

# Montana Peace Officer and Standards (POST) Council

## Integrity Report For 2004-2006 Updated August 2006



- **Case #1** - A detention/corrections officer violates internal policy by communicating with an inmate in an inappropriate manner and initially lies to the investigators about correspondence with said inmate. This officer had prior law enforcement certificates and was a graduate of CDOB, but had no detention/corrections certificate.

**POST Action:** The officer had all his LE Certificates revoked and was found "uncertifiable" for detention/corrections officer duty. He is therefore permanently revoked and would be committing a misdemeanor offense to serve in a law enforcement capacity or a detention/correction officer capacity per MCA 7-32-303(8).

- **Case #2** - A detention/corrections officer was charged and terminated for having multiple counts of sex with an inmate and falsifying information regarding the matter. The officer had graduated from CDOB but did not possess a certificate. He pleads guilty in court proceedings.

**POST Action:** Officer was found to be "uncertifiable" and permanently barred from serving in this capacity.

- **Case #3** - A City LE officer was terminated by his agency for having a sexual encounter with a female who was on probation for felony offenses. This activity occurred on duty and adjacent to a marked patrol car. He initially lied about the event. This officer had several LE Certificates through POST and an impressive number of training hours for his time in service.

**POST Action:** The Officer's certificates were revoked and he is permanently barred from serving as a LE officer in Montana per the above mentioned statute.

- **Case #4** - A LE Officer was charged and resigned for illegally obtaining drugs and drug paraphernalia and personally using them. Officer was also initially untruthful during the investigation.

**POST Action:** Certificates were revoked.

- **Case #5** - A City LE officer was involved in a family member assault, admitted the offense, was arrested, jailed and the charge was later dismissed. Officer had completed Basic, but had not received the Certificate.

**POST Action:** Certificate was suspended for 90 days and officer must reapply for certificate.

- **Case #6** - A City LE officer was the victim of a family member assault and was not charged for that event. The officer lied to the investigators and attempted to get a witness to lie regarding the incident.

**POST Action:** All Certificates were suspended for six months. The suspensions are to be Served at two 90-day intervals and the officer must obtain two courses in ethics as taught by MLEA and the Department of Administration in order to reapply for his certifications.

- **Case #7** - A detention/corrections officer was terminated for having an inappropriate relationship with an inmate.

**POST Action:** Tabled because information has been hard to gather due to an arbitration agreement that no further information could be released. This will be heard at a later date. POST has subpoena power and it may have to be used in this case.

- **Case #8** - A County LE Officer was charged and terminated for driving while intoxicated, pointing a loaded pistol at another off duty officer, family member assault, and initially being untruthful. There were no official charges in the case, but a deferred prosecution agreement was entered into where the officer admitted that probable cause existed to bring the charges.

**POST Action:** All LE Certificates were revoked.

- **Case #9** - A County LE was terminated for firing a shotgun at a vehicle at close range and allegedly being untruthful.

**POST Action:** Case was dismissed due to findings by POST during the hearing.

- **Case #10** - A City LE Officer was charged for falsifying a report. In this case the City in question instigated the investigation but later refused to cooperate with POST because the officer entered into a resignation agreement.

**POST Action:** Case was dismissed due to findings of POST during the hearing.

**The POST Council Meeting on 20 May 2004 heard the following Revocation Cases:**

- **Case #11** - A County Law Enforcement Officer was charged with Theft, Common Scheme, a felony, and Offering or Obtaining Anything of value by Fraud or operation of an illegal gambling enterprise, Common Scheme, Felony. The officer was found guilty and the court ordered the submittal of his certificates for six years as part of a deferred sentence.

**POST Council Action:** POST Council permanently revoked all law enforcement certificates.

**Case #7-** above was dismissed without prejudice and the executive director was instructed to pursue this case by formal process.

- **Case #12** - A City Law Enforcement Officer was charged and convicted with two counts of incest.

**POST Council Action:** POST Council permanently revoked all law enforcement certificates.

- **Case #13** - A County Law enforcement Officer was charged and convicted of felony theft. The officer had taken money from the department evidence room.

**POST Council Action:** POST Council permanently revoked all law enforcement certificates.

- **Case #14** - A county detention officer had a relationship with an inmate that was against policy and statute. She was charged with Official Misconduct and convicted.

