

Peace Officer Standards and Training



Integrity Bulletin

This is what it's all about.

The kids at Amber Watt's Gigglez and Grinz Daycare in Murrayville always get super excited whenever they see the police drive by—and even more excited when they can get a wave out of them.



Imagine their elation when one officer got out of his squad car and sat down on the ground beside them.

“This will be a forever memory for these kids,

and something I'm sure they will brag about forever. It was the day they had circle time on the sidewalk with a hero,” Watt wrote in a letter to the Langley Times.

The kids clung to every word British Columbia Const. Joel Shoihet uttered to make them feel special.



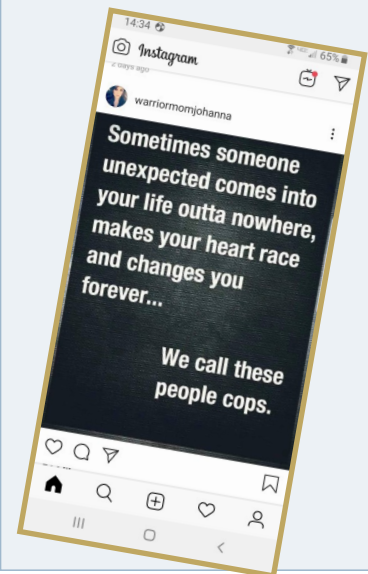
OPR Manager's Note

The POST Integrity Bulletin looks at the self-imposed circumstances in which our POST certified professionals find themselves.

What causes, otherwise reasoned, rational and professional law enforcement officers, to do the stupid things they sometimes do?

Our continuing efforts to study acts of misconduct and find a solution, have met with less than positive results.

Remember the words, “moral turpitude?” They are used in the legislation that allows for a uniform standard for individuals with prior drug use, and sets forth improved DUI standards, and acts related to juvenile conduct. We trust the information herein will bring attention on our profession's ability to deter official misconduct, improve the public perception of Idaho's law enforcement officers, and promote responsible, ethical discourse within your agency or department.



INSIDE STORY

The following incidents (we say “incidents” instead of “stories” because if they were not real, you may think they are just that, “stories”) are provided for your “enlightenment” and, quite honestly, your incredulous entertainment. You’ve heard the saying, “You can’t make this stuff up.” Well, we either say, or hear it said, on a daily basis.

These incidents were NOT ultimately entertaining for the officer experiencing the consequences that followed, but by sharing them with you, we hope to let you learn from the mistakes of others. If you can not do that, then maybe someday, you too will be prominently featured here in the Integrity Bulletin...Don’t worry we will keep the names and agencies out of the story to protect (if possible) what’s left of your reputation.

“Oh, I see what’s going on when I’m gone.”

QUICK DRAW LEGAL STUFFS

IDAPA 11.11.01.110.01

a. A conviction of any felony or offense which would be a felony if committed in Idaho;

IDAPA 11.11.01.110.02

b. A violation of the Council’s Code of Ethics.

c. Criminal conduct whether charged or not.

IDAPA 11.11.01.057.07:

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency.

GUNS, WOMEN AND ALCOHOL...GOOD? OR NO?

Officer Quint D. McGraw was off-duty chillin at home with his buddy, Lenard. They had been putting a few cold ones away (OK, maybe a few more than a few). McGraw’s wife, Hanna and their daughter, came home that night after attending an after school event.

As pleasantries are exchanged, Lenard gets a phone call; he answers it and hands the phone to McGraw saying, “She wants to talk to you”, *smile wink wink*. McGraw immediately hangs up the phone as if nothing was happening. Hanna decides to play along and says, “Oh, I see what’s going on when I’m gone.” She and Len start laughing, “*ha, ha*”.

McGraw was not amused. He left the room, returned visibly upset, and then Hanna asked Lenard to stick around. She’s seen this before. McGraw left the room again, and again reappeared to tell Lenard it was time to leave.



After leaving a third time, and after Lenard left, McGraw returned with a gun in his hand pointing it at his own head. Hanna called for Lenard to come back, but it was too late. McGraw yelled, “IS THIS WHAT YOU WANT?” He then pointed the gun at Hanna’s face. She attempted to push his arm away but McGraw persisted and maintained a line of sight on her face. During the impending “discussion” and pleadings for him to put the gun away, Hanna was able to surreptitiously dial 911, keeping the line open for dispatch to hear what was going.



When the police arrived, McGraw surrendered his weapons and was arrested. He pled guilty to felony aggravated assault. He also qualified for an automatic and mandatory revocation of his Law Enforcement certifications.

