

POST COUNCIL MEETING

September 29, 2009

*Public Safety Education and Training Center
Sandy, UT*

MINUTES

On September 29, 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
Councilman Robert D. Robertson, Murray City Council
John Crowley, UPOA President (Proxy for Lt. Kyle Shepherd)
Sheriff Lynn Nelson, Cache County Sheriff's Office
SAC Tim Fuhrman, FBI

The following were excused and/or absent:

Lt. Kyle Shepherd, UPOA (Proxy by John Crowley)
Attorney General Mark Shurtleff, Attorney General's Office (Proxy by Ken Wallentine)
Mayor Joe Ritchie, Roy City

POST staff present:

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
John Jacobs, Training Manager
Erin Nixon, POST Support Staff

Others present:

David Holm, Dixie State College Police Academy
Dennis Hutchinson, Department of Corrections Training
Ben Winslow, Fox 13
Jack Rickards, Weber State University Police Academy
Jim Hoffman, Salt Lake Community College
Robert D. Allinson, Cedar City P.D.
Holly Dixon, UPOA/CCSO
Larry Gillett, UPOA
Jamie Olson, CCSO
Nate Carlisle, Salt Lake Tribune
Geoff Liesik, Deseret News

WELCOME AND INTRODUCTIONS

The meeting was called to order at 10:00am. Chairman Bud Cox welcomed those in attendance at POST Council and introduced Jim Crowley from the UPOA.

Deputy Director Sparks introduced POST's new support staff, Erin Nixon and informed the Council Lt. Winward has taken a new position with DPS and POST is in the processes of hiring a new Bureau Chief over In-Service and Investigations.

Chairman Cox thanked SAC Tim Fuhrman for his service to the Council; SAC Fuhrman is taking a new position with the FBI in Mobile, Alabama.

APPROVAL OF POST COUNCIL MINUTES

The POST Council minutes of June 4, 2009, were reviewed and the following motion was made:

Motion: *Sheriff Lynn Nelson motioned to approve the minutes of June 4, 2009.*
Second: *Dr. Sterling Provost seconded the motion.*
Vote: *The motion passed with all in favor.*

CORRECTIONS PHYSICAL FITNESS STANDARD

Director Dennis Hutchinson presented the Utah Department of Corrections Academy's physical fitness standard. The physical fitness standard for correctional officer certification will be the same as the SFO exit standard, as approved by the Council in June 2009.

Motion: *Councilman Robbie Robertson motioned to accept the proposed physical fitness standard.*
Second: *VP Donna Dillingham-Evans seconded the motion.*
Vote: *The motion passed with all in favor.*

REPORT ON WEBER STATE'S PRACTICAL SKILLS ACADEMY

Director Jack Rickards reported on the Weber State practical skills academy. This academy has been successful and the advisory board at Weber State University would like to continue the program. Director Rickards explained to newer Council members how the Skills Academy was developed.

Motion: *Chief Shupe motioned to approve the continuation of the Weber State Practical Skills Academy.*
Second: *Sheriff Edmunds seconded the motion.*

Discussion: Executive Director Patterson requested a friendly amendment to the motion to include all other universities the ability to do the same thing Weber State has done. Chief Shupe agreed to the amendment. Deputy Director Sparks stated any University that would like to participate would need to perform a course by course review of their curriculum to make sure it meets the basic classroom portion of the academy.

Amended

Motion: *Chief Shupe amended the motion to approve the continuation of the Weber State Practical Skills Academy and to allow other universities under POST direction to have the same opportunity.*

Second: *Sheriff Edmunds seconded the amended motion.*

Discussion: VP Dillingham-Evans would like to view the process and curriculum Weber State presented to get approval. Chairman Cox stated any university seeking a skills academy would need approval from the Council. Deputy Director Sparks stated universities seeking consideration will need to have an established satellite academy. Chief Shupe asked if that would disqualify students from a college that does not have an academy. Deputy Director Sparks replied a student from another college could attend a skills academy at a college that has an approved satellite academy. Chief Shupe would like POST, if the demand arises, to hold a skills academy. Deputy Director Sparks stated POST would consider holding a practical skill academy if it were warranted.

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

SATELLITE ACADEMY AUDIT REPORT

Lt. Breur reported on the satellite academy audit held on September 2, 2009. Capt. Kelly Sparks, Sgt. Brad Zeeman and himself went to Dixie State College Satellite Academy. They audited the program and were able to observe the scenario training. POST found no exceptions to the audit. Lt. Breur thanked Director Dave Holm for the great job he is doing with the Dixie State College Satellite Academy.

VP Donna Dillingham-Evans requested a report of the audit. Lt. Bruer stated he would email the audit report.

REPORT ON CRITICAL INCIDENT COURSE

Lt Breur briefed the Council on the objectives and curriculum used to train cadets in "Introduction to the Crisis Intervention Team (CIT)". He distributed a PowerPoint handout of the CIT objectives, scenarios and defensive tactics used to train in this area. POST would also like to utilize current videos of officers handling these types of situations.

IN-SERVICE AUDIT REPORT

Deputy Director Sparks stated the audit was not quite complete. POST is confirming all discrepancies with agencies and has requested an extension from the Utah Retirement System (URS) before submitting its in-service training hour deficiency list. . POST will be submitting the report to the URS on December 1, 2009.

Chairman Cox asked if the extension given to POST was going to change the date deficient officers will be suspended. Deputy Director Sparks stated it would not affect the date of suspension.

EXECUTIVE SESSION

Chairman Cox called for the Council to go into Executive Session to discuss litigation that involves previous action taken by the Council.

Motion: *Commissioner LuWayne Walker motioned to go into Executive Session at 10:32am.*
Second: *Chief Val Shupe Seconded the motion.*
Vote: *The motion passed with all in favor.*

Meeting Called to Order: *Open Meeting returned to order at 11:02am.*

DISCIPLINARY ACTIONS

Lt. Steve Winward informed the Council the two cases remanded back to POST Investigations to seek new consent agreements have been completed. Tina Howard and Shawn Blauer both signed new consent agreements.

Attorney Lana Taylor presented the following disciplinary cases.

ROBERT B. BRAGG - (Driving Under the Influence)

Appendix A-1

Aggravating Circumstances: Repetitiveness of Conduct.

Mitigating Circumstances: None.

Motion: *Sheriff Lynn Nelson motioned to accept Robert Bragg's signed consent agreement for revocation of his peace officer certification.*
Second: *Councilman Robbie Robertson seconded the motion.*
Vote: *The motion passed with all in favor.*

CORY D. FRAMPTON - (On-Duty Sexual Misconduct, Off-Duty Sexual Misconduct, Official Misconduct)

Appendix A-2

Aggravating Circumstances: On-duty status, Misuse of position of trust and authority.

Mitigating Circumstances: None.

Motion: *Chief Val Shupe motioned to accept Cory Frampton's signed consent agreement for revocation of his peace officer certification.*
Second: *Dr. Sterling Provost seconded the motion.*
Vote: *The motion passed with all in favor.*

ROBERT B. HUMPHRIES - (Failure to Respond to an Officer's Signal to Stop, Lying Under Garrity)

Appendix A-3

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Executive Director Tom Patterson motioned to accept the ALJ ruling to revoke Robert Humphries' peace officer certification.*

Second: *Sheriff Lamont Smith seconded the motion.*

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

MICHELLE L. JOHNSON - (Theft, Possession/Use of Tier 1 Drug)

Appendix A-4

Aggravating Circumstances: On-duty status, Misuse of position of trust and authority.

Mitigating Circumstances: None.

Motion: *Commissioner LuWayne Walker motioned to accept Michelle Johnson's signed consent agreement revoking her peace officer certification.*

Second: *Sheriff Lynn Nelson seconded the motion.*

Discussion: Chairman Cox asked why a two year time span before the incident was investigated. Attorney Taylor stated the husband found the drugs and did not report it until they began divorce proceedings two years later.

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

JERRY MITCHELL- (Custodial Sexual Misconduct, Lying Under Garrity)

Appendix A-5

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Councilman Robbie Robertson motioned to accept Jerry Mitchell's signed consent agreement revoking his peace officer certification.*

Second: *Chief Terry Keefe seconded the motion.*

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

MARK E. NENTWICH - (Forcible Sexual Abuse)

Appendix A-6

Aggravating Circumstances: Activity involving a non-consensual participant, Substantial age difference.

Mitigating Circumstances: None.

Motion: Chief Terry Keefe motioned to accept Mark Nentwich's signed consent agreement revoking his peace officer certification.

Second: Colonel Daniel Fuhr seconded the motion.

Vote: The motion passed with all in favor.

SCOTT E. PRICE - (Forcible Sexual Abuse, Lying Under Garranty)

Appendix A-7

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Chief Val Shupe motioned to accept Scott Price's signed consent agreement revoking his peace officer certification.

Second: Dr. Sterling Provost seconded the motion.

Vote: The motion passed with 13 in favor. (Sheriff Edmunds abstained)

RICK J. NICHOLS - (Theft)

Appendix A-8

Aggravating Circumstances: On-duty or perception of on-duty status, Disruption to community and/or department, Lack of cooperation with POST investigation, Conviction in criminal court.

Mitigating Circumstances: None.

Motion: Sheriff Lynn Nelson motioned to accept the ALJ's ruling to revoke Rick Nichols' peace officer certification.

Second: Chief Terry Keefe seconded the motion.

Vote: The motion passed with 13 in favor. (Executive Director Tom Patterson abstained)

GEORGE L. RICE - (Custodial Sexual Misconduct)

Appendix A-9

Aggravating Circumstances: None.

Mitigating Circumstances: None.

- Motion:** *Dr. Sterling Provost motioned to accept George Rice's signed consent agreement for revocation of his peace officer certification.*
- Second:** *VP Donna Dillingham-Evans seconded the motion.*
- Vote:** *The motion passed with all in favor.*

GILBERT SALAZAR - (Off-Duty Sexual Misconduct)

Appendix A-10

Aggravating Circumstances: None.

Mitigating Circumstances: None.

- Motion:** *Sheriff Lynn Nelson motioned to accept Gilbert Salazar's signed consent agreement for revocation of his peace officer certification.*
- Second:** *Colonel Daniel Fuhr seconded the motion.*
- Vote:** *The motion passed with all in favor.*

JEROLD KEITH SAVAGE - (Lying Under Garrity, Harassment)

Appendix A-11

Aggravating Circumstances: Supervisory authority, Disruption to the department.

Mitigating Circumstances: None.

- Motion:** *Sheriff Dave Edmunds motioned to accept Jerold Savage's signed consent agreement for revocation of his peace officer certification.*
- Second:** *VP Donna Dillingham-Evans seconded the motion.*
- Vote:** *The motion passed with all in favor.*

STEPHANIE D. SEARCY - (Lying Under Garrity, Willful Falsification to Obtain Certified Status)

Appendix A-12

Aggravating Circumstances: Reckless endangerment of fellow employee.

