



# Integrity Bulletin

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## IDAHO PEACE OFFICER STANDARDS AND TRAINING

### Note From the POST Administrator

This 2011 edition of the POST Integrity Bulletin will focus on some of the character and background investigation issues facing the POST Council. We have done our research to assist Idaho's law enforcement agencies and officers, alike, in acquiring additional knowledge of professionalism. We hope the information, herein, will bring attention on our abilities to deter official misconduct; improve public perception of Idaho's law enforcement, correctional, probation, and juvenile officers; and promote responsible, ethical discourse within your agency or department.



## “Moral Turpitude”



POST certification is an integral symbol of individual public trust, and it is recognition of public confidence in state and local law enforcement. It implies that the person awarded POST certification has the good moral character to handle the most sensitive issues in our society in confidentiality; preserving qualities of honesty, truthfulness, fairness, impartiality, respect for the law, sensitivity to the rights and property of others, and demonstrate obedience to the welfare of all people. POST IDAPA rule 11.11.01. 054 on Char-

acter states, the “POST Council may take into consideration the commission of any act or offense involving moral turpitude to ensure an applicant is of good moral character and warrants the public trust. The purpose of this requirement is to prohibit persons who engage in dishonest, unprofessional, unethical, or immoral conduct from becoming law enforcement officers, and to protect against acts or conduct which may endanger the safety and welfare of the public.” The language in the rule is meaningful, but the term “moral turpitude” is a not always clear to lay persons.

This edition of the Integrity Bulletin is presenting the first of three articles over the coming months to discuss the term “moral turpitude” and its applicability to law enforcement and the courts, nationally and in Idaho. This first article, introduces the topic as it is being addressed by POST Council. We hope that the law enforcement profession

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**“There is no such thing as a minor lapse of integrity.”**

**Tom Peters**

## NDI 2.0 — National Decertification Index

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) has announced the redesign of the National Decertification Index, as NDI—2.0. The Index is a nationwide registry of law enforcement officer certificate or license revocation actions relating to misconduct. NDI keeps law enforcement agencies from potentially hiring officers with criminal backgrounds or who have had their certification revoked for cause by a contributing state. At the present time, 31 states participate in the NDI system. “Access to NDI is free of charge, and no law enforcement agency should hire an officer without making sure that they check the NDI first. It is our duty to uphold the highest professional standards,” said Richard Clark, Nevada POST Director/President of IADLEST. (NDI is available at the Idaho POST website.)

Idaho law enforcement agencies can make NDI checks by going to the POST website and clicking on the “Professional Standards” portal, and selecting the “NDI Checks” portal. Complete the required information on the portal; the information will be forwarded to POST Certification staff. POST staff will conduct the NDI Check and respond back to the agency background investigator.

A “hit” on the NDI database only provides the name of referencing state that entered information on the officer and contact information for investigators to acquire more information regarding the reason for entry into the NDI system. It is the responsibility of the agency conducting background investigations to contact the referencing state for further information.

The NDI system is only a tool in the effort to ensure a professional criminal justice system. It is the employing agency’s responsibility to determine what efforts should be taken to demonstrate adequate and reasonable hiring practices in hiring law enforcement officers worthy of serving the public.

**“What you cannot enforce,  
you do not command.”**

*Sophocles 496—406 BC*

## Decertification Actions

### Incident #1 Violation of Code of Ethics and Safety In Corrections Facility

Correction Officer violated security rules of the Department of Correction by having a cell phone in the facility, wherein a riot occurred and inmates took control of the cell phone and used it to contact persons outside of the prison. The officer lied to investigators during several inquiries about the cell phone violation. The officer presented his case before a hearing officer and was found to have violated the POST standards of professional conduct. The officer appealed the decision of the hearing officer to the full POST Council. During the appeal before the full POST Council, the correction officer’s certification was revoked for cause.

### Incident #2 Illegally Obtaining and Distribution of Prescription Drugs

Adult Parole and Probation Officer illegally obtained prescription drugs through a family member who was on felony probation for a drug-related conviction. The officer sometimes had paid for the illegal drugs. During the investigation the officer further admitted to providing the family member with illegal pain medication. The officer voluntarily signed a stipulation agreement for decertification.