**POST Council Action:** POST Council permanently revoked all detention/corrections certifications.

- **Case #15-** A County Law Enforcement Officer responded to an incident where his daughter was stopped and subsequently cited for DUI. The Officer was charged with Disorderly Conduct for the quarrel that resulted. The Officer also asked a subordinate officer to "make this all go away" (or words to that effect) in regard to the ticket issued to his daughter.

**POST Council Action:** The officer was suspended for 3 months and could not serve during that suspension as a peace officer.

➤ **Case #1** - A County Law Enforcement Officer responded to a call of possible drugs and found what appeared to be a baggie of marijuana. Due to circumstances too lengthy to discuss the officer ultimately did not seize the drugs, filed no report, and entered no drugs into evidence. Circumstances of the search led the officer to believe that his search was unlawful and he failed to seize the drugs and allegedly allowed the possession to continue with the person who granted the permission to search.

**POST Council Action:** Officers certificates were suspended for a period of two years and he was terminated from his department.

➤ **Case #17** - A City Law Enforcement Officer was charged and convicted for Criminal Possession of Dangerous Drugs, a felony, by having Diazepam in his possession without a proper prescription.

**POST Council Action:** POST Council revoked this Officer's certificates permanently.

➤ **Case #18** - A juvenile detention officer attended a state conference, became intoxicated, remained unlawfully on the premises of another, and was charged and plead guilty to two counts of criminal trespass.

**POST Council Action:** Officer had his certificate suspended for six months.

➤ **Case #19** - A County Law Enforcement Officer provided false information regarding his availability for a court hearing and was charged with contempt of court and subsequently plead guilty.

**POST Council Action:** Officer's Certificates were revoked.

➤ **Case #20** - A County Detention Officer removed county-owned items from the workplace with the purpose to convert them for his personal use. He was charged with theft and plead guilty and was untruthful during the investigation.

**POST Council Action:** This officer's certificates were revoked.

➤ **CASE #21** - A 911 Telecommunicator was charged with criminal mischief by accountability for damaging the tires of another. She was terminated from her employment and given a deferred sentence of six months after entering a plea of guilty.

**POST Council Action:** This officer's ability to be certified was suspended for one year, three months, and nineteen days. It was further ordered that if the respondent returns to Montana and seeks a job as a dispatcher and if that occurs prior to 31 Jan 2007, that the respondent will attend a POST Certified Ethics course and if done after that date, that the respondent will attend a PSC Basic Course.

**The POST Council Meeting on 18 August 2005 heard the following Revocation Cases:**

- **CASE #22** - A County Law Enforcement Officer was charged and convicted for Defrauding the United States Government. This officer and a co-defendant officer obtained payment for false, fictitious or fraudulent claims from a program under the United States Department of Agriculture.

**POST Council Action:** The officer's certificates were permanently revoked.

- **CASE #23** - A City Law Enforcement Officer engaged in obtaining a satellite dish service and used his ex-wife's social security number, name, and a fictitious address without her knowledge or permission to gain a special introductory rate. He also later engaged his ex-wife to report the matter to two specific officers of his department that never occurred. No Criminal charges were filed. The officer was terminated from his department.

**POST Council Action:** The officer's certificates were suspended for 21 months.

- **CASE #24** - A County Law Enforcement Officer was charged and found guilty of false swearing and obstructing justice. This officer obstructed by means of deception anyone from performing acts that might aid in the discovery or apprehension of an offender and suppressed by act of concealment, alteration, or destruction of physical evidence, namely videotapes, that might aid in the discovery or apprehension of the offender.

**POST Council Action:** All Certificates were permanently revoked.

- **CASE #25** - A County Law Enforcement Officer was charged and pled guilty to misdemeanor assault. After being originally charged with partner family member assault, a condition of release was to have no contact with the victim. He violated said order, later pled guilty to a charge of assault and was terminated from his position.

**POST Council Action:** All certificates were permanently revoked.

- **Case #26-** A county detention officer was charged with two counts of Official Misconduct. He, on at least two occasions, exposed his genitals to a female inmate and told them about sexual matters. The officer was found guilty in Court and was terminated from his department.

**POST Council Action:** The officer was found "uncertifiable" and is forbidden from ever applying for a detention/corrections certificate.

