



# Integrity Bulletin

Volume 12

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## IDAHO PEACE OFFICER STANDARDS AND TRAINING

### Special Points of Interest

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### Note From the POST Administrator

This is the first edition of the POST Integrity Bulletin since June 2008. We at POST are pleased to bring this important document to you, in the hope that more exposure to the ethical issues from within Idaho and throughout the nation will bring to light the need for a higher emphasis on preventing problem officers within the Idaho law enforcement and peace officer community. I trust the reinstatement of this bulletin will satisfy the need for more information and promote responsible, ethical discourse within your agency or department.



## “Teaching Honor”

I recently returned from nearly four years of training police officers in the Hashemite Kingdom of Jordan, a country in the Middle East and, perhaps, the best ally to the United States in the region. Jordan is an amazing country, with its roots documented thousands of years before the Christian world. The people of Jordan are extremely self-reliant, and their primary focus is on their family. The family, and the honor of the family, is the most important aspect of their culture. It is not something that was first born out of their Islamic foundation. It has been ever-lasting in the people, and has everything to do with their image among their peers, their neighbors, and the entire reputation they have in the world.

A Jordanian's family name is actually a tribal name, and the tribe can include thousands of people. For instance, Colonel Edwan Edwan, a Jordanian Police Commander, has an extended family of over 5,000 individuals. Many of his closest relatives are members of the Jordanian Public Security Directorate (Police) or other Jordanian security forces. Their honor, as a family, is extremely important. Keeping their word and standing up for what is correct is absolutely necessary. If one member of the family were to commit an immoral act or act of dishonesty, the entire family name would be disgraced. Honor is extremely important to the Jordanian culture. It is

what keeps their public security services among the best in the world.

*Mine honor is my life: both grow in one; take honor from me and my life is done.*

- Shakespeare.

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### Law Enforcement Code of Ethics

*As a Law Enforcement Officer, my fundamental duty is to serve mankind; 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 men to liberty, equality and justice.*

*I will keep my private life unimpaired as an example to all; 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 laws of the land 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.*

### Decertification Matters:

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The Jordanians cherish and pursue good education for their children. Educational grades, when report cards are announced, are major events in family affairs, and bring great prestige and happiness among other Jordanians. The elders in the family (fathers, mothers, grandfathers and grandmothers) are revered by their sons, daughters, grandsons and granddaughters. The families continuously teach their young to be respectful of others, of other's properties, and to do only what will bring good to their society. Fathers are with their sons whenever possible; mothers teach their daughters what is necessary to take care of the family. Families and extended families spend their weekends and holidays together, whenever possible. And for the most part, Jordanian life has little fear of harm or danger. The respect taught within the family, and the continuous family ties, make Jordanian livelihoods very comfortable within their economic conditions.

Yes, there are Jordanian jails and prisons; and, yes, they occasionally have a murder. But the crime rate in Jordan is extremely low compared to localities in the United States. Teaching "honor" from an early age and cultivating the family's respect within society, certainly has created a safe and, to me, a refreshing insight within the world.

How do you teach "honor" within your family? How much do you try to instill "honor" and "respect for others" amongst your brothers, sisters and peers? Do you have relatives and friends who constantly embarrass you; or family members who demonstrate criminal or disrespectful behavior? If the most important thing to the family was "the honor and respect of the family, could you make a difference in your children's lives and the community? What about your professional environment, would your department be better served if the "honor of the department" were the driving factor in the operational and management decisions undertaken by all your co-workers?

Teaching honor is normal to others in their culture; a somewhat difficult thing in American society today.



## Decertification Actions

### Incident #1

#### Lying

Specialized training was scheduled by a department for certain officers. One officer told his supervisor that he had a court appearance for the scheduled day of training, but he would advise his supervisor if the court appearance was changed so he could go to training.

The date of the court appearance was changed, but the officer failed to notify his supervisor and did not appear for the training.