### Incident #3 Falsified Arrest Report

Police Officer made false statements in relation to a falsified arrest report. During the decertification investigation, the officer admitted he made a “bad arrest”. The officer voluntarily signed a stipulation agreement for decertification.

*(Continued on Page 3)*



## POST Website: Professionalism

The POST website has included four new portals devoted to information about law enforcement ethics and professionalism. The Professional Standards portal of the website now includes: (1) historical and current information about law enforcement decertification throughout the United States; (2) published articles on decertification; and (3) IADLEST model standards on conduct and decertification. In the near future, POST will open a new feature that will allow officers to share their recommendations for revisions to basic academy ethics lesson plan. POST has also provided a new appearance to the POST On-Line Library and expanded the references/articles about ethics and professionalism. To enter the POST Library, Idaho law enforcement officers will need to complete the "Library Sign-In" by using your POST identification number and agency name, to make access to the library. These initiatives are made to generate better communications for the Idaho's law enforcement profession.

### *Decertification Actions (Continued from Page 2)*

#### **Incident #4 Felony Conviction**

Correction Officer convicted of felony sexual contact with a prisoner. Officer was sentenced to five years in the custody of the Department of Correction, with one year fixed and four years indeterminate. The officer was decertified by the POST Council for his conviction under IDAPA provision 11.11.01.091.03(a).

#### **Incident #5 Abuse of Authority and Unlawful Use of ILETS**

City police officer used his badge of authority to conduct unlawful inquiries of the ILETS criminal history records system related to individuals whom he was renting property. Additionally, the officer gave untruthful statements during questioning by internal affairs regarding the unlawful activity. During the decertification investigation, the officer voluntarily signed a stipulation agreement for decertification.

#### **Incident #6 DUI / Leaving Scene of Accidents**

Deputy under the influence of prescription drugs and alcohol was involved in two separate traffic collisions, leaving the scene of the first crash and



attempting to leave the scene of the second crash. The deputy plead guilty to DUI. The investigation found the deputy had prior difficulties with prescription medication, that he was not taking medication in accordance with medication instructions, and he provided false statements regarding his doctor's advice in consuming medication. His arrest had substantial news coverage. The deputy was found to have violated IDAPA 11.11.01.091.04 (a), (d), (e) and (f); and 094.05.

#### **Incident #7 Using Departmental Computer To**

Detention Officer downloaded approximately 176 adult pornographic images using a department computer assigned to another deputy, and more than 2,250 adult pornographic images onto the departmental computer assigned to the detention officer. The deputy admitted downloading pornographic images for approximately one year. The detention officer violated his code of ethics and departmental policy. The Hearing Officer found the detention officer to have violated IDAPA rules 11.11.01.091(5) and .094(a) and (e).

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## *What would it take to persuade you to abandon your values?*

**Arizona** An officer, while off duty and in the company of her adult daughter, observed her daughter take retail items and place them in the officer's purse. The officer made no attempt to prevent her daughter's acts and attempted to leave the store without paying for the items; they were arrested. The officer entered into a deferred prosecution agreement for shoplifting. The Board revoked her certification for an offense involving dishonesty.

**Oregon** An officer was discharged for cause after an internal investigation revealed that she had violated agency policies and procedures. The officer falsified her agency's electronic in/out system and her time records, and failed to follow directives issued by her superiors. The officer was served with a Notice of Intent to Revoke Certification. She failed to make a timely request for a hearing. The misconduct ended her 10-year career, and her Basic Parole and Probation Certification was revoked.

**Tennessee** During an employment lawsuit, a police chief testified he knew of allegations of statutory rape and drug abuse against some of his officers in 2008, but did not launch a direct investigation into the claims. The only attention the department gave towards the allegations of rape and drug abuse, was when the Asst. Chief called supervisors/officers into the department training room and wrote on a board, that the conduct had to stop or they would be fired. It was reported that those in the room "nodded their heads, but no one spoke of details". The Asst. Chief testified complaints received by the department alleged officers were providing alcohol to teenage girls, were having sex with them, and the officers were abusing illegal prescription medication. No official investigation was conducted. Months later, after a shooting incident and an investigation that indicated officers had been using pills without a prescription, 2 officers were arrested and fired. Both officers were charged for sex acts with 16 and 14 year old girls. One officer pleaded guilty to drug, forgery and statutory rape charges. The other officer pleaded guilty to two counts of statutory rape.