Mitigating Circumstances: None.

Motion: Sheriff Lamont Smith motioned to accept Stephanie Searcy's signed consent agreement for revocation of her peace officer certification.

Second: VP Donna Dillingham-Evans seconded the motion.

Vote: The motion passed with 13 in favor. (Executive Director Tom Patterson abstained)

MICHELLE T. STEWART - (Custodial Sexual Misconduct)

Appendix A-13

Aggravating Circumstances: Supervisory authority, On-duty, Repetitiveness of conduct, Custodial environment.

Mitigating Circumstances: None.

Motion: Sheriff Lamont Smith motioned to accept Michelle Stewart's signed consent agreement for revocation of her peace officer certification.

Second: Sheriff Lynn Nelson seconded the motion.

Vote: The motion passed with all in favor.

BRENNA M. VAUGHN - (Custodial Sexual Misconduct)

Appendix A-14

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Sterling Provost motioned to accept Brenna Vaughn's signed consent agreement for revocation of her peace officer certification.

Second: Chief Val Shupe seconded the motion.

Vote: The motion passed with all in favor.

KELLY B. SHARP - (Sexual Misconduct On-Duty)

Appendix A-15

Aggravating Circumstances: Repetitiveness of conduct, In the workplace.

Mitigating Circumstances: None.

Motion: *Colonel Daniel Fuhr motioned to accept Kelly Sharp's signed consent agreement for a four-year suspension of his peace officer certification (11/26/2008-11/26/2012).*

Second: *Executive Director Tom Patterson seconded the motion.*

Discussion: Council members discussed the suspension time of only four years. Attorney Taylor said a four year suspension is appropriate for this violation according to the POST Disciplinary Guidelines.

Vote: *The motion passed with 13 in favor and 1 opposed.*

CHAD D. BARNETT - (Theft of Services)

Appendix A-16

Aggravating Circumstances: Supervisory authority.

Mitigating Circumstances: None.

Motion: *Chief Val Shupe motioned to accept Chad Barnett's signed consent agreement for a three-year suspension of his peace officer certification (5/22/2009-5/22/2012).*

Second: *Robbie Robertson seconded the motion.*

Discussion: Chief Ken Wallentine asked why Sheriff Slater made the request to reduce Barnett's suspension. Investigator Fordham stated the sheriff thinks highly of Barnett and would rehire him. The sheriff would like a two-year suspension. Chief Wallentine asked if theft of \$462 would be a Class B Misdemeanor. Attorney Taylor replied \$300 - \$1000 is a Class A Misdemeanor.

Sub-motion: *Sheriff Lynn Nelson motioned to have the POST Investigator seek a consent agreement for a two-year suspension of Chad Barnett's peace officer certification (5/22/2009-5/22/5011).*

Second: *Chief Ken Wallentine seconded the motion.*

Vote: *The motion passed with 9 for and 5 opposed.*

DANIEL L. GILBERT - (Lying Under Garrity)

Appendix A-17

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Sheriff Dave Edmunds motioned to accept Daniel Gilbert's signed consent agreement for a three-year suspension of his peace officer certification (4/07/2009 - 4/07/2012).*

Second: *Chief Terry Keefe seconded the motion.*

Discussion: Commissioner Walker asked if the ammunition taken by Gilbert was off the ground. Lt. Winward stated Gilbert took handfuls of live ammunition, but stated the issue with this case is lying under Garrity, not theft.

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

MICHAEL A. OGE- (Malfeasance, Crime that could have been charged as a Class B Misdemeanor)

Appendix A-18

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Sheriff Lynn Nelson motioned to accept Michael Oge's signed consent agreement for a three-year suspension of his peace officer certification (4/3/2009-4/3/2012).*

Second: *Sheriff Dave Edmunds seconded the motion.*

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

JEFF L. CHRISTENSEN - (False Information on a POST Application)

Appendix A-19

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Chief Terry Keefe motioned to accept Jeff Christensen's signed consent agreement for a two-year suspension of his peace officer certification (6/2/2009-6/2/2011).*

Second: *Councilman Robbie Robertson seconded the motion.*

Discussion: Chief Ken Wallentine asked to clarify the timeline. Lt. Winward stated he could have been eligible to attend an academy in six-months if he had not falsified the application. Executive Director Patterson inquired if Director Larsen had a similar case during a previous Council meeting and if that case also received a two year suspension. Director Larsen stated that was correct.

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

MEGAN K. HANCOCK - (Driving Under the Influence)

Appendix A-20

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Dr. Sterling Provost motioned to accept Megan Hancock's signed consent agreement for a two-year suspension of her peace officer certification (3/18/09-3/18/11).*

Second: *Sheriff Lynn Nelson seconded the motion.*

Discussion: Commissioner Walker would like to see her attend alcohol counseling.

Sub-Motion: *Commissioner LuWayne Walker motioned to accept the two-year suspension and to require Megan Hancock attend drug rehabilitation before reactivating her peace officer certification.*

Second: *None.*

Discussion: Attorney Taylor stated the criminal case is still pending and until that is complete it is unknown if she will receive court ordered alcohol treatment or if the charges will be dismissed.

2nd Sub Motion: *Chief Ken Wallentine motioned to accept Megan Hancock's signed consent agreement for a two-year suspension, subject to her completing a standard alcohol evaluation and disclose the findings to POST before reactivating her peace officer certification.*

Second: *Robbie Robertson seconded the motion.*

Discussion: Executive Director Patterson stated the onus should fall on the next hiring agency of this officer to follow-up on alcohol treatment. Director Larsen stated the certification is the issue the Council should focus on and not the alcohol rehabilitation.

Vote: *The motion failed with 4 in favor and 10 oppose.*

The Council returned to the original motion because the 1st sub-motion died for the lack of a second.

Vote: *The original motion passed with 13 in favor and 1 opposed.*

STEVE HATZIDAKIS - (Sexual Solicitation)

*Case pending, remanded back to POST investigations.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Sheriff Lynn Nelson motioned to table this case and have POST Investigate further.*

Second: *Sheriff Lamont Smith seconded the motion.*

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

Discussion: Executive Director Patterson stated he was not sure why Sheriff Nelson made the motion to table the Hatzidakis case, but was going on faith the Sheriff had more information. Attorney Taylor informed the Council Sheriff Smith contacted a POST investigator and changed his opinion from what is on the case summary.

NIKOLAS H. SEARLE - (Gambling)

Appendix A-21

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Sheriff Lamont Smith motioned to accept Nikolas Searle's signed consent agreement for a two-year suspension of his peace officer certification (6/9/2008-6/9/2010).*

Second: *Colonel Daniel Fuhr seconded the motion.*

Discussion: Chief Ken Wallentine stated there is an aggravator in this case and felt the officer should receive a longer suspension.

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

DANIEL J. SORENSEN - (Driving Under the Influence)

Appendix A-22

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Sheriff Lynn Nelson motioned to accept Daniel Sorensen's signed consent agreement for a two-year suspension of his peace officer certification (5/4/2009-5/4/2011).
Second: Colonel Daniel Fuhr seconded the motion.
Vote: The motion passed with all in favor.

KATRINA M. MADSEN - (Off-Duty Sexual Misconduct)

Appendix A-23

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Sheriff Lynn Nelson motioned to accept Katrina Madsen's signed consent agreement for a one-year suspension of her peace officer certification (4/9/09-4/9/10).
Second: VP Donna Dillingham-Evans seconded the motion.
Vote: The motion passed with 13 for and 1 opposed.

DAVID NEVES - (Off-Duty Sexual Misconduct)

Appendix A-24

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Sheriff Lynn Nelson motioned to accept David Neves' signed consent agreement for a one-year suspension of his peace officer certification (4/9/09-4/9/10).
Second: Colonel Daniel Fuhr seconded the motion.
Vote: The motion passed with 13 for and 1 opposed.

DENILE R. GALE - (Nonfeasance)

Appendix A-25

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Dr. Sterling Provost motioned to accept Denile Gale's signed consent agreement for a six-

month suspension of his peace officer certification (2/24/2009-8/13/2009).

Second: Chief Val Shupe seconded the motion.

Discussion: Chief Wallentine said Uintah County reinstated the officer, paid him all his back wages and conceded any disciplinary action taken against him was wrong. The only thing that comes close to nonfeasance is the fact Gale didn't know his son was a restricted person. Attorney Taylor stated the reason for nonfeasance was the officer, while being interviewed; made statements that he was only a corrections officer and was not aware of the law. The officer should have known his son was a restricted person, because he was present for his son's court appearances. Nonfeasance is based on the fact Gale was ignorant of the law.

Sub-Motion: ***Sheriff Lynn Nelson motioned not to accept the signed consent agreement and to have the POST Investigator issue a letter of caution.***

Second: ***Chief Ken Wallentine seconded the motion.***

Discussion: Executive Director Patterson asked Chief Wallentine if Sheriff Merrell rescinded his agreement of the six-month suspension. Chief Wallentine did not know the view of Sheriff Merrell, he was aware only that the county withdrew the case. Director Larsen asked if the basis for this recommendation was because of the officer's testimony or he didn't know the law or is there another reason for the nonfeasance. Attorney Taylor stated the case was brought to POST because the officer was being charged for providing a firearm to a restricted person. Charges were dismissed at the preliminary hearing.

2nd Sub-Motion: Executive Director Patterson motioned to table this case until the next meeting.

Second: John Crowley seconded the motion.

Discussion: Executive Director Patterson would like to table the case because Chief Wallentine has mentioned facts that the Council was not aware of. Attorney Taylor replied the information provided by Chief Wallentine is all correct and accurate. The officer through his attorney agreed not to contest the allegations raised by POST and was willing to sign a six-month consent agreement. Gale was not employed as a peace officer for almost six-months and, if the Council agreed with the six-month suspension, is willing to serve out 13 more days to complete the six-month suspension. The officer did not contest the allegations of nonfeasance. Sheriff Cox stated he was concerned that before the Council heard the case or made a decision on the recommendation this officer was back to work.

2nd Sub-Motion: Executive Director Patterson **withdrew** his motion.

The Council then returned to the 1st sub-motion to vote.

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

NEXT POST COUNCIL MEETING

The next POST Council meeting will be at LM Public Safety Education Training building on December 9,2009 at 10:00am.

ADJOURNMENT

Motion: Chief Val Shupe motioned to adjourn.

Second: Donna Dillingham-Evans seconded the motion.

Vote: The motion **passed** with all in favor. Meeting adjourned at 12:03pm.



