

POST COUNCIL MEETING

June 4, 2009

*Public Safety Education and Training Center
Sandy, UT*

MINUTES

On June 4, 2009, a regularly scheduled POST Council meeting was held at 10:00am at the Public Safety Education and Training Center, in Sandy, Utah. Chairman Bud Cox conducted.

The following POST Council members were in attendance:

Sheriff Bud Cox, Chairman, Davis County Sheriff's Office
Director Mike Larsen, Vice-Chairman, Orem DPS
Sheriff Lamont Smith, Kane County Sheriff's Office
Sheriff Dave Edmunds, Summit County Sheriff's Office
Executive Director Tom Patterson, Department of Corrections
Vice-President Donna Dillingham-Evans, Dixie State College
Chief Terry Keefe, Layton City P.D.
Chief Val Shupe, South Ogden City P.D.
Chief Ken Wallentine, Attorney General's Office (Proxy for Attorney General Mark Shurtleff)
Dr. Sterling R. Provost, At Large
Commissioner LuWayne Walker, Juab County Commissioner
Colonel Daniel Fuhr, Superintendent, Utah Highway Patrol
Mayor Joe Ritchie, Roy City
Councilman Robert D. Robertson, Murray City Council
Lt. Dean Waters (Proxy for Lt. Kyle Shepherd)

The following were excused and/or absent:

Sheriff Lynn Nelson, Cache County Sheriff's Office
Lt. Kyle Shepherd, UPOA (Proxy by Dean Waters)
Attorney General Mark Shurtleff, Attorney General's Office (Proxy by Ken Wallentine)
SAC Tim Fuhrman, FBI

POST staff present:

Scott Stephenson, Director
Kelly Sparks, Deputy Director
Shaunna McCleve, Administrative Secretary
Steve Winward, POST Investigations Bureau Chief
Bryant Green, POST Investigations (DOC)
Paul Kotter, POST Investigations
Rich Fordham, POST Investigations
Wade Breur, POST Basic Training Bureau Chief
Lana Taylor, DPS Legal Counsel representing POST, Asst. Attorney General
Chris Fielding, POST Media Producer

Others present:

David Holm, Dixie State College Police Academy
Dennis Hutchinson, Department of Corrections Training
Ben Winslow, KSL Radio
Jack Rickards, Weber State University Police Academy
Margaret Womack, Weber State University Police Academy
Brian Stecklein, Weber State University Police Academy
Rich Townsend, Department of Public Safety
Nate Carlisle, Salt Lake Tribune
Jewel Fuchs, Weber County S.O.
Russell Monahan, Atty. for Lauren Barker

WELCOME AND INTRODUCTIONS

The meeting was called to order at 10:00am. Chairman Bud Cox welcomed those in attendance at POST Council and introduced new Council member, Colonel Daniel Fuhr.

Director Stephenson informed the Council Deputy Commissioner Rich Townsend is retiring the end of June. Commissioner Townsend addressed the Council and told them it had been a pleasure working with them.

APPROVAL OF POST COUNCIL MINUTES

The POST Council minutes of March 23, 2009, were reviewed and the following motion was made:

- Motion:** *Dr. Provost motioned to approve the minutes of March 23, 2009.*
- Second:** *Chief Keefe seconded the motion.*
- Vote:** *The motion passed with all in favor.*

CORRECTIONS TRAINING CURRICULUM APPROVAL

Director Dennis Hutchinson presented the following changes to the corrections academy:

- Deleted- 1 hours Radio operation (included in another area of training)
1 hour History of Corrections (moved to the Criminal Justice block)
- Added- 1 hour Reasonable Force Test Review
- Changes- Raised the passing score of the Corrections Law and Offender's Right (CLOR) from currently 70% to 80% to be aligned with the 80% required for the remaining Basic Block Tests.
Made the Practical Scenarios Pass/Fail and will be equivalent to a written test.

A Council member asked about the changes in the SFO certification, Director Hutchinson replied they follow the POST objectives and curriculum for SFO certification.

- Motion:** *Robbie Robertson motioned to approve the changes to the Corrections Training Curriculum.*
- Second:** *Sheriff Dave Edmunds seconded the motion.*
- Vote:** *The motion passed with all in favor.*

BASIC TRAINING CURRICULUM APPROVAL

Lt. Wade Breur presented the POST Curriculum for approval.

SFO - There were no changes in this certification.

LEO – Added-4 hours of Introduction to Crisis Intervention (CIT). This was an Experimental course last year.

Removed- 2008 experimental courses; Criminal Intelligence and Homeland Security. This reduction will reduce the total hours of the academy by 16.

Commissioner Walker stated he felt rural officers need more training on lifting fingerprints. Lt. Breur replied there is a scenario in basic training that covers this area and there is also in-service training available. Chief Shupe stated his department has called the state crime lab to come do training for his department on lifting fingerprints.

Chief Keefe asked why the reduction in CIT hours. He feels the cadets need more training in this area and does not want the hours reduced. Lt. Breur informed the Council this was an experimental class and POST received just enough material to create only 4 hours of training. The 16 hours of training was requested in the experimental course, however in development of the course it was determined that 4 hours was sufficient to cover the material. POST did look into the Salt Lake City PD Crisis Intervention Certification Course, but this is a 40 hour course and is too long to add to the academy. This curriculum is protected by copy write and not available for POST to teach without permission. Chief Keefe would like to see POST partner with Valley Mental Health or a like organization to add more CIT training to the curriculum. Sheriff Edmunds stated the curriculum committee discussed this issue and they felt it would be great to have the 40 hours and graduate the cadets with the CIT certification, but it would dramatically increase the duration for the academy. Sheriff Edmunds understood it would not be practical for POST to increase the academy length and supported the proposal presented today. Chief Wallentine believes 4 hours of CIT training may not be adequate and suggested POST and the curriculum sub-committee evaluates adding more CIT training.

