

Peace Officer Standards and Training



Integrity Bulletin

“I just saw the kids, they needed some help, I helped the kids.”

Turns out the boys in blue can fix bikes, too. At least one of them anyway. The officer, identified as Michael Castillo, told the back-story, which started as a call to break up a fight at Target.



“I said, ‘Hey, are you guys fighting?’ They said, ‘No we’re friends,’” Castillo said. “Then I saw one of the bikes was broken, and the kid said, ‘My bike is broken,’ so I just got down and fixed it.”

The 27-year-old officer wasn’t aware

someone had taken a picture of the encounter until it went viral. He didn’t expect it would generate so much attention, but he’s glad it did.

“It feels great, it really does,” Castillo said. “There’s so much negativity in police work everywhere. Just to get this one thing — it’s so small, I was just helping a kid out — but it’s big to everyone else, and I think this shows a positive outlook on police work.”

Edited



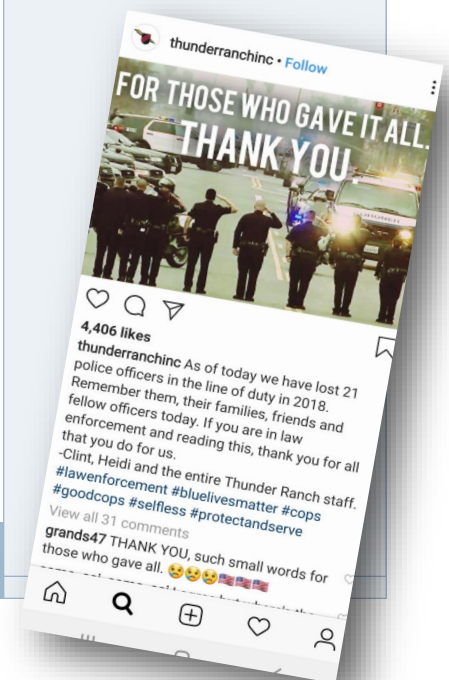
OPR Manager’s Note

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.

We hope 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 benefit and “enlightenment”. 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.

You broke his nose. “I certainly hope so.”

WORKING RUMORS AND SUPERVISORS LEGAL STUFFS

IDAPA 11.11.01.110.02

a. A conviction of any misdemeanor

IDAPA 11.11.01.110.02

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

c. Criminal conduct whether charged or not.

e. Harassment or intimidation.

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.

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WORKING RUMORS AND SUPERVISORS

SSgt Bone Crusher was arrested for felony assault on a peace officer and felony burglary. Crusher’s would-be supervisor quickly learned what it was like to be disliked.

To be fair, Crusher warned he would “beat up” Capt Norse E. Phants because he was spreading rumors about his ex-wife and him. Crusher also claimed harassment by the agency leadership after he became a “whistle blower” alleging misconduct, including the misuse of public funds. After the agency head was terminated, Crusher lost his bid to replace him. As a result, the new boss disliked him and he was ordered to answer to Phant. Crusher said, “No, I will beat the hell out of him



first.” Crusher heard Phant was spreading rumors about him and his wife having an affair. (*Weird, Crusher and his wife had been divorced for several years.*)

Crusher went to Phants’ house and accused Phants of rumorizing. He stepped inside the door, asked Phants why he was spreading lies about his wife, and when Phants denied doing so, Crusher head-butted him, breaking his nose and knocking him out. Crusher admitted he went to “Get the truth from him.” Did you know you broke his nose? “I certainly hope so.”

Crusher’s guilty plea to Section 118-915(1) (M) Assault or Battery upon Certain Personnel, got him sentenced to 365 days in jail, probation for 1 year and DECERTIFIED.

I’m thinking there may have been a better way to resolve these misunderstandings.

NOT MOTHER OF THE YEAR AWARD



“It happened, it’s over with, so let’s move on.”

Officer Wanda B. Cabijale: “It happened, it’s over with, so let’s move on.” “If he goes to jail, I’m f***ed because I can’t make it on my own.”

Cabijale was aware her new husband was having sex with her daughter, but tried to tell her daughter it was OK because he said it happened after she was 18 years old. She told her to tell the detectives it was consensual and “you were 18.”