## **Moral Turpitude**, (Continued from page 1)

will take an active role in the process.

There has not been a single defined term for moral turpitude by our courts. However, there are government agencies that have defined moral turpitude in their regulatory schemes. POST is undertaking the process of defining "moral turpitude" for the purpose of determining eligibility for Idaho law enforcement employment and certification. In order to establish the appropriate definition, POST Council is undertaking a review of the many definitions of moral turpitude by federal and state government agencies, and is conducting a comprehensive study of the use of "moral turpitude" in court decisions from the United States Supreme Court, 9th Circuit Court of Appeals, Idaho Supreme Court, other state and federal court decisions, and definitions found in various legal dictionaries and reference materials.

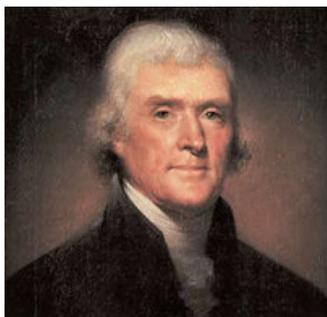
Idaho's Supreme Court has heard several cases where moral turpitude, or like wording describing inappropriate professional conduct, was at the root of their decision. The Court has held, agencies or boards using terms lacking clarity or common meaning, need to define those terms as applicable to their use and constituency. In *Tuma v. Board of Nursing*, 100 Idaho 74, 593 P.2d 711 (1979), the Court held, "[t]he fault is not in the statute, but lies in the fact that the conduct here alleged as unprofessional . . . has not been declared unprofessional by the Board. Fair notice or warning under the Void-for Vagueness Doctrine is said to require reasonably clear guidelines to prevent "arbitrary and discriminating enforcement". . . In *Krueger c. Board of Professional Discipline*, 122 Idaho 577, 836 P.2d 523 (1992), the Court took the framework from *Tuma*, that not only does a Board need to define the definition of cause of action, while having leeway in applying those standards in disciplinary proceedings, but may seek consensus of those within the profession as to the cause of action's impact upon an individual's ability to perform responsibility in the profession.

Our Idaho Supreme Court has stated why it is important for POST to define its position on moral turpitude: (1) to set forth "fair notice" to the profession of the Council's reasons for cause of action; (2) to meet due process concerns of the courts; and (3) to seek professional agreement on the definition. For the POST Council, following our Supreme Court's findings will provide formal notice to all applicants seeking law enforcement careers, that Idaho has strong moral and ethical standards.

In our next article, we'll look at types of conduct that have been defined as "moral turpitude" by our courts and regulatory agencies, and review POST actions to date.



## *The Requirement To Conduct Background Investigations*



“The purpose of government is to enable the people of a nation to live in safety and happiness. Government exists for the interests of the governed, not for the governors.”

— *Thomas Jefferson*

POST reviews hundreds of training and certification applications every year. While the vast majority of applications are without any reason to cause POST concern, a few rise to the level where POST requires them to be reviewed by POST Council’s Hearing Board before they are accepted or rejected. This process may, at times, create anxiety within agencies. However, our laws and rules are to protect the public welfare, and neither POST or the POST Council can ignore the law.

**Why conduct background investigations?** We conduct background investigations to secure the trust of the people in our government and the officials who are charged with managing the business of government. It is the process in which government ensures the people that they are served by individuals who have character traits of integrity, honesty, law-abiding moral values, and are worthy of the opportunity to protect the people’s property or most confidential matters. For the purpose of government, background investigations become the most important part of the governmental process of employment. Therefore, our state has established a process for employing those who serve in law enforcement. It is set forth in the Idaho Code and in the administrative rules passed by our legislature.