- Motion:** *Chief Wallentine motioned to approve the SFO and LEO Training Curriculum with the agreement POST and the curriculum sub-committee will evaluate adding more CIT training materials.*
- Second:** *Chief Keefe seconded the motion.*
- Vote:** *The motion passed with all in favor.*

ACADEMY PHYSICAL FITNESS STANDARDS

Director Stephenson recalled the physical fitness entrance and exit standard that was approved by the Council in 2006, based on performance data. POST proposed keeping the LEO exit standard as approved, adjusting the SFO entrance standard, making it an advisory standard and establishing an SFO exit standard. The following physical fitness standards were presented:

	Current SFO Entrance	Purposed SFO Entrance (Advisory Standard)	Proposed SFO Exit and LEO Entrance
V. JUMP	14 in	14.5 in	15 in
1 MIN. SITUP	26 Reps	23 Reps	25 Reps
300 M. SPRINT	N/A	N/A	70 Sec
MAX. PUSH UP	18 Reps	14 Reps	16 Reps
1.5 MILE RUN	15:54	16:11	15:37

- Motion:** *Chief Val Shupe motioned to approve the new physical fitness standards.*
- Second:** *Vice-President Dillingham-Evans seconded the motion.*
- Vote:** *The motion passed with all in favor.*

CORRECTION CERTIFICATION

Director Stephenson stated for an officer to be corrections certified; they are not required to be Special Function Officer (SFO) certified, as previously thought. However, it is mandated that the Council approves 80 hours of core courses and 40 hours of electives to be included in the corrections certification. The corrections academy will continue to teach the SFO curriculum. POST is going to work with the Department of Corrections to implement a corrections physical fitness standard. This will allow an officer to be corrections certified without requiring them to pass the SFO physical fitness standard. The officer will then have 4 years to pass the SFO physical fitness standard. Council members expressed the policy to allow cadets 4 years to meet physical fitness standard is too long.

Motion: Chief Ken Wallentine motioned to approve allowing corrections certification to stand alone without requiring a SFO certification and establish a time limit to complete all academy requirements within one year from the end of the academy session.

Second: Robbie Robertson seconded the motion.

Vote: The motion passed with all in favor.

DISCIPLINARY ACTIONS

Lt. Steve Winward informed the Council of the 4 cases that were remanded back to POST Investigations to seek new consent agreements. Brett Willyerd, Jason Kelsch, James Campbell, and Gregory Mitani all signed the new consent agreements from the POST Council recommendations at the March 2009, meeting.

Attorney Lana Taylor and Lt. Steve Winward presented the following disciplinary cases.

MICHAEL D. SPILMAN - (Child Sex Abuse)

Appendix A-1

Aggravating Circumstances: Repetitive Conduct, Disruption to the Agency and Community.

Mitigating Circumstances: None.

Spillman received a felony letter of revocation from the director, informational only to the Council.

MELANIE MADILL - (Custodial Sexual Misconduct, Tampering with Evidence)

Appendix A-2

Aggravating Circumstances: Repetitiveness of conduct, Disruption to the community, Custodial environment.

Mitigating Circumstances: None.

Madill received a felony letter of revocation from the director, informational only to the Council.

STEVE ROMERO - (Sexual Exploitation of a Minor)

Appendix A-3

Aggravating Circumstances: Repetitiveness of conduct, Disruption to the Agency and the Community.

Mitigating Circumstances: None.

Motion: Chief Val Shupe motioned to accept Steve Romero's signed consent agreement for revocation of his peace officer certification.
Second: Sheriff Dave Edmunds seconded the motion.
Vote: The motion passed with all in favor.

ERIC MCGILL - (Willful Falsification to Obtain Certified Status, Possession or Use of Tier 2 Drug)
Appendix A-4

Aggravating Circumstances: None.
Mitigating Circumstances: None.

Motion: Robbie Robertson motioned to accept Eric McGill's signed consent agreement revoking his special function officer certification.
Second: Executive Director Tom Patterson seconded the motion.
Vote: The motion passed with all in favor.

KENNETH K. HAMMOND- (Unlawful Sexual Conduct on Duty)
Appendix A-5

Aggravating Circumstances: Disruption to the community and/or department, Conviction in criminal court, Substantial age difference, Misuse position of trust and authority.
Mitigating Circumstances: None.

Motion: Chief Val Shupe motioned to accept Kenneth Hammond's signed consent agreement revoking his peace officer certification.
Second: Chief Terry Keefe seconded the motion.
Vote: The motion passed with all in favor.

BRADY C. BLACKNER - (Off-Duty Sexual Misconduct, Lying Under Garrity)
Appendix A-6

Aggravating Circumstances: Repetitiveness of conduct.
Mitigating Circumstances: None.

Motion: Dr. Sterling Provost motioned to accept Brady Blackner's signed consent agreement for a four-year suspension of his peace officer certification. (4/1/09-4/1/13)
Second: Chief Ken Wallentine seconded the motion.
Vote: The motion passed with all in favor.

CHAD FEICHKO - (On-Duty Sexual Misconduct)

Appendix A-7

Aggravating Circumstances: None.

Mitigating Circumstances: Honesty and cooperation.

Motion: *Chief Ken Wallentine motioned to accept Chad Feichko's signed consent agreement for a three-year suspension of his peace officer certification. (4/17/2009-4/17/2012)*

Second: *Dr. Sterling Provost seconded the motion.*

Vote: *The motion passed with all in favor.*

SCOTT E. DURFEY - (Tampering with a Witness)

Appendix A-8

Aggravating Circumstances: Conviction in criminal court.

Mitigating Circumstances: None.

Motion: *Robbie Robertson motioned to accept Scott Durfey's signed consent agreement for a three-year suspension of his peace officer certification. (4/7/2009-4/7/2012)*

Second: *Sheriff Lamont Smith seconded the motion.*

Discussion: Sheriff Edmunds feels this case could have been charged as a felony.

Vote: *The motion passed with 13 for and 1 against.*

NICK L. HALLMAN - (Disorderly Conduct)

Appendix A-9

Aggravating Circumstances: Conviction in criminal court.

Mitigating Circumstances: None.

Motion: *Chief Terry Keefe motioned to accept Nick Hallman's signed consent agreement for a two-year suspension of his peace officer certification. (6/25/08-6/25/10)*

Second: *Chief Val Shupe seconded the motion.*

Vote: *The motion passed with 12 for and 2 against.*

TINA HOWARD - (Inappropriate Relationship with Probationers)

**Case pending, remanded back to POST investigations.*

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Dr. Sterling Provost motioned to accept Tina Howard's signed consent agreement for a two-year suspension of her correctional officer certification. (3/2/2009-3/2/2011)*

Second: *Chief Mike Larsen seconded the motion.*

Discussion: Chief Ken Wallentine stated the actions of this officer are more serious than a two-year suspension.