**The POST Council Meeting on 17 November 2005 heard the following Revocation Cases:**

- **Case # 27-** A county sheriff's officer was charged and convicted in Federal Court of Conspiracy to Defraud the United States. He resigned his position and was sentenced to six months in a federal prison.

**POST Council Action:** All certificates were revoked and this officer is permanently barred from serving as a Peace Officer in Montana.

- **Case # 28 -** A City Law Enforcement Officer was charged and entered a plea of nolo contendere to Unsworn Falsification to Authorities in violation of 45-7-203 MCA. This charge was amended from the original three counts of tampering with evidence.

**POST Council Action:** All certificates were revoked and this officer is permanently barred from serving as a peace officer in Montana.

- **Case #29 -** A County Law Enforcement Officer was charged with four counts of Felony Sexual Intercourse Without Consent in violation of section 45-5-503, MCA. He was terminated and sentenced to 50 years in the Montana State Prison.

**POST Council Action:** All certificates were revoked and this officer is permanently barred from serving as a peace officer in Montana.

- **Case #30 -** A 911 Telecommunicator was charged with Accountability for Criminal Mischief (Misdemeanor) and given a six month deferred prosecution of sentence and terminated from her employment. This case resulted from the damaging of tires belonging to another.

**POST Council Action:** This officer was found to be "uncertifiable" since she had completed the Basic Course, but never received a Basic Certificate. This permanently prohibits this person from serving as a telecommunicator in Montana.

- **Case #31 -** A 911 Telecommunicator was charged with Accountability for Criminal Mischief (Misdemeanor) and given a six month deferred prosecution of sentence and was terminated from her department. This case is the same one as above and resulted from the damaging of tires belonging to another.

**POST Council Action:** This officer was found to be "uncertifiable" and is permanently prohibited from serving as a telecommunicator in Montana.

- **Case #32 -** A State Agent was terminated for violation of the constitutional rights of a suspect, failing to provide legal counsel when requested, concealing a taped interview of the investigation, misleading the prosecutor, and violation of bureau policies by carrying a firearm and a knife in a department vehicle.

**POST Council Action:** A stipulation was signed by the POST Council Chair that this officer would relinquish all certificates to the POST Director, never apply for any public safety officer or law enforcement job again in Montana, and never attempt to obtain any POST Certification in the future.

- **Case #33** - A City Law Enforcement was terminated by his department resulting from four incidents of conduct that involved one or all of the following behaviors: Disorderly conduct, assault Behaviors, Use of alcohol in an inappropriate manner, threatening or abusive language. One charge of disorderly conduct resulted and was not concluded at the time of the POST Council Decision.

**POST Council Action:** The officer entered into a stipulation for a two year suspension with conditions and must surrender his certifications during the suspension and at the time of reapplication prove that the conditions have been met.

- **Case # 34** - A County Law Enforcement Officer was cited and convicted on an amended charge of driving with a BAC of .08 or greater (DUI Per SE). The officer was terminated by his department. The officer complied with all court requirements.

**POST Council Action:** POST Council suspended this officer's certificates for a period of eight months.

### **The POST Council Meeting on 16 February 2006 heard the following Revocation Cases:**

- **Case #35** - A County Detention Officer admitted to allegations that she unlawfully communicated with an inmate and used a fictitious name when corresponding with said inmate.

**POST Council Action:** This detention officer was found to be "uncertifiable" and permanently ineligible from serving in the detention corrections profession in Montana.

- **Case #36** - A County Detention Officer by amended information was charged with six counts of official misconduct resulting from inappropriate sexual activity with female inmates. This officer was found guilty of those charges and ordered not to work as a law enforcement officer or a detention officer and to surrender his certificates to POST.

**POST Council Action:** All certificates were permanently revoked.

- **Case #37** - A county law enforcement officer was not criminally charged but administratively charged with Conduct Unbecoming an officer, Willful violation of the law enforcement code of ethics, and other conduct or pattern of conduct which tends to significantly undermine public confidence in the law enforcement profession by condoning the unlawful search conducted by another officer and engaging in sexual conduct in a marked car while in uniform with promises of leniency toward another family member. His department terminated this officer.

**POST Council Action:** Based upon the voluntary "relinquishment" statement of this officer, he was found to be "uncertifiable" and permanently prohibited from serving as a peace officer in Montana.

