

Pending Hearing

DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

STATE OF OREGON

In the Matter

NOTICE OF PROPOSED REVOCATION OF CERTIFICATIONS AND PROPOSED FINAL ORDER ON DEFAULT

**Revocation of the Basic, Intermediate,
and Advanced Police Certifications and
Emergency Medical Dispatcher and
Telecommunicator Certifications Issued
to:**

Steven Mayberry
Respondent
DPSST No. 22901

TO: Steven Mayberry

The Department of Public Safety Standards and Training (Department) proposes to revoke the Respondent's Basic, Intermediate, and Advanced Police Certifications and Emergency Medical Dispatcher and Telecommunicator 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 moral fitness standards required of a public safety professional pursuant to Oregon Administrative Rule (OAR) 259-008-0010(6); OAR 259-008-0300(3)(B) and (C)(i). The Department's proposed revocation is based on the following:

FINDINGS OF FACT

1. The Respondent, Steven Mayberry ("Mayberry" or "Respondent") currently holds Basic, Intermediate, and Advanced Police Certifications, and Emergency Medical Dispatcher and Telecommunicator Certifications.
2. On January 2, 1990, the Respondent was hired by the Salem Police Department (SPD) as a Dispatcher.
3. On April 24, 1995, the Respondent was reclassified as a Police Officer by the Salem Police Department.
4. On March 27, 2003, the Respondent signed a Criminal Justice Code of Ethics.
5. On October 31, 2019, the Respondent retired from employment with the Salem Police

1 Department while under investigation for misconduct related to a complaint filed for
2 his improper use of confidential law enforcement computer systems and stalking
3 behavior of the complainant, the complainant's family, and friends.

- 4 6. The Department has determined that the Respondent violated moral fitness pursuant
5 to OAR 259-008-0300(3)(a)(B) and (C)(i) and proposes to revoke the Respondent's
6 public safety certifications.

7 **ULTIMATE FINDINGS OF FACT**

- 8 1. Pursuant to ORS 181A.410, the Board on Public Safety Standards and Training
9 ("Board"), established by rule reasonable minimum requirements of moral fitness for
10 public safety professionals. Pursuant to this authority, the Board and the policy
11 committees have adopted OAR 259-008-0010(6) and require all public safety
12 professionals to meet the minimum moral fitness standards for certification as
13 established in the rule by the Board and the policy committees.
- 14 2. The Department is charged with implementing the moral fitness standards and may
15 propose to revoke a public safety professional's certifications when the public safety
16 professional has violated the moral fitness standards for certification defined in OAR
17 259-008-0300.
- 18 3. Under OAR 259-008-0300(3)(a), the Department may revoke a public safety
19 professional's certifications based upon the finding that the public safety professional:
20 (a)...engaged in conduct that includes any or all of the following elements:
- 21 (A) Dishonesty. Dishonesty is intentional conduct that includes untruthfulness,
22 dishonesty by admission or omission, deception, misrepresentation, falsification, or
23 reckless disregard for the truth;
- (B) Misuse of Authority. Misuse of Authority is 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; or
- (C) Misconduct.
- (i) Misconduct includes conduct that violates criminal laws, conduct that threatens or

1 harms persons, property, or the efficient operations of any agency, or discriminatory
2 conduct;

3 (ii) For the purposes of this rule, discriminatory conduct includes a pattern of conduct
4 or a single egregious act that evidences knowing and intentional discrimination based
5 on the perception of a person's race, color, religion, sex, sexual orientation, gender
6 identity, national origin, disability, age or any protected class as defined by state or
7 federal law, and would lead an objectively reasonable person to conclude that the
8 public safety professional cannot perform the duties of office in a fair and impartial
9 manner.