A follow-up investigation determined that the officer had been notified regarding the change in court date several days before he claimed he learned of it. When interviewed during the internal affairs investigation, the officer claimed that a family emergency was the reason for him not attending the training. Subsequent investigation determined that this statement was false.

During the course of the investigation it was determined that the officer had lied at least 9 separate times in covering up why he did not attend the training.

Ultimately, the officer admitted his falsifications and signed a stipulation surrendering his certifications.

### Incident #2

#### Pornographic and Obscene Photographs and Videos on City-Owned Cell Phone and Computer

A Police Officer sent lewd and obscene photos and videos via the city-owned cell phone to women he had encountered while on duty. The officer admitted to the allegations during the internal investigation. Pornographic material was also found on his city-owned computer during the IA investigation. During the course of the decertification investigation, the former officer signed a stipulation surrendering his certification.

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## From Other States' Courts

### **Criminal Liability - California**

Former California Highway Patrol officer, convicted of dismissing a speeding ticket in exchange for sex, is sentenced to two years in state prison. *Peo. v. Abram Anthony Carabajal*, #SCN259352, Super. Ct. San Diego Co. (2010).

### **Assault & Battery: Taser—Utah**

Police responded to a call from a woman's husband, reporting that she had stormed out of the house after a domestic dispute, having tried to put him in a closet, and had taken a kitchen knife with her. She was later observed walking back towards the home, and did not appear to be holding the knife. One of the officers tried to approach her, but she veered off the walkway towards the front door, walking quickly, but not running. The officer discharged his Taser into her back without warning when her feet were on the front steps of her home. She went rigid, spun around, and struck her head on the concrete steps, suffering a traumatic brain injury.

While Tasers may not constitute deadly force, the Eleventh Circuit Court of Appeals noted, their use clearly "seizes" a suspect in an abrupt and violent manner. The officer was not entitled to qualified immunity for using the Taser against the woman who allegedly did not pose an immediate threat to the officer or anyone else. The appeals court held a reasonable jury could conclude that, at the time the officer used the Taser, the plaintiff was not "fleeing," but only quickly walking to her own home, where the officer could easily arrest her if he wanted to. [Cavanaugh v. Woods Cross City](#), #10-4017, 2010 U.S. App. Lexis 2290 (10th Cir.).

### **Disciplinary Searches—Nebraska**

Rejecting a wrongful termination claim, the Eighth Circuit Court of Appeals finds it "is not unreasonable to search on a random basis" employees' vehicles parked outside a correctional institution if it can be shown that inmates have unsupervised access to those vehicles. "Randomly searching such a lot may be an efficient means of preventing the smuggling of contraband." The fact that visitors who park in the lot are not subjected to random searches is not a violation of the Equal Protection Clause. [True v. Nebraska Dept. of Corr.](#), #09-1788, 612 F.3d 676, 2010 U.S. App. Lexis 14007 8th Cir.).



### **Incident #3 False drug sample during random drug test**

A Deputy submitted a false urine sample in connection with a random drug screening test conducted under the Sheriff's Department drug policies. During a review of the incident, the deputy admitted purchasing the urine sample on the internet, knowing he would flunk the drug test if he submitted his own urine. The Deputy admitted he had smoked marijuana two days prior to the drug test. The deputy refused to submit to another drug test and resigned his position with the Department. The deputy voluntarily signed a stipulation surrendering his certification.

### **Incident #4 Sexual Contact with Inmate & Lying During I.A. Investigation**

A Deputy was alleged to have had sexual contact with a female inmate, while in custody. The I.A. investigation did not sustain the allegations. However, the deputy was found to have answered untruthfully during I.A.'s questioning about the allegations. The deputy was terminated from employment. During the course of the decertification investigation, the former deputy admitted he had lied during the internal investigation and agreed to sign a stipulation for decertification.

