

Integrity and Ethics Bulletin

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Idaho Peace Officer Standards And Training

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.

This Integrity and Ethics Bulletin will be distributed on a periodic basis in order to provide information regarding de-certification and other disciplinary actions taken by the POST Council. General questions regarding de-certification matters may be directed to POST Headquarters or to any of the three POST Regional Training Coordinators.

Following is a summary of actions taken in regard to de-certification investigations and other disciplinary matters:

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Incident #1 Theft

This officer was employed as a detention officer in a county facility. In the course of his duties he had access to money in inmate accounts in the commissary. The officer stole money from the commissary fund and substituted erroneous deposit slips to cover the shortage. The officer subsequently admitted his actions, and was prosecuted for petty theft. He pleaded guilty and resigned from the department. He was ordered to make restitution and was decertified as a law enforcement officer.

Incident #2 Sexual Misconduct

This male officer was a patrol officer for his department who became sexually involved with three other female employees. This involvement included sexual conduct in the office, in the officer's patrol car, and at the residence of one of the female employees.

The misconduct came to the attention of the department as a result of another employee observing the offending officer meeting with one of the females away from the office. The three female employees were interviewed and admitted their relationship with the officer. The officer was allowed to resign, he voluntarily stipulated to being decertified as a law enforcement officer, and he was required to repay more than \$3,000 to the POST Academy due to having resigned prior to the completion of two years of service after having been certified.

Incident #3 Insubordination, Pattern of Disciplinary Actions

This officer worked for one department for a period of time, was terminated for insubordination, and was then hired by another agency. While at the first agency, the officer was investigated for financial misconduct in connection with his official duties, and eventually made restitution. The reason given for hiring him at the second agency was to "give him a second chance". While working for the second department, the officer failed to investigate a traffic violation when ordered to do so, revealed confidential police information to a civilian, and while on duty and in uniform, and without permission of his supervisor, delivered to the city offices correspondence containing unsubstantiated allegations of misconduct by officers on the department where he was first employed. During the course of his career in these two departments, the officer received written reprimands, received counseling, was suspended, and was put on probation. Finally, as a result of his pattern of misconduct and insubordination, his employment with the second department was also terminated. A decertification investigation was conducted based upon the officer's violation of the Code of Conduct and the Code of Ethics. After the conclusion of the decertification investigation, it was recommended by the POST Council that the officer be decertified. The officer stipulated to his decertification.

Incident #4 Providing Liquor to Minors

This officer had a history of disciplinary actions while on the department. After divorcing his wife he began dating a detention officer on the same department. They became engaged, but when the female officer learned he was again seeing his ex-wife the detention officer decided to break off the engagement. The male officer refused to stay away from her so the detention officer got a protection order from the court. The officer's agency considered pursuing kidnapping, stalking, and battery charges against the officer because of the manner in which he accosted the detention officer on one occasion. These charges were not filed against the officer.

During the decertification investigation it was learned that the male officer had provided alcohol to two underage females. When interviewed by the decertification investigator, the officer admitted that he had provided the alcohol. The agency gave the officer the option of being fired for inappropriate conduct or resigning. The officer resigned. As a result of the decertification investigation, the officer signed a stipulation voluntarily agreeing to his decertification.

Incident #5 Aggravated Assault

A female (not a law enforcement officer) had been staying as a guest at the residence of this officer. The female was temporarily living away from her boyfriend as a result of problems she and her boyfriend were having. The female drove to a neighboring community with some friends, and upon returning, went back to the residence of her boyfriend rather than going to the residence of the officer where she had been living for about a month.

About 2:00 a.m. the officer went to the residence where the female and the boyfriend were living and knocked loudly on the door. When the boyfriend opened the door, the officer demanded to see the female, and allegedly forced his way into the residence. The officer and the boyfriend got into a heated argument, and as the officer was walking down the hallway towards the bedroom, the female came out. The officer grabbed her by the shoulders and started screaming at her. The boyfriend saw a gun tucked into the rear waistband of the officer and asked the officer why he had a gun. The officer pulled the gun out from his waistband, pointed it at the boyfriend's head from approximately one foot away, and asked the boyfriend if he wanted him to use it. The girlfriend intervened between the two men and the officer left the residence.

From outside the residence the officer taunted the boyfriend and tried to call him outside to settle the matter. The officer was charged with aggravated assault, but he later pleaded guilty to a lesser charge of pointing a firearm at another. As a part of his plea agreement, he stipulated to the revocation of his certification.

Incident #6 Dishonesty, Falsification of Records

The request for this decertification investigation was initiated upon the request of a city mayor after learning of possible fraudulent statements made by the officer in his application to be Chief of Police. The officer falsely stated that he had served in the

military. Prior to the time he applied to be Chief the officer had been Chief in another community. In this other community, and while serving as Chief, he was found to have manufactured false documents in regards to a testing procedure.

In this instance he allowed an applicant for the position of police officer to bypass the written and physical agility tests, thereby placing him number one on the list of applicants to be hired. During the ensuing administrative investigation the officer lied to the investigators, enlisted the help of others in attempts to cover up his misconduct, and refused to cooperate in the investigation. He was suspended from duty during the investigation, and was ultimately allowed to resign from this department rather than be terminated.

The decertification investigation confirmed both the creating of false documents in the application process, and the fact that he had made incorrect statements during the screening process for the position of Chief of Police. The officer voluntarily stipulated to being decertified.