THE MYTH OF DEVICE ANNONYMITY



I seriously thought she was “like” at least 12 years old, so....

Officer Renfro Bates: *You know, she was like totally new in the apartment complex living with her mom’s cousin. I knew she was underage, but for sure like twelve years old. She “friended” me on Facebook, so I accepted. She called me “cute” and “hot” as we sent messages back and forth. She even asked if I would want to kiss her. I mean, shoot, who wouldn’t? So, I said, “yes”. She was a real flirt. She sent two pictures of herself fully clothed, so I sent her two photos of my face. (Totally innocent, Right?)*

Bates eventually asked our **ELEVEN** year old seductress for a topless photo, of course not thinking she would ever do it. And don’t you know it, she did, and so in return, being the gentleman he is, Bates sent a picture of his *manhood* to her. The next morning she expressed concern that Bates’ wife was in the room with him while he was messaging with her. Feeling the “security” and anonymity behind his device, Bates assured her his wife knew nothing. And of course, she then sent him two fully nude photos of her ELEVEN year old body.

With her mother present, investigating officers spoke to our little-one about her relationship with Officer Bates. She said she did not know what to do when Bates asked her for topless pictures, so she sent them, and when he asked for more, she sent the fully nude photos. She explained, he then sent a picture of his privates, but “it” wasn’t erect, so....

IT IS ADJUDGED that the defendant has been convicted upon the defendant's plea of guilty to the offense of Children-Sexual Exploitation of a Child, a felony, as charged in the Information, in violation of Idaho Code §18-1507, being committed on or about June 10, 2016 and the Court having asked the defendant whether there was any legal cause to show why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

Automatic Decertification for a felony conviction, plus 5 years in prison, years of parole, registration as a sex offender, fines, fees, programs, divorce and worst of all, NO INTERNET ! I ask, Was it worth it?

DEVICE

ANONONYMITY

LEGAL STUFFS

IDAPA 110.01:

a. Felony Conviction

.02:

b. Code of Ethics Violation

c. Criminal conduct

*depraved corrupt per-
verted deviant degenera-
te based degraded im-
moral unprincipled repre-
obate*

Hidden amongst us :(

IDAPA 057.07:

...protect the innocent against deception... I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency.

TOP TO BOTTOM LEGAL STUFFS



IDAPA 11.11.01.057.07

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency.

IDAPA 11.11.01.110

01. Mandatory Decertification:

a. A conviction of any felony.

.02 Discretionary Decertification:

b. A violation of the Council's Code of Ethics

c. Criminal conduct

g. Inappropriate sexual conduct on duty.

h. An inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a...defendant...in an on-going...adjudication.

FROM THE TOP

Remember writing your autobiography at the POST academy? We'd like to share a sad story with you taken partly from one of those autobiography papers and partly from a court document, "Motion to Dismiss, Terminate Probation...."

Soon-to-be-Correction Officer, Jennifer Dover, wrote: *"I married my current husband, Ben and gained two additional kids [to my three]...and we live in [Wonderland] with our lab named, 'Gomer', two bunnies, named, 'Horace' and 'Jasper', a fish named, 'Dotty' and a cat named, 'Hemi'. We have a huge family and a tiny house; however, we are very cozy and creative to make the space work.*

My family and I love to camp, hike, and do anything outdoors. Football is huge in our family, all the kids play...or cheer for football. I enjoy spending time with my husband and kids. We spend a lot of time up in [Never Neverland County] working and volunteering on the ambulance and fire departments. In addition, we help the Ronald McDonald House with fundraisers and benefits. Oh, I can't forget, I enjoy party planning and hosting parties at my house."

There is not a person reading this that would not want to be in Jen's shoes. She has it all; love, family, health, work, and support. What on earth could go wrong? Turn the page for the rest of the story. *CONTINUED NEXT PAGE ...To The Bottom*

IN THE NEWS

Teen charged with fatally striking Nashville cop with her car

By Storm Gifford | New York Daily News | Jul 04, 2019 | 10:25 PM

Four-year Veteran Nashville Metro Police Officer John Anderson died early Thursday morning after he was struck by a teen driver. "It is with extreme sadness that the Police Department confirms the on-duty death of Central Precinct Officer John Anderson."

The crash occurred around 3 a.m. when 17-year-old Jayona Brown zipped through a flashing red light and struck Anderson's car "very, very hard" at an intersection. The crash impact forced Anderson's spinning car to slam into a utility pole and catch fire.

