FACT

1. You currently hold Basic and Intermediate Corrections Certification.
2. On February 22, 2007, you signed your Criminal Justice Code of Ethics.
3. On October 1, 2019, you were convicted of Reckless Driving, ORS 811.140 a class A misdemeanor, after you hit a car in a parking lot and left the scene of the accident.
4. The Department has determined that you lacked moral fitness pursuant to OAR 259 - 008-0300(3)(a)(A) and OAR 259 -008-0300(3)(a)(C)(i) and proposes to revoke your public safety certification.

ULTIMATE FINDINGS OF FACT

- 1 1. OAR 259-008-0010(5) requires all public safety professionals, meet moral fitness  
2 standards for certification defined in OAR 259-008-0300.
- 3 2. The Department may revoke a public safety professional's certification under OAR  
4 259-008-0300(3)(b)(A) if it finds that the certified individual has engaged in  
5 misconduct as defined in OAR 259-008-0300(3)(a)(A) and OAR 259-008-  
6 0300(3)(a)(C)(i).
- 7 3. You have not met the moral fitness standards required of a public safety professional  
8 for the following reasons:
  - 9 a. Pursuant to OAR 259-008-0300(3)(a)(A), you have committed acts  
10 constituting dishonesty, which includes: conduct that is intentional and  
11 includes untruthfulness, dishonesty by admission or omission, deception,  
12 misrepresentation, falsification or reckless disregard for the truth. You were  
13 dishonest with officers about hitting a vehicle, stating that you "did not know  
14 anything about it". This conduct is evidence of dishonesty and is a separate  
15 and sufficient basis to revoke your certification under OAR 259-008-  
16 0300(3)(a)(A).
  - 17 b. Pursuant to OAR 259-008-0300(3)(a)(C)(i), you have committed acts  
18 constituting misconduct, which includes conduct that violates criminal laws,  
19 conduct that threatens or harms persons, property or the efficient operations of  
20 any agency, or discriminatory conduct. You violated criminal law when you  
21 were convicted of Reckless Driving, ORS 811.140 a class A misdemeanor.  
22 This conduct is evidence of misconduct and is a separate and sufficient basis to  
23 revoke your certification under OAR 259-008-0300(3)(a)(C)(i).
4. Pursuant to OAR 259-008-0310(10)(c)(A), there are aggravating circumstances  
present in your case: you were dishonest with police officers; you were using a  
controlled substance while operating a motor vehicle; you failed to complete the  
obligations of your conviction.
5. Pursuant to OAR 259-008-0310(10)(c)(B), there were mitigating circumstances  
present in your case: you were not employed in a professional public safety position at  
the time of your arrest and conviction.

6. Your conduct and subsequent conviction is substantially related to your fitness and ability to perform the duties of a certified Corrections officer. Your behavior directly violated the Criminal Justice Code of Ethics and compromises the public's trust in the public safety profession. You violated criminal law when you were convicted of Reckless Driving, ORS 811.140 a class A misdemeanor, and were dishonest with police officers, adversely reflecting on the public safety profession. Your conduct has compromised your integrity and renders you ineffective to serve in public safety.
7. After review of the facts and weighing the identified aggravating and mitigating circumstances unique to this case the Department proposes that your certifications be revoked.

#### CONCLUSION OF LAW

Based on your conduct, you do not meet the requirement of good moral fitness required pursuant to 259-008-0010(5). You committed acts of dishonesty, pursuant to OAR 259-008-0300(3)(a)(A), when you were dishonest with officers about hitting a vehicle, stating that you "did not know anything about it". You committed acts of misconduct, pursuant to OAR 259-008-0300(3)(a)(C)(i), when you were convicted of Reckless Driving, ORS 811.140 a class A misdemeanor,.

#### PROPOSED/FINAL ORDER

Patricia Winnie's Basic and Intermediate Corrections Certifications are hereby REVOKED. Your ineligibility period during which you may not apply for any public safety professional certifications is for a lifetime pursuant to OAR 259-008-0310(10)(d)(A).

