

Integrity and Ethics Bulletin

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Idaho Peace Officer Standards And Training

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.

This *Integrity and Ethics Bulletin* will be distributed on a periodic basis in order to provide information regarding de-certification and other disciplinary actions taken by the POST Council. General questions regarding de-certification matters may be directed to POST Headquarters or to any of the three POST Regional Training Coordinators.

Following is a summary of actions taken in regard to de-certification investigations and other disciplinary matters:

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Incident #1 Shoplifting, Conduct Unbecoming

An officer was observed by an employee of a store putting an item in his pocket, and then attempting to leave the store without paying for it. The owner of the store confronted him and the officer admitted that not only he had shoplifted the item on that occasion, but other times had done the same thing at that store. Subsequent investigation determined that this officer had shoplifted items from other stores over the past 10 years. On some of the occasions he had been caught by store employees and told not to return to the store. On one instance he was charged, but because of a legal compromise no conviction was entered. Other stores that the officer frequented also had losses and suspected that this officer was responsible. When he was interviewed, the officer admitted his theft from the first store. He resigned from his law enforcement position in lieu of being dismissed. POST scheduled a hearing for the officer but he failed to appear. He was decertified for conduct unbecoming a law enforcement officer.

Incident #2 Conduct Unbecoming

This officer was involved in a domestic dispute with his estranged wife. When the responding officers arrived at the residence as the result of a call to 911 by a neighbor, they could find no evidence of physical force used by the accused officer, but did note the wife's distraught condition. Further investigation and interviews determined that the officer had threatened to kill his wife, including putting a gun up to her head on several occasions, and had planned on killing her on a trip they were planning. The wife was not fully cooperative because she did not want the officer to lose his employment. On several occasions during the investigation, the officer was untruthful to the investigators, and a polygraph examination of the officer confirmed his deception. During the examination the officer expressed a desire to kill the head of his agency for causing all his problems. The officer was scheduled to appear before the hearing board regarding the decertification investigation, however, he failed to show up. The officer was decertified.

Incident #3 Adultery

This officer originally met an under-aged female in his community at a drive-in restaurant. The officer's wife was out of town during the time he was patrolling the county fairgrounds so he invited the female and her friend to meet him and his partner at the fairgrounds. The four of them played cards until midnight, when one of the girls had to leave. One girl drove the other one home and then returned to the location where the two officers were. The girl got into bed and had sex with the first officer while the other officer slept. The girl returned the next night and again had sex with the same officer. The first officer was initially charged with rape, but pled guilty to a reduced charge of adultery. As a part of his plea bargain he voluntarily agreed to surrender his law enforcement certificate. He was put on probation for two years, received a 3 month suspended jail sentence, and was ordered to pay half the costs of the special prosecutor. During the sentencing, the judge said that the fact that he violated the "special trust" that the community had in him was one of the reasons for his getting in trouble.

Incident #4 Sexual Harassment

This detention officer, who later admitted in interviews that he “liked to take risks”, and that he had always wanted to have sex in a public place, asked another detention officer if she would be willing to “take a risk” (meaning having sexual contact) at work. The officer engaged the female in sexual conversation and suggested places at the detention center where they could go to avoid being seen. Eventually the two of them went into a specific area of the jail where they kissed and briefly had sexual contact on the outside of their clothing. It was also learned that another female detention officer had previously filed a sexual harassment complaint against the same officer, but the complaint had not been followed up on. The sergeant with whom this complaint was filed was demoted for failing to take action. The second female said she and the male officer had an extra marital affair prior to her working for the jail but she terminated the relationship when the officer asked her if her 15 year old daughter would consider having sex with him. It was learned that a third female officer was also propositioned for sexual favors both on and off duty by the male officer. One time this female officer turned around while in the locker room and saw the male officer masturbating near her. At the conclusion of the POST investigation, the male officer voluntarily stipulated to his decertification.

Incident #5 “Brady” Problems

This officer was employed as a reserve officer by a small department. When he was hired as a reserve, only a limited background investigation was done. Several years later, when the officer applied to go full time with the department, he was required to fill out a questionnaire regarding his background. In filling out the questionnaire he admitted to multiple violations of the law and to having major financial problems. The financial problems occurred in the recent past, but the other events, with a couple of exceptions, happened while he was a juvenile. Violations that he admitted included, but were not limited to, vandalism, theft, burglary, embezzlement, assault, carrying a concealed weapon without a permit, public intoxication, DUI, outstanding traffic warrant, and writing non-sufficient funds checks. He also admitted to having consensual sexual contact with juvenile females after he turned 18 years of age. When the officer was interviewed by the POST investigator the officer appeared to be completely truthful regarding his past activities. However, it was determined that based upon his past criminal activities, if called upon to testify his credibility would be subject to attack. The officer voluntarily stipulated to his decertification.

Incident #6 Theft of Jail Funds

The officer involved in this incident was the Chief Jailer at a county detention facility. As such, he had control of money paid to the jail by inmates who were serving their incarceration time either on weekends or on the work release program. Because of the lack of controls and accountability for the funds, the officer was able to steal money paid to the jail by these inmates. The officer pled guilty to two separate counts of misuse

of public money for the theft of \$315. The subsequent investigation by the county determined that the total amount of money that had disappeared was about \$17,000. The officer was sentenced to 1 year incarceration, 200 hours of community service, assessed \$1,088 for fines and costs, and ordered to make restitution of \$15,000. He voluntarily stipulated to his decertification as a law enforcement officer. As a result of this incident, the county reviewed the handling of money in the jail and set up additional controls on these funds.

Editor's Note:

It is POST's desire to have this Bulletin disseminated to as many law enforcement officers as possible throughout the state. All recipients are requested to post the Bulletin in a prominent location within their agency and to make copies of it as necessary in order that all employees may have the opportunity to review it.

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