

# **Integrity and Ethics Bulletin**

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## *Idaho Peace Officer Standards And Training*

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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.

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 Hit and Run, Leaving the Scene, Untruthfulness in Interview**

This officer and his wife were out driving late at night in their personal vehicle and rear-ended another vehicle. The vehicle they hit caught fire, the female driver was killed, and her passenger suffered severe injuries. After the accident the officer left the scene without reporting the accident. He was stopped and arrested about an hour later as he and his wife were driving in the vicinity of the accident. During the accident investigation the officer provided inconsistent information to the investigating officers. The officer's wife was also charged with obstruction and delaying an investigation due to claiming that she was the driver of their car rather than her husband. The officer's blood alcohol content was not sufficient to charge him with felony manslaughter. He pleaded guilty to misdemeanor manslaughter and failure to render aid at the scene of an accident and was sentenced to six months incarceration. The POST Council decertified the officer.

### **Incident #2 Violation of Police Department Policies**

In connection with his investigation of another incident, this officer enlisted the assistance of a juvenile female to act as his interpreter. Ostensibly due to his involvement with gang investigations, the officer asked to photograph the female juvenile for his "album" (of gang members). The officer began calling the juvenile and eventually met with her in her house. During one telephone conversation (recorded by IA investigators) the officer asked the juvenile to dress up in a bikini and high heels and meet him at a park where he would take pictures of her. Later, the officer was seen driving past the female's residence in his personal vehicle.

When interviewed during the Internal Affairs investigation, the officer was not truthful regarding his involvement with the female. Due to his violation of department policies, he was fired. The decertification investigation determined that the officer had abused his position by contacting the juvenile beyond the scope of his duties, was not truthful in his statements during the Internal Affairs investigation, and had damaged the reputation of his department. The officer voluntarily stipulated to his decertification.

### **Incident #3 Injury to a Child**

The parents of a minor female reported to a law enforcement agency that the school resource officer (SRO) was allegedly engaging in improper behavior with some of the students at the school. Investigation by the department determined that the officer, acting in his role as the SRO, was asking minor female students to remove their clothing so he could do "hickey checks" and to search for cigarettes. Further investigation determined that the officer had at least one of the minor females pose in a negligee in the hot tub at the officer's residence. It was also learned that he had taken nude photographs of some of the other female students. The officer was arrested and his employment was terminated. He was charged with two felony counts of sexual battery of a minor and one felony count of sexual abuse of a minor. The officer eventually pleaded guilty to two counts of "injury to a child". The POST Council revoked his certification based upon his guilty plea.

#### **Incident #4 Sexual Contact With An Inmate**

A female inmate at an incarceration facility reported that one of the correctional guards had touched her in a sexual manner. An internal investigation (IA) by the facility corroborated her statements, and another outside agency was requested to conduct an independent investigation. The investigations determined that the female inmate had consensually exposed her private parts to the officer who, on occasion, fondled her while he was on duty. A concealed camera and microphone documented the activities and confirmed that the behavior was consensual on the part of both the female inmate and the officer. The officer was charged with two counts of battery but was found not guilty. The female inmate subsequently filed a million dollar tort claim against the county for failing to protect her while in custody. The officer was fired and voluntarily consented to decertification for conduct unbecoming a law enforcement officer, violation of department policies, and violation of the law enforcement code of conduct.

#### **Incident #5 Misuse of Public Funds**

Subsequent to the departure of this former head of agency from his department, questions were raised as to his usage of funds in several different areas. The agency head had sole custody of one checking account, administered grant funds for the department in other instances, and it appeared that he had used city funds to purchase personal items for his residence. Execution of a search warrant at the individual's home identified property believed to have been purchased with official funds. A year-long investigation by the State Attorney General's office determined that the agency head had also claimed expenses for a non-existent employee in order to divert funds from an official grant. The officer was criminally charged with three felony counts of misuse of public funds. He pleaded guilty and was sentenced to seven years incarceration, with two years fixed. He was also placed on seven years probation and ordered to make restitution. The individual voluntarily stipulated to his decertification.

#### **Incident #6 Sexual Harassment**

The victim in this incident was a dispatcher in the officer's department. While in high school, the victim had baby sat for the officer. One evening while babysitting the officer came home drunk and put his arms around the girl. Years later, while employed by the officer's department, the officer began flirting with this woman. He talked "dirty" to her over the telephone, made other comments, and asked her what color her underwear was. One day the officer called the female into his office under a pretext and pulled her down into his lap and tried to kiss her. Later, when he again asked her to come into his office she asked some other officers to go with her. Several hours after the officer's shift ended, he again called her into his office. He again pulled her down into his lap, kissed her, and as she attempted to leave, he pulled her down several more times. When she was able to get up, he walked over to the doorway where she was standing and rubbed her leg. The victim made a complaint to her supervisors who initiated an investigation into the officer's conduct. The officer resigned as a result of violating the sexual harassment

policy of the department. The decertification investigation confirmed the allegations against the officer and he voluntarily stipulated to his decertification.

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*Editor's Note:*

*POST generally will not initiate a decertification investigation if an officer is stopped for a first offense of driving under the influence of alcoholic beverages (DUI) while off duty, and in his or her personal vehicle. It is believed that in these instances, and if there is no other accompanying misconduct, any discipline should best be left to the discretion of the employing agency.*

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