#### NOTICE OF RIGHT TO A HEARING

You are entitled to a contested case hearing as provided by the Administrative Procedures Act (ORS Chapter 183) and the administrative rules of the Department. Requests for hearings must be made in writing and must be filed with the Department no later than twenty (20) days of the date of mailing this notice to you. To be effective, your request must be mailed to:

**Melissa Lang**  
**Department of Public Safety Standards and Training**  
**4190 Aumsville Hwy SE**

Salem, OR 97317

1 If you request a hearing, you will be notified of the time and place of the hearing  
2 and provided with a description of the hearing procedures, right of representation and  
3 other rights of parties related to the hearing in accordance with ORS 183.413(2), prior to  
4 the commencement of the hearing. At the hearing, you have the right to represent  
5 yourself or be represented by legal counsel. Legal aid organizations may be able to assist  
6 a party with limited financial resources.

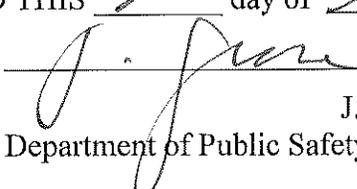
7 **Notice to Active Duty Service members.** Active duty service members are entitled  
8 to stay these proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C.  
9 App. 501. You may contact the Oregon State Bar toll-free at (800) 452-8260, the Oregon  
10 Military Department toll-free at (800) 511-6944, or the United States Armed Forces  
11 Legal Assistance Legal Services Locator via the web at: **Armed Forces Legal**  
12 **Assistance (AFLA)** or **legalassistance.law.af.mil** for assistance.

13 NOTICE OF FINAL ORDER AND APPEAL RIGHTS

14 If you fail to request a hearing within the time specified above, withdraw a  
15 hearing request, notify the Department or the administrative law judge that you will not  
16 appear, or fail to appear at a scheduled hearing, this Notice of Proposed Revocation of  
17 Certification and Proposed/Final Order automatically becomes a Final Order by Default  
18 effective upon Board affirmation. In the event of a default, the Department designates  
19 the file, including any materials you submitted that relate to this matter, as the record for  
20 purpose of proving a prima facie case.

21 You are entitled to judicial review of any final order issued in the matter of this  
22 Notice of Intent to Revoke Certifications in accordance with ORS 183.482. You may  
23 request judicial review by filing a petition with the Court of Appeals in Salem, Oregon,  
within 60 days from the date of this order.

IT IS SO ORDERED THIS 20 day of May 2021.

  
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J. E. Granderson, Director  
Department of Public Safety Standards and Training

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING  
STATE OF OREGON

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In the Matter of the Proposed  
Revocation of the Basic and Intermediate  
Corrections Certifications issued to:

**CERTIFICATE OF SERVICE**

**PATRICIA WINNIE**  
DPSST No. 47307

I certify that on the 24 day of May, 2021, I served the foregoing, *Notice of Intent to Revoke Certifications and Proposed/Final Order by Default* on the party hereto by mailing, by regular mail, postage prepaid and certified mail, return receipt requested, true, exact and full copies thereof to:

Patricia Winnie  


Department of Public Safety Standards & Training

By:   
Melissa Lang  
Criminal Justice Professional Standards Case Manager

# Department of Public Safety Standards and Training

## Memo

**Date:** May 11, 2021

**To:** Corrections Policy Committee

**From:** Melissa Lang, Professional Standards Case Manager

**Subject:** Patricia Winnie, DPSST No. 47307

### **Reason for Discretionary Review**

DPSST received a notice from LEDS, that on 5/8/19, Patricia Winnie was issued a criminal citation for *Failure to Perform the Duties of a Driver* after hitting a parked vehicle and leaving the scene. On 10/1/19, Winnie was convicted of Reckless Driving. Staff has determined Winnie's conduct violates the Board's moral fitness standards.

### Material Events and Conduct

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On 5/7/19, the Canby Police Department (CPD) was dispatched to a hit and run at the Canby Fred Meyer parking lot. The victim, came out of the store to find a note from a witness documenting the make, model, and license plate of the suspected vehicle.

