



## IDAHO PEACE OFFICER STANDARDS AND TRAINING

### *Special Points of Interest*

- Public Standards for Police Officers
- Decertification Investigations
- Cost vs. Benefits
- Questions and Answers



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### **Laws Enforced By The U.S. Department of Justice**

#### Criminal Enforcement

It is a crime for one or more persons acting under color of law willfully to deprive or conspire to deprive another person of any right protected by the Constitution of laws of the United States. (18 U.S.C. 241, 242)

#### Federal Civil Enforcement

It is unlawful for State or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. (42 U.S.C. 14141) The types of conduct covered by this law can include, among other things, excessive force, discriminatory harassment, false arrests, coercive sexual conduct, and unlawful stops, searches or arrests.

### “PUBLIC SERVICE STANDARDS’ FOR POLICE OFFICERS

Courts have found that an officer’s sexual misconduct causes discredit to the officer’s police department, harms the public service, and may justify discharge. “Harm to the public service” distinguishes between officers and civilians and establishes a higher standard for police officers. It affirms that because integrity is indispensable to the position of police officer, one whose misconduct undermines that integrity no longer deserves the public’s trust... Because of this higher standard, the doctrine supports dismissal of officers who commit serious misconduct.

*“The Harm to Public Service Standard in Police Misconduct Cases”. Los Angeles Lawyer, July-August, 2005, Ray Jurado*

## “Cost” versus “Benefit”

**30% OFF**

Whether we do it knowingly or not, most of us take into account the “cost” of any particular decision before we make it.

Will it take time? How much money will it take? Will it enhance my position? Is this going to hurt? Am I going to regret this?

Every decision has a “price tag”. We may fool ourselves and say that we can cut off the price tag, but in reality, the tag still remains. We have the freedom to make the decision, but once the decision is made we lose control over the results of that decision.

Ask a prominent citizen convicted of child pornography if he thought of this concept the first time he downloaded an image from the Web. Ask the decertified police officer if he thought of the cost when he made the first flirtatious remark to the secretary. Ask the disgraced Mayor if he understood the ultimate results that would come from washing his personal vehicle with the city credit card.

Before you make a decision that may affect your career or family, ask yourself the question: “*Am I willing to pay the price?*”

## Disciplinary Actions

### Incident #1– Sexual Misconduct, Dishonesty

During the course of his official duties one officer became acquainted with a female officer from another department. The marital problems the male was having with his spouse appeared to play a role in the initiation of the relationship. The relationship progressed ultimately to sexual contact while the male was on duty, and the female off duty. Considerable on-duty time was spent by the two officers communicating with each other. The male officer was ordered to stay away from the other officer,

and in deliberate defiance of this order was observed driving through the neighborhood where the female officer lived. He was also untruthful during his interview with the POST investigator. At the conclusion of the investigation the male officer voluntarily stipulated to his decertification. The female officer was disciplined by her department



*When a police officer engages in relatively minor misconduct, including falsely calling in sick, but lies about the misconduct in a subsequent investigation, courts have held officers to a higher standard and upheld their firing.*

*“The Harm to Public Service Standard in Police Misconduct Cases”. Los Angeles Lawyer, July-August, 2005, Ray Jurado*

## Incident #2—Unauthorized contact with inmate



A County detention officer began a relationship with a female inmate while she was lodged in the facility where he worked. The inmate was subsequently transferred to another state correctional facility and the deputy continued to correspond with her and to receive telephone calls from her at his residence. Additionally, he sent her money and divulged to her information of a confidential nature regarding the activities of members of the Sheriff's Department. He also provided her details of

legal and court matters pertaining to another defendant.

When interviewed by the decertification investigator the officer denied that his correspondence contained sexual material, when in fact it did. The relationship between the deputy and the inmate was discovered by the state correctional institution and details of correspondence and telephone calls were relayed to the Sheriff's Department.

The officer claimed he was not aware that the relationship with the inmate was improper. He stipulated to his decertification and surrendered his certificates.