Sub-Motion: *Chief Ken Wallentine motioned to have the POST Investigator seek a consent agreement for a three-year suspension of Tina Howard's correctional officer certification. (3/2/2009-3/2/2012)*

Second: *Sheriff Dave Edmunds seconded the motion.*

Vote: *The motion passed with 11 for and 3 against.*

RYAN K. BENNETT - (DUI)

Appendix A-10

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Mayor Joe Ritchie motioned to accept Ryan Bennett's signed consent agreement for a two-year suspension of his correctional officer certification. (4/6/2009-4/6/2011)*

Second: *Commissioner LuWayne Walker seconded the motion.*

Vote: *The motion passed with all in favor.*

MATHEW S. NIELSEN - (Alcohol Addiction)

Appendix A-11

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Robbie Robertson motioned to accept Mathew Nielsen's signed consent agreement for a two-year suspension of his peace officer certification. (12/30/08-12/30/10)*

Second: *VP Donna Dillingham-Evans seconded the motion.*

Discussion: Council members asked how POST would enforce the alcohol treatment program. Lt. Winward informed the Council the stipulation was included in the signed consent agreement.

Vote: *The motion passed with all in favor.*

MATTHEW D. STERNER - (Driving Under the Influence of Alcohol)

Appendix A-12

Aggravating Circumstances: None.

Mitigating Circumstances: None.

- Motion:** *Dr. Sterling Provost motioned to accept Matthew Sterner's signed consent agreement for a two-year suspension of his peace officer certification. (4/10/09-4/10/11)*
- Second:** *Chief Val Shupe seconded the motion.*
- Vote:** *The motion passed with all in favor.*

SHAWN L. BLAUER - (Malfeasance)

*Case pending, remanded back to POST investigations.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Discussion: Executive Director Patterson asked what the impact was to the community and department. Lt. Winward replied the section commander in the area reported the incident did not impact the community or department, it was not well known. This affair was reported by the trooper's wife. Council members discussed and voiced concerns about the sexual misconduct and what constitutes sexual misconduct. Atty. Taylor referred to the POST Administrative Rules as to the definition of sexual misconduct, which would rise to an actual violation: Sexual conduct which is subject to criminal punishment or substantially diminishes, or (if known) would tend to diminish the public confidence and respect for law enforcement, or damage a law enforcement departments efficiency, or impairs the ability of the peace officer to objectively and diligently perform the duties of a peace officer.

- Motion:** *Executive Director Tom Patterson motioned to have the POST Investigator seek a consent agreement for a thirty-month suspension of Shawn Blauer's peace officer certification.*
- Second:** *Sheriff Dave Edmunds seconded the motion.*
- Vote:** *The vote failed with 4 for and 9 against. (Colonel Fuhr abstained)*

- Motion:** *Chief Mike Larsen motioned to have the POST Investigator seek a consent agreement for a two-year suspension of Shawn Blauer's peace officer certification. (2/6/09-2/6/11)*
- Second:** *Chief Val Shupe seconded the motion.*
- Vote:** *The motion passed with 11 for and 2 against. (Colonel Fuhr abstained)*

RODNEY E. MULDER - (Consensual Sexual Misconduct Off-Duty)

Appendix A-13

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Commissioner LuWayne Walker motioned to accept Rodney Mulder's signed consent agreement for a one-year suspension of his peace officer certification. (3/6/09-3/6/10)*

Second: *VP Donna Dillingham-Evans seconded the motion.*

Vote: *The motion passed with all in favor.*

Chairman Cox referred back to the Nick Hallman case. Chief Larsen stated he had concerns with this domestic violence case being reduced and asked why this case was pled down to a Disorderly Conduct. Atty. Taylor stated POST was not aware of why the county attorney reduced the case. Chairman Cox asked if investigators can find details on plea bargains and have them included in the case summary. Director Stephenson replied it would be appropriate for the Council to be informed on plea agreements.

RECONSIDERATION:

Chairman Cox approved hearing the reconsideration by Lauren Barker. Attorney Russell Monahan, representing Lauren Barker, addressed the Council. He appealed to the Council to honor the Administrative Law Judge's (ALJ) ruling and retract the revocation of her certification, which was requested by the Council.

Chairman Cox stated Executive Director Patterson gave additional information to the Council in December that was not presented at the hearing before the ALJ.

Chairman Cox asked if there were any comments or motions from the Council. No comments or motions were made. Chairman Cox ruled the previous revocation will remain and no amendments will be made.

NEXT POST COUNCIL MEETING

The next POST Council meeting will be at Dixie State College on September 22, 2009, at 10:00am.

ADJOURNMENT

Meeting adjourned at 12:03pm.



{APPENDIX}





POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-007LE
SUBJECT: Michael D. Spilman
Investigator: Lt. Steven Winward

ALLEGATION(S)

Child Sex Abuse
Felony Letter (informational only)

EMPLOYMENT HISTORY

- Utah Department of Corrections (UDC) employed and certified as a correctional and law enforcement officer on January 2, 1996. Resigned from UDC on February 26, 1999.
- Murray City Police Department (MPD) employed and certified as a law enforcement officer on March 1, 1999. Resigned from MPD on January 9, 2009, during a criminal investigation.

POST INVESTIGATION OF ALLEGATION(S)

On January 9, 2009, a teenage female reported to her boyfriend and school officials that she had been touched by Spilman inappropriately. Investigators from West Valley City Police (WVCPD) Department were called to investigate the incident. The female victim told investigators that she had been abused by Spilman since she was 13 years old. The victim is now 17 years old. She stated that Spilman forcibly touched her breasts the night prior to the interview.

WVCPD Investigators made contact with Spilman via telephone and requested he come in for questioning. Spilman acknowledged that the victim was telling the truth but refused to come in for questioning. Spilman went to his home and threatened to commit suicide. Officers responded to his home, after a short standoff, Spilman surrendered. Spilman was booked into jail and charged with Aggravated Sexual Abuse, Forcible Sexual Abuse, and Sexual Battery.