### **Incident #5 Improperly Accessing NCIC/ILETS, Insubordination, and Conduct Unbecoming**

An officer under investigation for felony injury to a child; the charge was later dismissed. During the internal investigation, the officer was also found to have improperly accessed NCIC/ILETS system in connection with an ex-boyfriend of the officers girlfriend. The department ordered the officer to take a polygraph examination, at which time the officer refused and was terminated for insubordination and conduct unbecoming. During the decertification investigation, the officer voluntarily agreed to sign a stipulation forfeiting his POST certification.

*What would it take to persuade you to abandon your values?*

### **Cyber-Vetting: Brady and Giglio: Focus from the 2010 IACP Conference**

The 2010 IACP Conference was loaded with legal and policy presentations on cyber-vetting of officers, pre and post-employment. Cyber-vetting is a hot issue, and it involves: (1) applicants and officers involved in social networking containing inappropriate content or writings demonstrating the private character of the officer; (2) officers' feelings about the department or individuals within the department; or (3) displaying pictures and reports of police activities. The emphasis here is educating police administrators about making cyber-policy, and teaching the policy and legal ramifications to their subordinates. Defense attorneys are requesting information and issuing subpoenas for officers' personal social-networking files, and the files are being used against officers as evidence to discredit officer testimony before the court. Beware, an officer's private and professional life is in jeopardy if their cyber-life reflects unprofessional content, or content that reflects negatively upon the department or its operations. Departments without a social-networking policy should review the IACP model policy and guidance on this very important issue.

**Utah** decertifies an officer after clearing allegations of sexual misconduct, but the officer lied to I.A. investigators after administrative warning given. Officer signed consent for decertification.

**Arizona** Deputy went to a bar to arrest the bartender for violating a protection order. The subject refused to accompany the deputy outside, stating there was no one present to watch the bar. He offered to stop by the Marshal's Office in an hour when the owner showed up to the bar. Deputy ordered the subject to step outside, and again he refused. The Deputy removed his Taser and, after additional refusals by the bartender to obey his order, tased the bartender, striking the him center mass. The Taser failed to have the desired effect and the subject removed one of the barbs; later he complained of chest pains. Deputy was found guilty of assault; the conviction was upheld on appeal. Az. POST Board adopted a Consent Agreement that provided for a 6 month retroactive suspension for the commission of an offense involving physical violence.

### **Incident #6 Inappropriate Use of Computer During Work**

This officer worked in the private security field and was doing well in this career. Learning of a vacancy in a law enforcement agency he was hired as a reserve officer and eventually as a full-time officer. Not long after beginning that job, he left for another position as a detention officer with a different department. While on duty and during the middle of the night, the officer began to visit on-line dating sites on department computers. The officer left the department of another agency.

The officer's employing agency, where the officer worked when watching pornography, recommended his decertification. During the course of the POST investigation, the officer accepted responsibility for his actions and signed a stipulation for his decertification.

### **Incident #7 False Reporting of Use of Force Incident to Internal Affairs**

Officer lied in an official report and during a criminal investigation. Both the report and investigation involved an incident where a jail inmate was sprayed with OC "pepper spray" to control the inmate. The officer was the shift supervisor at the jail. After the incident, the State Attorney General's Office conducted an investigation, and declined to prosecute after finding insufficient evidence to prove criminal charges of excessive force beyond a reasonable doubt. The department terminated the officer for policy violations in connection with the deployment of the Pepperball gun and for giving false information during the internal investigation. A review of the Attorney General's investigation showed the officer provided false information to the circumstances surrounding his decision to deploy pepper spray to contain the inmate. The video tape from the from the holding cell camera directly contradicted the officer's assertions that the inmate was a threat. During the course of the POST investigation, the officer accepted responsibility for his conduct and signed a stipulation for his decertification.



