



# Integrity Bulletin

Volume 15

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## IDAHO PEACE OFFICER STANDARDS AND TRAINING

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### Note From the POST Administrator

This 2012 edition of the POST Integrity Bulletin will focus on the reason that truthfulness is an essential function in the character of law enforcement officers, and background investigation issues facing the POST Council. We have done our research to assist Idaho's law enforcement agencies and officers, alike, in acquiring additional knowledge of professionalism. We hope the information herein will bring attention on our abilities to deter official misconduct; improve public perception of Idaho's law enforcement, correctional, probation, and juvenile officers; and promote responsible, ethical discourse within your agency or department.



### *“The Need For Truth:*

### *Behind Brady & Giglio”*

It is without doubt, the most important characteristics that a law enforcement officer can possess are truthfulness and honesty. Identifying truthfulness and honesty are a key purpose; searched for within the law enforcement employment application process, and pursued for during the background investigation. From the first day of academy training, officers learn that truth and honesty are required in the criminal justice profession, and that failure to live up to these essential characteristics is career-ending.

The Idaho Peace Officer Standards and Training (POST) Council's Code of Ethics is rife with emphasis on these essential themes, such as: “honest in thought and deed in both my personal and professional life”; “to protect the innocent against deception”; and 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”; “respect the Constitutional rights of all to liberty, equality and justice”; all statements that set forth fundamental ethical lines of expected officer conduct.

The 1963 U.S. Supreme Court case *Brady v. Maryland*, 373 U.S. 83, gave law enforcement the seminal deterrent and emphasis for employing truthful officers. Its 1972 progeny, *Giglio v. United States*, 450 U.S. 150, expanded *Brady* to require prosecutors to provide information to the defense counsel which could tend to impeach a witness; including information about the credibility and veracity of the

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## The Need For Truth, (Continued from page 1)

testimony of law enforcement officers. As such, under *Giglio*, an officer with a past of falsifying reports or other conduct impacting truthfulness, requires the prosecutor to reveal such information to defense counsel.

When POST receives applications for training or certification, we occasionally find omissions or falsifications of past criminal conduct, convictions, or unsuitable employment histories. These occur even though POST application forms clearly warn the applicant that failing to answer truthfully to required information could result in the filing of felony criminal charges and/or rejection of the application. When found, and if reasonable explanation is not provided, at the very least, the applicant will be taken before the POST Council Hearing Board for resolution, regardless of how minimal the omission appears. Omissions without reasonable justification lead to denial of application. This is because, when a falsification is determined, under *Brady* and *Giglio*, the officer's reputation for honesty and truthfulness become damaged and the ability to testify in the courts successfully, most certainly, will be jeopardized, thus tainting any criminal or civil prosecution for which they are testifying. It is POST's mission to insure that certified officers meet the minimum standards set forth for in the employment rules and Council's Code of Ethics.

## How POST Emphasizes Truth and Honesty

On the first day of the basic academy, POST staff stress the importance of truth and honesty. It is emphasized, that failing to live up to characteristics of truthfulness and honesty will become the quickest way to end a law enforcement career. Trainees are told that POST staff will not tolerate untruthfulness at the Academy. A trainee proven to display untruthfulness is removed from the training program.

During the basic academy Ethics class, the second day of the academy, instructors stress the concepts of professionalism and the Code of Ethics; and the trainees are held to those standards while attending the Academy and in performing their practical exercises. On the final instructional day of their academy training, the officers have a class explaining certification and decertification processes. Finally, academy trainees receive one final presentation about the importance of the Code of Ethics, integrity, and honor while participating in their graduation exercise. From graduation on, each officer makes their own decisions about living up to truthfulness and honesty in their personal or professional responsibilities.