- 10 4. The Respondent engaged in conduct involving Misuse of Authority. The Respondent
11 intentionally used his position as a police officer, while on duty, to access
12 confidential law enforcement databases for personal gain, to look up persons not
13 associated with any business purpose, to stalk the complainant and her family and
14 friends. The Respondent's conduct is evidence of the Respondent's failure to meet the
15 moral fitness standards in OAR 259-008-0300(3)(a)(B), which specifically provides
16 that the Department may revoke a certification based on conduct involving Misuse of
17 Authority. Respondent's violation of OAR 259-008-0300(3)(a)(B) is a separate and
18 sufficient basis to revoke the Respondent's public safety professional certifications.
- 19 5. The Respondent engaged in conduct involving Misconduct. The Respondent used
20 confidential law enforcement databases to access information related to the
21 complainant, her family, and friends, for no business reason, to stalk the complainant
22 which brought them harm. The Respondent's conduct is evidence of the Respondent's
23 failure to meet the moral fitness standards in OAR 259-008-0300(3)(a)(C)(i), which
specifically provides that the Department may revoke a certification based on conduct
involving Misconduct. The Respondent's violation of OAR 259-008-0300(3)(a)(C)(i)
is a separate and sufficient basis to revoke the Respondent's public safety
professional certifications.
6. Each of these grounds is a separate and distinct basis supporting a finding that the
public safety professional does not meet the moral fitness standards required by OAR
259-008-0010(6) and defined in 259-008-0300(3)(a)(B) and (C)(i). The Department is

1 not required to prove that all grounds stated hereinabove, or violations exist to revoke
2 the Respondent's certifications.

3 7. Pursuant to OAR 259-008-0310(10)(c)(A), there were aggravating circumstances
4 identified in the Respondent's case. The police policy committee found the following
5 aggravating:

6 a. The Respondent engaged in numerous confidential law enforcement database
7 breaches for which he thought he would never get caught.

8 b. The Respondent may have been investigated for criminal domestic violence
9 had he remained employed with the SPD.

10 8. Pursuant to OAR 259-008-0310(10)(c)(B), the police policy committee found there
11 were no mitigating circumstances identified in the Respondent's case.

12 9. The Respondent's conduct and subsequent separation from employment is
13 substantially related to the Respondent's fitness and ability to perform the duties of a
14 certified police officer, emergency medical dispatcher, and telecommunicator. The
15 Respondent's behavior directly violated the Criminal Justice Code of Ethics and
16 compromises the public's trust in the public safety profession. The Respondent
17 engaged in misuse of trusted authority by accessing confidential law enforcement
18 databases for personal reasons, to stalk a complainant, the complainant's family, and
19 friends, bringing harm to them and the agency he worked for. This conduct adversely
20 reflects on the public safety profession. The Respondent's conduct has compromised
21 their integrity and renders them ineffective to serve in public safety.

22 10. After review of the facts and weighing the identified aggravating and mitigating
23 circumstances unique to this case the Department proposes that Respondent's
24 certifications be revoked.

25 **CONCLUSION OF LAW**

26 The Department must revoke a public safety professional's certifications if the public
27 safety professional does not meet the minimum requirement of good moral fitness required
28 pursuant to ORS 181A.410, ORS 181A.640, and OAR 259-008-0010(6). Based on the
29 Respondent's conduct, the Respondent does not meet the minimum moral fitness standards in

1 OAR 259-008-0010(6) and OAR 259-008-0300(3)(a)(B) and (C)(i).

2 **PROPOSED/FINAL ORDER**

3 The Respondent's Basic, Intermediate, and Advanced Police Certifications and
4 Emergency Medical Dispatcher and Telecommunicator Certifications are hereby REVOKED.
5 The Respondent's ineligibility period during which they may not apply for any public safety
6 professional certifications is for ten (10) years pursuant to OAR 259-008-0310(10)(d)(B). The
ineligibility start date is the date of separation from employment which is October 31, 2019.

7 **NOTICE OF RIGHT TO A**
8 **HEARING AND ISSUANCE OF**
9 **DEFAULT FINAL ORDER**

10 You are entitled to a contested case hearing as provided by the Administrative
11 Procedures Act (ORS Chapter 183) and the administrative rules of the Department. If you wish
12 to receive a hearing, you must file your request in writing with the Department no later than 20
(twenty) days from the service date.

13 If this Notice was served to the Respondent in person, the service date is the date the
14 Respondent received this Notice. If the Notice was serviced through the mail, the service date is
15 the date the Notice was mailed, not the date the Respondent received it.

