

Integrity Bulletin

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Peace Officer Standards & Training

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POST Legislative Authority

Section 19-5107, Idaho Code

The Idaho Legislature formally established the POST Council for the purpose, among others, of establishing requirements for employment, retention, and training of law enforcement officers. This endeavor includes formulating standards of moral character and conduct, and other such matters as related to the competence, professionalism and reliability of law enforcement officers. Idaho Code also requires that when a peace officer resigns his/her employment or is terminated as a result of any disciplinary action, the employing law enforcement agency shall report the employment action to POST within 15 days.

Mission: To develop skilled law enforcement professionals who are committed to serving and protecting the people of Idaho.

Vision: To ensure that Idaho law enforcement professionals model the highest level of integrity and service through excellence in standards and training.

Decertification Process

The POST Council has the duty to decertify any certified Idaho peace, adult detention, corrections, reserve, or felony probation and parole officer; juvenile detention, corrections or probation officer; misdemeanor probation officer; or dispatcher who is convicted of any felony or offense that would be a felony if committed in the state of Idaho. The Council may also decertify any officer convicted of any misdemeanor or who falsifies or omits any material information to obtain certification status, or who violates any section of the POST Council's Code of Ethics/Standards of Conduct or any section of the POST



A Note from the POST Division Administrator

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The Integrity bulletin focuses on POST's continuing efforts to analyze acts of law enforcement officer misconduct that may warrant revocation of POST Certifications. We trust the information contained herein will bring heightened attention to the Idaho law enforcement community and will enhance its capacity to deter misconduct, improve public perception of Idaho's law enforcement officers and promote responsible, ethical discourse within Idaho law enforcement agencies.

- Victor McCraw

Council's Code of Ethics, Additional Cause for Decertification. Due Process procedures for decertification investigations, summary and non-summary decertification, hearings and reviews by the POST Council are provided in IDAPA Rule 11.11.01.092 entitled Due Process Procedures. The POST Council's Code of Ethics/Standards of Conduct are provided in IDAPA Rule 11.11.01.064 and the POST Council's Code of Ethics, Additional Cause for Decertification are provided in IDAPA Rule, 11.11.01.091.04.

OFFICE of PROFESSIONAL RESPONSIBLY

The Office of Professional Responsibility (OPR) is one of four divisions within the Idaho POST law enforcement academy. OPR is staffed by OPR Manager R. Daniel Smith and contract investigators located throughout the state. The contract investigators are retired and come from various federal, state and local law enforcement agencies. Under the direction of OPR Manager Smith, the investigators are assigned decertification investigations into allegations of misconduct and in this regard, are charged with completing thorough and competent investigations. It is the mainstay of POST's mission to maintain a lawful and ethical law enforcement profession for the people of Idaho.

DECERTIFICATION ACTIONS

The following narrative summaries of law enforcement misconduct and subsequent decertification investigation actions are taken from actual events that have occurred over the past several years. The identities of involved officers and agencies have been redacted to ensure applicable privacy rights are protected. These summaries are being provided in an effort to drive home the seriousness and the consequences of officer misconduct which may very well result in termination, resignation in lieu of termination and revocation of POST certification.

Incident #1		
<p>Dishonesty during Internal Affairs (IA) and Decertification Investigations, Solicitation of Hydrocodone Pain Medication from Subordinate Employees</p> <p>A ranking county sheriff's department detention deputy was alleged to have solicited Hydrocodone pain medication from other</p>	<p>subordinate detention deputies. An IA investigation was conducted into the allegations after which the deputy was found to have violated several sheriff's department policies including employee conduct, workplace conduct, prohibited workplace conduct and drug free workplace conduct. A decertification investigation was thereafter opened by POST and which confirmed the allegations.</p>	<p>During the course of the IA and decertification investigations, the deputy made false and contradictory statements. The deputy resigned during the IA investigation and the deputy's POST detention certification was subsequently revoked. The deputy's actions violated sections .02 and .04 of IDAPA RULE 11.11.01.064 and sections a. and k. of IDAPA Rule 11.11.01.091.04.</p>

Incident #2

Unauthorized Use of ILETS, Lack of Candor During Internal Inquiry

A city police officer was the subject of an internal inquiry into allegations that he had queried ILETS for other than official law enforcement purposes. During the inquiry, the officer was asked if he had improperly accessed ILETS for personal reasons to

which the officer admitted to doing so on one occasion when he attempted to locate a former girlfriend. However, during a subsequent audit of ILETS by his department, the officer was found to have accessed ILETS for personal reasons on several more occasions. The officer was allowed to resign. A decertification investigation was initiated by POST, and during a

decertification investigation interview, the officer admitted to improperly accessing ILETS for personal reasons and thereafter voluntarily signed a stipulation for decertification. The officer's POST certification was subsequently revoked. The officer's actions violated section .02 of IDAPA Rule 11.11.01.064 and sections a., d. and h. of IDAPA Rule 11.11.01.091.04.