Right before the collision, a different cop passed Brown, who was allegedly driving with her high beams on. The suspect didn't dim her lights for oncoming traffic. The second officer then began chasing the vehicle in an attempt to halt it. Brown slowed down but raced away when the officer blared his siren.

The cop checked to see if the car had been reported stolen. When he discovered it had not been, he ceased his pursuit. The police department believes Anderson was en route to provide backup when he was struck.

Brown is currently in juvenile detention, according to Metro Police. She has been charged with vehicular homicide by recklessness, aggravated assault by recklessness, felony evading arrest, driving with a suspended license and curfew violation.



...TO THE BOTTOM

LEGAL STUFFS (From the Top to the Bottom)

Portions of the sentence placed against Dover:

- rehabilitation treatment programs
- shall not purchase, possess or consume alcohol
- shall not associate with individuals, specified by probation officer
- agrees to waive her 4th amendment rights applying to search and seizure...and on and on and on

Jen was living the dream. UNTIL...other dreams looked a little greener on the other side of the fence bars. He's *30 years old, handsome and, "oh that six pack!"*, I can only imagine. Well Jen, that "rendezvous" with the hunk on the other side of the bars just cost you a felony conviction and decertification. Is that all? Let's take a look at Jen's "Motion to Dismiss, Terminate Probation, or in the Alternate Transition to Unsupervised Probation" to see how it's been going for her:

Over the last three years, my life has been turned upside down due to a choice I made to enter a written relationship with someone of which I was to be supervising. This choice has led me down a road that I now deeply regret. I have not only affected my own life but the life of my family, kids, and friends all because of my choices. This journey has not been fun for me and very devastating to my family and me. However, through it all, I have continued to keep going, following everything that has been required of me and in doing so have learned a lot about myself, life and trust for others.

• **Jail - Completed**

- Went to Jail 1/15/16
- Out of Jail 3/9/16 54 Days with 5 Days good time

I completed my jail time, during this experience it was tough to be on the other side of the law. The time away allowed me to think a lot about my life and what I want in it. Unfortunately, this whole process and Jail time did cause one of my kids to resent me and left while I was gone, to live with his dad which devastated me. He was so upset that I was not wanted at his High school graduation nor his wedding. I am proud to say over the last year I have rebuilt that relationship, however, it has been very hard, all because of choices I made. I completed Jail with no violations and was released early for good behavior.

• **Fines, Jail costs, and Restitution- Paid**

- paid in full in March 2016

All My fees were paid the year after convicted. Including Jail costs, Fines, and restitution. Treatment and COS were paid ahead or on time.

COUNTY PAYS FOR IT ALL LEGAL STUFFS

IDAPA 11.11.01.057.07

Code of Ethics/Standards of Conduct:

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency.

...I will never engage in acts of corruption...

IDAPA Rule 11.11.01.110

.02 Discretionary decertification:

- a. A conviction of any misdemeanor;
- b. A violation of the Council's Code of Ethics;
- c. Criminal Conduct whether charged or not;
- f. Lying or falsifying official or written communications;
- i. Unauthorized use or unlawful conversion of the agency's property, equipment, or funds;
- l. Failure to respond...truthfully to questions related to an investigation or legal proceeding.

IN THE NEWS

Don't you wish this type of story was only found in other states?

Unfortunately, we have a few of our own (thus the *Bulletin* you're reading.)

A few years ago, in a County, I'm sure, far from yours, a Sheriff pleaded guilty to petty theft after embezzling funds via the County credit card. We thought we would share excerpts from the POST Decertification Investigation:

- The [County clerk] brought the practice to his attention when she saw a credit card statement with a propane refueling charge on it for [the Sheriff's] residence.
- [The Sheriff] arranged to have the credit card statements sent directly to his office rather than to the County Clerk's office.
- [He would] line out the items on the statement that were his personal purchases and send a check directly to the credit card company to pay for them.
- He told investigators, if he had not been having financial problems, he would have paid for the propane himself.
- He charged two nights in a hotel room in [a neighboring city] and insisted he was alone on a drug surveillance. Coincidentally, his wife was in the hospital having a baby in that very same city.
- He could not recall whether he was driving his Sheriff's vehicle or his own, but while there ("on surveillance"), he charged an oil change on the County credit card. During questioning, he remembered he was driving an "undercover" vehicle... (that just happened to be registered to his wife and him.)
- For several weeks after the baby was born, he stayed home and worked out of his house. He charged his residential propane bill to the County for that period because he felt since he was working out of his house, the county should pay for it.