## POST Investigations

It is one of the most disappointing realities of the POST decertification process, that more officers are terminated from employment or lose their POST certification(s) due to their lack of candor; and it occurs more often than any other failing of the Code of Ethics. It's sad when officers who make minor ethical errors come to find themselves before a POST decertification hearing because they could not admit their misconduct truthfully, but, otherwise, gave false responses to internal and/or POST investigators.

So why do officers find themselves in a position where they lie to investigators? Is it embarrassment; arrogance; the belief that no one can prove their lie(s); or a brash attitude about being held accountable for their actions?

Idaho has more than 5,700 certified officers and dispatchers. In the past year, POST Council has addressed approximately 11 waiver hearing board claims involving untruthfulness, of which 11 resulted in denial of POST training opportunities or certification. During the same period, POST filed approximately 54 decertification investigations; 19 involved false statements to department internal investigators or POST. 18 have been decertified, in part, for providing false information. The POST Council has 6 pending or new cases of involving allegations of untruthfulness.

It is our belief, that decertification investigations can be reduced by aggressive career-long ethics programs and enhanced supervision conducted within departments. We also believe, POST waiver hearings could be alleviated by more complete background investigations and personal interviews on the POST application information, conducted prior to their submission to POST for approval.

For our part, POST has tried to dissuade untruthfulness or dishonesty by providing stronger application attestation statements, and by publishing the Integrity Bulletins and sending them to our constituent agencies for distribution to their officers. In the near future, POST will begin broadcasting monthly ethics webinars to provide agencies with more facts and support for ethical behavior in our profession. POST's recent addition of the PATC "*Brady-Giglio*" webinar to our POST website, is an example of this effort. The webinar is free to employed Idaho officers.

## It's the Law!

Prosecutors must provide information to the defense counsel which could tend to impeach a witness, including information about the credibility and veracity of officers' testimony. Law enforcement agencies have the responsibility to ensure prosecutors are informed of an officer's past record of dishonesty in reports or conduct impacting truthfulness. In *Elkins v. Summit County* (Ohio 2009), an officer withholding exculpatory evidence was held liable under 42 USC §1983.

## IADLEST — Subcommittee Model Policy For Decertification

In 1991, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) established model standards for POST agencies to consider when establishing the statutory authority to decertify or revoke law enforcement officer certification. Since then, the publicity surrounding claims of misconduct by law enforcement officers has increased significantly, to the point where, on any given day, you can find news media stories about allegations, indictments, or convictions handed down against law enforcement officers by our local, state, or federal court systems. The growth in the number of states with decertification authority has grown from 6 states to 44 states. The interest in making sure that only responsible individuals are employed in law enforcement has never been greater.

IADLEST has consistently encouraged all states to adopt decertification authority, as a means to stop the prevalence of “bad cops” migrating from state to state in their quest to continue law enforcement employment. As part of the effort to support the initiative, IADLEST President Richard Clark appointed a subcommittee to develop model statutory language and administrative policy for the establishment of a decertification program. The subcommittee’s work is to follow IADLEST Model Minimum Standards (1.0.4, 2.0, and 6.0) as noted on Idaho POST’s website at: <http://www.post.idaho.gov/ProfessionalStandards/documents/IADLESTProvisions2.html>. The subcommittee is working to present its findings at the 2012 IADLEST Conference in Savannah, Georgia, on June 19, 2012.

It’s important to restate, the subcommittee is only to develop model language for states to consider for use as a template when developing their decertification statutes or rules. The members of the subcommittee are veterans of state decertification processes, and are recognized for their knowledge of misconduct or decertification law.

“Never be afraid to raise your voice for honesty and truth and compassion, against injustice and lying and greed. If people all over the world...would do this, it would change the earth.”

William Faulkner



## Decertification Actions

### Incident #1 Misuse of Government Property & False Information During Investigation

An internal agency investigation and POST decertification investigation found that a former Adult Misdemeanor Probation Officer engaged in work for an outside employer while on duty for the county justice services. In doing so, the officer misused the county’s computer system while performing outside employment and being paid by the county. The internal investigation found the officer to have been untruthful in responding to questions about engaging in outside employment during county work-time. The officer refused to admit wrong-doing, but did voluntarily sign a stipulation forfeiting POST certification.

