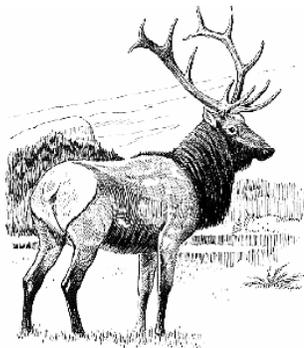




## IDAHO PEACE OFFICER STANDARDS AND TRAINING

### *Special Points of Interest*

- A Values-Based Agency
- Disciplinary Actions
- “Take Out the Garbage”



### “A Values-Based Agency”

Kevin M. Gilmartin, in his work entitled, Ethics-Based Policing - Undoing Entitlement, writes: “*For the law enforcement administrator, the challenge of the selection of competent and ethical police candidates may be significantly less demanding than the maintenance of a values-based agency.*”

Prior to hiring new employees, very few organizations go to the lengths to screen and train new applicants as law enforcement. The candidates may be interviewed multiple times, they appear before boards or committees, background investigations are conducted, polygraph examinations are administered, the applicant undergoes physical and mental examinations, weeks and months are devoted to training, and after being hired he or she is required to work with a training officer for a lengthy period of time to ensure that the new officer complies with the rules and regulations of the department.

With very few exceptions, rookie officers are idealistic, have high expectations for their career, and mirror the values of society. However, it does not take very long for the new officer to realize that the promised salary doesn’t stretch as far as was hoped. Police officers regularly deal with those whose standards and behavior are much lower than theirs. Officers may see their comrades on the department routinely violate policies and get away with it. Soon, the values that the new officer brought with him begin to change. His personal beliefs and moral foundation begin to crumble only to be replaced by the values of those he associates with—either other officers or the criminals he confronts. “Go along to get along” becomes his mantra.

This erosion of values, coupled with being in a position of authority, combine to make a volatile mix. Often the end result is the officer believing that he is entitled to do things that society in general is not. A department whose administration looks the other way at free cups of coffee, discounts on merchandise, and special privileges at the golf club, is fostering the belief of “entitlement” by the officers. Officers believe that because they do things that others in society won’t do, such as arrest dope dealers, work all night, or scrape up bodies off the highway, they have the right to certain social perquisites.

As quoted by Gilmartin above, the biggest challenge for the department may be that of maintaining the values the recruits brought with them when they first began working. Investigations and disciplinary action following misconduct generally address the issue of the empty barn only after the cows are long gone. The real challenge for any agency is to establish procedures and practices that not only foster and support these core values but that

*A thing won by breaking the rules of the game is not worth winning*

*- Ida Tarbell*

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## *Disciplinary Actions*

### **Incident #1 - Voluntary Manslaughter**

This officer was living with his girlfriend and while she was out of the home she left the officer to watch her two-year-old mentally impaired daughter. Unable to control the child's behavior the officer forcefully shook the child and threw her on the bed. The girl then bounced off the bed onto the floor. The officer initially claimed that the girl fell off the bed onto the floor where she suffered her injuries, but he later admitted that he had shaken her and thrown her onto the bed. He was initially charged with aggravated battery, but when the child died two days later after having been airlifted to the hospital, the charges were upgraded to first degree murder. The officer eventually pleaded guilty to the lesser charge of voluntary manslaughter.

This officer had worked in law enforcement a total of 3 years, including reserve and full time. In addition to being sentenced to incarceration the officer was ordered to pay a civil judgment of approximately \$17,000.

The officer's POST certification was revoked by the POST Council.

### **Incident #2 - Sexual Battery of a Minor**

This officer, who had been with his department for two and one half years, was charged with sex with a minor after the female victim reported the contact. The officer had taken the victim with him on three or four ride-alongs after having met her when she was on a ride-along with another officer.

During the ride-alongs prior to the time the officer had sex with the juvenile, she said the officer made inappropriate comments to her on several occasions. However the victim claimed that the sexual contact between them was consensual and she did not want to get him in trouble.

Prior to the sexual contact incident the officer had made a traffic stop on an adult female he had met at a restaurant. In lieu of giving her a traffic citation the officer said he would settle for a "hug". Shortly thereafter the officer stopped the same woman again and asked if she would go out to eat with him. She refused to do so.

After the officer and the juvenile female had sexual contact he instructed her not

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*F-18 breaking the sound barrier—Photo by John Gay*

to tell anybody else about it. The female the officer had stopped in traffic later called the police department and reported the matter to them.

The officer refused to be interviewed during the investigations. He was ultimately arrested, prosecuted, and sentenced to incarceration. He voluntarily signed a stipulation for his decertification.

### **Incident #3 - Lying**

While this officer and his partner were patrolling during the evening hours they located a pickup that appeared to be abandoned. Believing that the driver may have had some difficulty the officer obtained permission from his supervisor to enter the vehicle to determine ownership of it.

Later, the officers located a trailer house where the owner was believed to be living. The two officers approached the trailer in the darkness and without identifying themselves knocked several times on the door. When they received no response this officer opened the door a short distance. Immediately, the occupant of the trailer pushed the door open all the way from inside the residence. The man who opened the door, and who was subsequently identified as the owner of the abandoned vehicle, said someone had stolen his pickup and driven it outside of town where it got high-centered and stuck. The owner had filed a stolen report on the vehicle.

Based upon a report that the first officer had illegally opened the door of the trailer an internal investigation was conducted. The officer denied opening the door. The video camera in the patrol vehicle recorded the audio portion of the officers' attempt to contact someone in the trailer, but it was determined by independent examination that the portion of the tape that recorded the entry into the trailer had been recorded over. The officer admitted that he had the tape in his custody but denied recording over that portion.