## *Training Ethics To Our Basic Recruits*

POST staff is currently reviewing lesson plan materials involving character and ethics principles in each of our academy programs. There is an emphasis on strengthening the knowledge and practice on the fundamental conduct attributes that all peace officers must display in their careers. Beginning with the opening day introductions, recruits are being advised that everything they do in the Academy is being evaluated, and that their performance and non-performance will be documented and reported back to their agency representatives. The POST Division Administrator stresses the importance of truthfulness and teamwork to be successful in the academy and future professional challenges. The ethics curriculum is being enhanced to ensure that not only the basics are being taught, but that concepts of decertification and internal review are known to officers before they leave the learning environment. Reports shall document completion of ethical concepts during practical exercises. These efforts in ethical training are taken with the hope to dissuade errant behavior, leading to decertification.

## *Proposed Decertification Amendments Addressed By Idaho's POST Council, October 7, 2010*

**Below are only the amended sections/subsections to IDAPA 11.11.01 on decertification authority to be proposed during the 2012 Idaho Legislature for passage. For the full text of the proposed rules go to the POST web site under the Administrative Rules Section.**

**031.03. Decertification Investigations.** The POST Division Administrator shall report to the Council on a regular basis regarding all decertification proceedings.

### **091. INTRODUCTION.**

#### **03. Decertification – Mandatory, Discretionary, Reporting, Eligibility.**

**c.** Any officer charged with a felony or misdemeanor shall notify his agency head within five (5) business days.

**d.** The agency head of an officer charged with a felony or misdemeanor shall notify the POST Division Administrator within fourteen (14) days of learning of the charge.

**e.** Any officer decertified by the Council shall not be eligible for POST certification of any kind for ten years following the date of decertification. An agency head intending to hire an officer who has been decertified shall request a waiver from the POST Council. No decertified officer shall exercise any law enforcement authority until recertified by the POST Council. Any officer who is the subject of a POST decertification investigation shall not be eligible for POST certification of any kind while under investigation.

**04. POST Council's Code of Ethics, Additional Cause for Decertification.** The Council may also decertify any officer who engages in any of the following conduct which shall be considered a violation of the Council's code of ethics:

**a.** Engage in criminal conduct whether charged or not.

**b.** Consumption of alcoholic beverages on duty except as necessary for the lawful performance of duties.

**c.** Illegal or unlawful harassment or intimidation of another.

**d.** Lying or falsifying official written or verbal communications.

**e.** Engaging in inappropriate sexual conduct while on duty.

**f.** Engaging in 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.

**g.** Unlawful or excessive use of force.

**h.** Acts of corruption or bribery.

**i.** Engaging in conduct, other than protected speech, which damages, discredits, or brings into disrepute the integrity of the officer, his agency, or the law enforcement profession.

**j.** Unauthorized use or unlawful conversion of the property, equipment, or funds of his agency.

**k.** Intentional and unauthorized disclosure of confidential information or information that may compromise an official investigation.

**l.** Failure to report being charged with a felony or misdemeanor within five (5) business days.

**m.** Refusal to respond or failure to respond truthfully to questions asked in relation to an investigation.



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## Michael Josephson Commentary

### 691.5

#### Avoiding and Resisting Temptations

When my daughter Samara was four, I showed her a delicate glass vase and told her it was my mother's, and I instructed her to "never, never touch it." Without hesitation she said, "Then you should never, never put it where I can reach it."

Her remark reminded me of an Oscar Wilde quote: "I can resist anything but temptation." Samara understood the power of the temptation and shifted the responsibility to me. If I wanted the vase safe, keep it out of her path.

Unfortunately, we can't always count on others to protect us from our weaker selves. In fact, lots of people will find advantage or comfort if we give in to temptation.

One way to protect ourselves is to build our moral willpower, the strength to overcome temptation, however strong. We do this by practice. As Emerson said, "We gain the strength of the temptation we resist."

Another is to consciously avoid tempting situations. As Mark Twain said, "It's easier to stay out than to get out."

Even people of strong character can succumb to temptation at weak moments. So it's reckless and arrogant to knowingly subject ourselves to avoidable seductive forces.

They say temptation usually comes in through a door that's been deliberately left open, so beware of the tendency to unconsciously invite temptations.