### Incident #2 False Report and Untruthful Responses During Questioning

A police officer mishandled a domestic dispute where violence had been involved. The officer failed to make an arrest even though physical contact occurred in the event. The IA investigation confirmed the officer falsified his incident report by indicating no physical contact occurred between the parties; despite his previous statements to the police chief acknowledging there was physical contact between the parties. The officer voluntarily signed a stipulation forfeiting his certification.

### Incident #3 On-Duty Sexual Conduct

A Correction Officer (CO) engaged in physical sexual contact with a fellow CO while on-duty. The officer admitted to the conduct and provided a written statement to that effect. The officer signed a stipulation forfeiting his certification.

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## *Decertification Actions (Continued from Page 3)*

### **Incident #4 Improper Sexual Conduct with Informant**

A department IA investigation found a police officer had become involved in an improper sexual relationship with a known drug informant, and violated department policies on moral conduct and rule of law. A hearing sustained the allegations and recommended termination. During the POST decertification investigation, both the officer and informant confirmed the sexual relationship lasting several months, and that during the relationship the informant was an “active” drug informant. The officer voluntarily signed a stipulation forfeiting peace officer certification.

### **Incident #5 Unauthorized Activity and Lying to Supervisors**

A Detention Deputy took inmates to a campground for a work detail. He left two inmates unsupervised in a van with the ignition key, while he used a Search and Rescue vehicle to pull a third inmate on a sled. Department supervisors happened by the campground and observed the activity. The supervisors confronted the deputy, and he lied to them. An IA investigation confirmed the lies, and the deputy resigned prior to completion of the investigation. During the decertification investigation, the deputy admitted to the unauthorized activity and the false information provided to his supervisors. He subsequently voluntarily signed a stipulation forfeiting his peace officer certification.

### **Incident #6 Smuggling Contraband Into Correction Facility**

A Correction Officer on two occasions took contraband into the corrections facility. He was terminated by the employer. During the decertification legal process, he voluntarily signed a stipulation forfeiting his certification.



### **Incident #7 Sending Explicit Sexual E-Mail Across the Internet**

A police officer sent explicit sexual pictures by e-mail to a person he believed to be an under-aged female in another state. The e-mail was actually being sent to a 17-year old male. The male became a suspect to an extortion investigation. City Police in the other state initiated a search warrant on the computer where the officer’s e-mails had been received. The police officer was found to have been an extortion victim and had sent money to the suspect. The officer resigned employment prior to the opening of an IA investigation. He declined to be interviewed by POST investigators during the decertification investigation, and he voluntarily signed a stipulation forfeiting his peace officer certification.

*The IACP recently released a major report on the problem of law enforcement and sexual misconduct. See Page 8*

### **Incident #8 Obtaining Funds Illegally and False Information During IA Investigation**

A Detention Officer was receiving county payroll checks while on disability leave. He was receiving state compensation that was to be turned over to the county in lieu of the county salary he was receiving. He cashed the state compensation check for his own use. The deputy was working under a “last chance agreement” for prior misconduct at the time. During the decertification investigation, the deputy admitted he improperly cashed the state compensation check, and not paid the money back to the county. He also admitted to being dishonest during the county’s IA investigation. The deputy voluntarily signed a stipulation forfeiting his peace officer certification.

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## “Moral Turpitude” — Part II: Types of Conduct Defined



“Associate yourself with men of good quality if you esteem your own reputation; for ‘tis better to be alone than in bad company.”