The officer was given a polygraph examination which indicated deception on his answers regarding whether or not he had opened the door or recorded over the audio portion of the tape. The officer was terminated by his agency and the matter was referred to POST for possible decertification. During the interview with the POST investigator the officer continued to deny that he had opened the door of the trailer.

The officer refused to respond to the full legal process and because of this failure the POST Council entered an order of default. Because of this the Council decided to revoke his certification.



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address the erosion of them on a continuing basis.

Because of the nature of police work, and the continuing need for officers to rely upon each other, the new recruit finds that loyalty to his fellow officers becomes more important than his own integrity. These first baby steps on the “slippery slope” may not be made deliberately by the officer, but when he finds that the philosophy of the department fosters an attitude of situational ethics he has very few options open to him other than to fall in line with his comrades.

The challenge to any department is to establish procedures to address the decline of values in its employees. As with many crises it is common that resources are devoted to the situation only when it blows up. In the world of law enforcement, this attitude may create many more problems for the department than addressing the problem it gets too large. It is generally more cost effective to build a fence around the cliff than it is to maintain ambulances at the bottom.

Probably the single most valuable tool in combating this slide away from values is a stable family and social life outside of law enforcement. The officer who takes time to attend his kids’ ball games, and to have a regular date with his wife or girlfriend, and socializes frequently with friends outside of law enforcement stands a much better chance of avoiding the deterioration  
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#### Incident #4—Lewd and Lascivious Conduct with a Minor

After fifteen years with his department, and after being promoted to be the head of his agency, this officer abruptly and without notice, tendered his resignation. The resignation caught the community leaders by surprise.

Several years later, while serving in another public office, the former officer was arrested for lewd and lascivious conduct with a minor.

The criminal investigation determined that the former officer had been involved in illegal sexual conduct with minors for several years, including while the officer was serving as the head of his law enforcement agency.

The officer pleaded guilty to one count of lewd conduct. Three other counts were dropped. He was sentenced to eight years to life in prison but was eligible for parole after eight years. The POST Council revoked the officer’s law enforcement certification.

of his values than does the officer whose entire life is consumed by his profession.

The officer who brags that he is knocking down more overtime than anybody else is in danger of losing his perspective. But one who nurtures the emotional, spiritual, intellectual, and social aspects of his life will be better prepared to recognize and avoid the move away from his core values.

Those in law enforcement need all the help they can get in balancing their lives. Departments that address the deterioration of core values in its employees will go far towards avoiding misconduct. Training officers to understand that the Codes of Ethics and Conduct are real and living standards goes a long way in maintaining officers’ perspective on life and human relationships.

This *Integrity Bulletin* plays only a small role in fostering an atmosphere of values maintenance. Merely reciting instances of misconduct and punishment without understanding the reasons leading up to them may not go nearly far enough in preventing further misconduct.

Periodic training and reviewing of values helps the officers to understand that suspension of their values, for whatever reason, is unacceptable.

#### Incident #5—Lewd and Lascivious Conduct

This county detention officer was arrested for three counts of Lewd and Lascivious Conduct with a minor female, 15 years of age. One of the incidents occurred in one county and the other two in another county. The officer had an on-going relationship with the minor and had been employed as a detention officer for about three years. There was no mention of sexual intercourse, but merely fondling.

The misconduct was initially reported to authorities by the parents of the female juvenile.

During the adjudication of the matter two of the counts were dropped and the officer admitted guilt in the third count.

After hearing the matter the POST Council revoked the officer’s certification due to his conviction of a felony charge.



*To be yourself in a world that is constantly trying to make you something else is the greatest accomplishment.*

*Ralph Waldo Emer-*

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## Peace Officers Standards and Training

**To All Recipients:** POST is willing to send multiple hard copies of the Integrity Bulletin to your department. Please notify the editor the number of copies you want.

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

To receive a hard copy of the Integrity Bulletin please send the editor your mailing address via e-mail. To receive an electronic copy, please provide your e-mail address. Send information to [mike.wright@post.idaho.gov](mailto:mike.wright@post.idaho.gov). This Bulletin is also online on the POST Web Page. Click on the yellow OPR button on the left of the screen or click on the OPR logo at the top to the right of the Academy banner.

### “Take Out the Garbage”

Someone once said, “Profanity is the effort of a feeble mind to express itself forcibly.”

Police officers who are foul-mouthed, either to their co-workers, or to the public, or both, are doing a disservice not only to themselves but to their department and to law enforcement in general.

It is disturbing to see the frequency with which members of our profession use four-letter words and crude language.

Why is it called “filthy language”? Because it dirties up the human mind like garbage dirties up a rose garden.

Proper and professional language is as much a part of ethical behavior and police work as honest and properly written reports.

Like it or not, people judge us by our appearance and how we present ourselves. If your car is dirty and unkempt the reputation of your department suffers.

The same principle applies to our language and communication skills. If we are crude in our conversation and in the words we use, our professionalism and our character suffer.

Profanity and crude language is becoming so common that people are losing the ability to describe things as they really are. What a wonderful skill it is to have such a command of the English language that one has no need to stoop into the gutter for the language to express ones self.

It is difficult enough to accurately communicate concepts and instructions without confusion. When attempts to talk to someone are cluttered up with garbage words the process is made even more difficult

The use of profanity is a habit like any other. In order to overcome it a person first has to have the desire to do so. One way to generate the enthusiasm to change is to listen more closely to yourself as you talk. Try to imagine the impression you are making on others by the words you use.

What type of impression do you want to leave with others? You are the one who makes the choice. There is never an appropriate time to use profanity. --Editor

Speak comfortable words—  
William Shakespeare



Officers are encouraged to maintain their official vehicles in a clean and attractive condition. The purpose for this is because your car is a symbol of your department.