

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 initiating and conducting decertification investigations. Processes for determining the need for decertification investigations are addressed in POST procedure 12.25 Opening Decertification Investigations.

The POST Division Administrator (POST DA) has authority to open and conduct investigations into allegations or information received pertaining to officer conduct, which could be a cause for decertification (IDAPA 11.11.01.110.01 & 02).

The POST Office of Professional Responsibility (OPR) has the Council's authority to oversee and conduct decertification investigations.

B. Definitions

“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).

“Preponderance of evidence” means the greater weight of the evidence required in a non-criminal case for the trier of fact (POST DA or Hearing Officer) to decide in favor of one side or the other. This preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence.

“POST Special Investigators” are agents of the POST Council, with the authority to conduct investigations under I.C. §19-5113. Investigators operate with oversight from the OPR manager, under the terms of the annual individual investigative services contract, and in accordance with ISP procedure 01.02 Conduct Expectations and relevant ISP Employee Handbook procedures incorporated into the contract.

C. Preparing for Decertification Investigations

1. Decertification investigations begin after the processes for opening them are completed as set forth in POST procedure 12.25 Opening a Decertification Investigation.
2. All written contact between the OPR manager or investigator and the subject of a decertification investigation should be delivered by hand or by certified mail to the officer's last known address, return receipt requested. Exceptional circumstances may preclude this method of delivery. Other methods, including email, counsel, in-person, or non-traditional delivery means may be required. In this case, all efforts of communication with the subject of an investigation should be thoroughly documented.

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3. When a decertification investigation is authorized by the POST DA, the OPR manager:
 - a. opens an investigation;
 - b. assigns a case number;
 - c. enters the case into the POST decertification file system and updates the officer's profile in the Skills Manager module;
 - d. assigns a POST special investigator, considering any relationship between the investigator and the officer requiring recusal;
 - e. emails the management assistant (MA), copied to appropriate POST staff, advising of the new case, providing the officer's name, case number, and the name of the assigned investigator for process timeline tracking.
4. The OPR manager sends a letter to the officer's agency head advising a decertification investigation has been initiated.
5. The OPR manager provides the investigator all pertinent information, including, assignment and authorization documentation.
6. The OPR manager maintains a master casefile of all documents.
7. The OPR manager sends a subpoena to the officer's employing agency head and other appropriate entities for all pertinent records involving the subject.
8. Voluntary relinquishment for decertification may be offered to the officer as an enclosure to the Notice of Intent to Initiate Decertification Investigation if the initial facts indicate potential violation of IDAPA rule 11.11.01.057 POST Council's Code of Ethics/Standards of Conduct or any section of IDAPA rule 11.11.01.110, Decertification

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 officer voluntarily signs and returns the relinquishment, the OPR manager:
 - a. signs the voluntary relinquishment;
 - b. 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 MA who creates a final order of decertification; and
 - d. scans the information into the OPR file; and
 - e. closes the investigation after no appeal request is received (28 days from the date of the Final Order).
4. When the accused declines to sign a relinquishment, the investigation continues.

E. Conducting Decertification Investigations

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1. The investigator sends the Notice of Intent to Initiate a Decertification Investigation which may include the Voluntary Relinquishment of Certification(s) form to the officer.
2. 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
 - b. reports investigation status to the POST DA.
3. The investigator prepares a report including:
 - a. a description of the allegations against the 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 rule 11.11.01.057, POST Council Code of Ethics/Standards of Conduct, or any section of [IDAPA rule 11.11.01.110](#) Decertification.
4. The OPR manager reviews all documents, recordings and evidence, and may direct further investigation or revision of the report.
5. The OPR manager makes a recommendation to the POST DA based on the findings.
6. The POST DA may:
 - a. accept the finding and approve moving forward with decertification;
 - b. reject the finding and decline decertification; or
 - c. order further investigation.

F. Outcomes

1. When the determination is not to seek decertification, the OPR manager:
 - a. prepares a letter for the POST DA's signature to be sent to the 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.
2. When the determination is to seek decertification, the process set forth in POST procedure 12.27 Decertification Process is followed.