On April 6, 2009, Spilman pled guilty to two counts of Forcible Sex Abuse, both 2nd degree felonies. On April 9, 2009, Spilman was issued a felony revocation letter from POST Director Scott Stephenson.

VIOLATION(S)

Spilman's actions violated the following:
Utah Code Ann § 53-6-211(l)(d)(iv) conviction of a felony

AGGRAVATING CIRCUMSTANCE(S)

Repetitive Conduct
Disruption to the Agency and the Community

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

Felony Letter issued by the POST Director on April 9, 2009.



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-013C
SUBJECT: Melanie Madill
Investigator: Rich Fordham

ALLEGATION(S)

Custodial Sexual Misconduct
Tampering with Evidence
Felony Conviction (information only)

EMPLOYMENT HISTORY

- February 9, 1997, Madill was employed and certified as a correctional officer for the Carbon County Sheriff's Office (CCSO)
- January 27, 2009, Madill resigned from the CCSO after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

In December 2008, Madill's assignment was Drug Court Tracker with the CCSO. Madill and a male participant in the drug court program engaged in several sexual encounters at the male participant's home while she (Madill) was off-duty.

In December 2008, the male and another male drug court participant informed Madill that their urine samples would show they had been using drugs. Madill took the participants' urine samples and replaced them with her own urine-Madill did this approximately seven times. A confidential informant reported these allegations to the CCSO.

On January 22, 2009, CCSO IA interviewed Madill. She admitted to all the material facts of the case. The Carbon County Attorney's Office charged Madill with one 3rd degree felony for custodial sexual misconduct and five 3rd degree felonies for tampering with evidence.

On February 26, 2009, POST interviewed Madill at the CCSO. Madill admitted to all the material facts of the case and signed a consent agreement for the revocation of her correctional officer certification.

On March 24, 2009, Madill pled guilty to four third degree felonies for custodial sexual misconduct and tampering with evidence. On April 15, 2009, POST Director Scott Stephenson issued a Felony Letter to Madill.

CHIEF ADMINISTRATOR'S OPINION

On February 26, 2009, POST reviewed Madill's case with Carbon County Sheriff Cordova. Sheriff Cordova concurs with POST's recommendation for the revocation of Madill's correctional officer certification.

VIOLATION(S)

Madill's actions violated the following:

Utah Code Ann. §53-6-211(iv) conviction of a felony

AGGRAVATING CIRCUMSTANCES

Repetitiveness of conduct
Disruption to community and/or department
Custodial environment

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

A Felony Revocation Letter was issued to Madill.



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-049LE
SUBJECT: Chad Feichko
Investigator: Lt. Steven Winward

ALLEGATION(S)

On Duty Sexual Misconduct

EMPLOYMENT HISTORY

- Price City Police Department (PCPD) employed and certified as a law enforcement and correctional officer on December 26, 1996- Resigned from PCPD on April 16, 2004
- Hired by Carbon County Sheriff's Office (CCSO) on April 30, 2004
- Resigned from CCSO on April 17, 2009

POST INVESTIGATION OF ALLEGATION(S)

On April 7, 2009, CCSO conducted an investigation on Feichko based upon excessive phone calls and text messages on his department issued phone. Investigators determined the prominent phone number belonged to a female citizen. The CCSO Investigator was able to determine the female and Feichko frequented the same gym.

On April 17, 2009, the CCSO Investigator contacted Feichko by phone and requested he meet with him at the Sheriff's office while surveilling the female's apartment. The investigator observed Feichko driving at a high rate of speed to the female's apartment of the female with the female inside the vehicle. The investigator made contact with Feichko and the female and requested they go to the office for an interview. During the interview both Feichko and the female admitted to having a sexual affair, one time off duty and one time on duty. Both were married at the time of the affair. At the conclusion of the interview Feichko resigned from CCSO.

On April 22, 2009, Feichko contacted POST and requested he meet with POST investigators to report his misconduct. At this time CCSO had completed the case, but were still in the process of forwarding it to POST.

On April 29, 2009, POST investigations met with Sheriff Cordova and Captain Adams of the CCSO. Sheriff Cordova reported that he felt Feichko was remorseful for his actions and stated he would consider hiring him again at the conclusion of his POST suspension. Sheriff Cordova reported Feichko worked primarily alone serving civil papers, so the incident was not publicized in the agency or the community.

On May 4, 2009, POST met with Feichko. He admitted to the facts of the case and took full responsibility for his actions. POST offered Feichko a consent agreement for a three-year suspension of his law enforcement certifications which he signed.

CHIEF ADMINISTRATOR'S OPINION

On April 29, and May 4, 2009, POST contacted Sheriff James Cordova of the CCSO, He agreed with the recommendation for a three-year suspension of Feichko's peace officer certifications.

VIOLATION(S)

Feichko's actions violated the following:

Utah Code Ann § 53-6-211(l)(d)(v) and Administrative Code R728-409-3 (J) conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCE(S)

None

MITIGATING CIRCUMSTANCE(S)

Honesty and Cooperation

POST RECOMMENDATION

These charges rise to a category C (Sexual Misconduct on Duty) on the POST Disciplinary Guidelines. Taking into account the mitigating circumstances, POST recommends the Council accept the consent agreement for a three-year suspension of Feichko's peace officer certifications from April 17, 2009 through April 17, 2012.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-018LE
SUBJECT: Steve Romero
Investigator: Lt. Steven Winward

ALLEGATION(S)

Sexual Exploitation of a Minor

EMPLOYMENT HISTORY

- Cache County Sheriff's Office (CCSO) employed and certified as a correctional and law enforcement officer on October 31, 2004
- Terminated from CCSO on January 15, 2009 during an internal affairs investigation

POST INVESTIGATION OF ALLEGATION(S)

On January 8, 2009, CCSO received a complaint alleging Romero was sexually harassing and texting sexually explicit photos of himself to several female sheriff's office employees. During the internal affairs investigation, CCSO was contacted by investigators from the Attorney General's Office who were also investigating Romero for downloading child pornography. AG investigators conducted a search of Romero's home computer and found numerous images of child pornography.