Incident #3

Lying During IA Investigation,

Sex on Duty with a Citizen
A county sheriff's deputy became the subject of an IA investigation into allegations that he engaged in sexual activity with a female motorist he had previously encountered earlier that evening. During the IA investigation interview, the

deputy initially denied that he had any physical contact with the motorist. However, when confronted with an audio recording of the incident made by the motorist, the deputy recanted and admitted there had been some physical contact; that the motorist had engaged in manual to genital contact on him. The deputy was allowed to resign with a notation of "Immoral Conduct" in his

personnel file. A decertification investigation was opened during which the deputy voluntarily signed a stipulation for decertification. The officer's POST certification was subsequently revoked. The Officer's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and section e. of IDAPA Rule 11.11.01.091.04

Incident #4

Providing False Testimony While Under Oath

A city police officer became the subject of an IA investigation in connection with an allegation that, while under oath, he provided false

testimony during a preliminary hearing. The testimony related to a drug interdiction stop of a vehicle containing three individuals, one of whom was a Confidential Informant (CI) for the officer. During a preliminary hearing, the

officer provided sworn testimony regarding the arrest. While on the witness stand under cross examination, the officer was specifically asked if one of the occupants in the vehicle worked for officer as a confidential informant, to

which the officer falsely responded no. The officer went on to falsely testify that he had no prior contact with any of the occupants in the vehicle; and that he was less than candid when he testified as to the reasons why the vehicle was initially stopped. Upon becoming aware that the officer may have committed perjury during the preliminary hearing, an IA investigation was opened

after which the officer was found to have provided false testimony while under oath. The officer resigned in lieu of termination. A decertification investigation was initiated and upon its completion, confirmed the findings of the IA investigation. In addition to violating several county sheriff's office policies, the county prosecutor's office determined that the officer had lied while under oath

and that his office would have to disclose that information under Brady v Maryland to defense counsel in future criminal proceedings involving the officer. The officer's POST certifications were subsequently revoked. The officer's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.063 (11.11.01.064) and section k. of IDAPA Rule 11.11.01.091.04.

Incident #5

Reporting to Work While Intoxicated

A city police officer became the subject of an IA investigation into allegations that the officer reported to work a day shift while under the influence of alcohol. While participating in a morning briefing, fellow officers detected strong odors from the officer in question as well as observing lethargic and unusual behavior. At the conclusion of the

briefing, the officer was confronted by a superior officer with his suspicions that the officer may have been intoxicated. The officer voluntarily submitted to two alcohol breath tests which resulted in blood alcohol content (BAC) levels substantially over the BAC legal limit of .08. An IA investigation was initiated which focused on three issues, to wit: driving while under the influence of alcohol, reporting to work while under the influence of alcohol and

carrying a department issued firearm while under the influence of alcohol. Following the conclusion of the IA investigation, the officer was terminated. A decertification investigation was subsequently completed and which confirmed the IA investigation findings. The officer's POST certifications were revoked. The officer's actions violated section .02 of IDAPA Rule 11.11.01.064 and section a. of IDAPA Rule 11.11.01.091.04.

Incident #6

Unauthorized Release of Confidential Information

A county sheriff's detention deputy became the subject of internal inquiry into allegations the detention deputy had accessed the sheriff's office Spillman computerized records system and obtained information regarding an ongoing statutory rape investigation by another law enforcement agency. The detention deputy was

alleged to have released that information to a person who thereafter provided it to the suspect in the rape investigation. During an internal inquiry, the deputy admitted to the unauthorized access into the Spillman computerized records system and to inappropriately providing confidential information about the rape case to a person outside of law enforcement. The detention deputy was thereafter terminated. A decertification

investigation was opened and when contacted by a POST Special Investigator to schedule an interview, the detention deputy waived the decertification investigation and agreed to sign a stipulation for decertification. The detention deputy's POST certification was subsequently revoked. The detention deputy's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and sections a. and i. of IDAPA Rule 11.11.01.091.04.