16 Your request may be submitted by mail to the address below or by email to, or by
17 facsimile at 503-378-4600.

18 **Department of Public Safety Standards and Training**

19 **Jennifer Levario**

20 **4190 Aumsville Hwy, SE**

21 **Salem, OR 97317**

22 If a request for a hearing is not received within 20 (twenty) days, your right to a hearing
23 is considered waived unless the failure to request a hearing was beyond the Respondent's
reasonable control. For a hearing request that is mailed to be timely, it must be postmarked
within 20 (twenty) days from the date of service of this Notice. If the hearing request is

1 submitted by email or facsimile, it must be received by the Department by 5:00 p.m. PT within
2 20 (twenty) days from the date the Notice is mailed. If you do not submit a timely request for a
3 hearing, your right to a hearing shall be considered waived.

4 You have the right to be represented by legal counsel. Legal aid organizations may be
5 able to assist a party with limited financial resources.

6 When the Department receives a request for a hearing, it will refer the matter to the
7 Office of Administrative Hearings which will designate the time and place for the hearing. You
8 will receive information on the procedure, right of representation, and other rights of parties
9 relating to the conduct of the hearing before the commencement of the hearing. The hearing will
10 be conducted, according to the Administrative Procedure Act (ORS Chapter 83), the Attorney
11 General's Rules of the Office of Administrative Hearings (OAR Chapter 137), and the
12 Department's Administrative Rules (Chapter 259 Divisions 05 and 08).

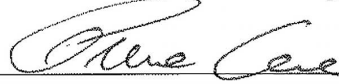
13 If you fail to request a hearing within the time specified above, withdraw a hearing
14 request, notify the Department or the administrative law judge that you will not appear, or fail to
15 appear at a scheduled hearing, is deemed invalid under OAR 137-003-0550(4), this Notice of
16 Proposed Revocation of Certifications and Proposed/Final Order on Default automatically
17 becomes a Final Order by Default effective upon Board affirmation. In the event of a default, the
18 Department designates the file, including any materials you submitted that relate to this matter,
19 as the record for the purpose of proving a prima facie case supporting its final order by default.

20 You are entitled to judicial review of any final order issued in the matter of this Notice of
21 Proposed Revocation of Certifications and Proposed Final Order on Default in accordance with
22 ORS 183.482. You may request judicial review by filing a petition with the Court of Appeals in
23 Salem, Oregon, within 60 (sixty) days from the date of this order if it becomes a final order.

Notice to Active-Duty Servicemembers. Active-duty service members are entitled to
21 stay these proceedings under the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501.
22 You may contact the Oregon State Bar toll-free at (800) 452-8260, the Oregon Military
23 Department toll-free at (800) 511-6944, or the United States Armed Forces Legal Assistance

1 Legal Services Locator via the web at: Armed Forces Legal Assistance (AFLA) or
2 legalassistance.law.af.mil for assistance.

3 IT IS SO ORDERED THIS 30th day of August, 2024.

4 

5 _____
6 Phil Castle, Agency Director

1 DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

2 STATE OF OREGON

3
4
5 In the Matter of the Proposed Revocation of
6 Certifications and Proposed Final Order on
7 Default for:

CERTIFICATE OF SERVICE

8 **Steven Mayberry**
9 **Respondent**
10 DPSST No. 22901

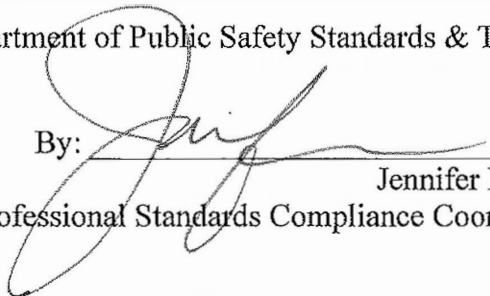
11 I certify that on the 11 day of September, 2024, I served the foregoing, *Notice*
12 *of Proposed Revocation of Certifications and Proposed Final Order on Default* on the party
13 hereto by mailing, by regular mail, postage prepaid, and certified mail, return receipt requested,
14 true, exact, and full copies thereof to:

15 Steven Mayberry
16 [Redacted]

17 **Via Regular Mail Only**
18 Chief Trevor W. Womack
19 Salem Police Department
20 333 Division Street NE
21 Salem, OR 97301