If you're on a diet, don't let them bring out the dessert tray. If you're on a tight budget, don't window-shop for things you can't afford, and leave your credit card at home. And if you're committed to celibacy or fidelity, don't get near situations where your resolve could be tested.

This is Michael Josephson reminding you that character counts.

*(Proposed Decertification Amendments, Continued from Page 5)*

#### 092. DUE PROCESS PROCEDURES.

**01. Overview.** The POST Division Administrator shall oversee and conduct investigations into all trustworthy allegations or information received pertaining to officer conduct which could be a cause for decertification as set forth in these rules. Based upon the results of the investigation in each case, the Division Administrator shall make a determination whether decertification proceedings shall be commenced. The due process procedures set forth in these rules shall apply to all decertification proceedings once they are commenced.

#### 02. Investigations.

**a.** The officer may be interviewed during the investigation. The officer shall receive an administrative warning requiring the officer to respond to questions, to answer such questions truthfully, and to acknowledge his understanding that no statements provided shall be used in criminal proceedings, as based on *Garrity v. New Jersey* 385 U.S. 493 (1967).

**b.** Refusal to respond or failure to respond truthfully to questions asked in relation to an investigation under this section may be cause for decertification.

**03. Due Process Procedures — Summary Decertification.** If the POST Division Administrator determines that the allegations of conduct by the officer constitute cause for decertification and create a situation involving an immediate danger to the public health, safety, or welfare, he shall issue an order of decertification, including a brief, reasoned statement to justify both that the immediate danger exists and the decision to summarily decertify

**a.** The order shall include findings of fact and conclusions of law and shall be effective when issued.

**b.** The officer and his agency head shall be provided written notice of the order.

**i.** The notice of the order shall advise the officer of his right to respond to the order and present the POST Division Administrator, in writing or in person, with any reasons why the action should not have been taken. The order shall specify a deadline for such response.

**ii.** The notice shall inform the officer of his right to be represented by a person of the officer's own choosing during the opportunity

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*"It takes less time to do a thing right, than it does to explain why you did it wrong."*

- Henry Wadsworth Longfellow

*(Proposed Decertification Amendments, Continued from Page 6)*

iii. The deadline for the opportunity to respond shall not occur sooner than fourteen (14) days after the notice is given.

c. The decision of the POST Division Administrator shall become final if the officer fails to respond within the time allowed or if a response has been waived in writing by the officer, whichever occurs first.

d. If the officer responds, the POST Division Administrator shall review and consider such response and shall, within fourteen (14) days of receiving the response, make a decision and give notice of the decision to the officer.

e. The agency record need not constitute the exclusive basis for agency action in a summary proceeding or for judicial review thereof.

**04. Non-Summary Decertification.** If the POST Division Administrator determines that the allegations of conduct by the officer do not create a situation involving an immediate danger to the public health, safety, or welfare, the officer shall be provided notice and an opportunity to respond before a decision is made to decertify.

a. The POST Division Administrator shall provide the officer with a notice of the intent to decertify, which shall state the basis or reason for the contemplated decertification and an explanation of the evidence supporting the intended action.

b. The officer shall be given the opportunity to respond to the notice and present the POST Division Administrator, in writing or in person, any reasons why the intended action should not be taken. The notice shall inform the officer of his right to be represented by a person of the officer's own choosing during the opportunity to respond. The deadline for the opportunity to respond shall not occur sooner than fourteen (14) days after the notice is given. After the officer has responded, or after the period to respond has expired or has been waived in writing by the officer, whichever occurs first, the POST Division Administrator shall, within twenty-eight (28) days, make a decision on the decertification of the officer and give notice of the decision and the reasons therefore to the officer.

**05. Final Decision.** The decision or action of the POST Division Administrator shall be final and conclusive unless the officer files with the POST Council a request for a hearing on the decision within fourteen (14) days after the date of the POST Division Administrator's decision. The request for hearing shall specifically cite the alleged errors of fact or law made by the POST Division Administrator.