### **What does Idaho Code say about background investigations?**

Title 19-5109, Idaho Code, Powers of the council -- Standards of training, education and employment of peace officers -- Certification -- Penalties., states: (1) It shall be the duty of and the council shall have the power: (f) [t]o establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral character, experience and such other matters as relate to the competence and reliability of peace officers; and (g) [t]o certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state.

### **What does POST IDAPA rules say about background investigations?**

IDAPA rules have the force of law. IDAPA 11.11.01.050 Minimum Standards For Employment states, every “peace, county detention, juvenile detention, and juvenile probation officer shall meet the requirements in Sections 050 through 064 which require, United States citizenship; minimum education of a high school graduate or earned a GED certificate; minimum age of 21 years of age; to ensure the person is of good moral character, and to prohibit persons who engage in dishonest, unprofessional, unethical, or immoral conduct

from becoming law enforcement officers, and to protect against acts or conduct which may endanger the safety and welfare of the public.”

IDAPA 11.11.01.058 Background Investigations, requires the applicant “shall have undergone a comprehensive background investigation, the results of which attest to the fact that the person meets the minimum standards for employment, has not engaged in conduct or a pattern of conduct that would jeopardize public trust in the law enforcement profession, and is of good moral character. Consideration will be given to any and all law violations, including traffic and fish and game, infractions, or convictions.”

In meeting this requirement, the applicant shall complete and submit to the appointing law enforcement agency a comprehensive application and personal history statement prior to the start of the background investigation.

The history statement shall contain questions which aid in determining whether the applicant is eligible for certified status as a peace, detention, juvenile detention, or juvenile proba-

*(Continued on Page 6)*

### **Pro\*fes"tion\*al**

Conforming to the standards of **skill, competence, or character** normally expected of a properly qualified and experienced person in a work environment;

A worker whose paid occupation requires **extensive education or specialized training**;

A person with a high degree of **skill or competence**.

~ Dictionary Terms



## *The Requirement To Conduct Background Investigations* (Continued from Page 5)

tion officer. The background investigation shall include: information provided by personal references, schools, and the last three (3) previous employers, as well as law enforcement agency records in jurisdictions where the applicant has lived or worked. This information shall be recorded and retained by the appointing agency.

The appointing agency shall conduct a personal interview with the applicant to ascertain personal attributes such as personal appearance, demeanor, attitudes that are relevant to the law enforcement mission, judgment, maturity, resourcefulness, and ability to communicate. Searching questions shall be asked about use of intoxicants, narcotics and drugs; physical, mental, and emotional history; family problems; moral outlook and habits; and financial transactions.

The appointing agency shall have a thorough investigation into the character and reputation of the applicant conducted by an experienced investigator. The applicant's morality, integrity, reputation, honesty, dependability, qualifications, experience, associations, emotional stability, prejudice, and loyalty shall be explored.

All results of the background investigation shall be considered confidential and processed accordingly. The results of the background investigation shall ultimately be evaluated by the agency head and/or the appointing authority to determine whether the applicant is suitable.

**What parts of the POST applications assist the background investigation notification?** The POST Initial Employment Form, Training Application and Application for Certification have significant pieces that augment the background process.



Each of these documents provide the agency and POST with information that meet parts of the statutory and administrative rule requirements. The forms, of course, do not meet all of the expected information requirements. The information provided by these documents are important to POST, and matters of public trust, and should be compared against information gathered within an agency's employment process. Each document requires the applicant to provide information regarding the correctness and truthfulness of the information. POST emphasizes this point, citing in accordance with Sections 18-3201, 18-3202 and 18-3203 of the Idaho Code, it is a crime for any public officer, law enforcement officer or person to falsify an official governmental or public record, or provide any false or forged instrument to be filed, registered or recorded in any public office within the state.

The Initial Employment Form asks questions about previous attendance at a law enforcement/peace officer basic training program, if he/she previously received POST certification from any state, and requests information about any previous law enforcement employment. These questions provide important information to POST. The information should be reviewed and compared against the

agency background information for completeness and consistency.