22 Wayne Mackeson, P.C.
23 714 Main Street, Suite 201
Oregon City, OR 97045
Wayne@WayneMackeson.com

Department of Public Safety Standards & Training

By: 
Jennifer Levario
Professional Standards Compliance Coordinator

Board Approved

Department of Public Safety Standards and Training (DPSST or the Department) Memo

Date: October 24, 2024

To: Board on Public Safety Standards and Training

From: Jennifer Levario, Professional Standards Compliance Coordinator

Subject: Professional Standards Review/Recommendation
Steven Mayberry; DPSST No. 22901

Reason for Discretionary Review

On October 31, 2019, Steven Mayberry retired from the Salem Police Department (SPD) while under investigation. After his retirement, the SPD continued the investigation and sustained findings that Mayberry used the city-owned computers and confidential law enforcement databases to conduct inquiries for his personal gain and exhibited stalking-like behavior towards his ex-wife.

Policy Committee Recommendation

The Police Policy Committee (PPC), in an 11 to 1 (recusal) vote, recommends that the Department's moral fitness violation for Dishonesty be negated.

The PPC, in an 11 to 1 (recusal) vote, recommends that the Board take **ACTION** against Steven Mayberry's Basic, Intermediate, and Advanced Police Certifications and Basic Emergency Medical Dispatcher and Telecommunications Certifications.

The PPC, in an 11 to 1 (recusal) vote, further recommends Steven Mayberry be ineligible to hold public safety certification for 10 years.

Policy Committee Review

The PPC considered the Department's following moral fitness violations and factors in making their decision.

Moral Fitness Violations:

- Dishonesty: Mayberry intentionally falsified a complaint against the ex-wife (complainant) to her employer.
- Misuse of Authority: Mayberry intentionally used his position, while on duty as a public safety professional, to access confidential law enforcement databases for personal gain, to look up persons not associated with any business purpose to harm the complainant and her family and friends.
- Misconduct: Mayberry's use of confidential law enforcement databases to access information related to the complainant, and not for legitimate business amounted to "stalking", harming the complainant and her friends and family.

Mayberry's filing of a false claim against the complainant to her employer caused harm to the complainant and her family.

Aggravating Factors:

- Mayberry engaged in numerous LEADS confidentiality violations. It appears he thought he would never get caught.
- Mayberry may have been investigated for criminal domestic violence had he remained employed.

Mitigating Factors:

- The committee did not identify any mitigating factors

Information Used in Determination

- PPC Staff Report, with exhibits.

Action Item

Review the committee recommendation and approve or return the recommendation to the policy committee.

Board Approved

Department of Public Safety Standards and Training (DPSST or the Department)

Memo

Date: August 22, 2024

To: Police Policy Committee

From: Jennifer Levario
Professional Standards Compliance Coordinator

Subject: Staff Report – Separation
Steven Mayberry, DPSST No. 22901

Reason for Discretionary Review

On October 31, 2019, Steven Mayberry retired from the Salem Police Department (SPD) while under investigation. After his retirement, the SPD continued the investigation and sustained findings that Mayberry used the city-owned computers and confidential law enforcement databases to conduct inquiries for his personal gain and exhibited stalking-like behavior towards his ex-wife.

The Department determined that the conduct presented to the committee violates the Board’s moral fitness standards. Through the case review process, the committee will affirm, modify, or negate the below-identified elements of moral fitness violations and decide on the disposition of this case:

Dishonesty: Mayberry intentionally falsified a complaint against the ex-wife (complainant) to her employer.

Misuse of Authority: Mayberry intentionally used his position, while on duty as a public safety professional, to access confidential law enforcement databases for personal gain, to look up persons not associated with any business purpose to harm the complainant and her family and friends.

Misconduct: Mayberry’s use of confidential law enforcement databases to access information related to the complainant, and not for legitimate business amounted to “stalking”, harming the complainant and her friends and family.

Mayberry’s filing of a false claim against the complainant to her employer caused harm to the complainant and her family.

Material Events and Conduct

On August 1, 2019, Mayberry’s ex-wife (complainant) came to the SPD to file a complaint against Mayberry. The complainant said that since their divorce eight months prior, Mayberry had harassed her, her family, and her friends. She described Mayberry as “stalker-like” and believed he was using his police resources to conduct background checks and to “check-up on” her. The behavior the complainant described by Mayberry included driving by her house, showing up at locations unexpectedly and confronting her, contacting friends and family to discredit her, and

filing false complaints against her at her place of employment. This behavior was also directed at the complainant's friends and family.