CPD officers confirmed the suspected vehicle was registered to Winnie and went to Winnie's residence. While at Winnie's residence, officers found the vehicle reported to be involved in the hit and run with paint scrapes consistent with the crash. When Officers contacted Winnie, she denied being involved in a hit and run. Officers suspected Winnie may have been under the influence of prescription medications and/or alcohol.

On 5/8/19, CPC Officers issued her a criminal citation for Failure to Perform the Duties of a Driver ORS 811.700, a class A misdemeanor.

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On 10/1/19, Winnie pled guilty and was convicted of Reckless Driving, a class A misdemeanor. The judgment included:

- 24 hours of community service;
- \$766 fines and fees;
- 12 month bench probation (extended through 9/30/21);
- Restitution to be determined within 30 days;
- 90 day driver's license suspension.

### Relevant Circumstances for Consideration

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Winnie obtained Basic and Intermediate Corrections certification.

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Winnie was not employed in public safety at the time of the incident.

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On 1/7/20, Winnie's community service hours were converted to a \$240 fine, at Winnie's request. She was given until 9/30/20 to pay the balance in full.

On 9/8/20, Winnie appeared in court and requested an extension of her probation to give herself more time to pay off the balance. Her probation will be terminated once the balance is paid in full.

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Winnie did not report her arrest or conviction to DPSST.

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Exhibits Reference

DPSST Employee Profile Report	A1
Canby Police Department Reports	A2
City of Canby Judgment	A3

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**Committee Member Instructions:**

Committee members shall review and discuss each record for moral fitness violations as defined by rule, including aggravating and mitigating circumstances and, upon adoption of the record, make a recommendation to the Board of *action* or *no action*.

By discussion, motion, and vote, the committee members shall take the following action(s):

- Following discussion, adopt the record or return to staff with instructions regarding the record.
  - If the record is adopted, make a recommendation to the Board of *action* or *no action*.
  - If board action is recommended, recommend the period of ineligibility.
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**Definitions and Standards (Abridged):**

***Moral Fitness Violations:***

- Dishonesty - intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth
- Misuse of Authority - intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another

- Misconduct - conduct that violates criminal laws or conduct that threatens or harms persons, property or the efficient operations of any agency.

### ***Aggravating and Mitigating Circumstances:***

Aggravating and mitigating circumstances are conditions, factors, or actions that increase or decrease the total impact that the identified moral fitness violation has on the public safety professional's fitness for certification.

*Aggravating circumstances* generally increase the severity of the impact the moral fitness violation has on fitness for certification and may, in addition to the moral fitness violation, be grounds to deny or revoke certification. Aggravating circumstances may increase the recommended ineligibility period. Circumstances that may be considered aggravating include, but are not limited to, the degree of the criminal disposition, prior criminal dispositions or misconduct, lack of accountability, number of persons involved in the underlying conduct, number of separate incidents, passage of time from date of incident or incidents, or any other circumstance the Department or the Policy Committee consider aggravating given the specific issues in the case.

*Mitigating circumstances* do not excuse or justify the conduct, but generally decrease the severity of the impact the moral fitness violation has on fitness for certification and may decrease the recommended ineligibility period or result in no action. Circumstances that may be considered mitigating include, but are not limited to, written letters of support, truthfulness, cooperation during the incident or investigation, or any other circumstance the Department or the Policy Committee consider mitigating given the specific issues in the case.

### ***Ineligibility Periods:***

The *ineligibility period* is the time that the public safety professional or applicant is ineligible to hold a DPSST certification or to apply for training or certification, based upon the moral fitness violation(s) and the aggravating and mitigating circumstances. If Board action is recommended, a single ineligibility period of three years to life, inclusive and concurrent of all violations, shall be recommended.

- *Misuse of Authority* and/or *Gross Misconduct*. If the committee recommends Board action for Misuse of Authority or Gross Misconduct, the committee must recommend an ineligibility period of three to ten years.
- *Dishonesty*. If the committee recommends Board action for Dishonesty, the committee must recommend an ineligibility period of three to ten years but may increase it to life.