The POST Training Application delves into military history information, education, criminal and traffic violations, and character concerns. All of these areas are carefully reviewed at POST

The Certification Application, which usually is submitted six months to nearly a year after employment, updates information and confirms accuracy of previous POST information.

### **What is POST's administrative process for reviewing applications?**

POST Records Specialists read each application to ensure all required information has been received. Each Records Specialist is trained on the important factors that could become a problem to the training or certification process. Any failure to meet POST requirements or lack of information provided in the application process is discussed with the administrator or training officers of the employing agency. In severe cases, where the denial of application is considered, applications are staffed with the POST Division Administrator, and may include discussion with the employing agency head and legal counsel.

### **What causes POST concern in the training and certification application process?**

Besides acknowledged felony or misdemeanor criminal convictions, or having many infraction convictions, POST concerns arise when reviewing non-disclosed criminal information from ILETS or the Idaho Supreme Court Data Repository; non-disclosed or adverse DD214 military information; and the Character—Disclosure Form. Often times, these areas result in review by the POST Council Hearing Board.

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## **The Requirement To Conduct Background Investigations** (Continued from Page 6)

**What happens when the application is denied by the POST Division Administrator?** In some cases, the POST IDAPA rules allow the POST Division Administrator decision-making in the application process. However, if the Division Administrator believes the circumstances are serious or egregious, the Division Administrator has the responsibility to inform the POST Council and request the POST Council's Hearing Board to decide the matter. The Council's Hearing Board offers the opportunity for a more critical review of the applicant, his/her eligibility for law enforcement service, while adhering to our professional standards and public trust responsibilities for the citizens of Idaho.

### **What is the POST Council Hearing Board's process?**

Hearing Boards are held at least four times per year. The hearing process is fair and affords the applicant and employing agency every opportunity to make their case. The applicant has a right to know what brought his/her application before the hearing; he/she is allowed to have witnesses appear before the Board, and to be represented by counsel. Furthermore, he/she has the right to have an impartial decision based upon the facts presented to the Board. The Board encourages the agency head to attend the hearing and provide information about the applicant.

If an agency head knows the applicant does not meet the minimum training or certification standards at the time of application, the agency head can request a waiver hearing on the standard. A request for waiver of minimum standards begins with a written letter from the employing agency head to the POST Administrator. The letter should identify the standard requested to be waived and a justification for waiving the requirement. The letter will automatically set a review in motion, by either the Division Administrator's action, or the setting of a date for hearing before the POST Council Hearing Board.

**Here are a few general questions to ask at the end of the background process.** (1) What would the public think of the person you intend to hire? (2) If the person has a history of a lack of moral judgment, or has committed serious non-charged criminal acts, or is a convicted criminal, or has an ineligible military history, what would the public think? (3) How would the public feel if an officer with a questionable background was in their home or business alone, or had custody of their minor child? (3) What would the public think about the reliability of the officer to

make important ant life and death decisions? (4) Would the public be confident in the decision-making of the law enforcement officer?

The background investigation process can be summed-up in very few words: honor, integrity, and courage. Does the person applying for employment possess qualities of honor and moral integrity; and do they have the courage to make the correct decisions with respect to their responsibility to the public and the good of the law enforcement profession.

As has been stated in an earlier edition of the *Integrity Bulletin*, the people hired into law enforcement become a direct reflection on the vision of the agency and the importance placed upon the lives and property of the public. Examples of officer misconduct are too prevalent within our profession to ignore the importance of meeting minimum background standards.

Unfortunately, there are people who have committed criminal acts or acts of moral turpitude, and, no matter how much they have turned their life around, if hired, will bring criticism upon our profession and will tend to disrupt, diminish or otherwise jeopardize public trust in law enforcement. These issues must be considered during the background investigation process.

When an officer is called before the court to testify in a criminal or civil trial, his or her credibility comes under the microscope. While the public is likely unaware of the background of the officer, sooner or later there will be opportunity for the history of the officer to be revealed. Can your background investigation practice stand the test of public scrutiny? Are you willing to have your personal reputation tied to an employee's prior conduct? Will your background investigation demonstrate the officer's history is evident of the lawful and moral behavior the public expects from its public servants. And, will the public believe did your job well, with honor, integrity and courage?