When the complainant was waiting at the front counter of the SPD to file her complaint, Officer Mayberry was leaving the police station after the end of his normally scheduled shift. The complainant reported that he confronted her in the lobby and said, "What are you doing here?" She reported he left the lobby when she said, "I do not want to talk to you". After receiving her complaint, the Oregon State Police (OSP) was contacted to conduct a criminal investigation because the allegations reported included potential crimes.

On August 4, 2019, Mayberry was ordered to have no contact with the complainant by the OSP investigator assigned to the case. The OSP investigator concluded that had the complainant reported the incidents of alleged domestic abuse sooner, a timely investigation may have resulted in criminal charges.

On August 5, 2019, the OSP investigator assigned to the case requested the SPD obtain all of the Law Enforcement Data System (LEDS), CopLink (a national law enforcement database), and PRIORS (a law enforcement database) queries on both department computers and vehicle MDC's Mayberry ran within the last three years.

- The results reflected that Mayberry had run a query in LEDS for Mayberry's stepson in 2017 with no official investigative reason for viewing the records.
- The results reflected that Mayberry viewed three cases in PRIORS involving the complainant's ex-husbands and with no official investigative reason he would have for viewing these cases.
- The results reflected that Mayberry viewed other relatives of her past marriages with no official investigative reason for viewing them.

The OSP closed their criminal investigation upon review of the evidence and noted multiple instances that could be construed as "concerning" with regard to Mayberry and his relationships. The OSP investigator said those instances could be challenged as lacking an ethical constraint, while others may have warranted criminal charges, had they been reported within the statute of limitations. This investigation was forwarded to the SPD.

The SPD investigator reviewed the evidence collected during the OSP investigation. He noted his conclusions regarding additional information that was introduced by the complainant and witnesses to Mayberry's behavior. This information included that Mayberry attempted to contact the ex-wife of the complainant's boyfriend. Mayberry had no known association with either person; however, he lied about who he was and why he wanted to speak with her to get the complainant to call him to discuss the complainant.

This information included that Mayberry engaged in inappropriate use of SPD confidential law enforcement databases to look up persons not connected with any business purpose but for personal gain.

This information included that there had been at least one incident of domestic violence where Mayberry held the complainant down on the ground during an argument, restricted her movement, and caused blood vessels in her eyes to rupture. The complainant said that Mayberry's son was in the house which could have elevated the crime to a felony.

On November 22, 2019, SPD internal affairs received additional information from the OSP investigator from the complainant regarding a complaint Mayberry had filed against her at her place of employment. The OSP investigator had concerns that the complaint could have a criminal nexus and asked if SPD wanted to re-open the criminal investigation. The SPD decided it did want to have OSP investigate the new incident.

The complaint by Mayberry alleged his ex-wife was “drug skimming” and stealing medical supplies. The OSP investigation concluded the review of the evidence did not warrant a criminal investigation at that point.

In an internal affairs report provided to the SPD chief, the investigator stated that the OSP investigation noted concerns with the behavior exhibited by Mayberry and questioned his ethical and moral health. The internal affairs investigator stated in his conclusion that had Mayberry not retired from the SPD before the OSP completed their criminal investigation, he would have recommended the allegations of SPD policy violations regarding Electronic Communications Devices Use and Conduct Unbecoming of an Officer be sustained.

Relevant Circumstances for Consideration

Mayberry obtained Basic, Intermediate, and Advanced Police and Basic Emergency Medical Dispatcher and Telecommunicator certifications.

Mayberry was employed in public safety for approximately 30 years.

If the committee recommends taking action in this case, the start date for an ineligibility period would be based on the (separation) occurring on October 31, 2019, or future board review.

Exhibits Reference

DPSST Employee Profile Report	A1
F4s Personnel Action Separation Form	A2
OSP Investigative Report of Complaint	A3
SPD Internal Investigation Records	A4
SPD Internal Investigation Memo Summary	A5
Complainant Interview Transcripts	A6