Cabijale recently married a man she knew to be a sexual deviant placing her children and several others in harms way. Shortly after their marriage, the deviant started grooming Cabijale’s 15 year old daughter like he had done to several others by “accidentally” exposing himself to her, conveniently walking into her room while she dressed to ask insignificant questions, “wrestling” with her and “accidentally” grabbing her breast, openly allowing her to catch him watching pornography and ultimately, at the age of 17, entering her room at night and having sex with her.

Fearing she would lose her family, husband, job and reputation in the community, Cabijale tried to convince investigators her daughter was a “liar” and then she told her daughter, “Get the f*** over it and grow up.” She told her she was just as guilty as her deviant step dad because she let it happen.

Deviant step dad wound up in the big house for around 15 years and the protector of the deviant husband pleaded guilty to a misdemeanor charge of intimidating a witness and was sentenced to 180 days in jail.

They divorced three years later...*hmmm.*

Cabijale voluntarily relinquished her certifications.

NOT MOTHER OF THE YEAR AWARD

LEGAL STUFFS

IDAPA 110.02:

- a. A conviction of any misdemeanor
- b. Code of Ethics Violation
- c. Criminal conduct
- e. Harassment of intimidation
- f. Lying or falsifying official written or verbal communications
- l. Failure to respond truthfully to questions related to an investigation or legal proceeding.

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.

GRAND THEFT 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

IN THE NEWS

Idaho brand inspector and livestock employee arrested on grand theft charges (Updated: Tue 12:26 PM, Oct 04, 2016)

Justin W. Archer, 31 of Kimberly, and Georgina Zamora, 39 of Jerome, were taken into custody Monday morning and booked into the county jail, after allegedly making out the check with the "intent to appropriate to themselves certain property of another," according to the grand theft charge. Zamora was an employee of Producers while Archer was a state of Idaho Brand Inspector.

According to court documents, Zamora made out a \$6,571.92 check from the Producers Livestock Marketing Association company account payable to Archer. The check was then cashed by Archer on the same day. Archer and Zamora were charged with grand theft and conspiracy to commit grand theft, both felonies.

Court documents said an employee found a copy of the check made out to Archer on the fax machine. She asked Zamora about the check, and she replied the check was for the sale of cattle. The employee checked records and found no record of cattle sales. The employee then notified his manager and Archer's supervisor.

When confronted, Archer allegedly admitted to having Zamora write the check and then they split the money.

Police searched Archer and Zamora's cell phone messages for further evidence.

Automatic Decertification for a felony conviction of Grand Theft, plus 3 years fixed in prison, and 4 years indeterminate, supervised probation for 5 years and restitution. I ask, was it worth it?

IN THE NEWS X2

Evidence Disappears; Narcotics Officer Is Suspended

NOV. 19, 1987 (FROM TIMES STAFF WRITERS)

84 plastic bags of cocaine have been discovered missing from a Port Hueneme police evidence locker, and the department's sole undercover narcotics officer has been suspended without pay.

The Ventura County district attorney's office is reviewing all the cases the officer has been involved with this year and will likely decide next week whether charges are to be filed against him, a spokesman said.

It was not one of the finer weeks in John Jenks' career.

The 31-year-old Ojai native had twice been named Port Hueneme's Officer of the Year. Last year, he also served as president of the Ventura County Narcotics Officers Assn.

His colleagues were stunned as investigators pored through court records and conducted interviews about a man known to many as an exemplary officer.

"The shock is starting to wear off a little bit," said Port Hueneme Police Chief Bob Anderson. "It's the kind of thing we just don't want to believe."

Continued under Crack Macadamia...SEE PAGE 6

PROTECTING YOUR ASSETS



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

.02 Discretionary Decertification:

- b. A violation of the Council's Code of Ethics
- c. Criminal conduct
- f. Lying or falsifying written or verbal communications.

Relinquished his Certifications
and was under IRS audit owing
\$90,000.00

PROTECTING YOUR ASSETS ?

IA received an anonymous letter alleging Officer William "Bill" Hyder purchased a new pickup in Oregon and was driving it in Idaho without registering it. It was titled and registered in Oregon under his and his father-in-law's name, who lived in Oregon.

IA Investigator: Officer Hyder, Are you aware that a vehicle driven in the state of Idaho for more than 30 days needs to be registered here?

Officer Hyder: Why, no, I was not aware of that.

Hmm...seems odd that Hyder had written 9 such violations over the past few years (I.C. 49-401A- Failure to Register Vehicle.)

IA Investigator: How much have you driven the vehicle in Idaho?