CCSO investigators interviewed Romero regarding the images on his computer and texting sexually explicit photos of himself to several female co-workers. During the interview, Romero admitted to the material facts of the case. On April 5, 2009, Romero was arrested and charged with Sexual Exploitation of a Minor by the AG's Office.

On March 10, 2009, POST contacted Romero via telephone. He declined an interview, but agreed to sign a consent agreement for revocation of his peace officer certifications. Romero signed a consent agreement returned it to POST.

CHIEF ADMINISTRATOR'S OPINION

On March 10, 2009, POST contacted Sheriff Lynn Nelson of the CCSO, he agreed with the recommendation of revocation of Romero's peace officer certifications.

VIOLATION(S)

Romero's actions violated the following:

1. Utah Code Ann § 53-6-211(l)(d)(v) conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement
2. Administrative Code R728-409-3 (J)(1)(l)(g)(i-iv) sexual conduct violations

AGGRAVATING CIRCUMSTANCE(S)

Repetitive Conduct
Disruption to the Agency and the Community

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a category A (Commission of a crime that is charged as a felony) on the POST Disciplinary Guidelines. Taking into account the aggravating circumstances, POST recommends the Council accept the consent agreement to revoke Romero's peace officer certification.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-009SFO
SUBJECT: Eric McGill
Investigator: Paul Kotter

ALLEGATION(S)

**Willful Falsification to Obtain Certified Status
Possession or Use of Tier 2 Drug**

EMPLOYMENT HISTORY

- Attended Salt Lake Community College Police Academy (SLCCPA) – September 2, 2008 through February 12, 2009
- Special Function Officer (SFO) certified December 22, 2008
- Resigned SLCCPA following a positive drug screen – February 12, 2009

POST INVESTIGATION OF ALLEGATION(S)

On February 12, 2009, Sergeant Dave Attridge with the SLCCPA conducted an unannounced, random drug screen test and randomly selected six cadets from the class. . McGill was one of the students selected for the random drug test- his urine sample tested positive for THC.

Sergeant Attridge interviewed McGill regarding the positive drug results. McGill told Sergeant Attridge he got together with some friends and drank a few beers the night before the drug test. McGill said someone pulled out a few pipes or bongs and he (McGill) took a couple of puffs. Sergeant Attridge asked McGill, prior to this occasion, when was the last time he smoked marijuana. McGill stated the last time he used marijuana was over two years ago.

On March 2, 2009, POST interviewed McGill via telephone. McGill admitted to using marijuana in February 2009 after he was SFO certified. According to McGill's POST application, McGill's reported last use of marijuana was when he was 21 years old-McGill is currently 27 years old. POST questioned McGill regarding his use of marijuana within the last two years. McGill was not forthcoming at first, but eventually admitted to being around friends who smoked. Later in the interview he admitted to "probably" using marijuana within the past two years and then admitted to smoking marijuana in August 2008 and other times within the past two-years. McGill admitted to knowingly falsifying his POST application. McGill signed a consent agreement for the revocation of his special function officer certification.

CHIEF ADMINISTRATOR'S OPINION

On March 9, 2009, POST Investigations contacted Sergeant Dave Attridge. Sergeant Attridge concurs with POST's recommendation for the revocation of McGill's special function officer certification.

VIOLATION(S)

McGill's actions violated the following:

1. Utah Code Ann § 53-6-211(1)(d)(i) willful falsification of information to obtain certified status
2. Utah Code Ann § 53-6-211(1)(d)(v) conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement
 - a. Possession or use of a controlled substance

AGGRAVATING CIRCUMSTANCE(S)

None

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a category B and D (possession or use of tier 2 drug and willful falsification to obtain certified status) on the POST Disciplinary Guidelines. POST recommends the Council accept McGill's signed consent agreement revoking his special function officer certification.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-016LE
SUBJECT: Kenneth K. Hammond
Investigator: Rich Fordham

ALLEGATION(S)

Unlawful Sexual Conduct on Duty

EMPLOYMENT HISTORY

- Employed and certified as a peace officer with the Weber State University Police Department (WSUPD) on February 9, 2000; resigned from WSUPD on March 15, 2001
- Employed by the Weber County Sheriff's Office (WCSO) on March 17, 2000; resigned from WCSO on December 15, 2000
- Employed as a reserve officer with the Roy City Police Department (RCPD) on March 21, 2000; resigned from RCPD on September 11, 2006
- Employed by the Ogden City Police Department (OCPD) on December 18, 2000; resigned from OCPD on January 9, 2009

POST INVESTIGATION OF ALLEGATION(S)

On July 11, 2005, Hammond responded to a "disturbing the peace" call at an apartment complex in Ogden. Hammond identified an 18 year-old female as the complainant. After the complaint was settled, it is alleged that Hammond began a sexually explicit conversation with the 18 year-old female and her 17 year-old friend. Shortly after this conversation occurred, Hammond left the scene.

Approximately an hour and a half later, Hammond returned to the apartment of the 18 year-old. While on-duty, Hammond engaged in sexual relations with both the 17 and 18 year-old females.

In October 2008, the 17 year-old female (now 20 years old) was arrested for DUI. After being processed for the DUI, she informed OCPD of the sexual encounter she had with Hammond. OCPD opened an internal affairs (IA) investigation, but was unable to complete a full investigation due to Hammond resigning.

Hammond was charged with a third-degree felony for having unlawful sexual conduct with a 17 year-old. On March 2, 2009, Hammond pled "no contest" to the amended charge of sexual battery, a class A misdemeanor.

On March 6, 2009, POST conducted a telephonic interview with Hammond's attorney. She asked POST to send her a consent agreement for the revocation of Hammond's peace officer certification. The consent agreement was returned to POST signed by Hammond.

CHIEF ADMINISTRATOR'S OPINION

On April 6, 2009, POST reviewed the case with Ogden City Police Assistant Chief Randy Watt. Chief Watt concurs with POST's recommendation for the revocation of Hammond's peace officer certification.

