



## *Idaho Peace Officer Standards And Training*

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### **Integrity and Ethics Bulletin** (October, 2004)

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 quarterly 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 Regional Training Coordinators.

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

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#### **Incident #1 Sexual Battery of a Minor**

This de-certification was requested by the head of the officer's agency based upon suspicion that the officer had engaged in sexual activities with two different juvenile females. The department conducted an internal investigation and the officer confessed to the criminal actions. The de-certification investigation was held in abeyance until after

the conclusion of the criminal trial of the officer. The officer pleaded guilty to one count of sexual battery on a minor. He was sentenced to 4 years fixed incarceration, was ordered to register as a sex offender, and was fined \$5,000. He was also compelled to reimburse the POST Academy for training expenses since the time from the end of his basic training to the time of his resignation was less than 2 years. The individual was also decertified as a police officer.

### **Incident #2 Sexual Harassment**

This male officer originally was the supervisor and training officer of the female victim, both of whom were married. The offending officer and the female officer's husband had socialized outside of work on a limited basis. The male officer had the practice of talking in a crude and sexual way with the female. Eventually the officer stopped the female on a pretext traffic stop and attempted to kiss her. Later, after the officer returned from a training school, the sexual advances continued. On one occasion the female asked a co-worker to stay in her office with her so the offending officer would not make advances toward her. The victim said she tolerated the offending officer's behavior up to a certain point because she just considered it immature, juvenile behavior. At one point the officer encountered her alone and touched her in a sexual way. The victim finally began feeling intimidated and concerned about the officer's behavior, and reported the matter. During the internal investigation of the incident, the officer was interviewed. He was very evasive during the interview but ultimately admitted that he had been sexually harassing and intimidating the victim. At the conclusion of the de-certification investigation the officer voluntarily surrendered his certification.

### **Incident #3 Divulging confidential information and making a traffic stop without probable cause**

This de-certification investigation was initiated based upon the request of the head of the department for which the officer worked. The actions upon which the de-certification request was made were divulging confidential police information to a citizen, and making a traffic stop without probable cause. While discussing confidential police matters to private citizens is inappropriate behavior, and falls within departmental disciplinary guidelines, in this instance, and by itself, it did not constitute sufficient grounds to merit de-certification. The "traffic stop" was partially recorded by the dashboard camera in the officer's vehicle; however, upon review of the film, it was not sufficiently clear whether or not there was sufficient probable cause to make the stop. The internal affairs investigation by the department indicated that the officer lied during the IA investigation. The de-certification investigation recommended that the officer not be de-certified. The officer resigned as a result of disciplinary action.

### **Incident #4 Sexual battery of a minor**

This officer engaged in sexual conduct with a juvenile female while on duty and in uniform. Other officers were investigating him for misconduct in regards to report writing and for disobeying other department regulations. As other officers were attempting to locate him during the early morning hours, the officer was observed in a

civilian vehicle with a female juvenile. The officer eventually entered a guilty plea to sexual battery of a minor, was sentenced to 50 days in jail, 10 years probation, and was ordered to register as a sex offender. At the conclusion of the de-certification investigation the officer voluntarily surrendered his certificate.

#### **Incident #5 Sexual Misconduct**

This male officer, and the female officer with whom he became involved, both served on the same department. Both individuals were having marital problems, and as the two officers worked together, they both began sharing intimate details of their marital problems. They eventually became sexually intimate on several occasions. Some of their encounters were during working hours, and some were not. An internal investigation was conducted of the affair, and the male officer was allowed to resign due to the disciplinary action taken against him. A de-certification investigation, including interviews of the two officers, confirmed their involvement with each other. The female officer (non-certified) was fired and the male officer, after resigning, voluntarily stipulated to his de-certification.

#### **Incident #6 DUI and Theft**

The head of this officer's department requested an investigation in order to determine whether or not this officer should be de-certified. The officer was involved in a DUI traffic accident in his own vehicle. As a consequence of this investigation, the department learned that the officer had used an official gas card to put fuel in his personal vehicle. Additionally, the officer was charged for taking money out of a common office fund. The de-certification investigation determined that the blood sample taken from the officer at the time of the traffic accident was improperly taken, was inadmissible in court, therefore charges could not be filed against the officer. It was learned that the fuel put in the officer's personal vehicle was done as reimbursement for the use of his personal vehicle for official business, and was done at the direction of a supervisor. There were no policies, and very little control, regarding the use of the common office fund. The officer had "borrowed" money from it before by the use of an IOU. The investigation determined that there were not enough grounds to pursue de-certification of the officer and the investigation was closed.