



IDAHO PEACE OFFICER STANDARDS AND TRAINING

Special Points of Interest

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Decertifications in the State of Idaho

Due to the increasing number of decertification investigations requested by agencies or initiated independently by POST four new contract investigators have been hired to conduct decertification investigations throughout the State. They are Larry Plott, former ISP Trooper and former director of POST, Kirk Nelson, former Pocatello Police Department Detective Commander, John Schrader, former investigator for Idaho State Police, and most recently, John Bott, formerly head of the Seattle office of the DEA..

This brings the number of investigators conducting these investigations up to six, including this writer.

Larry Plott, and John Bott will be working in the Magic Valley and Treasure Valley areas, Kirk Nelson will handle Eastern Idaho, and John Schrader will work in Northern Idaho. Any of the investigators may be requested to assist in any other parts of the State as needed.

There have been approximately 113 officers decertified in the State between 1973 and February, 2007. There are an additional 68 investigations currently in progress that are in various stages of investigation or adjudication.



Decertification Matters:

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Basis for Decertification

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| <ul style="list-style-type: none"> Assault Vehicular Manslaughter Theft Adultery Rape Lewd and Lascivious Conduct Controlled Substance Misuse of Public Money Burglary Injury to a Child Misuse of City Credit Card Sex While on Duty Misuse of Grant Funds | <ul style="list-style-type: none"> Shoplifting Rape Soliciting Sexual Favors Domestic Violence Sexual Harassment Sex With a Minor Falsification of Record Conduct Unbecoming Embezzlement Misuse of County Equipment Poaching Game Out of Season Stalking Untruthfulness |
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Disciplinary Actions

Incident #1 - Sexual Battery of a Minor

The minor female with whom this officer had the relationship was a volunteer with the Police Department the officer worked for. The officer and the minor female corresponded by email and ultimately had sexual intercourse at the officer's home.

The relationship between the two of them was discovered as a result of a "chat room sting" operation being conducted by another police department. Investigators from the second department said that in the 2 years prior to the police officer being arrested they had apprehended almost two dozen individuals as a result of the chat room sting.

The minor admitted that she had flirted with the officer while he was on duty and lied to him

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Incident #2 - Domestic Violence, DUI

This veteran officer had a history of alcohol abuse. He had several DUI arrests, and during one of them threatened to fight the officer who stopped him. On this occasion he was a passenger in the vehicle and a loaded gun was found beneath his seat. The officer refused to submit to a breath test, and continued to be verbally abusive to the arresting officer.

The officer's department referred him to the employee assistance program but he failed to complete the counseling. The officer pleaded guilty to disorderly conduct but later was arrested on additional DUIs and for violation of a protective order. He also abused his spouse while intoxicated.

As a result of his arrests and multiple violations of the law enforcement codes of conduct and ethics a decertification investigation was initiated on him. He refused to appear before the hearing board, but later agreed to sign a stipulation for his decertification.



By permission
Classroom clip
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about her age. She suggested that she was more to blame than the officer was. This minor was also aware of the fact that the officer had sex numerous times with another minor the officer had also met during the course of his employment. The officer admitted to this, also.

As a result of the investigation the officer admitted his culpability, pleaded guilty to sexual battery of a minor, and stipulated to his decertification. He was sentenced to serve one year in confinement, was put on probation for 10 years and is required to register as a sex offender for the rest of his life.



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Incident #3 - Conduct Unbecoming

This officer was formerly head of an agency in a small community. After having met a female citizen at a commercial establishment the officer and the female began corresponding over the Internet via a "chat room". Not long after initiating the correspondence his communications to her began to contain sexual content and he asked her for oral sex. Shortly thereafter the officer sent the female two photographs of himself in the nude.

The female was offended by the officer's actions and reported the incident to another officer on the department. During the course of the internal investigation it was determined that the officer's work computer contained hundreds of pornographic images, some of which appeared to be of underage females.. A second officer reported the matter to the mayor who interviewed the offending officer. Upon being confronted with the details, the officer confessed that his behavior was unprofessional and in violation of department policies and the law enforcement codes of conduct. The officer signed a stipulation voluntarily consenting to his decertification as a law enforcement officer.

A Framework for Ethical Decision Making

In exploring the concept of character development, Steve Johnson, Director of Character Education, at the Santa Clara University Markkula Center for Applied Ethics, teaches that moral character development is built upon three factors similar to the legs of a triangle.