VIOLATION(S)

Hammond's actions violated the following:

Utah Code Ann. §53-6-211(1)(d)(iv) conviction of a felony or any crime involving Dishonesty, unlawful sexual conduct, physical violence, or driving under the Influence of alcohol or drugs

AGGRAVATING CIRCUMSTANCES

Disruption to community and/or department
Conviction in criminal court
Misuse position of trust and authority

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to the level of a Category A (commission of any crime that is charged or could have been charged as a felony) on the POST Disciplinary Guidelines. POST recommends the Council accept Hammonds's signed consent agreement for the revocation of his peace officer certification.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-034LE
SUBJECT: Brady C. Blackner
Investigator: Rich Fordham

ALLEGATION(S)

Off-duty Sexual Misconduct
Lying Under Garrity

EMPLOYMENT HISTORY

- Employed and certified as a special function officer by the Salt Lake County Constables Office in February 2003-resigned December 2003
- Employed and certified as a law enforcement officer by Ogden City Police Department December 2003- resigned three weeks later
- Employed by Layton City Police Department (LCPD) December 2003-resigned on April 1, 2009

POST INVESTIGATION OF ALLEGATION(S)

On March 18, 2009, Syracuse City Police Department (SCPD) was dispatched to a call at a public park. The report involved a male and a female possibly having sex in a parked vehicle. SCPD arrived to find Blackner and a female sitting in a private vehicle; however, they were not engaging in any sexual activity. Blackner identified himself as an off duty LCPD officer. The female was also identified and was found not to be Blackner's wife. SCPD reported the incident to LCPD administration.

On March 19, 2009, LCPD interviewed Blackner. After a Garrity warning, Blackner denied ever having any sexual relationship with the female he was found with at the park. Later that same evening, Blackner contacted the LCPD Chief. He told the Chief he did not have sex in the park with the female, but admitted having sex with her on one separate occasion off duty. Subsequently, Blackner was asked to take a polygraph examination. During the pre-examination interview, Blackner told the polygraph examiner he had sex with the female on three separate occasions.

On March 26, 2009, LCPD conducted a second interview with Blackner. Blackner admitted he lied and confessed to having sexual relations with the female seven to ten times all while he was off-duty.

On April 30, 2009, POST interviewed Blackner. Blackner denied being involved in sexual activity in the park. Blackner admitted to having a sexual relationship with the female on seven to ten occasions. He also admitted to lying under Garrity.

CHIEF ADMINISTRATOR'S OPINION

On May 4, 2009, POST reviewed the case with LCPD Chief Terry Keefe. Chief Keefe concurs with POST's recommendation for a four-year suspension of Blackner's peace officer certification.

VIOLATION(S)

Blackner's actions violated the following:

Utah Code Ann. §53-6-211(1)(d)(v) any conduct or pattern of conduct that would tend to disrupt, diminish, or that would otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

Repetitiveness of Conduct

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to the level of a Category C (Lying under Garrity) and E (Consensual sexual misconduct off duty that becomes disruptive to an agency and/or department) on the POST Disciplinary Guidelines. POST recommends the Council accept Blackner's signed consent agreement for the four-year suspension of his peace officer certification starting April 1, 2009 through April 1, 2013.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-006LE
SUBJECT: Scott E. Durfey
Investigator: Rich Fordham

ALLEGATION(S)

Tampering with a Witness

EMPLOYMENT HISTORY

- Employed and certified as a peace officer with the Washington City Police Department (WCPD) on January 9, 2006
- Resigned from WCPD on April 7, 2009

POST INVESTIGATION OF ALLEGATION(S)

In November 2008, Durfey, who was single, began a sexual relationship with a female he met while working a part time security job. Durfey later learned from his peers in the department, the female was on probation and attending a drug treatment program.

In late November or early December 2008, Durfey contacted the female and asked her about the probation and drug court. The female confirmed she was on probation. Durfey told her he was ending the relationship, but asked her not to mention their relationship to anyone. The female told Durfey she was going to inform her AP&P Agent, so she would not get into trouble. Durfey specifically told her not to tell the AP&P Agent anything.

On December 17, 2008, the female informed her AP&P Agent of the relationship with Durfey. The Agent made a report and informed WCPD administration of the relationship. WCPD administration opened an internal affairs (IA) investigation and referred the case to St. George Police Department (SGPD) for a criminal investigation.

Durfey was charged with witness tampering, a class A misdemeanor. On April 29, 2009, he entered into a plea in abeyance to the charge.

On April 1, 2009, POST held a telephonic interview with Durfey. Durfey was not willing to contest the allegations, but agreed to sign a consent agreement for a three-year suspension of his peace officer certification.

CHIEF ADMINISTRATOR'S OPINION

On April 1, 2009, POST reviewed the case with WCPD Chief Jim Keith. Chief Keith concurs with POST's recommendation for a three-year suspension of Durfey's peace officer certification.

VIOLATION(S)

Durfey's actions violated the following:

Utah Code Ann. §53-6-211(1)(d)(iv) conviction of a felony or any crime involving dishonesty, unlawful sexual conduct, physical violence, or driving under the influence of alcohol or drugs

AGGRAVATING CIRCUMSTANCES

Conviction in criminal court

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to the level of a Category C (commission of any crime that is charged or could have been charged as a class A misdemeanor) on the POST Disciplinary Guidelines. POST recommends the Council accept Durfey's signed consent agreement for the three-year suspension of his peace officer certification starting April 7, 2009 through April 7, 2012.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-053LE
SUBJECT: Nick L. Hallman
Investigator: Paul Kotter

ALLEGATION(S)

Disorderly Conduct

EMPLOYMENT HISTORY

- Washington County Sheriff's Office (WCSO) – employed and certified as a corrections and law enforcement officer July 24, 1999, through June 30, 2006 - Resigned
- Springdale/Zion Canyon DPS (SDPS) – employed as a law enforcement officer on July 1, 2006, through June 25, 2008 – Terminated following domestic situation

POST INVESTIGATION OF ALLEGATION(S)

On June 12, 2008, Hallman was involved in an argument with his wife. The argument escalated when Hallman threw items inside his home damaging a closet door and breaking a picture frame. A piece of glass from the picture frame broke and fell striking his wife's foot; the shard of glass cut her foot. The Hallman's five year-old daughter was present in the home and witnessed the incident.