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-032LE
SUBJECT: Robert B. Bragg
Investigator: Paul Kotter

ALLEGATION(S)

Driving Under the Influence

EMPLOYMENT HISTORY

- West Jordan City Police Department (WJPD) – employed and certified as a peace officer on November 11, 1992
- Terminated from WJPD on April 1, 2009

POST INVESTIGATION OF ALLEGATION(S)

On December 4, 2008, Bragg was off-duty, unconscious in his truck at a traffic light in Murray when a citizen attempted to wake him up. The citizen called 911 and a Utah Highway Patrol sergeant arrived. The sergeant noted Bragg was confused, lethargic, had a hard time standing up and his speech was slurred. Bragg informed the sergeant he had taken Lortab and Soma about 45 minutes before being found. The sergeant found a prescription bottle in the truck belonging to Bragg. The prescription was for Hydrocodone-84 pills. The prescription was filled on December 3, 2008, and there were only 53 pills left in the bottle. Bragg was arrested for DUI. Blood and urine samples were taken and submitted for analysis.

The toxicology report indicated Bragg had Loratab, Soma, and Meprobamate (the metabolite of Soma) in his system. The toxicologist noted the reported drugs could cause a person to fall asleep or pass out. The toxicologist stated the drugs in Bragg's system were at a level that could cause impairment.

On January 8, 2009, Bragg was interviewed by WJPD. During the Garrity interview, Bragg admitted to taking more than the prescribed amount of Lortab and Soma the day he was arrested for DUI. Bragg was advised by the investigator not to take medication and drive. The case is pending criminal court in Murray.

On February 7, 2009, Bragg was involved in a traffic crash where he crashed into a fence. The Murray Police Department investigated and determined Bragg was under the influence of a drug and was driving on a restricted driver license. Bragg was arrested for DUI and taken to a local hospital where he submitted to a blood test.

On February 10, 2009, Bragg was interviewed by WJPD. Bragg informed the investigator that both of the DUI's would be grouped together and heard in Murray criminal court at a later date. The investigator told Bragg he needed to stop driving while under the influence of his medications. Bragg informed the investigator he was willing to take his chances of driving on a restricted license due to his

multiple doctor and therapy appointments. Bragg was placed on Long Term Disability and was terminated by WJPD.

On April 1, 2009, Bragg was driving his truck in the area of 7800 South Redwood Road when he crashed into a vehicle and left the scene of the accident. A West Jordan Officer was in the area and observed the crash. The West Jordan Officer observed Bragg as the driver and noted there was a female passenger in the vehicle. South Jordan Police was called to investigate due to a possible conflict of interest.

After the crash was cleared, Murray Police were dispatched to Bragg's residence. Bragg's wife claimed she was driving the vehicle and had stopped at the scene of the crash. Due to witness statements, including the West Jordan Officer who identified Bragg as the driver, Murray Police asked to speak to Bragg. Murray Police followed Bragg's wife into the residence and found Bragg passed out on the dining room floor of his home. Bragg was incoherent and did not have any recollection of the crash. Bragg's wife stated Bragg took Lortab and Soma when she arrived home.

Bragg was cited for leaving the scene of an accident, driving on a suspended driver license and unsafe lane travel. The charges were amended to DUI, driving on revocation, leaving the scene of an accident and unsafe lane travel. The case is still pending in criminal court.

During a POST Investigation, a records check indicated that in 2001, Bragg was arrested for DUI which resulted in a conviction for alcohol related reckless driving; this violation was not reported to POST at the time.

On June 8, 2009, POST interviewed Bragg. Bragg confirmed he was convicted of alcohol related reckless driving in 2001. He denied all the other allegations. Bragg signed a consent agreement for the revocation of his peace officer certification.

CHIEF ADMINISTRATOR'S OPINION

On May 18, 2009, POST Investigations contacted WJPD Chief McGuire. Chief McGuire concurs with POST's recommendation for the revocation of Bragg's peace officer certification.

VIOLATION(S)

Bragg'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)

Repetitiveness of conduct

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-065LE
SUBJECT: Cory D. Frampton
Investigator: Bryant Green

ALLEGATION(S)

On- Duty Sexual Misconduct
Off-Duty Sexual Misconduct
Official Misconduct

EMPLOYMENT HISTORY

- Frampton was employed and certified as a law enforcement officer by the Nephi Police Department (NPD) on May 18, 2003
- Frampton was terminated from NPD after an Internal Affairs (IA) investigation on May 12, 2009

POST INVESTIGATION OF ALLEGATION(S)

In April of 2009, the chief of NPD received information Frampton may have been involved in sexual misconduct with a former resident of Nephi. The chief contacted the Millard County Sheriff's Office (MCSO) and requested their assistance to conduct an IA into the allegations.

On April 8, 2009, an investigator from MCSO interviewed the chief of NPD and several members of his staff regarding the allegations. As a result of the interviews, the investigator was able to identify several potential witnesses and two possible victims. The investigator learned Frampton's alleged misconduct occurred from June of 2006 through November of 2007. During this timeframe, Frampton had been assigned as the narcotics investigator for NPD.

As the IA investigator interviewed each witness, he found none were able to provide any direct evidence of any violations on Frampton's part. On April 16, 2009, the investigator contacted a possible victim. The victim admitted to having a sexual relationship with Frampton. She stated the relationship began in March of 2007 and their sexual contacts always occurred while Frampton was on-duty. The victim stated during her relationship with Frampton, she was a heavy user and dealer of illegally obtained prescription drugs. The victim claimed Frampton was aware of her drug problem and her illegal sale of prescription drugs. She stated on two occasions Frampton had warned her she was under investigation/surveillance by law enforcement.

On April 17, 2009, the investigator contacted a second possible victim. Initially, she was very reluctant to speak with the investigator, but eventually told him she had a sexual relationship with Frampton. The victim stated their relationship began in June of 2006. She stated their sexual contacts always occurred when Frampton was off-duty. The victim stated their last sexual contact occurred in November of 2007 and, as a result, became pregnant with his child. She later miscarried in early 2008. The victim stated she continued to have very strong feelings for Frampton.

On April 29, 2009, NPD interviewed Frampton. After being issued a Garrity warning, Frampton was questioned about his relationships with the two victims. Frampton admitted to both sexual relationships, but denied ever having sex with the victims while he was on-duty. Frampton stated he used the first victim as a source of information for his drug investigations, but she was not an official confidential informant. Frampton admitted he warned her on one occasion to stay away from another individual who was the subject of a law enforcement investigation.

On July 8, 2009, POST interviewed Frampton. After being issued a Garrity warning, Frampton admitted to the sexual relationship with the first victim. He stated she was an unofficial source of information for his drug investigations during their relationship. Frampton also admitted to being aware of the victim's drug problems. At this point of the interview Frampton stated he had already suffered enough and stated he was willing to sign a consent agreement recommending the revocation of his peace officer certification.

CHIEF ADMINISTRATORS OPINION

POST contacted NPD Chief Mike Morgan who concurs with POST recommendation of the revocation of Frampton's certification.

VIOLATION(S)

Frampton'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

On-duty status
Misuse of position of trust and authority

MITIGATING CIRCUMSTANCES

None



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-108LE
SUBJECT: Robert B. Humphries
Investigator: Bryant Green

ALLEGATION(S)

**Failure to Respond to an Officer's Signal to Stop
Lying Under Garrity**

EMPLOYMENT HISTORY

- Humphries was employed and certified as a law enforcement officer by the Hurricane Police Department (HPD) on September 1, 2006
- Humphries resigned from HPD after an Internal Affairs (IA) investigation on October 30, 2008

POST INVESTIGATION OF ALLEGATION(S)

On March 15, 2008, a Hurricane police officer observed a motor vehicle approaching him at a high rate of speed. The officer's radar device registered the oncoming vehicle at 64 mph where the posted speed limit was 45 mph. The officer attempted to stop the vehicle, but the operator accelerated and attempted to evade the officer. As the vehicle turned a corner at a high rate of speed, it ran off the road and down an embankment. The officer approached and ordered the driver out of the vehicle. As the driver exited the vehicle he identified himself as Robert B. Humphries. The incident was investigated by the Washington County Sheriff's Office. Charges were not filed against Humphries, but HPD opened an Internal Affairs (IA) investigation.

During the initial phase of the investigation, HPD obtained information Humphries may have been involved in a domestic dispute with his wife just prior to the incident on March 15. During an interview with Humphries' wife, she told investigators they were arguing prior to the incident and, based upon his recent behavior, she believed he was having an extra marital affair.

On March 17, 2008, Humphries was interviewed by HPD investigators. After being issued a Garrity warning, Humphries admitted to speeding and attempting to evade the police officer. Humphries stated he was "playing around" with the officer. Humphries minimized the argument with his wife that occurred the night of the incident. As the investigators continued with the investigation, they determined Humphries was spending an inappropriate amount of time at the home of a single female while he was on-duty.

Investigators interviewed Humphries again on March 22, 2008, and June 20, 2008. After being issued Garrity warnings, Humphries was asked about spending on-duty time at the home of a single female. Humphries minimized his contact with the female during the interview. Humphries denied having an affair with the woman.

On October 17, 2008, Humphries was the subject of another IA. This case was related to Humphries' inappropriate use of the state BCI computer system. During the investigation it was discovered Humphries was using BCI information regarding the single female. After being issued a Garrity warning, Humphries admitted to the inappropriate use of BCI and admitted to having an affair with the single female. Humphries claimed the affair began in April of 2008.

Beginning on January 8, 2009, POST made numerous attempts to contact Humphries to arrange for an interview. On March 4, 2009, a consent agreement and an administrative complaint were sent via certified mail to Humphries last known address. The delivery was never accepted and the complaint was returned to POST. Humphries was believed to be in default and a hearing was scheduled.

ADMINISTRATIVE LAW JUDGE RECOMMENDATION

On June 30, 2009, a default hearing was held in absentia to revoke Robert Humphries' peace officer certification before Administrative Law Judge (ALJ) Robert Thorup. The ALJ ruled Humphries was in default and had violated Utah Code Ann. § 53-6-211(l)(d)(v) by speeding, fleeing from officers, and lying under Garrity. Judge Thorup recommended Humphries' peace officer certification be revoked.

CHIEF ADMINISTRATORS OPINION

POST contacted HPD Chief Lynn Excell who concurs with the ALJ's recommendation of the revocation of Humphries' certification.

VIOLATION(S)

Humphries' 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



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-048LE
SUBJECT: Michelle L. Johnson
Investigator: Bryant Green

ALLEGATION(S)

Theft
Possession/ Use of Tier 1 Drug

EMPLOYMENT HISTORY

- On May 14, 1997, Johnson was employed and certified as a law enforcement officer by the Davis County Sheriff's Office (DCSO)
- In March of 2003, Johnson started working as a part time seasonal officer for the Springdale/ Zion Canyon Department of Public Safety (S/ZCDPS)
- On August 11, 2006, Johnson resigned from DCSO
- On July 1, 2006, Johnson was employed full time at S/ZCDPS
- On October 1, 2006 Johnson resigned from S/ZCDPS

POST INVESTIGATION OF ALLEGATION(S)

On August 18, 2004, Johnson, while working part time for S/ZCDPS, arrested a subject for DUI and possession of methamphetamine. The agency's records indicate Johnson listed a "baggie of suspected methamphetamine and possible paraphernalia" on the "Evidence Receipt and Property Report", however, the evidence was not booked into evidence. On December 1, 2004, the case was adjudicated without going to trial.