The left section of the triangle, our common values, are developed through role models such as parents, our heroes, media, and being reinforced for our behavior. In other words we get our values from those we associate with, from the material we read and view, and rewards for good behavior.

The right leg of the triangle consists of our thought processes. This includes the problem solving skills we have, our ability to think straight and clearly, how we learn from our experiences, and the framework we have built to help us make decisions.

Those two sides of the triangle sit upon a

foundation of two sets of skills: coping and cooperation. By coping he refers to making decisions when other factors in our lives are impacting on us, such as mental or physical fatigue, or anger. Cooperating skills include the ability to deal with people and handling conflict situations.

Director Johnson claims that few people are opposed to what he calls “core values”. These values include being treated well (respect), taking responsibility for our actions, and self control. He defines these values as “human minimums”. At the very least, most people agree that these values are important. Even those who disagree with us generally accept that they themselves would like to be respected as a person.

(Continued on page 4)

"Vice is a monster of so frightful mien, as, to be hated is but to be seen; Yet seen too oft, familiar with her face, We first endure, then pity, then embrace."
-Alexander Pope

Incident #4 - Insubordination, Etc.

This officer, along with other fellow officers, were engaged in patterns of failure to act, cover ups of misconduct by other officers, and ultimately violation of no contact orders with respect to talking to other officers under investigation.

The pattern of misconduct by one officer, along with that of the other officers involved, grew out of horseplay and relatively minor acts of juvenile and unprofessional conduct that eventually escalated into allowing traffic violations and other minor criminal acts committed by fellow officers

to go unreported and even covered up.

The problem this department experienced is a classic example of the results of officers failing to report misconduct by their fellow officers. At the beginning, their behavior was inappropriate, but as time passed their behavior went from childish to official misconduct and ultimately to loss of their livelihood and the respect of the community.

This was a small town where the “code of silence” so often heard of among police officers resulted in several officers, including the head of the department, being fired and decertified.

Incident #5 - Conduct Unbecoming, Policy violations

This officer threw a party at his residence and invited fellow officers as well as non-law enforcement personnel. During the party several teenagers arrived and participated in drinking with the other attendees. Several days after the party some of the teenagers who had been at the party were bragging about having been at a party with officers from this particular agency.

During the course of the internal investigation the officer who threw the party was uncooperative and untruthful with the investigators. He also was personally profane and disrespectful to one of the investigators. When he was interviewed in regards to the decertification investigation he admitted that he had lied during the IA investigation because he was scared. He admitted his violation of department policies and procedures and voluntarily surrendered his certification.

“Zippers and bottles and lies. Oh my!”
—Roger Byrd,
Boise PD

INTEGRITY BULLETIN

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Peace Officers Standards and Training

To All Recipients: POST is willing to send multiple hard copies of the Integrity Bulletin to your department. Please notify the editor of the number of copies you want using the address below.

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

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Respect is what restrains us from doing something to another that may harm that which we value. We all want others to be responsible, particularly when they borrow our hunting rifle or when our teenage daughter is taken out on a date. Director Johnson defines responsibility as the positive, proactive side of morality—the things I do because I said I would do them.

About 20 years ago, back when this editor was a young, wet-behind-the ears investigator, I was asked to teach a class on ethics to a group of bank employees. Up to that point I don't think I had ever consciously considered teaching such a nebulous concept, let alone tried to articulate some of its concepts.

I stumbled around and did a little research to educate myself about the topic. Included in my research was considerable self-examination. I came to the realization that whatever moral standards I might have had at that time came from exactly what Director Johnson teaches—that is, my ethical standards came from my parents, from friends I associated with, participation in church activities, and the type of social recreation I chose.

While I was in the U.S. Navy boot camp in San Diego in 1960 one of the men in our company was the brunt of many unkind and derogatory comments because of his weight. I didn't know the fellow particularly well, but I felt sorry for him and made an effort to be polite and friendly to him.

One day the over weight recruit went to sick bay and died. All of us were stunned to learn of his death but I will never forget the feelings of a clear conscience I experienced knowing that I had not been one of those who ridiculed him. Fortunately, in my library of values, I had picked the proper one in that instance.

Director Johnson continues by saying that when he is teaching character building skills to children he emphasizes to them that if there were only one of us on the earth ethics may not be necessary, but we are not alone. We have to share this planet with others and we must have some way of getting along. He concludes by saying, "Ethics is about relationships, and justice is necessary in order to preserve those relationships."

(Condensed from *Issues in Ethics*—V. 13, N. 1)