Sheriff, your guilty plea (reduced) will cost you a \$600 fine, 200 hours community service, 90 days (suspended) in jail, 24 months supervised probation and



IDAPA DECERTIFICATION HAS BEEN WORKING OUT

IDAPA 11 – IDAHO STATE POLICE

PEACE OFFICER STANDARDS AND TRAINING COUNCIL

DOCKET NO. 11-1101-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rules listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 19-5107, Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking: This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 11, rules of the Idaho State Police, Peace Officer Standards and Training Council:

IDAPA 11 • 11.11.01, *Rules of the Idaho Peace Officer Standards and Training Council* (Modifying and reestablishing 11.11.01 to include previous rules defined in 11.11.01 through 11.11.06)

IN OTHER WORDS

Our IDAPA rules governing the POST Academy and more importantly for this publication, the Office of Professional Responsibility, have gone on a diet. The IDAPA bible of old had beefed up to about 73 pages of confusing duplication and sometimes conflict. As of July 1st, 2019 the new IDAPA regulations take effect, coming in at around 38 pages.

There are not many differences (a word or two) in the Code of Ethics/Standards of Conduct, but the “Additional Cause for Decertification” and “Mandatory Decertification” pieces have been merged and streamlined. Check out the next page for more details.



IDAPA DECERTIFICATION HAS BEEN WORKING OUT

IDAPA 11.11.01.064 is transformed to 11.11.01.057.07

LAW ENFORCEMENT PROFESSION DECERTIFICATION

IDAHO CODE 19-5109(4) / IDAPA 11.11.01.057.07

07. Code of Ethics/Standards of Conduct. Each applicant shall attest that he will abide by the following Law Enforcement Code of Ethics, and that he understands violations thereof constitute grounds for decertification:

As a member of the law enforcement profession, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or my agency. I will maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret, unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and the relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge or position of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of law enforcement/public service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other law enforcement or emergency communications officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God or have a sincere and unfaltering commitment to my chosen profession... law enforcement. (6-30-19)T

IDAPA DECERTIFICATION HAS BEEN WORKING OUT

IDAPA 11.11.01.091.04 is transformed to 11.11.01.110 .01 & .02

LAW ENFORCEMENT PROFESSION DECERTIFICATION

IDAHO CODE 19-5109(4) / IDAPA 11.11.01.110

01. The Council shall decertify any person for:

- a. A conviction of any felony or offense which would be a felony if committed in Idaho;
- b. A conviction of a misdemeanor offense involving domestic violence;
- c. Willfully falsifying or omitting any material information to obtain certification.

02. The Council may decertify any officer who:

- a. A conviction of any misdemeanor;
- b. A violation of the Council's Code of Ethics;
- c. Criminal conduct whether charged or not;
- d. Consuming alcoholic beverages on duty, except as necessary for the lawful performance of duties;
- e. Harassment or intimidation;
- f. Lying or falsifying official written or verbal communication;
- g. Inappropriate sexual conduct while on duty;
- h. An inappropriate relationship, sexual or otherwise, with a person who the officer knows or should have known is a victim, witness, defendant, or informant in an ongoing investigation or adjudication;
- i. Unauthorized use or unlawful conversion of the employing agency's property, equipment, or funds;
- j. Intentional and unauthorized disclosure of confidential information or information that may compromise an official investigation;
- k. Failure to report being charged with a felony or misdemeanor within five (5) business days;
- l. Failure to respond or to respond truthfully to questions related to an investigation or legal proceeding.

BACK PAGE INFORMATION

OPR

The Office of Professional Responsibility (OPR) is an office within the Idaho Division of Peace Officer Standards and Training. OPR is staffed by OPR Manager, Dan Smith, a former NCIS Special Agent, and eight contract investigators located throughout the State of Idaho. All of the investigators are former federal, state or local law enforcement officers. POST investigators endeavor to complete thorough, competent investigations to ensure the entire story is presented during the reporting of allegations against peace officers and others we certify. It is a mainstay of POST's mission to maintain an ethical and lawful law enforcement profession for the people of Idaho.

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 within 15 days.

IDAPA 11, Title 11, Chapter 01



<https://youtu.be/TYhJSiUQuII>

Brad E. Johnson
POST Division Administrator
R. Daniel Smith
Manager, Office of Professional Responsibility
Tel. (208) 884-7324
Fax (208) 884-7295
Dan.smith@post.idaho.gov

