

# IDAHO PEACE OFFICER STANDARDS & TRAINING PROCEDURE

## 12.26 CONDUCTING DECERTIFICATION INVESTIGATIONS

### A. General.

This procedure covers Peace Officer Standards and Training (POST) employee and contract investigator authority, responsibility and decision-making processes in conducting decertification investigations.

The POST council has delegated its authority to investigate conduct and make decertification decisions to the POST Division Administrator (POST DA). The POST Division Administrator fulfills this role with POST's Office of Professional Responsibility (OPR). This process is governed by [IDAPA 11.11.01.110](#) through [11.11.01.112](#).

### B. Definitions.

1. "Officer" means any person who has been certified in Idaho to be an officer (peace, adult detention, adult correction, reserve, adult misdemeanor probation or felony probation and parole; juvenile detention, juvenile correction or juvenile probation; or emergency communications).
2. "Special Investigators" or "Investigators" means independent contractors with the authority to conduct OPR investigations under [Idaho Code §19-5113](#).

### C. Conducting Decertification Investigations.

1. When a decertification investigation is authorized by the POST DA, the OPR manager:
  - a. Opens an investigation and assigns an impartial special investigator.
  - b. Sends a letter to the subject officer's agency head advising a decertification investigation has been initiated.
  - c. Provides the special investigator all pertinent information including assignment and authorization documentation.
  - d. Sends a subpoena to the subject officer's employing agency head other appropriate entities for all pertinent records involving the subject.
2. The OPR manager maintains the master casefile of all documents.
3. The investigator sends the Notice of Intent to Initiate a Decertification Investigation which includes a Voluntary Relinquishment of Certification(s) form to the subject officer.
4. All written contact between the OPR or special investigator and the subject officer should be delivered by certified mail to the subject officer's last known address, return receipt requested. Other methods including email, corresponding with client's counsel, or non-traditional means of delivery may be utilized when needed. All efforts of communication with the subject of the investigation should be thoroughly documented.
5. The investigator conducts the investigation under the direction of the OPR manager, who:
  - a. monitors the investigation to ensure it is thorough, objective, accurate, consistent, and completed in a timely manner; and

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- b. reports investigation status to the POST DA.
6. At the conclusion of the investigation, the investigator prepares a report that includes:
  - a. a description of the allegations against the subject officer;
  - b. a synopsis of investigation results; and
  - c. a statement of whether or not it appears the alleged conduct occurred and may have violated [IDAPA 11.11.01.057](#), POST Council Code of Ethics/Standards of Conduct, or any section of [IDAPA 11.11.01.110](#).
7. The OPR manager reviews all documents, recordings, and evidence, and may direct further investigation, revision of the report, or decline to pursue decertification proceedings.
8. When the determination made is not to seek decertification, the OPR manager:
  - a. prepares a letter for the POST DA's signature to be sent to the subject officer and the agency head, containing the allegations and providing the reason(s) why decertification will not be pursued;
  - b. closes the investigation without further action;
  - c. updates the file and all records; and
  - d. prepares the file for secure storage.
9. If the OPR manager believes there is enough evidence to move forward with decertification proceedings, he staffs the case with the POST DA. The POST DA then decides on whether it is appropriate to move forward with decertification efforts.
10. If the POST DA determines decertification is appropriate, the OPR manager sends a Notice of Intent to Decertify to the Officer.

### D. Voluntary Relinquishment.

1. The subject officer may, at any point during the investigation, relinquish their certification(s).
2. The relinquishment must include acknowledgement that it is a voluntary act made without coercion.
3. If the subject officer voluntarily signs and returns the relinquishment, the OPR manager:
  - a. signs the voluntary relinquishment;
  - b. if a Report is not already completed, prepares a Report of Investigation (ROI) for the POST DA outlining the facts leading to the investigation, and stating the officer voluntarily relinquished their certification(s);
  - c. provides the ROI to the POST DA who creates a Final Order of Decertification; and
  - d. scans the information into the OPR file.