Incident #7

Lying During an IA Investigation, Smuggling Contraband into a State Corrections Facility

A state corrections officer became the subject of an IA investigation into allegations that he had smuggled non-drug related contraband into a secure corrections facility and thereafter dispensed the contraband to inmates. The contraband

included soldering material, superglue and various food items. During the IA investigation interview, the officer adamantly denied doing so. However, as the IA interview progressed, the officer eventually admitted to smuggling in contraband and dispensing it to inmates. The officer was terminated. A decertification case was opened and when the officer was contacted by a POST Special investigator to

schedule an interview, the officer declined to be interviewed and later signed a stipulation for decertification. The officer's POST certification was subsequently revoked. The corrections officer's actions violated section .02 of IDAPA Rule 11.11.01.064 and sections a. and k. of IDAPA Rule 11.11.01.091.04.

Incident #8

Unauthorized Use or Conversion of Agency Equipment, Viewing Pornography on Agency Owned Computer While on Duty

A county sheriff's deputy became the subject of an IA investigation into allegations that, while on duty, he had been viewing pornographic images on a county computer in the county jail control center. During the IA

investigation, the deputy admitted to viewing the pornographic images and that he was aware such conduct was wrong and violated county policies. The IA investigation determined that the deputy linked up the pornographic sites to the county computer from his personal You-Tube account. The deputy was thereafter terminated. A decertification investigation was instituted and when the

officer was interviewed by a POST Special Investigator, he admitted to all of the allegations against him and voluntarily signed a stipulation for decertification. His POST certifications were subsequently revoked. The deputy's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and section h. of IDAPA Rule 11.11.01.091.04.

Incident #9

Lying During an IA Investigation, Unauthorized Access to Agency Computer Inappropriate Relationship with Inmate

A state corrections Officer became the subject of an IA investigation in connection with allegations that the officer had engaged in an inappropriate relationship with an inmate and had allowed the inmate access to a state owned computer.

During an IA investigation interview, the officer initially denied any knowledge of the inmate. However, as the interview progressed, the officer admitted having deep affection for the inmate and to bringing contraband in the form of food stuffs into the prison for the inmate. Although the officer denied allowing the inmate access to a state computer, the inmate confirmed that they had shared music and face book poems on a state computer.

The officer was allowed to resign. A decertification investigation was opened and during the investigation, the officer voluntarily signed a stipulation for decertification. The officer's POST certification was subsequently revoked. The corrections officer's actions violated sections .02 and .04 of IDAPA Rule 11.11.01.064 and sections a., h. and k. of IDAPA Rule 11.11.01.091.04.

Incident #10

Felony Conviction

A Tribal Police Officer was charged with Misdemeanor Aggravated assault and Exhibition of a Deadly Weapon, both Misdemeanors under Tribal Criminal Code. The officer pled guilty to the Assault charge and was sentenced to a suspended period of time in jail and probation. By way of background, the

officer was participating in a bonfire party and at one point an argument ensued between the officer and another individual. During the argument, the officer pulled out a loaded handgun and exhibited it in a threatening manner near the individual's head. Although the officer was convicted Misdemeanor Assault in Tribal Court, Aggravated Assault is a Felony in the State of Idaho.

A decertification case was opened and pursuant to Idaho Code 19-5109 (3) and POST IDAPA Rule 11.11.01.055 (2), the matter was referred to the POST Division Administrator for further decertification action. The officer's POST certification was subsequently revoked. The officer's conduct violated IDAPA Rule 11.11.01.091.03 as well as section .02 of IDAPA Rule 11.11.01.064 and section a. of IDAPA Rule 11.11.01.091.04.

Did you know?

The National Decertification Index (NDI) website is funded through a grant from the Bureau of Justice Assistance, Office of Justice Programs and the U.S Department of Justice. The purpose of the NDI is to serve as a national registry of certificate or license revocation actions relating to officer misconduct. The records contained in the NDI are provided by participation state government agencies and should be verified with contributing authority. Inclusion in the data base does not necessarily preclude any individual from appointment as a officer law enforcement.

The NDI currently contains 23,095 actions reported by 43 states.