**06. Due Process Procedure - Hearing.** Upon receipt of a request for hearing, the POST Council shall assign the matter to a hearing board or officer for hearing. If after the hearing the hearing board or officer determines that proper cause for decertification did not in fact exist under Subsection 091.03 or 091.04 of these rules, or that proper procedures were not followed in reaching the decision, the hearing board or officer shall order the reinstatement of the officer's certification, or may remand the case to the POST Division Administrator for further proceedings.

**a. Hearing.** Process and procedure for the hearing before the hearing board or officer shall be as summary and simple as reasonably may be.

i. The hearing board or officer appointed by the POST Council shall have the power to subpoena witnesses, administer oaths, and examine such of the records of the parties as relate to the questions in dispute.

ii. The officer shall have the right to be represented at the hearing by a person of the officer's own choosing.

iii. Prior to submitting testimonial evidence, the officer shall receive an administrative warning requiring the officer to respond to questions, to answer such questions or provide testimony truthfully, and to acknowledge his understanding that no statements provided shall be used in criminal proceedings, as based on *Garrity v. New Jersey* 385 U.S. 493 (1967).

iv. A verbatim record of the proceedings at hearing before the hearing board or officer shall be recorded at the POST Council's expense. The verbatim record shall be the official record of the proceedings.

v. Any party to the action may, at its expense, request that a transcript of the proceedings be prepared or that additional recordings be made of the proceedings. Such a request shall be approved if the making of the additional recording does not cause distraction or disruption of the hearing.

vi. The hearing board or officer to whom the matter has been assigned shall make such inquiry and investigations as shall be deemed necessary.

vii. The hearings shall be held at the principle office of the Idaho Division of the Peace Officer Standards and Training in Ada County or in such place as the hearing board or officer may designate.



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(Proposed Decertification Amendments, Continued from Page 7)

viii. The district court, in and for the county of Ada, shall have the power to enforce by proper proceedings the attendance and testimony of witnesses and production and examination of books, papers, and records.

**b. Decision.** The decision of the hearing board or officer, consisting of such findings of fact, conclusions of law, and orders as are necessary, together with the record of the proceedings, shall be filed with the POST Council. A copy of the hearing board or officer's decision shall be immediately sent to the parties by United States mail. The decision of the hearing board or officer shall be final and conclusive between the parties, unless a petition for review by the full POST Council is filed with the Council within twenty-eight (28) days. The petition for review shall specifically cite the alleged errors of fact or law made by the hearing board or officer. Where the decision and order of the hearing board or officer directed the reinstatement of the officer's certification, the certification shall be reinstated by the POST Division Administrator upon the expiration of the time for filing a petition for review.

**07. Due Process Procedure – Review by POST Council.** If a petition for review is filed, the POST Council shall review the record of the proceedings before the hearing board or officer, briefs submitted in accordance with any briefing schedule it orders, and any transcripts submitted of the hearing. The Council may grant the parties the opportunity to present oral argument, but need not do so. The officer may be represented by a person of the officer's own choosing during the review process. The Council may affirm, reverse, or modify the decision of the hearing board or officer, or may remand the matter. A decision of the POST Council shall be final and conclusive between the parties. The POST Council's decision may be appealed to district court by filing a notice of appeal within twenty-eight (28) days of the filing of the decision.

## Recent Articles Advocating Law Enforcement Professionalism

**"The Untruthful Employee: Is Termination the Only Response?,"** *The Police Chief* 77 (August 2010): 114-120, <http://www.nxtbook.com/nxtbooks/naylor/CPIM0810/index.php#/114-120>. Ronal Serpas, Superintendent, New Orleans, Louisiana, Police Department; and Michael Hagar, Captain, Metropolitan Nashville, Tennessee, Police Department,

**"Taser Use and the Use-of-Force Continuum: Examining the Effect of Policy Change,"** Michael E. Miller, *The Police Chief* 77 (September 2010): 72-76, <http://www.nxtbook.com/nxtbooks/naylor/CPIM0910/index.php#/72>.