— *George Washington*

Conduct or crimes which have been documented as meeting the “moral turpitude standard” through our nation’s courts or regulatory agencies include: intent to defraud; commission of a crime of fraud; serious crimes of assault (with intent to commit); burglary; larceny; possession of stolen property (with guilty knowledge); transporting stolen property (with guilty knowledge); robbery; kidnapping; false statements to gain property or credit; engaging in organized criminal activity; malicious trespass; crimes of arson; murder; mayhem; bribery; counterfeiting; fraud against government functions; false statements or falsifying government records; mail fraud; perjury or subornation of perjury; uttering a forged instrument/forged prescription; harboring a fugitive from justice (with guilty knowledge); making false statements in acquisition of a firearm; tax evasion (willful); smuggling merchandise; harboring a fugitive; breach of computer security; use of unlawful drugs; trafficking in unlawful drugs or narcotics; manufacturing or producing unlawful controlled substance; driving under the influence (aggravated) which includes knowledge that the driver is without a valid license; felony driving under the influence; firearms discharge at occupied building or vehicle; terroristic threats; abandonment of a minor child (if willful, resulting in the destitution of the child); bigamy; gross indecency; incest (if the result of an improper sexual relationship); loitering for lewd purposes; lewdness; contributing to the delinquency of a minor/sexual acts; and taking indecent liberties with a child. false identification or impersonation as a law enforcement or peace officer; false report to law enforcement employee or law enforcement/peace officer; coercion of a public servant or voter; making a false alarm or report; attempting to impede or obstruct the progress of justice; intentional use of excessive force; violations in the administration (training) examinations; testing positive for controlled substances; unprofessional relationships with inmates, detainees, probationers, parolees or community controllees, under conditions which include, in part, excessive use of force, misuse of official position, sexual harassment, false statements, and engaging in sex on-duty; false written statement or report; refusal to serve an arrest warrant; unlawful use of police badges or other indicia of authority;

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As presented in the December 2011 edition of the Integrity Bulletin, many our courts have broadly defined moral turpitude as “an evil act of baseness or depravity”. However there are many court decisions throughout the United States, defining specific conduct as constituting moral turpitude. “Moral turpitude” has also been defined within the rules and regulatory powers of several state and federal government regulatory agencies.

A prior conviction of a crime involving moral turpitude (or conduct involving moral turpitude without a conviction) is considered to have a bearing on the honesty of a witness and may be used for purposes of witness impeachment. Additionally, moral turpitude offenses have been the cause of action for denying or revoking a professional license such as a teaching credential, license to practice law, or other licensed professions for many years in the United States. So it should not be of any surprise that the term “moral turpitude” has been used by the POST Council to describing undesirable conduct for individuals entering Idaho’s law enforcement profession.

Our nation’s courts have a plethora of decisions on the topic of moral turpitude. Every federal circuit court and every state has written decisions to guide POST Council in the effort to comply with Idaho Supreme Court rulings; that vague terms used in hearings should be clearly defined, so that those under the authority of licensing bodies understand what may bring action against their ability to maintain their choice of profession.

It is POST Council’s responsibility to clearly delineate its cause of action standards (in this case for employment standards). Idaho’s law enforcement agency administrators, and candidates for employment with those agencies, must understand the conditions that may cause POST Council concern in maintaining public trust in the law enforcement profession.



**POST Council and administrators of the various Idaho law enforcement agencies will be provided the opportunity to consider the conduct that constitutes moral turpitude, and give their opinion about the definition of “moral turpitude” for Idaho’s law enforcement profession.**

## ***“Moral Turpitude” — Part II:*** **Types of Conduct Defined** *(Continued from page 5)*

witness tampering; intentionally making a false arrest; false report concerning use of force on an inmate; malicious battery on a prison inmate; accepting unauthorized compensation from an inmate; and trafficking in drugs or bartering with prisoners; unauthorized use or dissemination of Criminal History Record Information (CHRI) through NCIC Index Files; unauthorized use or dissemination of the ILETS safety and security information for personal use or gain.