On January 5, 2005, Johnson's husband was searching a storage room in their home. Her husband believed she was smoking cigarettes and hiding them in the storage room. While searching, he discovered several items that had been sealed with evidence tape and had case numbers written on the tape. Three of the items were plastic baggies that contained white powdery residue. The husband confronted Johnson about the items and she admitted the baggies had contained methamphetamine. She admitted using the drugs after seizing them from a subject she had arrested. Johnson's husband secretly videotaped the confrontation and her confession.

On August 18, 2008, Johnson's husband filed an affidavit in court filing for divorce against her. In the affidavit he alleged Johnson had stolen and used methamphetamine while she was employed as an officer for S/ZCDPS. As a result of the filing, S/ZCDPS

requested the Washington County Sheriff's Office (WCSO) to conduct an investigation into the allegations. As a result of WCSO's investigation, Johnson was criminally charged with possession of a controlled substance, a third degree felony and theft, a class B misdemeanor, charges are still pending.

POST contacted Johnson and she declined to be interviewed, but asked POST to send a consent agreement to her attorney for review. On July 20, 2009, Johnson signed a consent agreement recommending the revocation of her peace officer certification.

CHIEF ADMINISTRATOR'S OPINION

POST contacted Chief Kurt Wright of S/ZCDPS who concurs with POST's recommendation for the revocation of Johnson's peace officer certification.

VIOLATION(S)

Johnson'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 otherwise jeopardize public trust and fidelity in law enforcement

Utah Code Ann. §53-6-211(1)(d)(iii) use of drugs

AGGRAVATING CIRCUMSTANCES

On-duty status

Misuse of position of trust and authority

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Categories A and D (Possession and use of Tier 1 drug and Theft) on the POST Disciplinary Guidelines. Considering the aggravating factors, POST recommends the Council accept Johnson's signed consent agreement for the revocation of her peace officer certification.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-037C
SUBJECT: Jerry Mitchell
Investigator: Bryant Green

ALLEGATION(S)

**Custodial Sexual Misconduct
Lying Under Garrity**

EMPLOYMENT HISTORY

- Mitchell was employed and certified as a correctional officer by the Davis County Sheriff's Office (DCSO) on November 13, 2006
- Mitchell resigned from the DCSO on April 3, 2009, after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

On approximately March 30, 2009, DCSO received information a correctional officer may be sexually involved with a female jail inmate. As a result of this information, DCSO opened an IA. Several staff and inmates were interviewed during the investigation. As a result of the interviews, Mitchell was identified as a suspect. During his Garrity interview Mitchell denied having any sexual or inappropriate contacts with female inmates.

On April 1, 2009, Mitchell reported to the DCSO for a polygraph examination. During the pre-examination interview, Mitchell confessed to having sexual contact with a female inmate.

The case was screened with the Davis County Attorney's Office, but charges were not filed.

On May 19, 2009, Mitchell was interviewed by POST. After being issued a Garrity warning, Mitchell admitted to the material facts of the case. Mitchell signed a consent agreement recommending the revocation of his correctional officer certification.

CHIEF ADMINISTRATORS OPINION

DCSO Sheriff Bud Cox concurs with POST's recommendation for revocation of Mitchell's correctional officer certification.

VIOLATION(S)

Mitchell'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 categories A and C (Custodial Sexual Misconduct and Lying under Garrity) on the POST Disciplinary Guidelines and POST recommends the Council accept Mitchell's signed consent agreement for revocation of his correctional officer certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 07-080LE/C
SUBJECT: Mark E. Nentwich
Investigator: Bryant Green

ALLEGATION(S)

Forcible Sexual Abuse

EMPLOYMENT HISTORY

- Employed and certified as a corrections officer by the Utah Department of Corrections (UDC) on July 25, 1990
- Terminated from UDC on January 18, 2008 after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

On March 20, 2007, the Sevier County Sheriff's Office (SCSO) received a complaint alleging Nentwich had sexually assaulted a 14 year old girl. The assault occurred on December 17, 2006, at Nentwich's home the same night his daughter was having a sleep over with several female friends. The victim stated Nentwich assaulted her during that evening. As a result of SCSO's investigation Nentwich was charged with Forcible Sexual Abuse, a Second Degree felony.

In early October of 2008, UDC conducted an IA investigation into the allegations against Nentwich. During two Garrity interviews, Nentwich never admitted to sexually assaulting the victim.

On April 21, 2009, as a result of a plea agreement, Nentwich entered a plea of guilty to an amended charge of Sexual Battery, a Class A misdemeanor.

On May 20, 2009, POST met with Nentwich at the Sevier County Jail. Nentwich signed a consent agreement recommending the revocation of his correctional officer certification.

CHIEF ADMINISTRATORS OPINION

POST contacted UDC executive Director Tom Patterson and he concurs with POST's recommendation.

VIOLATION(S)

Nentwich's actions violated the following:
Utah Code Ann. § 53-6-211(1)(d)(iv) conviction of any crime involving unlawful sexual misconduct

AGGRAVATING CIRCUMSTANCES

Activity involving a non-consensual participant
Substantial age difference

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

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

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-069C
SUBJECT: Scott E. Price
Investigator: Bryant Green

ALLEGATION(S)

Forcible Sexual Abuse
Lying under Garrity

EMPLOYMENT HISTORY

- On January 8, 1990, Price was employed and certified as a reserve law enforcement officer by the Summit County Sheriff's Office (SCSO)
- On September 19, 1994, Price was employed and certified as a correctional officer by SCSO
- On June 11, 2009, Price was terminated from SCSO after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

On April 18, 2009, Price was hosting a party at his home. Several people were in attendance, including the victim who was a single adult female. Alcoholic beverages were being consumed by Price and most of the guests. After dinner, Price left his house on two occasions to obtain more alcohol. As the evening progressed the victim, Price and others all became very intoxicated.

The victim reported her memory of the events in the latter part of the evening were not very clear. She recalled being in a bathroom, but didn't know how she got there. She stated she threw up in the toilet, remembered someone touching her private parts and someone's mouth on her exposed breast. The victim recalled being helped to a car and then waking up at a friend's home. The victim reported, during her next shower, her right breast was tender and bruised.

On April 22, 2009, the victim went to a hospital to report a possible sexual assault. The Salt Lake County Sheriff's Office responded to the hospital and opened a criminal investigation. Price was identified as a suspect; however charges were not screened against him.

On April 23, 2009, SCSO was made aware of the incident and an IA was opened. On April 24, 2009, Price voluntarily reported for an interview. He was interviewed without

Garrity or Miranda warnings. Price stated he first touched the victim's breast without her permission and continued to fondle her breast with her consent. Then Price stated the victim asked him if he wanted to "suck" on her breasts. Price said he told her he wanted to, but stated he didn't recall doing it.

On May 11, 2009, Price was re-interviewed by IA investigators. After being issued a Garrity warning, Price repeated the same story he provided investigators in the previous interview. Price stated there was no other sexual contact with the victim. On the following day, May 12, 2009, Price approached the IA investigators and told them he had also fondled the victim's genitalia.

On July 9, 2009, POST interviewed Price. After being issued a Garrity warning, Price admitted to the material facts of the case. On July 24, 2009, Price signed a consent agreement recommending the revocation of his peace officer certifications.

CHIEF ADMINISTRATOR'S OPINION

POST contacted Sheriff David Edmonds of SCSO, he concurs with POST's recommendation for the revocation of Price's peace officer certifications.

VIOLATION(S)

Price'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 otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

None

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Categories A and C (Commission of any crime that could have been charged as a felony and Lying under Garrity) on the POST Disciplinary Guidelines. POST recommends the Council accept Price's signed consent agreement for the revocation of his peace officer certifications.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-063C
SUBJECT: Rick J. Nichols
Investigator: Rich Fordham

ALLEGATION(S)

Theft

EMPLOYMENT HISTORY

- On October 7, 1996, Nichols was employed and certified as a correctional officer by the Utah Department of Corrections (UDC)
- On August 6, 2008, Nichols was terminated from UDC after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

On June 2, 2008, Nichols entered a Smith's Grocery Store in Saratoga Springs wearing his issued UDC uniform. While in the store, Nichols found a wallet sitting on top of a grocery display. Nichols took the wallet and immediately left the store. He drove to a U.S. Post Office mailbox, removed \$1140.00 in cash from the wallet and placed the wallet into the mailbox. Later, while working at the prison, Nichols showed co-workers the cash in an attempt to impress them as to how much money he had.

Saratoga Springs Police Department opened a case after the owner of the wallet reported it missing from the Smith's Grocery Store. SSPD recovered the wallet from the mailbox after it was found by postal employees. SSPD was able to identify Nichols as the suspect after reviewing the store's video security tape.

On June 6, 2008, Nichols contacted SSPD, informed them he had the missing money and wanted to return it. SSPD interviewed Nichols and asked why he had waited four days to report the missing money. Nichols could not give SSPD investigators a reasonable explanation for his actions. SSPD arrested Nichols for 3rd degree felony theft. This became a highly publicized case through the local media.

On June 24, 2008, UDC IA conducted an interview with Nichols. UDC IA substantiated the allegations against Nichols.

On January 27, 2009, Nichols appeared in the Fourth District Court in American Fork. Nichols entered a plea in abeyance to the amended charge of Wrongful Appropriation, a

class A misdemeanor.

POST attempted to contact Nichols on several occasions without success. On June 23, 2009, a hearing was held in absentia. Administrative Law Judge (ALJ) Richard Catten found Nichols to be in default and that he violated Utah Code Ann. §53-6-211(1)(d)(iv). Considering the aggravating circumstances the ALJ recommended the revocation of Nichols' correctional officer certification.

CHIEF ADMINISTRATOR'S OPINION

POST has reviewed Nichols' case with Bureau Chief Brent Wiechman. Chief Wiechman concurs with the ALJ's recommendation for the revocation of Nichols' correctional officer certification.

VIOLATION(S)

Nichols' 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

On-duty or perception of on-duty status
Disruption to community and/or department
Lack of cooperation with POST investigation
Conviction in criminal court

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Category C (Commission of any crime that is charged as a misdemeanor A) on the POST Disciplinary Guidelines. POST recommends the Council accept the ALJ's recommendation of revocation of Nichols' correctional officer certification.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-035LE
SUBJECT: George L. Rice
Investigator: Paul Kotter

ALLEGATION(S)

Custodial Sexual Misconduct

EMPLOYMENT HISTORY

- San Juan County Sheriff's Office (SJCSO) – employed and certified as a peace officer on October 26, 1998
- Resigned from SJCSO on January 20, 2009

POST INVESTIGATION OF ALLEGATION(S)

On December 3, 2008, a female probationer was booked into the San Juan County Jail. She asked the on-duty officers if she could speak to Rice. Rice was not on duty when the female was booked, but he was later advised she had been asking for him.