## Summary of POST Council Actions Peace Officer Decertification and Certification Waiver Hearings June 2010 through September 2010

1. Deputy, stipulation for decertification; allegations of lying and giving false information during an internal investigation into the use of a pepperball gun on an inmate.
2. Detention officer, stipulation for decertification; lied on police report.
3. Probation and Parole Officer, stipulation for decertification; inappropriate sexual-related conduct in violation of the Law Enforcement Code of Ethics.
4. Sheriff, stipulation for decertification; defrauding county, attempted misuse of public funds.
5. Detention Officer, stipulation for decertification; inappropriate sexual relationship with subordinate employee, lying during polygraph.
6. Juvenile Probation Officer, stipulation for decertification; illegal possession of a controlled substance (oxycodone), felony conviction.
7. Law Enforcement Officer, stipulation for decertification; inappropriate sexual conduct on-duty, lying during questioning by supervisor.
8. Patrol Deputy, stipulation for decertification; inappropriate sexual relations, lying during internal investigation and pre-polygraph interview.
9. Detention Officer, stipulation for decertification; charged with domestic battery and malicious injury to property, plead to disturbing the peace; second arrest for domestic battery –later dismissed; criminal conduct violation.
10. Patrol Officer, stipulation for decertification; sexual misconduct and harassment.
11. Juvenile Probation Officer, stipulation for decertification; lying to police during accident investigation and alcohol-related altercation at local bar.
12. Patrol Deputy, stipulation for decertification; lied during investigation into stolen property, lied about locating property, illegally converted property of another to officer's own property, lying during criminal investigation interview, perjury regarding knowledge of cold case homicide.
13. Conservation Officer, stipulation for decertification; conviction, Sexual Battery of a Minor Child.



(Summary of POST Council Actions, Continued from Page 8)

14. Patrol Deputy, stipulation for decertification; filing of false worker's compensation claims, guilty plea, two misdemeanor counts of Insurance Fraud.
15. Patrol Officer, stipulation for decertification; using city issued phone to send lewd and obscene photos and videos to females encountered while on duty; pornography on official computer.
16. Detention Deputy, stipulation for decertification; false urine sample during random drug screening, use of marijuana.
17. Detention Deputy, stipulation for decertification; excessive force used during escort of handcuffed prisoner.
18. Detention Deputy, stipulation for decertification; providing confidential information to suspects that interfered with police criminal investigation.
19. Patrol Deputy, stipulation for decertification; battery of child.
20. Patrol Officer, stipulation for decertification; charged with Felony Sexual Battery, Alford Plea to misdemeanor Unlawful Touching.
21. Juvenile Detention Officer, stipulation for decertification; on-duty inappropriate sexual conversations with inmates and sexual activity with co-workers.
22. Detention Deputy, stipulation for decertification; inappropriate interaction with female inmate;
23. Patrol Officer, stipulation for decertification; inappropriate sexual relationship with classmate in Academy, dismissed from academy, lied during investigation.
24. Patrol Deputy, stipulation for decertification; DUI/Hit and Run incidents and felony conviction for Aggravated DUI during decertification investigation.
25. Patrol Officer, stipulation for decertification; felony conviction for Sexual Abuse of a Minor under Sixteen.
26. Patrol Officer, Order of Default; Code of Ethics violation, uncharged criminal misconduct.
27. Juvenile Detention Officer, Order of Default; conviction for DUI, threatening conduct towards family member, later conviction of Disturbing the Peace, Code of Conduct and Code of Ethics violations.
28. Patrol Officer, Order of Default; alleged abuse of prescription drugs and timesheet fraud.
29. Patrol Officer, Order of Default; Code of Conduct and Code of Ethics related to polygraph examinations.
30. FCorrections Officer, Order of Default; DUI and Driving Without Privileges, Driving on Suspension, Code of Conduct and Code of Ethics violations.
31. Detention Deputy, Order of Default; violation of sexual harassment policy and lying during internal investigation.
32. Correctional Officer Certification Waiver Appeal Hearing, Non-Disclosed Criminal History during application process, denied of corrections officer certification.