The following also involves moral turpitude: an attempt to commit a crime deemed to involve moral turpitude; aiding and abetting in the commission of a crime deemed to involve moral turpitude; being an accessory (before or after the fact) in the commission of a crime deemed to involve moral turpitude; or taking part in a conspiracy (or attempting to take part in a conspiracy) to commit a crime involving moral turpitude.

While many acts that have been defined as moral turpitude, in our profession, it is for the POST Council to determine whether or not such conduct will be cause to deny an individual employment as a law enforcement officer or POST Council certification. Issues that might be considered as mitigating factors to the Council may include: the applicant's age at the time of the conduct; the length of time since the conduct occurred; criminal conviction; or other non-descript factors.

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

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**Oklahoma** Former detention officer Jerrod Lane pleaded guilty in federal court to assaulting an inmate and his subsequent attempts to cover up the assault. The officer pleaded guilty to use of excessive force, violating the civil rights of an inmate at the Muskogee Co. Jail, falsifying records and making false statements to the FBI. According to court documents, Lane, while working as a jailer, sprayed the victim inmate at the jail, with jail issued OC spray, while the victim was restrained in a restraint chair and not a physical threat to anyone. Lane deployed the OC spray to punish the victim. He then falsified two reports, his own report and that of another officer, to justify his wrongdoing and then lied to the FBI agents investigating the allegation.

**Alabama** Two former Alabama deputies, Fuller and Watford, were sentenced in federal court for their participation in the beating of a handcuffed man who had been taken into official custody. Both deputies were found guilty of willfully depriving the victim of his constitutional right to be free from the use of excessive force. Evidence presented during the proceedings established the deputies, while acting in their capacity as law enforcement officers, punched, kicked and slapped the victim, who was lying on the ground in handcuffs and offering no resistance. The victim suffered multiple lacerations, facial fractures and a ruptured eardrum, during the entirely unprovoked attack. Federal government representatives stated, “These convictions . . . demonstrate that the use of excessive force cannot be tolerated;. . . when police officers use excessive force to punish arrestees, they will be held accountable.” “As well intended as some officers may be, police activity must remain within constitutional bounds. . . Emotions cannot overcome good judgment. Zealousness cannot overcome good training. And brutality can never be a substitute for effective law enforcement . . . these sentences reaffirm our commitment to enforcing those standards on ourselves and the law enforcement community.”

**Florida** Two corrections officers were sentenced to prison for civil rights and obstruction charges stemming from prisoner abuse that took place at a South Florida state prison. Corrections Sergeant McQueen was sentenced to serve one year in prison, followed by one year of supervised release; Officer Dawkins will serve one month in prison, followed by six months of supervised release. McQueen was found guilty of conspiracy against civil rights and obstruction of justice for his involvement in, and attempts to cover up, prisoner abuse at the prison. Dawkins was convicted of obstruction of justice. According to evidence presented at trial, corrections officers physically abused inmates by choking, punching and striking them with wooden broom handles. Further, officers forced inmates to fight one another. Both officers falsified reports relating to these incidents. Government spokesmen stated, “Conduct by corrections officers who abuse their power and violate the civil rights of those in their custody will not be tolerated.” “The U.S. Attorney’s Office is committed to prosecuting civil rights violators, especially when they seek to hide behind color of law or official position.” “We are pleased with the sentence for McQueen and Dawkins because their actions affected more than those they physically abused, they undermined the public’s trust in law enforcement,” “Even though they participated in and attempted to cover up prisoner abuse . . . , they failed.



POST Patrol Academy Graduation, March 16, 2012  
Excerpts From The Honorable Grant Burgoyne  
House of Representatives, Idaho State Legislature

“ . . . In the end, our legacy is not great wealth or even high praise. Our legacy is what we did and did not do, even when no one was looking and when no one would ever know. To me, honesty is the highest virtue. The honest person can live with himself or herself. And even though it sometimes might not appear to be the case at the time, so can our families and the rest of world. Unfailing honesty is hard, but, as they say there is no gain without pain. The pressures to cut corners, look the other way, hide the truth, and bear false witness can be enormous. The truth can sour relationships and cost careers. But to lose the truth is to lose one’s self and all we hold dear. And a reputation for honesty can also inoculate you against false allegations—an occupational hazard in the law enforcement profession.