Officer Hyder: I don't know for sure, but if I had to guess, it would have been about 8 months. "I very rarely drive it."

Hmm...on Hyder's tax return, Form 2106 page 2, he shows 15,210 miles driven that year, of which 5,210 were business miles.

IA Investigator: "Have you not registered it in Idaho due to trying to avoid paying Idaho State Tax?"

Officer Hyder: "The taxes have been paid on it."

Hmm...true. The Idaho Sales Tax receipt dated (that day) shows Hyder paid \$3,039.00, of which \$2,703.00 was for Idaho Sales Tax and \$336.00 was Penalty Interest for not paying the taxes at the time he purchased the vehicle.

IA Investigator: "So, did you put it in both your names to kind of try and protect the asset of the truck from the IRS?"

Officer Hyder: "You know ...my thought was that if for whatever reason that I had a judgment against me or whatever, that the full asset wouldn't be lost. My interest in that asset would be lost and it couldn't just be taken. You know, and that was my thinking on it. And....I was just trying to limit my exposure on it."

After a disciplinary board hearing, Hyder was terminated. Hyder grieved his termination and the hearing officer concluded in part:

1. That the action taken by Grievant herein constitute conduct unbecoming an officer.
2. That the actions taken by Grievant herein further constitute a violation of Idaho state law. It is acknowledged that the charges were never filed. Nonetheless, the actions of Grievant constitute a chargeable offense.
3. That throughout the process, Grievant continued to deny or restate prior positions. As a result thereof, Grievant's theory in this matter is untenable.
4. That the conclusions of ...the disciplinary board were proper and sustainable, and that the testimony presented by the Grievant was less than credible.
5. ...the Grievant has exhibited conduct unbecoming an officer and, violated [the Code of Ethics] which required him to maintain trust, harmony, efficiency and job effectiveness which would be in the best interests of the City...and the public.



...CRACK MACADAMIA

Continued from Page 4

Jenks's attorney, George C. Eskin of Ventura, acknowledged that Jenks has experienced "problems associated with drug abuse," which he is attempting to resolve with professional help.

"A narcotics undercover officer is required to live a life of deceit and deception and treachery and betrayal," said Eskin. "I think that creates incredible stress and pressure for a person who is basically honest.

"What we have with John Jenks is a real human tragedy. He was a very special person and that's what makes it especially tragic. He was a guy on the right side of the law, and he fell victim to drugs. It tells a lot about how insidious drugs can be--especially cocaine."

Drug Charges Dismissed

Eskin said he has received about three dozen telephone calls from prosecutors, defense attorneys, judges and law-enforcement officials "asking not only that I convey to him their good wishes and rapport, but volunteering to help him in any way they can."

Suspicion centered on Jenks after a Ventura Superior Court judge last week was forced to dismiss a variety of felony drug charges against a suspect for lack of evidence.

Jenks had checked the evidence at issue, 84 small bags of cocaine valued at about \$1,700, out of the Port Hueneme evidence locker Oct. 2, according to court documents.

Police obtained a warrant to search Jenks' house Nov. 11, where they found what they believed were ripped up evidence bags from the case and, in another location, some cocaine.

Braden McKinley, chief investigator on the case for the district attorney, said his office probably will decide next week whether to file charges against Jenks.

Jenks began his police career 12 years ago with the Ojai Police Department and joined the Port Hueneme Police Department in 1979. He was an undercover narcotics officer with the department for three years. He won the Officer of the Year honor twice "because he's extremely capable and very intelligent with regard to his functions," Anderson said.

"He was well-liked because he's awfully helpful to everybody else. If someone needed advice and instruction, he was always there."

HOW IN THE WORLD COULD THIS HAPPEN?

Jenks was the sole narcotics officer at the PD, he had unrestricted access to the evidence room. Curious as to what the draw was, he tried it and after the first time he smoked rock cocaine, he was addicted. He continued working as a narcotics officer, making arrests and seizing drugs. He exchanged the rocks for chunks of macadamia nuts on cases that were adjudicated.

The evidence tampering was discovered when a newly completed narcotics case was submitted to the lab for testing prior to trial. The suspected rock cocaine was determined to be a macadamia nut. A second and third case was submitted prior to trial and the results were the same, no rock cocaine, only nuts. All were Jenks' cases.

He was ultimately convicted of tampering with evidence, 5 years felony probation, and community service.

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 took 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 2 pages 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



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