On December 9, 2008, Rice met with his Lieutenant and informed the Lieutenant of his friendship with the female inmate. The Lieutenant asked Rice if the friendship with the female was sexual in nature. Rice stated it was not. The Lieutenant informed Rice he was going to open an IA investigation into his relationship with the female inmate. Rice was given a directive not to have any contact with the female inmate or her family during the course of the investigation.

On December 24, 2008, the Lieutenant discovered Rice had ignored the directive and contacted the female inmate on at least two separate occasions. The Lieutenant questioned Rice who admitted contacting the inmate. Rice was again asked if his relationship with the female inmate was romantic or sexual in any way. Rice again stated that it was not. Later the same evening, the Lieutenant received information Rice had contacted the female inmate on another occasion, again violating the directive.

On December 25, 2009, the female inmate was interviewed. She stated her and Rice were just friends and there was nothing sexual occurring between her and Rice.

On January 5, 2009, the female inmate requested she speak to the Lieutenant. The female inmate indicated there may be more to their relationship than initially stated by Rice. The female inmate suggested that the Lieutenant should meet with Rice again and get an accurate depiction of all the details of their relationship.

On January 6, 2009, Rice was interviewed again. Rice admitted the female showed her breasts to him at the jail. Rice also admitted to sending sexually oriented text messages to the female several times while she was out on parole. Rice later wrote a statement stating he never had sexual relations with the female, but admitted to kissing her.

On January 7, 2009, the female inmate was re-interviewed. She stated she engaged in sexual relations with Rice on five occasions while she was out on probation. The female explained, in detail, the locations and the times when she and Rice engaged in the sexual activity. The sexual relations occurred, off-duty, in Rice's personal vehicle. The female admitted to showing her breasts twice to Rice while she was incarcerated.

Rice was interviewed again and admitted to taking the female to the locations described by the female inmate. Rice admitted to kissing the female inmate at those locations, but denied having sexual relations with her. Rice stated he would submit to a polygraph test. Later, Rice contacted the SJCSO and stated he would not take the polygraph test on the advice of his attorney.

On June 9, 2009, POST interviewed Rice via telephone. Rice admitted to having engaged in an inappropriate relationship with the female inmate, but was adamant that he did not have sexual relations with her. Rice agreed to sign a consent agreement revoking his peace officer certification.

Rice's actions were screened by the Grand County Attorney. The county attorney declined to file any charges against Rice.

CHIEF ADMINISTRATOR'S OPINION

On June 24, 2009, POST Investigations contacted SJCSO Sheriff Mike Lacy. Sheriff Lacy concurs with POST's recommendation for the revocation of Rice's peace officer certification.

VIOLATION(S)

Rice'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

These charges rise to a category A (custodial sexual misconduct) on the POST Disciplinary Guidelines. POST recommends the Council accept Rice's signed consent agreement revoking his peace officer certification.



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-041LE
SUBJECT: Gilbert Salazar
Investigator: Lt. Steven Winward

ALLEGATION(S)

Off Duty Sexual Misconduct

EMPLOYMENT HISTORY

- Employed and certified by Salt Lake City Police Department (SLCPD) on August 26, 1974
- Retired from SLCPD on December 30, 2008

POST INVESTIGATION OF ALLEGATION(S)

On July 7, 2008, Salazar responded to a call for service to the residence of a female complainant. Several days later, Salazar allegedly went back to the house of the female at the completion of his shift and engaged in sexual relations with the female. . The female reported the incident to SLCPD.

The incident was investigated by SLCPD Internal affairs (IA). The IA was unable to substantiate the allegations in the complaint. However, in an agreement with SLCPD administrators, Salazar retired his position as a police officer and agreed to voluntarily relinquish his peace officer certification.

On May 21, 2009, Salazar signed a consent agreement with POST for revocation of his peace officer certification.

CHIEF ADMINISTRATOR'S OPINION

On May 27, 2009, POST contacted Chief Chris Burbank with SLCPD. He agreed with Salazar surrendering his peace officer certifications.

VIOLATION(S)

Salazar'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

POST recommends the Council accept the consent agreement for revocation of Salazar's peace officer certification.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-021LE
SUBJECT: Jerold Keith Savage
Investigator: Lt. Steven Winward

ALLEGATION(S)

**Lying Under Garrity
Harassment**

EMPLOYMENT HISTORY

- Cedar City Police Department (CCPD) employed and certified as a law enforcement officer on August 27, 1989- During his employment with CCPD he obtained the rank of Lieutenant
- Retired from CCPD on September 15, 2009

POST INVESTIGATION OF ALLEGATION(S)

On December 14, 2008, a female city volunteer lodged a complaint with CCPD alleging Savage exhibited inappropriate sexual behavior. The incident was investigated by CCPD Chief of Police and St. George Police Department. However, there was not sufficient evidence to sustain the allegation.

During the course of this investigation, a female city employee came forward and reported Savage had previously made several inappropriate comments to her that were sexually suggestive but not explicit. These comments made her feel uncomfortable. Savage denied making these statements during a Garrity interview. A few days later, Savage recanted and admitted to the Chief he was not truthful during the interview. Savage then admitted to making inappropriate comments to the city employee.

On June 1, 2009, POST interviewed Savage. Savage admitted to lying during a Garrity interview and making inappropriate comments to the employee. Savage stated he would relinquish his peace officer certification.

On July 22, 2009, Savage signed a consent agreement with POST for revocation of his peace officer certification.

CHIEF ADMINISTRATOR'S OPINION

On July 28, 2009, POST contacted Chief Robert Allinson with CCPD. He agreed with the revocation of Savage's peace officer certification.

VIOLATION(S)

Savage'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)

Supervisory Authority
Disruption to the department

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a Category C (Lying under Garrity) on the POST Disciplinary Guidelines. POST recommends the Council accept Savage's signed consent agreement for the revocation of his peace officer certifications.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-058C
SUBJECT: Stephanie D. Searcy
Investigator: Paul Kotter

ALLEGATION(S)

Lying Under Garrity
Willful Falsification to Obtain Certified Status

EMPLOYMENT HISTORY

- Utah Department of Corrections (UDC) – employed and certified as a correctional officer on July 30, 2007
- Terminated from UDC on September 25, 2008 for failing her probation
- Attended the Salt Lake Community College Police Academy (SLCCPA) to become law enforcement officer certifiable – May 4, 2009
- Dismissed from the SLCCPA on June 3, 2009

POST INVESTIGATION OF ALLEGATION(S)

On May 6, 2009, Sergeant Dave Attridge with the SLCCPA was advised, anonymously, by one of Searcy's classmates of her alleged involvement in an assault at the UDC, which ultimately led to her termination in 2008. It was alleged the assault took place when she pulled her loaded gun from her holster and pointed it at a male UDC employee and threatened to pull the trigger.

Searcy completed an application to attend the SLCCPA on February 23, 2009. Searcy stated her position at UDC was eliminated and never mentioned she was terminated. She also failed to mention a careless driving citation she received in December 2008.

POST discussed Searcy's employment with UDC and discovered Searcy was terminated and was not eligible for rehire. Searcy's POST application was dated on February 23, 2009, which was two months after she was stopped and cited for careless driving and her termination from UDC.

POST requested the investigative file from the UDC. POST reviewed the file and interviewed personnel from UDC. According to reports and witnesses, Searcy and a male officer were in a close quarter area with lockers at the staff station. The male officer touched Searcy on the side accidentally. Searcy reacted by drawing her gun from the holster and pointing it at the male officer. Searcy then told the male officer if he tried to grab her gun she would fire. The male officer reported Searcy was laughing and was not serious about the threat. The male officer told Searcy her actions were inappropriate and dangerous. Searcy eventually re-holstered her weapon and left.

POST interviewed the male officer. The male officer admits to touching Searcy on the side, but never touched her gun. He stated he never felt threatened, but he was afraid she may accidentally pull the trigger. POST interviewed another officer who witnessed the incident. He observed Searcy pull her gun and point it at the other male officer.

On June 1, 2009, POST interviewed Searcy. After being issued a Garrity warning, Searcy stated the male officer pulled Searcy's gun from her holster while she had her back turned to him. Searcy stated she turned around, retrieved the gun from the male officer and pointed it at him. Searcy denied pulling the gun from her holster and pointing it at the male officer after he touched her on the side. Searcy said she wanted to take a polygraph test to prove her innocence. Searcy stated she didn't mention the careless driving citation because she had not been convicted until March 2009. Searcy maintained that her position at UDC had been eliminated and she had not been terminated as she reported on her POST application.

On June 3, 2009, POST polygraphed Searcy. She was found to have physiological reactions, which were consistent with a person who is deceptive to the relevant issues. In a follow-up interview, Searcy maintained her innocence. POST dismissed her from the academy and gave her a consent agreement for the revocation of her correctional officer certification. Searcy signed and returned the consent agreement a few days later.

Searcy's actions in relation to pulling her gun on a fellow employee were reviewed with the Salt Lake District Attorney. The District Attorney declined to file any criminal charges in this case.

CHIEF ADMINISTRATOR'S OPINION

On June 3, 2009, POST Investigations contacted SLCCPA Sergeant Dave Attridge and UDC Chief Brent Weichman. Sergeant Attridge and Chief Weichman concur with POST's recommendation for the revocation of Searcy's correctional officer certification.

VIOLATION(S)

Searcy's actions violated the following:

- 1- Utah Code Ann. § 53-6-211(l)(d)(i) willful falsification of any information to obtain certified status
- 2- 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)

Reckless endangerment of fellow employee

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-068C
SUBJECT: Michelle T. Stewart
Investigator: Paul Kotter

ALLEGATION(S)

Custodial Sexual Misconduct

EMPLOYMENT HISTORY

- Utah Department of Corrections (UDC) – employed and certified as a peace officer on August 18, 2003
- Promoted to rank of Sergeant on August 26, 2006
- Resigned from UDC on May 18, 2009

POST INVESTIGATION OF ALLEGATION(S)

On May 1, 2009, a UDC employee was monitoring inmate telephone calls at UDC. The officer monitored a call between a female inmate and another female. During the call, the officer became concerned because the unidentified caller was very familiar with UDC operations, officers, and inmates. The matter was referred to UDC investigations.

It was discovered the female had been talking to Stewart. Further recorded phone calls were reviewed by investigators. The context of those phone calls revealed Stewart had developed a personal relationship with another female inmate and had kissed her.

On May 19, 2009, UDC investigators interviewed the female inmate from the initial phone call. The female stated she and Stewart talked on the phone and wrote to each other daily. The female inmate admitted to kissing Stewart on several occasions. The female inmate also stated she was given a ring by Stewart. The female inmate denied being involved sexually with Stewart. A second female inmate was interviewed regarding the relationship between her and Stewart. This female inmate admitted to kissing Stewart on several occasions, but denied being involved sexually with Stewart.