. . . Our constitution’s recognition of our God given rights and liberties, is a pact with ourselves not to be unfair and cruel with each other. Regrettably, crime forces us to investigate, charge, try, sentence and incarcerate others. When we do so, I believe that the way we treat the accused and the guilty is a definition of who we are, not who they are.

Our founders genuinely believed it better for the guilty to go free than for the innocent to be wrongly convicted. This belief has been attacked many times in our history, but it has endured and it remains very hard to obtain convictions.

Law enforcement officers, prosecutors, defense attorneys, judges, juries and parole boards have unique and important roles in the criminal justice system. You will apprehend, charge and incarcerate the accused and the convicted. When someone charged by you goes free, it is not a negative comment on your work. It is an affirmation that our liberties are safest when everyone does their job to assure that innocents are not convicted. Indeed, you yourselves will resist charging those you believe to be guilty when the evidence is too thin, and you will also choose not to charge crimes, in appropriate cases, when you know that doing so would not serve the ends of justice. . . .”



“ . . . a reputation for honesty can also inoculate you against false allegations . . .”



## POST Website:

**S**ince our December edition of the Integrity Bulletin, the POST website has included three new areas devoted to law enforcement ethics and professionalism.

In the **Professional Standards portal**, we have included: (1) a portal for the POST Basic Training Curriculum Committee on Ethics and Professionalism; (2) statistics regarding historical data about **all** of our decertification investigations and; (3) IDAPA rule amendments passed in the 2012 Idaho Legislature; and POST Council’s efforts to proceed with emergency rulemaking to the decertification cause of action and due process, in part, to correct the 2012 rulemaking process. Additionally, the POST website has included a PATC webinar “*Brady & Giglio: - Liability In Law Enforcement*” presented free of cost to all Idaho law enforcement officers. Soon, POST will open a new feature that will allow Idaho officers to share their recommendations for ethics training enhancements for officers in Idaho.

*These initiatives are made to generate better communications between POST and our Idaho law enforcement community.*



## POST's INSTRUCTOR CODE of CONDUCT and ETHICS

As a POST certified instructor, 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 recognize the privilege of maintaining POST instructor certification and/or being allowed to teach in POST certified training programs is a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the POST Council Code of Ethics and Instructor Code of Conduct and Ethics. In support and implementation of these duties, I hereby adopt and accept the following code of conduct:

I shall conduct myself at all times in a manner that does not damage or have the likely result of damaging or bringing the public image, integrity, or reputation of POST, POST Staff, fellow instructors or their instruction, or my agency or myself into discredit or disrepute, or of harming students' physical or mental well-being.

As a representative of law enforcement agencies or law enforcement related professions, I will conduct myself in a manner that will bring credit to the profession. My standards of behavior will reflect good taste, courtesy, consideration and respect for the rights and privileges of fellow instructors and of trainees, the Academy or other facilities throughout the State.

I understand that dishonesty, untruthfulness, profanity, promoting personal business interests, or discourtesy will not be tolerated. Any conduct detrimental to the conduct, efficiency, safety or discipline of the Academy or other facilities, whether or not specifically stated in the instructions, is prohibited and can be cause for disciplinary action up to and including revoking my instructor certification.

I will conduct classes to the best of my ability to prevent injury or unnecessary harm.

I will conduct classes in which my behavior is respectful of diversity and does not include horseplay or sexual harassment.

I will not give away specific test questions and their answers.

I will dress appropriately and to POST Standards which include: Classroom attire of a law enforcement uniform, or business dress, or POST issued shirts and nice slacks; and Field Training attire of POST issued shirts and nice slacks, along with appropriate weather and safety gear as applicable.