➤ **Case #38** - A County Law Enforcement Officer charged with Criminal Possession of Dangerous Drugs, Tampering with Public Records, Theft (a Misdemeanor), and Official Misconduct later pleaded guilty to an amended Information charging with the official misconduct. As a result, the court ordered that the defendant shall permanently forfeit any and all Peace Officer Standards and Training Certificates and that all certificates shall be permanently revoked. The officer was terminated from his department.

**POST Council Action:** Based upon the above judgment the officer surrendered his certifications and all were permanently revoked.

➤ **Case #39** - A county peace officer was charged and convicted for a misdemeanor offense of Negligent Endangerment.

**POST Council Action:** Based upon the voluntary relinquishment of all certificates, this officer was permanently revoked.

### **The POST Council Meeting on 6 May 2006 heard the following Revocation Cases:**

➤ **Case #40** - A County Peace Officer failed to make a report after responding to a domestic call involving a fellow officer and no arrest were made. MCA 46-6-601 requires such a report. Subsequently all records of the call were deleted. Both the members of the said family were later charged and both found not guilty of any partner family member assault. The dispatcher who deleted the call information was terminated and POST had no jurisdiction since she had not completed basic. The responding officer was charged and convicted for Official Misconduct and was terminated by his department.

**POST Council Action:** This officer had his certificates suspended from August 29<sup>th</sup> 2002 until August 29<sup>th</sup> 2006, and must reapply for certification after the period of suspension is complete.

➤ **Case #41** - A County Law Enforcement Officer put gasoline from the county pump into a private vehicle and was later charged and convicted for a misdemeanor assault in another jurisdiction.

**POST Council Action:** Based upon the officer's voluntary relinquishment of his certifications, POST Council permanently revoked the certifications.

➤ **Case #42** - A County law enforcement officer plead guilty to two counts of transportation of illegally taken wildlife (deer) across state lines, in violation of the Lacey Act. By pleading guilty to a Federal "A" misdemeanor, this officer subjected himself to a one year sentence of imprisonment in a federal penitentiary on each count. MCA 7-32-303 would prevent him from meeting the minimum standards for employment as a peace officer in the state of Montana.

**POST Council Action:** All certifications were revoked.



➤ **Case #43** - A former County Law Enforcement Officer was charged and pleaded guilty to one count of Criminal Possession of Dangerous Drugs, a felony, and one count of Criminal Possession of Drug Paraphernalia, a misdemeanor. As a result of the plea agreement and judgment in this case the misdemeanor offense was removed and the officer received a 3 year deferred sentence with the court ordering that within 30 days the defendant shall voluntarily surrender any and all Montana Peace Officer Standards and Training Certificates. All certificates were voluntarily surrendered.

**POST Council Action:** All certifications were revoked.

**The POST Council Meeting on August 17, 2006 heard the following Revocation Cases:**

**Case #44** - A former Montana Women's' Prison Officer was alleged to have neglected his duty by violating orders and regulations of the Montana Women's Prison. The officer was alleged to have used a fictitious name, sent and received mail from an inmate and had an unauthorized relationship with said inmate in violation of Prison Policy.

**POST Council Action:** On 17 August 2006 POST Council found this officer to be "uncertifiable" by default. The officer failed to attend hearings after proper notice and failed to respond to the complaint by the deadline. He had previously resigned his position at the Prison.

**Case #45** - A former Adult Probation and Parole Officer was charged with "conduct unbecoming an Officer" while employed as a Probation/Parole Officer by engaging in sexual activity with a probationer with the intent to obtain sexual gratification.

**POST Council Action:** On 17 August 2006 POST Council found this officer to be "uncertifiable" by default. The officer failed to attend hearings after proper notice and failed to respond to the complaint by the deadline. He had previously been charged and convicted for Official Misconduct in the lower court, appealed to the Montana Supreme Court and the case was reversed. The officer had previously resigned his position.

**Case #46** - A former County Deputy was charged with the offense of DUI and Stop Sign violation while employed as a Deputy Sheriff but off duty. He entered into a deferred prosecution agreement with the charging jurisdiction for a period of six months and had previously resigned his position. He obtained counsel and was represented throughout the POST proceedings.

**POST Council Action:** The former deputy sheriff was suspended for the period of time of his deferred prosecution, which was six months contingent on following the terms of the deferred prosecution.