On May 19, 2009, Stewart was interviewed by UDC investigators. After being read the Miranda warning, Stewart agreed to answer questions. Stewart admitted to kissing the two female inmates, on-duty, in the facility, but denied any touching of a sexual nature. Stewart also admitted to writing letters and talking with the inmates on the telephone.

On May 21, 2009, two counts of Custodial Sexual Misconduct, a class A misdemeanor, were screened with the Salt Lake County District Attorney's Office. The District Attorney's Office declined to file criminal charges against Stewart.

On July 8, 2009, POST contacted Stewart on the telephone. Stewart confirmed her relationships with the two female inmates and admitted to the material facts of the case. Stewart agreed to sign a consent agreement for the revocation of her correctional officer certification.

CHIEF ADMINISTRATOR'S OPINION

On July 8, 2009, POST Investigations contacted UDC Bureau Chief Brent Wiechman. Chief Wiechman concurs with POST's recommendation for the revocation of Stewart's correctional officer certification.

VIOLATION(S)

Stewart's actions violated the following:

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

AGGRAVATING CIRCUMSTANCE(S)

Supervisor authority
On-duty
Repetitiveness of conduct
Custodial environment

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a category C (commission of any crime, other than physical violence, that is charged or could have been charged as a class A misdemeanor) on the POST Disciplinary Guidelines. Taking into consideration the aggravating factors, POST recommends the Council accept Stewart's signed consent agreement revoking her correctional officer certification.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-066LE
SUBJECT: Brenna M. Vaughn
Investigator: Rich Fordham

ALLEGATION(S)

Custodial Sexual Misconduct

EMPLOYMENT HISTORY

- On March 24, 2008, Vaughn was employed and certified as a correctional officer by the Box Elder County Sheriff's Office (BESO)
- On May 18, 2009, Vaughn was terminated by the BESO after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

In the beginning of 2009, Vaughn developed a friendship with a male inmate at the Box Elder County Jail. Vaughn and the male inmate would engage in inappropriate conversations while Vaughn was working in the jail.

In April 2009, the male inmate was released from jail and placed on probation. Shortly after his release, Vaughn and the male inmate met and had a sexual relationship.

In May 2009, the male inmate was questioned by the Roy Police Department (RPD) regarding a rape case. During RPD's investigation, the male inmate told investigators that he was having a sexual relationship with Vaughn. This allegation was reported to the BESO.

On May 6, 2009, BESO IA interviewed Vaughn. Vaughn first told investigators that after the inmate was released from jail, they would meet and engage in kissing only. After the IA investigators ended the interview, Vaughn called them on the phone and stated she did have sex with the inmate after he was released from jail. Criminal charges were screened through Weber County, but not filed.

On July 21, 2009, POST interviewed Vaughn. Vaughn admitted to having sex with the male inmate, but claimed she did not know that it was against the law for an officer to engage in a sexual relationship with a restricted person. Vaughn signed a consent agreement revoking her certification.

CHIEF ADMINISTRATOR'S OPINION

On July 22, 2009, POST contacted Chief Deputy Kevin Potter who was acting in behalf of Sheriff Yeates of BESO. Chief Deputy Potter concurs with POST's recommendation for the revocation of Vaughn's correctional officer certification.

VIOLATION(S)

Vaughn'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 otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

None

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Category A (Custodial Sexual Misconduct) on the POST Disciplinary Guidelines. POST recommends the Council accept Vaughn's signed consent agreement for the revocation of her correctional officer certification.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-112LE
SUBJECT: Kelly B. Sharp
Investigator: Rich Fordham

ALLEGATION(S)

Sexual Misconduct On-duty

EMPLOYMENT HISTORY

- On February 10, 1997, Sharp was employed and certified as a peace officer by the Davis County Sheriff's Office (DCSO)
- On November 26, 2008, Sharp resigned from the DCSO after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

On or about November 4, 2008, the Davis County Sheriff's Office (DCSO) received a complaint alleging Sharp was involved in an extra-marital affair with a married woman. The complaint originated from the women's husband. As a result of the complaint, DCSO opened an IA investigation.

On November 11, 2008, DCSO IA interviewed Sharp. Sharp admitted to the investigator that during the summer of 2007 through September of 2008, he was involved in a sexual relationship with the married woman.

Sharp stated that on one occasion, while on-duty, in his patrol car, he engaged in sexual activities with the woman while she was on a ride-along. On another occasion, Sharp stated he had sexual intercourse with the woman at a city office building. Sharp stated that he and the woman had engaged in sexual activities while he was off-duty on at least two separate occasions.

On January 21, 2009, POST held a telephonic interview with Sharp. Sharp did not deny or admit the allegations of sexual misconduct on or off duty. Sharp agreed to sign a consent agreement suspending his peace officer certification for four-years.

CHIEF ADMINISTRATOR'S OPINION

On June 22, 2009, POST contacted Sheriff Bud Cox in regards to Sharp's case. Sheriff Cox concurs with POST's recommendation for a four-year suspension of Sharp's peace officer certification.

VIOLATION(S)

Sharp'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 otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

Repetitiveness of Conduct
At workplace

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Category C (Consensual Sexual Misconduct on-duty) on the POST Disciplinary Guidelines. POST recommends the Council accept Sharp's signed consent agreement for a four-year suspension of his peace officer certification beginning on November 26, 2008 through November 26, 2012.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-054LE
SUBJECT: Chad D. Barnett
Investigator: Rich Fordham

ALLEGATION(S)

Theft of Services

EMPLOYMENT HISTORY

- On August 1, 1993, Barnett was employed and certified as a law enforcement officer by the Grantsville City Police Department (GCPD)-he resigned from GCPD on December 8, 1995
- On December 29, 1995, Barnett was employed by the Weber County Sheriff's Office (WCSO)-during his tenure with WCSO he attained the rank of sergeant
- On July 21, 1997, Barnett was employed by the Utah State Parks and Recreation (USPR). He resigned from USPR on October 10, 1997
- On May 22, 2009, Barnett resigned from WCSO after an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

On April 14, 2009, WCSO opened an IA investigation due to inconsistencies with Barnett's time sheet.

During the investigation it was discovered Barnett claimed he worked 8 hours on March 25th 26th and the 27th. However, he attended a two hour meeting on the 25th and took did not work on the 26th and the 27th.

On March 30, 2009, Barnett claimed 5 hours of overtime for training and two hours of training on March 31, 2009. The investigation divulged there was no training offered on March 30th and 31st.

On April 16, 2009, WCSO IA interviewed Barnett. After being issued a Garrity warning, Barnett was asked about the inconsistencies with his time sheet. Barnett admitted he knowingly did not use sick or vacation leave when he took the time off. He also admitted falsifying his time sheet, claiming overtime to receive extra money.

On June 29, 2009, POST interviewed Barnett. After being issued a Garrity warning, Barnett admitted to the material facts of the case. The proceeds associated with the theft of time added up to approximately \$462 which could have been charged as a class A misdemeanor, however criminal charges were not filed. Barnett signed a consent agreement suspending his peace officer certification for three years.

CHIEF ADMINISTRATOR'S OPINION

On August 25, 2009, POST reviewed Barnett's case with WCSO Sheriff Brad Slater. Sheriff Slater concurs with POST's recommendation for a three-year suspension, but would like to see Barnett's suspension reduced. Sheriff Slater feels Barnett was a good officer who made a mistake and would consider hiring Barnett back once the suspension is completed.

VIOLATION(S)

Barnett'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 otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

Supervisory Authority

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Category C (crime that could have been charged as a class A misdemeanor) on the POST Disciplinary Guidelines. Taking the aggravating circumstance into consideration, POST recommends the Council accept Barnett's signed consent agreement for a three-year suspension of his peace officer certification from May 22, 2009 through May 22, 2012.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-031SFO
SUBJECT: Daniel L. Gilbert
Investigator: Rich Fordham

ALLEGATION(S)

Lying Under Garrity

EMPLOYMENT HISTORY

- On February 20, 2009, Gilbert finished the Special Function Officer (SFO) block of the POST academy
- On April 7, 2009, Gilbert was dismissed from the Law Enforcement Officer (LEO) block of the POST academy

POST INVESTIGATION OF ALLEGATION(S)

In April 2009, a cadet in the POST academy approached a POST Instructor and informed him Gilbert was taking ammunition from the shooting range. The POST Basic staff informed POST Investigations of the allegation.

On April 7, 2009, POST interviewed several cadets. One cadet stated Gilbert had made several comments that he was taking ammunition home for personal use. The cadet also stated that Gilbert showed several cadets a pocket full of ammunition he was intending to take home.

On April 7, 2009, POST interviewed Gilbert. After receiving a Garrity warning, Gilbert stated he did show several cadets a pocket full of ammunition he was intending to take home, but he returned the ammunition prior to going home. When asked if he had ever taken ammunition home before this incident, Gilbert stated he had mistakenly taken 2 or 3 rounds. POST asked Gilbert if he had told other cadets he was taking ammunition home for personal use; he said he had not.

When asked by POST, Gilbert agreed to submit to a polygraph examination. POST attempted to contact Gilbert two times to coordinate an appointment for the polygraph, however, Gilbert would not return POST's calls.

On July 16, 2009, POST was able to talk to Gilbert by phone. Gilbert said he was not willing to contest the allegation and would sign a consent agreement suspending his SFO certification for three-years.

CHIEF ADMINISTRATOR'S OPINION

On August 4, 2009, POST contacted Chief Jon Greiner in regards to Gilbert's case. Chief Greiner concurs with POST's recommendation for a three-year suspension of Gilbert's special function officer certification.

VIOLATION(S)

Gilbert'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 otherwise jeopardize public trust and fidelity in law enforcement

AGGRAVATING CIRCUMSTANCES

None

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Category C (Lying under Garrity) on the POST Disciplinary Guidelines. POST recommends the Council accept Gilbert's signed consent agreement for a three-year suspension of his special functions officer certification beginning April 7, 2009 through April 7, 2012.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-027LE
SUBJECT: Michael A. Oge
Investigator: Paul Kotter

ALLEGATION(S)

Malfeasance

Crime that could have been charged as a class B misdemeanor

EMPLOYMENT HISTORY

- Weber County Sheriff's Office (WCSO) – employed and certified as a peace officer on February 14, 2000
- On April 3, 2009, Oge was terminated from WCSO following an Internal Affairs (IA) investigation

POST INVESTIGATION OF ALLEGATION(S)

On March 4, 2009, WCSO received information alleging Oge was harassing a female at a local convenience store in Weber County.

WCSO IA interviewed the female clerk and the investigation revealed Oge engaged in the following conduct:

- Began visiting the convenience store in October 2007
- Kissed and hugged her every time he came into the store beginning in the fall of 2008
- Frequented the store in the early morning hours when she was the only one on-duty
- Often times, he would be waiting in the parking lot when she arrived to open the store
- At times, he made inappropriate sexual comments to her
- Accessed criminal history files of her ex-boyfriend and told her she needed to get a protective order before his release from prison
- Accessed other "victim's" protective orders and allowed her to view them

The female clerk told WCSO investigators she felt intimidated by Oge's persistence and never felt comfortable telling him to leave the store.