**What are the consequences of not conducting the required background investigation?** In short, individual consequences for not conducting the required background investigation could include: loss of public faith, failure to obey the law; malfeasance or misfeasance in office, criminal negligence, or strict liability. Furthermore, the consequences could be present every year of the applicant's employment. Is it worth the risk?

## **POST VISION**

To ensure that Idaho law enforcement professionals model the highest level of integrity and service through excellence in standards and training.



## Garrity & POST Actions: Part 2

From recent comments made to POST, it appears there is a misconception about the use of administrative (Garrity) warnings by POST. The focus of misunderstanding was that administrative warnings are only appropriately used by employers. The following information is offered to provide clarity to the use of administrative warnings by POST.

The use of administrative warnings came about from a series of decisions begun by the United State Supreme Court in *Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616, 1967 U.S. Lexis 2882, 17 L.Ed.2d562 (1967). See also *Gardner v. Broderick*, 392 U.S. 273, 88 S.Ct. 1913, 1968 U.S. Lexis 1351 (1968), *Uniformed Sanit. Men Assn. v. Cmsnr. of Sanitation*, 392 U.S. 280, 88 S.Ct. 1917 (U.S. 1968) and *Lefkowitz v. Turley*, 414 U.S. 70, 94 S.Ct. 316, 1973 U.S. Lexis 132 (1973), -- plus a discussion of the meaning of Garrity in *Kelley v. Johnson*, 425 U.S. 238, 96 S.Ct. 1440, 1976 U.S. Lexis 35 (1976).

In *Garrity v. New Jersey*, 385 U.S. 493 (1967), the Supreme Court held that an incriminating statement made by a police officer is inadmissible against the officer in a criminal trial if the officer made the statement under the threat that the officer would lose his or her job if the officer invoked the right to remain silent. The Court concluded that, under those narrow circumstances, the statement would be considered coerced because the officer was denied any meaningful opportunity to assert his Fifth Amendment rights. *Id.* at 499-500.

In the case of POST, a "Garrity Warning" is used in an administrative interview or proceeding, and POST is informing the officer being questioned, that although he has a right to remain silent and not incriminate himself, any statement made under compulsion of the threat of decertification cannot be used against in a later criminal proceeding. It also provides that remaining silent to questioning can be deemed a violation of the Council's Code of Ethics and will result in administrative sanction.

Every Idaho peace officer or individual holding POST certification falls under the authority of the POST Council. Under IDAPA 11.11.01.91.02, Rules of Peace Officer Standards and Training Council, all certificates issued by POST are the property of the POST Council. When POST decertifies an officer, all certifications are revoked."

POST's decertification process is an administrative process. For police employers, termination of employment is administrative; and, like the loss of POST certification, only removes a property interest from an individual. Information gathered by POST, only promotes an administrative process. ➡



## Recent Articles Advocating Law Enforcement Professionalism

**"Policing at the Speed of Trust,"** *Stephen M.R. Covey, Co-founder and Global Practice Leader, FranklinCovey's Global Speed of Trust Practice, The Police Chief, October 2011, p.XX*

**"Contempt of Cop: Verbal Challenges, Disrespect, Arrests, and the First Amendment,"** *ISSN 1935-0007, AELE Monthly Law Journal, 2011 (10) AELE Mo. L. J. 201, Employment Law Section, October 2011*  
<http://www.aele.org/law/2011all10/2011-11MLJ201.pdf>

**"Leadership Moments,"** *Billy Grogan, M.P.A., FBI Law Enforcement Bulletin, October 2011, http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/october-2011/perspectives*

**"Rethinking Ethics in Law Enforcement,"** *Brian D. Fitch, Ph.D., FBI Law Enforcement Bulletin, October 2011, http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/october-2011/focus-on-ethics*