## Vision & Values: Trends In Background Investigations

It is often said, that law enforcement's best effort to prevent police misconduct comes from the quality of the employment background investigation; and that past practices are the best predictor of future behavior. These phrases are not just parables of fables or wives' tales. These are historical and demonstrable facts, which play as true today, as they have in the past.

Your department's vision and core values set a standard for conduct by the employees within your department. How firm management holds true to its vision and core values, says a lot about the standards of the department, the ethical perception the department communicates to the public, and the responsibility the officers demonstrate towards the department's image.

POST Council represents all law enforcement agencies and officers in Idaho. Its statutory mandate requires POST to set professional employment and training standards. POST's vision and core values are established to guide all POST-certified officers and programs in their daily responsibilities. The POST vision: "[t]o ensure that Idaho law enforcement professionals model the highest level of integrity and service through excellence in standards and training", and the POST core values

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## INTEGRITY BULLETIN

### A PUBLICATION OF POST'S OFFICE OF PROFESSIONAL RESPONSIBILITY

Idaho Peace Officer Standards and Training  
700 South Stratford Drive  
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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 30 days.

—IDAPA 11, Title 11, Chapter 01

### **POST's Office of Professional Responsibility**

The Office of Professional Responsibility (OPR) is one of three bureaus within the Idaho POST. OPR is staffed by OPR Manager Mike Dillon, former FBI Supervisory Special Agent, and ten contract investigators from throughout the State of Idaho. All of the investigators are former law enforcement officials and include: retired FBI and DEA agents, Idaho POST staff, and former Idaho city, county and state law enforcement officials. 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.

*"No man is above the law and no man is below it. Nor do we ask any man's permission when we require him to obey it. Obedience to the law is demanded as a right, not asked as a favor.*

*Law enforcement must insist that any violation of the law be properly and impartially investigated without apology to anyone, regardless of who or what may be involved."*

*- Theodore Roosevelt*



*(Background Investigations—Continued from Page 9)*

values of customer service, integrity, ethical conduct, collaboration and innovation; are ideals we all should strive to achieve.

Public expectations include, that we hire and train those with the highest level of character possible. An agency's core values are reflected through their employment/training application background checks. Lowering that expectation, directly reflects upon the base-line level of an agency's value system. Accepting individuals with soured backgrounds, becomes the agency standard of commitment towards POST's certification mandates. Applicants with a history demonstrating above-average ethical attributes, enhances public trust and is evidence they can survive the moral challenges of law enforcement. However, we must remain vigilant, and reinforce our fellow officers' ethical pillars through moral guidance and training. Good background investigations are key in maintaining our value systems.

## **Actions To Strengthen The POST Application Process**

POST has been inundated with reviewing incomplete training applications from many sources, including agencies, Vo-Tech students and pre-employment applicants. The effort to obtain missing information causes POST staff to expend many additional hours of work, and has led to an unusual number of denial actions and waiver hearings. The number of incomplete applications, tends to demonstrate a lack of attention in background investigations and reviewing applications prior their submission to POST. The POST Council has directed POST staff to take action to better educate training institutions and agency administrators on this growing problem. To combat this rising phenomena, POST has added introductory and admonishment language to the academy and certification process. The language states the following:

*"Under Idaho law, in accordance with Sections 18-3201, 18-3202 and 18-3203 of the Idaho Code, it is a crime for any public officer, law enforcement officer or person to falsify an official governmental or public record, or provide any false or forged instrument to be filed, registered or recorded in any public office within the state.*

*I have read the above statement, and I understand that falsifying required information, by commission or omission, will be grounds for disqualification from the training programs regulated by the Idaho Council on Peace Officer Standards and Training and certification as an officer in the State of Idaho, and may be grounds for the filing of criminal charges against me."*