On March 12, 2009, WCSO IA addressed the allegations with Oge in a Garrity interview. Oge minimized the relationship with the female clerk and stated he occasionally hugged her. After additional questioning, Oge stated he kissed the store clerk on the cheek one time and denied making inappropriate sexual comments. Oge stated he attempted to kiss the store clerk on the cheek one time, but accidentally kissed her neck when she turned her head. During the course of the interview, Oge began to be more forthcoming and admitted to more kissing, hugging and sexual talking. He also admitted to looking up the female clerk's ex-boyfriend's information, but

again minimized the act because he stated he didn't intentionally show the information to the female clerk. He acknowledged the fact he violated departmental policy by showing the female clerk the information on the ex-boyfriend and the other protective orders.

On March 19, 2009, Oge submitted to a polygraph at the WCSO. He admitted to all the allegations, but showed deceptive when asked about his sexual intent toward the female clerk.

On May 14, 2009, POST interviewed Oge. After being issued a Garrity warning, Oge minimized his relationship with the female clerk. POST asked several clarifying questions which eventually confirmed the allegations. The unauthorized access and dissemination of protected records constitutes a crime which could have been charged as a class B misdemeanor- no charges were screened with the county attorney's office. Oge agreed to sign a consent agreement suspending his peace officer certification for three-years, beginning on the date of his termination, April 3, 2009, through April 3, 2012.

CHIEF ADMINISTRATOR'S OPINION

On June 16, 2009, POST Investigations contacted WCSO Sheriff Brad Slater. Sheriff Slater concurs with POST's recommendation for the suspension of Oge's peace officer certification.

VIOLATION(S)

Oge'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

These charges rise to a category D and F (commission of any crime that is charged or could have been charged as a class B misdemeanor and malfeasance) on the POST Disciplinary Guidelines. POST recommends the Council accept Oge's signed consent agreement suspending his peace officer certification from April 3, 2009 through April 3, 2012.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-063LE
SUBJECT: Jeff L. Christensen
Investigator: Rich Fordham

ALLEGATION(S)

False Information on a POST Application

EMPLOYMENT HISTORY

- On October 4, 2006, Christensen was employed and certified as a reserve law enforcement officer for the Washington County Sheriff's Office (WCSO)
- On December 12, 2006, Christensen resigned from WCSO
- On December 12, 2006, Christensen was employed as law enforcement officer with the Washington City Police Department (WCPD)
- On June 1, 2009, Christensen was reassigned from a sworn law enforcement officer to a civilian position with the WCPD following an Internal Affairs investigation

POST INVESTIGATION OF ALLEGATION(S)

In May 2009, Christensen filled out an application for employment with the Murray City Police Department (MCPD). On the application, Christensen indicated he used marijuana a few times during September through December 2002. MCPD's background investigation discovered Christensen had falsified his POST application (dated November 20, 2003) by reporting he had never used illegal drugs.

A MCPD investigator held a telephonic interview with Christensen. Christensen admitted that he knowingly falsified his POST application because he was afraid he might not be admitted to POST.

After his interview with MCPD, Christensen informed WCPD administration he had falsified his POST application. WCPD administration and MCPD informed POST of the misconduct.

On June 3, 2009, POST held a telephonic interview with Christensen. Christensen admitted to intentionally falsifying his POST application and agreed to sign a consent agreement suspending his certification for two-years.

CHIEF ADMINISTRATOR'S OPINION

On June 8, 2009, POST contacted WCPD Chief Jim Keith in regards to Christensen's case. Chief Keith understands why POST is recommending a two-year suspension of Christensen's peace officer certification. Although Chief Keith does not condone Christensen's actions, he feels Christensen is a good officer and would like to see a one-year suspension of Christensen's certification.

VIOLATION(S)

Christensen's actions violated the following:
Utah Code Ann. §53-6-211(1)(d)(i) willful falsification of any information to obtain certified status

AGGRAVATING CIRCUMSTANCES

None

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a Category D (Willful falsification to obtain certified status) on the POST Disciplinary Guidelines. POST recommends the Council accept Christensen's signed consent agreement for a two-year suspension of his peace officer certification from June 2, 2009 through June 2, 2011.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-036C
SUBJECT: Megan K. Hancock
Investigator: Paul Kotter

ALLEGATION(S)

Driving Under the Influence

EMPLOYMENT HISTORY

- Utah State Department of Corrections (UDC) – employed and certified as a correctional officer on July 28, 2008
- Terminated from UDC on March 18, 2009

POST INVESTIGATION OF ALLEGATION(S)

On March 17, 2009, Megan K. Hancock was stopped by Salt Lake City Police Department (SLCPD) for driving with her headlights off. The officer detected the odor of alcohol on Hancock's breath. Hancock admitted to consuming one drink earlier in the evening. Hancock submitted to standardized field sobriety tests. Hancock was unable to complete the tests and was arrested. Hancock submitted to a breath alcohol test; the results indicated a breath alcohol level of .209. Hancock was subsequently cited for Driving Under the Influence (DUI) of alcohol and driving without headlights.

Hancock was a probationary employee with UDC and was subsequently terminated due to her DUI arrest.

On June 1, 2009, POST interviewed Hancock via telephone. Hancock admitted to the material facts of the case and agreed to sign a consent agreement suspending her peace officer certification for two-years, beginning on the date of her termination(March 18, 2009) through March 18, 2011. The outcome of Hancock's criminal case is still pending.

CHIEF ADMINISTRATOR'S OPINION

On June 16, 2009, POST Investigations contacted UDC Chief Brent Wiechman acting for Director Thomas Patterson. Chief Wiechman concurs with POST's recommendation for the suspension of Hancock's peace officer certification.

VIOLATION(S)

Hancock's actions violated the following:

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

AGGRAVATING CIRCUMSTANCE(S)

None

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a category D (1st DUI) on the POST Disciplinary Guidelines. POST recommends the Council accept Hancock's signed consent agreement suspending her peace officer certification from March 18, 2009 through March 18, 2011.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-058LE/C
SUBJECT: Nikolas H. Searle
Investigator: Bryant Green

ALLEGATION(S)

Gambling

EMPLOYMENT HISTORY

- Searle was employed and certified as a correctional officer by the Utah Department of Corrections (UDC) on November 5, 2007
- Searle was terminated from UDC after an Internal Affairs (IA) investigation on June 9, 2008

POST INVESTIGATION OF ALLEGATION(S)

In April of 2008, the Salt Lake County Sheriff's Office (SLCSO) was conducting an investigation into an illegal gambling operation. As a result of their investigation, several arrests were made and numerous participants/players of the illegal operation were identified. Searle was identified as a regular player at the illegal games and had been identified as an officer with UDC. SLCSO Detectives notified UDC and advised them of their intent to interview Searle.

Searle admitted to gambling at the illegal game on a regular basis. Payout and debt sheets, discovered during the initial raid on the operation, revealed Searle had been gambling through April 1, 2008. SLCSO Detectives decided not to screen charges against Searle, but instead planned on using him as a witness against the owners of the illegal operation.

In June of 2008, Searle was interviewed by UDC IA investigators. After being issued a Garrity warning, Searle admitted to the material facts of the case.

In August of 2008, POST discovered Searle had left Utah and was at Fort Dix, New Jersey preparing for a one year military deployment to Iraq. POST was able to contact Searle. During a telephonic interview, Searle admitted to the material facts of the case and agreed to sign a consent agreement recommending the suspension of his correctional officer certification. POST sent Searle a consent agreement via certified mail, but the document was later returned to POST as "unclaimed".

In June of 2009, POST discovered Searle had returned to Utah after his deployment. POST contacted Searle who signed a consent agreement recommending the suspension of his correctional officer certification for two- years.

CHIEF ADMINISTRATORS OPINION

POST contacted UDC Executive Director Tom Patterson who concurs with POST's recommendation of the two-year suspension of Searle's correctional officer certification, beginning on June 9, 2008 through June 10, 2010.

VIOLATION(S)

Searle'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 category D (commission of any crime that could be charged as a class B misdemeanor) on the POST Disciplinary Guidelines. POST recommends the Council accept Searle's signed consent agreement for a two-year suspension.



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-017LE
SUBJECT: Daniel J. Sorensen
Investigator: Paul Kotter

ALLEGATION(S)

Driving Under the Influence of Alcohol

EMPLOYMENT HISTORY

- Utah State Division of Wildlife Resources (DWR) – employed and certified as a peace officer on July 10, 2006
- Resigned from DWR on May 4, 2009

POST INVESTIGATION OF ALLEGATION(S)

On February 8, 2009, Sorensen was stopped by the Hurricane City Police Department (HCPD) for speeding. The HCPD officer detected the odor of alcohol on Sorensen. Sorensen admitted to consuming four beers earlier in the evening. The HCPD officer had Sorensen perform the standardized field sobriety tests. Sorensen failed the tests and was arrested for Driving Under the Influence of Alcohol (DUI). Sorensen was taken to the Washington County Jail to obtain a breath alcohol test; the results indicated a breath alcohol level of .100.

On February 24, 2009, Sorensen was interviewed by a DWR Internal Affairs (IA) investigator. Sorensen admitted consuming six beers prior to attending a concert. Sorensen believes the breath result was inaccurate due to him having a small amount of chewing tobacco in his mouth at the time of the test.

On May 7, 2009, POST conducted a telephonic Garrity interview with Sorensen. Sorensen admitted to drinking earlier in the evening on the date he was arrested for DUI. Sorensen did not feel impaired on the night he was arrested. Sorensen felt there are some possible evidentiary issues in relation to having chewing tobacco in his mouth. Sorensen admitted to speeding on the night he was arrested for DUI. Sorensen agreed to sign a consent agreement suspending his peace officer certification for two-years. The outcome of Sorensen's criminal case is still pending.

CHIEF ADMINISTRATOR'S OPINION

On May 4, 2009, POST Investigations contacted DWR Cindy Jensen acting on behalf of Director James Karpowitz. Ms. Jensen concurs with POST's recommendation for the suspension of Sorensen's peace officer certification.

VIOLATION(S)

Sorensen'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

These charges rise to a category D (1st DUI) on the POST Disciplinary Guidelines. POST recommends the Council accept Sorensen's signed consent agreement suspending his peace officer certification from May 4, 2009 through May 4, 2011.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-051C
SUBJECT: Katrina M. Madsen
Investigator: Paul Kotter

ALLEGATION(S)

Off-duty Sexual Misconduct

EMPLOYMENT HISTORY

- Sanpete County Sheriff's Office (SCSO) – employed and certified as a correctional officer on September 8, 2008
- Terminated from SCSO on April 9, 2009

POST INVESTIGATION OF ALLEGATION(S)

The SCSO conducted an investigation on Madsen and a male correctional officer after the Sheriff received complaints, for several months, from a number of people in their community. The complaints alleged Madsen and the male correctional officer had engaged in a sexual relationship for several months. The Sheriff was visited by community members at his home, bringing the alleged sexual relationship to his attention. Madsen and the male correctional officer were both married. The relationship allegedly began while attending the Corrections Academy and continued after they had returned home. According to the Sheriff, these complaints became public knowledge and caused a disruption to the department and the community.