**"Assessing the Psychological Suitability of Candidates for Law Enforcement Position,"** *Yousef S. Ben-Porath, Professor of Psychology, Kent State University, Kent, Ohio; James M. Fico, Industrial and Organizational Psychologist, Alpha Courage, Waupaca, Wisconsin; Neil S. Hibler, Director, Special Psychological Services Group, Fairfax, Virginia; Robin Inwald (Retired), Inwald Research Incorporated, Cleverdale, New York; Joelle Krumi, Police Psychologist, Nicoletti-Flater Associates, Lakewood, Colorado; and Michael R. Roberts, President, Law Enforcement Services Incorporate, The Police Chief, August 2011, p.XX*

**"Medical Marijuana and Public Safety Personnel,"** *ISSN 1935-0007, AELE Monthly Law Journal, 2011 (11) AELE Mo. L. J. 201, Employment Law Section, November 2011*  
<http://www.aele.org/law/2011all11/2011-11MLJ201.pdf>

**"Police Corruption: An Analytical Look Into Police Ethics,"** *Rich Martin, FBI Law Enforcement Bulletin, May 2011, pg. 11, http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/may-2011/law-enforcement-professionalism*

Because POST is not a criminal investigative agency, the use of an administrative warning is authorized during POST investigations and testimony before POST hearings. While POST investigations are often the result of criminal conduct, information gathered by POST resulting from coerced statements cannot be provided to a prosecutor for criminal prosecution of the officer. However, false statements could be used to impeach the officer's testimony or prove perjured testimony.

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**INTEGRITY BULLETIN**  
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*The Idaho Legislature formally established the Idaho Peace Officers Standards and Training Council (POST Council) for the purpose, among others, of setting requirements for employment, retention, and training of peace officers, including formulating standards of moral character, and other such matters as relate to the competence and reliability of peace officers. The POST Council also has the power to decertify peace officers upon findings that a peace officer is in violation of certain specified standards, including criminal offenses, or violation of any of the standards of conduct as established by the Council's Code of Ethics. Idaho Code also requires that when a peace officer resigns his employment or is terminated as a result of any disciplinary action, the employing law enforcement agency shall report the employment action to the POST Council within 30 days.*

—IDAPA 11, Title 11, Chapter 01

### **POST's Office of Professional Responsibility**

The Office of Professional Responsibility (OPR) is one of three bureaus within the Idaho Division of Peace Officer Standards and Training. OPR is staffed by OPR Manager Mike Dillon, former FBI Supervisory Special Agent, and ten contract investigators from throughout the State of Idaho. All of the investigators are former federal, state and local law enforcement officers. POST investigators endeavor to complete thorough, competent investigations to ensure the entire story is presented during the reporting of allegations against peace officers and others we certify. It is a mainstay of POST's mission to maintain an ethical and lawful law enforcement profession for the people of Idaho.



## *Decertification Actions*

*(Continued from Page 3)*

### **Incident #8** **Alcohol and Sex Conduct On Duty, Lying**

City police officer had been found to be drunk while engaging in sexual conduct while on-duty. During the course of an internal investigation, the officer denied having sex with a female, but later during a pre-polygraph interview admitted to having sex on-duty. The officer also admitted to other sexual misconduct of a criminal nature. During the POST decertification investigation, the officer voluntarily signed a stipulation agreement for decertification.

### **Incident #9** **Sexual Misconduct, Theft of Evidence, Lying Under Oath**

Deputy applied for another law enforcement position, and during the employment background investigation process, admitted to several acts of misconduct prior to and during his current employment as a patrol deputy. The acts included sexual contact with a female age 16, selling prescription drugs to his college roommates, ingesting hallucinogenic mushrooms, theft of a ski rack from the federal government, converting knives and guns from his department's evidence to his possession, lying under oath about Mirandizing a suspect he arrested. During the course of the investigation, the deputy signed a stipulation voluntarily agreeing to decertification.

### **Incident #10** **Intentional Failure to Pay Taxes and Failure To Register Vehicle**

Police Officer undergoing an IRS audit, and after being notified he owed \$90,000 in taxes, intentionally failed to pay Idaho more than \$2,700 in sales tax on the purchase of a vehicle. During internal and decertification investigations, the officer acknowledged he intentionally failed to register the vehicle in Idaho in order to conceal the vehicle as an asset from the IRS. The officer elected to voluntarily sign a stipulation forfeiting his peace officer certification.