I will respect and ensure student respect and care of POST equipment and property as well as non-POST equipment and property used during the course of training and instruction.

I will model effective use of force in conversation and in interactions with students, with other instructors, and with POST Staff.

**Arkansas** A federal jury convicted an Arkansas police officer of one misdemeanor count of Deprivation of Rights under Color of Law. According to the evidence at trial, the officer, while in the police department lobby, choked an arrestee who was handcuffed behind his back. Two dispatchers physically removed the officer from the man he was choking. "This officer pledged to protect and serve, not to abuse and victimize those in his custody," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. The police department Director of Internal Affairs was also charged with three counts of witness tampering for his role in the same incident. The conviction carries a possible punishment of up to one year in prison and a fine of up to \$100,000.

### Articles/Books Advocating Law Enforcement Professionalism

**"Addressing Sexual Offenses and Misconduct by Law Enforcement,"** IACP Working Group, *International Association of Chiefs of Police*, 2011

**"Unleashing The Power of Unconditional Respect: Transforming Law Enforcement and Police Training,"** Jack Colwell and Charles Chip Huth, *CRC Press*.

**"The Meaning and Honor of Service,"** John J. Smietana, Jr., *FBI Bulletin*, February 2012, <http://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/february-2012/notable-speech>

**"Negotiated Justice? The Legal, Administrative, and Policy Implications of 'Pattern or Practice' Police Misconduct Reform,"** Josuha M. Chanan, *DOJ, Document No. 237957, March 2012*



Idaho Peace Officer Standards and Training  
700 South Stratford Drive  
Meridian, Idaho 83642  
Tel. (208) 884-7250, Fax (208) 884-7295

**INTEGRITY BULLETIN  
A PUBLICATION OF POST'S  
OFFICE OF PROFESSIONAL RESPONSIBILITY**

William L. Flink  
POST Division Administrator  
T. Michael Dillon  
Manager, Office of Professional Responsibility  
Tel. (208) 884-7324  
Fax (208) 884-7295  
mike.dillon@post.idaho.gov

*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 Division of Peace Officer Standards and Training. OPR is staffed by OPR Manager Mike Dillon, former FBI Supervisory Special Agent, and twelve contract investigators from throughout the State of Idaho. All of the investigators are former federal, state and 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.



## ***Decertification Actions***

*(Continued from Page 4)*

### **Incident #9 Contributing to Delinquency of Minor, Failure To Appear, and DUI**

A Deputy allowed under-aged females to consume alcohol in his residence, where one of the females was given a tattoo on her breast. The information came to light after the female's mother filed a complaint. Following a criminal investigation, a complaint was filed against the deputy and a summons issued to appear in court. The deputy failed to appear and a warrant was issued for his arrest. The arrest warrant was served on the deputy in connection with an arrest for DUI. During the decertification investigation, the deputy voluntarily signed a stipulation forfeiting his peace officer certification.

### **Incident #10 Sexual Misconduct with Wife/Victim of Domestic Violence Incident and Attempt To Mislead Polygrapher**

A Deputy engaged in a multi-week sexual relationship with the wife/victim of a domestic violence incident, during which the deputy arrested the husband. The deputy received gifts from the wife/victim, including \$600 in rent money, furniture, meals and a microwave oven while the domestic violence case was active. The deputy was suspended by his agency and admonished from having further contact with the wife/victim. The deputy contacted the wife/victim later that day and for the following nine days, during which they engaged in sexual relations. During polygraph examinations, the deputy admitted he knew continuing to have relations with the wife/victim was wrong, and further admitted he tried to mislead the polygraph examiner. The deputy was terminated from employment based on the deputy's aforementioned conduct, along with complaints about possession and use of controlled substances without a prescription, and inappropriate contact with an ex-girlfriend after he arrested her boyfriend for domestic violence. During the decertification investigation, the deputy voluntarily signed a stipulation forfeiting his peace officer certification.