On March 30, 2009, Madsen was interviewed by the SCSO. Madsen admitted to the sexual relationship stating the sexual encounters only occurred, off-duty, in their personal vehicles. Madsen stated the relationship ended in January 2009.

On June 3, 2009, POST interviewed Madsen via telephone. Madsen admitted to the material facts of the case. Madsen signed a consent agreement recommending the suspension of her correctional officer certification for one year from the date of her termination, April 9, 2009 through April 9, 2010.

CHIEF ADMINISTRATOR'S OPINION

On June 8, 2009, POST Investigations contacted SCSO Sheriff Kevin Holman. Sheriff Holman concurs with POST's recommendation for the suspension of Madsen's correctional officer certification.

VIOLATION(S)

Madsen's actions violated the following:

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

AGGRAVATING CIRCUMSTANCE(S)

None

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a category E (consensual sexual misconduct off-duty that becomes disruptive to an agency and/or the community) on the POST Disciplinary Guidelines. POST recommends the Council accept Madsen's signed consent agreement suspending her correctional officer certification from April 9, 2009 through April 9, 2010.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-050C
SUBJECT: David Neves
Investigator: Paul Kotter

ALLEGATION(S)

Off-duty Sexual Misconduct

EMPLOYMENT HISTORY

- Sanpete County Sheriff's Office (SCSO) – employed and certified as a correctional officer on September 8, 2008
- Terminated from SCSO on April 9, 2009

POST INVESTIGATION OF ALLEGATION(S)

The SCSO conducted an investigation on Neves and a female correctional officer after the Sheriff received complaints, for several months, from a number of people in their community. The complaints alleged Neves and the female correctional officer had engaged in a sexual relationship for several months. The Sheriff was visited by community members at his home, bringing the alleged sexual relationship to his attention. Neves and the female correctional officer were both married. The relationship allegedly began while attending the Corrections Academy and continued after they had returned home. According to the Sheriff, these complaints became public knowledge and caused a disruption to the department and the community.

On April 2, 2009, Neves was interviewed by the SCSO. Neves admitted to the sexual relationship stating the sexual encounters only occurred, off-duty, in their personal vehicles. Neves stated the sexual relationship ended in January 2009.

On June 6, 2009, POST interviewed Neves via telephone. Neves admitted to the material facts of the case. Neves signed a consent agreement recommending the suspension of his correctional officer certification for one year from the date of his termination, April 9, 2009 through April 9, 2010.

CHIEF ADMINISTRATOR'S OPINION

On June 8, 2009, POST Investigations contacted SCSO Sheriff Kevin Holman. Sheriff Holman concurs with POST's recommendation for the suspension of Neves' correctional officer certification.

VIOLATION(S)

Neves' 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

These charges rise to a category E (consensual sexual misconduct off-duty that becomes disruptive to an agency and/or the community) on the POST Disciplinary Guidelines. POST recommends the Council accept Neves' signed consent agreement suspending his correctional officer certification from April 9, 2009 through April 9, 2010.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 09-025C
SUBJECT: R. Denile Gale
Investigator: Lt. Steven Winward

ALLEGATION(S)

Nonfeasance

EMPLOYMENT HISTORY

- Employed and certified as a correctional officer on March 24, 1995, with Uintah County Sheriff's Office (UCSO)
- Suspended without pay on March 20, 2009

POST INVESTIGATION OF ALLEGATION(S)

In February 2002, R. Denile Gale was present during a court hearing when his son was found delinquent in juvenile court for committing a crime that could have been charged as a felony if he were an adult. As a result of this adjudication, Gale's son became a category I restricted person.

On February 23, 2009, Gale's son was a suspect in an incident where he brandished a handgun during a fight at a friend's house. While being questioned by Vernal City investigators, Gale's son admitted to possessing a gun, but stated the gun belonged to his father. Gale's son told the investigators his father gave his gun to go target shooting.

In April 15, 2009, Gale met with POST. During a Garrity interview, Gale admitted he gave his personally owned gun to his son sometime in the latter half of 2008 to go target shooting. Gale stated he took the gun back and put it in a lock box in his truck. Gale stated his son took the gun without his permission when the brandishing incident occurred. Gale stated he did not know his son was a restricted person and stated he had been told by the juvenile court judge that once his son became an adult, his juvenile record no longer affected him. Gale never verified with the courts or the Bureau of Criminal Identification if his son was restricted.

Gale was charged with providing a gun to a restricted person a third degree felony. The case was dismissed at the preliminary hearing for lack of evidence because the State could not prove that Gale had the requisite mental state for the offense.

Based on the circumstances of the case POST sought a six month suspension of Denile Gale's corrections certification for nonfeasance, for his ignorance of the law and failing to verify if his son was a restricted person.

CHIEF ADMINISTRATOR'S OPINION

On August 27, 2009, POST contacted Sheriff Jeff Merrill of UCSO. He agreed with a 6-month suspension of Gale's correctional officer certifications.

VIOLATION(S)

Gale'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

These charges rise to a category F (nonfeasance) on the POST Disciplinary Guidelines. POST recommends the Council accept the consent agreement for a six-month suspension of Gale's correctional officer certification effective March 20, 2009 through September 21, 2009.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bulletin

State of Utah

Department of Public Safety Peace Officer Standards and Training

September 2009

One of the duties of the Utah Council on Peace Officer Standards and Training is to establish and enforce rules of conduct for certified peace officers throughout the state. During the disciplinary action portion of each POST Council Meeting, the Council reviews and rules on cases investigated by the POST Investigations Bureau. These decisions help define acceptable and unacceptable conduct for Utah peace officers.

Please note that the actions taken by the POST Council are not binding precedent. The POST Council makes every effort to be consistent in its decisions, but each case is considered on its own individual facts and circumstances. The *POST Investigations Bulletin* is published to provide insight into the Council's position on various types of officer misconduct.

On September 29, 2009, POST Council convened and considered 26 cases of officer discipline. POST Council accepted the recommended discipline on 23 cases; POST council reduced the sanctions on two cases and sent one case back to POST for further investigation based upon new information disclosed by the chief administrator.

Case #1

Malfeasance and a crime that could have been charged as a class B misdemeanor: Deputy A was employed as a law enforcement officer for a county sheriff's office. While on-duty, Deputy A frequented a convenience store in the early morning hours where a female employee worked. Deputy A fostered a friendship with the female clerk. Deputy A made inappropriate sexual comments to the female clerk, hugged her, and kissed her cheek and neck. The female clerk felt intimidated by Deputy A's persistence and never felt comfortable telling him to leave the store. Deputy A accessed protected criminal history files of the store clerk's ex-boyfriend and told the store clerk she needed to get a protective order before the boyfriend was released from prison. Deputy A also accessed other "victim's" protective orders and allowed the store clerk to view them. The unauthorized access and dissemination of protected records constitutes a crime which could have been charged as a class B misdemeanor. Deputy A signed a consent agreement for a three-year suspension of his peace officer certification. The POST council ratified the conditions of the consent agreement.

Case #2

On Duty Sexual Misconduct: Officer B worked as a police officer for a city police department. A complainant reported that Officer B was involved in numerous sexual relationships in the community. Agency investigators were able to locate two women who stated they had engaged in sexual relationships with Officer B. Officer B engaged in these relationships while on duty. One of the women was a known prescription drug abuser and had been an informant on drug cases investigated by officer B. Officer B signed a consent agreement for revocation of his peace officer certification. The POST council ratified the conditions of the consent agreement.

Case #3

DUI: Officer C worked for a city police agency. Officer C was found passed out in his personal vehicle by an officer from another agency. Officer C was impaired by several prescription drugs and was arrested for DUI. Officer C was arrested a second time for a similar drug related DUI incident where he hit a fence. Officer C was interviewed by his department's internal affairs unit. During the interview Officer C admitted to driving under the influence of drugs on both occasions. Officer C resigned from the police department. After his resignation Officer C was arrested two additional times for driving under the influence of drugs. Officer C signed a consent agreement for revocation of his peace officer certification. The POST council ratified the conditions of the consent agreement.

Case #4

Lying Under Garrity: Cadet D was hired by a city police agency and was attending the POST academy. During several of the firearms training sessions, Cadet D removed ammunition from the range and took it home. Several other cadets observed this and reported it to POST staff. Cadet D was asked about taking the ammunition and he denied it. Cadet D was given a Garrity warning and again questioned about the incident. Cadet D continued to deny taking ammunition. Cadet D agreed to take a polygraph examination, however he did not appear on the date set for the examination. Cadet D was dismissed from the academy for Lying under Garrity. Cadet D signed a consent agreement for a three-year suspension of his special function officer certification. The POST Council ratified the conditions of the consent agreement.

Case #5

False information on POST application: Officer E was employed as a law enforcement officer for a city police department. Officer E applied to work for another police agency. During the background investigation by the other agency, investigators identified several inconsistencies between his employment application and the POST application he filled out several years prior. Officer E failed to disclose some previous drug usage in his original POST application. Background investigators questioned Officer E about the drug usage. Officer E admitted he left the drug usage off the POST application because he knew he would not be allowed into the academy based on the timeframe of the drug usage. The background investigators referred the case to POST. POST interviewed Officer E and he admitted providing false information on his POST application. Officer E signed a consent agreement for a two-year suspension of his peace officer certification. The POST Council ratified the conditions of the consent agreement.

Case #6

DUI: Officer F worked as a correctional officer. Officer F was stopped by a city police officer for driving without headlights. The officer detected an odor of alcohol and had Officer F perform field sobriety tests. Officer F failed the tests and was arrested for driving under the influence. Officer F tested .209 on the Intoxilyzer. Officer F was terminated for this incident. Officer F signed a consent agreement for a two-year suspension of her correctional officer certification. The POST Council ratified the conditions of the consent agreement.

Case #7

Off Duty Sexual Misconduct: Deputy G and Deputy H both worked as correctional officers for a sheriff's office. Deputy G and Deputy H both attended the correctional academy at the same time. During the time at the academy the two deputies became romantically involved. Both deputies were married to other people at the time of this relationship. This relationship continued when they returned to the county to work as correctional officers. Several citizens became aware of the relationship and complained to the Sheriff about the two deputies. The deputies were interviewed by agency investigators and admitted they were having a sexual relationship off duty. The relationship was reported to POST because the relationship became disruptive to the department and community. Both Deputy G and Deputy H signed a consent agreement for a one-year suspension of their correctional officer certification. The POST Council ratified the conditions of both consent agreements.