## Incident #3—Battery with intent to commit lewd and lascivious acts

This officer, while employed by his agency, was charged with lewd and lascivious acts with a child under the age of 16 years. He pled guilty to the lesser charge of battery with intent to commit lewd and lascivious acts. He served jail time, but after being released on probation left the state. While being questioned as a witness to a

crime it was learned he was wanted, and he was extradited back to Idaho. He was later charged with other crimes in Idaho and sentenced to prison. He was decertified and currently is serving time.



## Incident #4—Misuse of city credit card, lying

After returning from a personal camping trip this officer elected to wash his personal vehicle in a carwash using the city credit card. The carwash owner reported the matter to the police department. The officer admitted his misconduct but denied that it had happened more than once. Later he con-

fessed that he had used the city credit card at the car wash possibly 5 times. Investigation later determined that the officer had used the card at the car wash at least 15 times. Misuse of an official credit card is prohibited; lying about it is decertifiable. The officer stipulated to his decertification.

## Incident #5– Providing alcohol to minors

This officer made a traffic stop on two minor females. Later, the girls went to the officer's residence and the officer provided beer for the three of them to drink. The females remained at the officer's residence for four days.

On another occasion, the officer was at a restaurant with one of the girls and ordered a beer. The girl later said the officer let her have a couple of drinks from his glass. Also, another officer saw one of the girls drinking beer at the first officer's residence .

During the course of the internal investigation the officer was untruthful in an-

swer to questions of whether or not he provided beer to an under-age female. At the conclusion of the decertification investigation the officer agreed to sign a stipulation voluntarily surrendering his certification.

*Oh what a tangled web we weave,  
When first we practice to deceive! Sir Walter  
Scott, Scottish author & novelist (1771 -  
1832)*

## Incident #6—Lying, abuse of prescription drug

After having responded to a local motel on an official call, this officer told the manager of the motel that she had a bad headache and asked if the manager had some medicine she could take. The manager initially offered an over-the-counter medicine, but the officer refused it. Because the officer was an EMT and a "cop" the manager shared with the officer some of her prescrip-

tion pain medication. The officer later returned to the motel and under a pretext stole the bottle of pain medication she had previously seen. The officer initially lied about her involvement, but later admitted her actions and stipulated to her decertification.

## Incident #7—Multiple acts of conduct unbecoming

This officer was involved in an off-duty traffic accident with no insurance on his vehicle and was allowed to leave the scene by another officer. In the past he had also removed vehicles from a car dealership at night and taken them for joy rides. During one of the joy rides he was pursued by another officer at high speed without the

second officer knowing who it was. During the administrative investigation, the officer violated orders not to discuss the matter. The officer also engaged in sexual activity while on duty and frequented a place where drugs were sold while off duty. The officer voluntarily signed a stipulation for decertification and surrendered his certificates.

# INTEGRITY BULLETIN

Peace Officer Standards and Training  
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Thanks to Joni Waybright of POST for her assistance in graphics and other constructive suggestions—Editor



## Peace Officers Standards and Training

*It is a rough road that leads to the  
heights of greatness—  
Seneca the Elder*

*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

## “The Rhubarb Patch ...”

### Questions and Answers

Question: Do all decertification investigations result in the decertification of the officer?

Answer: No, they do not. However, the majority of them do.

Question: How long does the decertification investigation process last?

Answer: Some investigations can be completed within a month or two. Others, depending upon their complexity and other legal issues, may last as long as a year.

Question: If an officer is decertified does that have any effect on his pen-

sion benefits?

Answer: No, it does not.

Question: Does POST put a hold on an officer being hired by a department during a decertification investigation?

Answer: No. POST has nothing to do with an officer being hired by another department while an investigation is being conducted. Until, and unless, an officer has been decertified, he is fully certified. The decision whether or not to hire an officer while undergoing a decertification investigation is the sole responsibility of the hiring department. POST is not involved in the decision to hire or not to hire.