Hallman's wife called 911 and police officers from the Hurricane City Police Department (HCPD) responded. Hallman was cited for Criminal Mischief-Domestic Violence (Class B Misdemeanor), Disorderly Conduct-Domestic Violence (Class C Misdemeanor), and Domestic Violence in front of a child (Class A Misdemeanor). Hallman was not arrested, but was advised not to return home until things calmed down.

On June 13, 2008, Hallman was interviewed by SDPS Internal Affairs (IA). Hallman admitted being involved in a verbal dispute with his wife in the presence of his daughter. Hallman stated he was taking a picture out of its picture frame and smacked the back of the frame against the edge of the dresser. Hallman stated the glass blew out of the front of the frame, but claims he doesn't know how his wife's foot was cut. Hallman stated his wife was in close proximity when the picture frame broke, therefore, creating the possibility her foot could have been cut from a shard of glass.

On July 14, 2008, POST contacted Hallman. Hallman admitted to the material facts of the case. Hallman informed POST he was enrolled in a Parenting and a Domestic Violence Treatment class.

On January 27, 2009, Hallman sent POST the completion certificates for a Love and Logic Parenting Class and a Domestic Violence Treatment Class.

On April 15, 2009, the charges of Criminal Mischief and Domestic violence in front of a child were dismissed at the Fifth District Court in St. George. Hallman entered a plea of "No Contest" to Disorderly Conduct, a class C misdemeanor with a plea in abeyance for 18 months.

POST contacted Hallman on April 17, 2009. Hallman signed a consent agreement for the suspension of his correctional and peace officer certifications beginning on the date of his termination from SDPS.

CHIEF ADMINISTRATOR'S OPINION

On April 16, 2009, POST Investigations contacted SDPS Kurt Wright. Director Wright concurs with POST's recommendation for the suspension of Hallman's corrections and peace officer certifications.

VIOLATION(S)

Hallman's actions violated the following:

Utah Code Ann § 53-6-211(l)(d)(v) conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCE(S)

Conviction in criminal court

MITIGATING CIRCUMSTANCE(S)

Took a parenting and domestic violence class

POST RECOMMENDATION

These charges rise to a category D (commission of any crime that is charged or could have been charged as a class B misdemeanor) on the POST Disciplinary Guidelines. Taking into account the aggravating and mitigating circumstances, POST recommends the Council accept Hallman's signed consent agreement suspending his corrections and peace officer certifications from June 25, 2008 through June 25, 2010.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-040C
SUBJECT: Ryan K. Bennett
Investigator: Lt. Steven Winward

ALLEGATION(S)

DUI

EMPLOYMENT HISTORY

- Utah Department of Corrections (UDC) employed and certified as a correctional officer on November 3, 2008
- Terminated from UDC on April 6, 2009

POST INVESTIGATION OF ALLEGATION(S)

On March 4, 2009, Bennett was contacted by his 16-year old sister. The sister indicated she was in trouble and needed his help. She provided him with her location, but did not give further details. Bennett had been drinking and had just fallen asleep when she called.

When he arrived at the address, there were numerous West Jordan City Police cars at the location. Bennett made contact with one of the officers and, while wearing his UDC jacket and requested to see his sister. The officer noticed Bennett smelled of alcohol, was swaying and had bloodshot eyes. The officer requested he take a portable breath test (PBT). Bennett tested a .153 on the PBT. The officer had Bennett call another relative to take him and his sister home.

On April 6, 2009, Bennett was terminated from UDC for this incident and for not completing his probation.

On May 4, 2009, POST interviewed Bennett. After being issued a Garrity warning, Bennett admitted to driving after drinking. However, he did not think he was intoxicated and decided to drive to the address out of concern for his sister's welfare. Since the incident, Bennett has enrolled in an alcohol treatment program. Bennett was cooperative with POST and did take responsibility for his actions. Bennett signed a consent agreement for a two-year suspension of his correctional officer certification.

CHIEF ADMINISTRATOR'S OPINION

On April 5, 2009, POST contacted UDC Law Enforcement Chief Brent Weichman, He agreed with the recommendation for a two-year suspension of Bennett's correctional officer certification.

VIOLATION(S)

Bennett's actions violated the following:

Utah Code Ann § 53-6-211(1)(d)(v) and Administrative code Administrative Code R728-409-3 (J) conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCE(S)

None

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a category D (DUI First Offense) on the POST Disciplinary Guidelines. POST recommends the Council accept the consent agreement for a two-year suspension of Bennett's correctional officer certification from April 6, 2009 through April 6, 2011.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-122LE
SUBJECT: Mathew S. Nielsen
Investigator: Paul Kotter

ALLEGATION(S)

Alcohol Addiction

EMPLOYMENT HISTORY

- Lehi City Police Department (LCPD) – employed and certified as a law enforcement officer, June 4, 2002, through November 1, 2005 – Resigned
- Utah Valley University Police Department (UVUPD) – employed as a law enforcement officer, October 25, 2006, through December 30, 2008 – Terminated

POST INVESTIGATION OF ALLEGATION(S)

On October 31, 2005, Nielsen was assigned to the Lehi Justice Court as a bailiff. Nielsen arrived at work late-causing his sergeant to work part of Nielsen's shift. The sergeant confronted Nielsen about his tardiness. Nielsen advised his sergeant he was having issues with his ex-wife.

The sergeant could smell an odor of alcohol coming from Nielsen's breath as they spoke. The sergeant asked Nielsen when he had his last drink of alcohol. Nielsen stated he stopped drinking around midnight the night before.

The sergeant requested Nielsen take a breath test. While the sergeant was explaining the procedure, Nielsen placed several breath mints in his mouth. Nielsen originally agreed to take a test, but then told the sergeant he would not submit to one. Nielsen eventually agreed to take the test. The sergeant administered a preliminary breath test (PBT) which indicated Nielsen had a breath alcohol level of .067. Nielsen was relieved of duty and was taken home. Nielsen resigned from LCPD on November 1, 2005. This incident was not reported to POST and only came to light during a UVUPD investigation in 2008.

On December 20, 2008, Nielsen was working for the UVUPD. A concerned UVUPD officer told Chief Brewer Nielsen was showing up to work intoxicated or smelling of alcohol.

On December 22, 2008, Chief Brewer responded to a call with Nielsen. Chief Brewer smelled an odor of alcohol on Nielsen's breath. Nielsen was dispatched to another call and left the scene. Chief Brewer asked dispatch to have Nielsen respond to the office to talk to him. Chief Brewer ordered Nielsen to take a breath test. Prior to administering the test, Chief Brewer asked Nielsen when he had his last drink of alcohol. Nielsen stated his last drink was at 10 pm the previous evening. Nielsen stated he would not take a breath test, but eventually agreed to take the test. The PBT breath result was 0.034. A subsequent PBT was administered a few minutes after the

first test showing Nielsen had a breath alcohol level of 0.037. Nielsen was suspended from work and was given a ride home. Based on the LCPD and UVUPD reports, Nielsen demonstrated an addiction to alcohol while on-duty.

POST attempted to contact Nielsen several times with no success. An administrative complaint was filed and sent to Nielsen. Nielsen failed to respond to the complaint and a default hearing was scheduled. On the day of the hearing Nielsen, in attendance with his attorney, agreed to sign a consent agreement to suspend his peace officer certification for two-years. In addition, Nielsen agreed to obtain alcohol abuse counseling.

CHIEF ADMINISTRATOR'S OPINION

On April 29, 2009, POST Investigations contacted UVUPD Chief Brewer. Chief Brewer concurs with POST's recommendation for the suspension of Nielsen's peace officer certification.

VIOLATION(S)

Nielsen's actions violated the following:

Utah Code Ann § 53-6-211(l)(d)(v) conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCE(S)

None

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

This conduct is a violation of Administrative Rule R728-409-3(J)(1)(k) addiction to alcohol, not under control. POST recommends the Council accept Nielsen's signed consent agreement suspending his peace officer certification from December 30, 2008, through December 30, 2010, and agreeing to obtain an alcohol evaluation by a licensed substance abuse provider and to comply with all recommended alcohol abuse counseling prior to seeking reinstatement of his peace officer certification.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-092LE
SUBJECT: Matthew D. Sterner
Investigator: Bryant Green

ALLEGATION(S)

Driving Under the Influence of Alcohol

EMPLOYMENT HISTORY

- Sterner was employed and certified as a law enforcement officer by the Salt Lake County Sheriff's Office (SLCSO) on November 16, 1996.
- Sterner was terminated from the SLCSO on April 10, 2009.

POST INVESTIGATION OF ALLEGATION(S)

On August 26, 2008, Sterner was stopped by the Utah Highway Patrol for speeding. During the trooper's initial contact, he detected a strong odor of alcohol permeating from Sterner's breath. The trooper observed Sterner's speech was slurred and he fumbled to find his vehicle's paperwork. Sterner failed the roadside standard field sobriety tests. Sterner was arrested for driving under the influence of alcohol. Sterner submitted to a intoxilyzer chemical breath test and was found to have a breath alcohol content (BrAC) of .137.

Charges were not filed against Sterner because the trooper did not establish probable cause for the stop due to the fact that Sterner's vehicle's rate of speed was not illegal on the road he was traveling. The trooper was unaware of a recent change to the speed limit.

On April 22, 2009, Sterner was interviewed by POST. After being issued a Garrity warning, Sterner admitted to all of the material facts of the case. Sterner signed a consent agreement recommending the suspension of his peace officer certification for a two-year period.

CHIEF ADMINISTRATORS OPINION

SLCSO Sheriff James Winder concurs with POST's recommendation of a two-year suspension of Sterner's peace officers certification.

VIOLATION(S)

Sterner's actions violated the following:

Utah Code Ann. § 53-6-211(l)(d)(v) conduct or pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

None

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a level of category D (1st DUI) on the POST Disciplinary Guidelines and POST recommends a two-year suspension of Sterner's peace officer certification beginning on April 10, 2009, and ending on April 10, 2011.



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-030LE
SUBJECT: Rodney E. Mulder
Investigator: Bryant Green

ALLEGATION(S)

Consensual Sexual Misconduct Off-Duty

EMPLOYMENT HISTORY

- Mulder was employed and certified as a law enforcement officer by the Salt Lake County Sheriff's Office (SLCSO) on July 1, 2000.
- Mulder resigned from the SLCSO on March 6, 2009, after an Internal Affairs (IA) investigation.

POST INVESTIGATION OF ALLEGATION(S)

On January 9, 2009, a complainant contacted SLCSO and alleged Mulder was having an extramarital affair with the complainant's wife. The complainant stated his wife and Mulder had been seeing each other for approximately one and a half years. It was alleged the complainant's wife and Mulder engaged in a sexual encounter while Mulder was on duty-the episode occurred in Mulder's patrol car. The complainant claimed he had surveillance video of this allegation. The case was referred to SLCSO Internal Affairs (IA) for investigation.

On January 22, 2009, SLCSO IA interviewed the complainant's wife. She confirmed she had been intimately involved with Mulder since July of 2007, but stated no sexual encounters ever occurred with him while he was on-duty. She did admit to kissing Mulder, while sitting in his patrol vehicle, but there was never any sexual activity.

On January 22, 2009, Mulder was interviewed by SLCSO IA. After a Garrity warning he admitted to having the extramarital affair with the complainant's wife, but stated nothing sexual ever occurred while he was on-duty or in his patrol vehicle.

The complainant never produced any of the video evidence he claimed he had in his possession. The conclusion of the SLCSO IA investigation was sexual misconduct never occurred while Mulder was on-duty.

On April 29, 2009, Mulder was interviewed by POST. Prior to being issued a Garrity warning, Mulder admitted to all of the material facts of the case. Mulder signed a consent

agreement recommending the suspension of his peace officer certification for a one-year period.

CHIEF ADMINISTRATORS OPINION

SLCSO Sheriff James Winder concurs with POST's recommendation of a one-year suspension of Mulder's peace officer certification.

VIOLATION(S)

Mulder's actions violated the following:

Utah Code Ann. § 53-6-211(l)(d)(v) conduct or pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

None

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to the level of category E (Consensual sexual misconduct off-duty which causes a disruption to the community) on the POST Disciplinary Guidelines. POST recommends a one-year suspension of Mulder's peace officer certification beginning on March 6, 2009, and ending on March 6, 2010.