

POST COUNCIL MEETING

June 14, 2007 at 10:00 a.m.

Public Safety Education & Training Center
Council Room (Third Floor) 410 West 9800 South

Agenda

- ❖ **Welcome and Introductions:**
 - Chairman Lynn Nelson

- ❖ **Approval of March 19, 2007 Minutes:**
 - Chairman Nelson

- ❖ **Disciplinary Training:**
 - Chairman Nelson
 - Counsel Rick Wyss

- ❖ **Corrections Training Report:**
 - Director Dennis Hutchinson

- ❖ **Basic Training Curriculum Approval:**
 - Director Rich Townsend
 - Deputy Director Scott Stephenson
 - Training Manager John Jacobs

- ❖ **Satellite Academy Audit Plan:**
 - Deputy Dir. Scott Stephenson

- ❖ **Disciplinary Actions:**
 - Lt. Steve Winward
 - Counsel Rick Wyss

- ❖ **Schedule Next Meeting:**

- ❖ **Adjourn for Lunch:**



POST COUNCIL MEETING

June 14, 2007

*Public Safety Education and Training Center
Sandy, Utah*

MINUTES

On June 14, 2007, a regularly scheduled POST Council meeting was held at 10:00am at the Public Safety Education and Training Center, Sandy, Utah. Chairman Lynn Nelson conducted.

The following POST Council members were in attendance:

Sheriff Lynn Nelson, Chairman, Cache County Sheriff's Office
Ben Jones, Vice-Chairman, At Large
Sheriff Mike Lacy, San Juan County Sheriff's Office
SAC Tim Fuhrman, FBI
Sheriff Bud Cox, Davis County Sheriff's Office
Vice-President Donna Dillingham-Evans, Dixie State College
Sheriff Dave Edmunds, Summit County Sheriff's Office
Councilman Robert D. Robertson, Murray City Council
Attorney General Mark Shurtleff, Attorney Generals Office
Executive Director Tom Patterson, Department of Corrections
Larry Gillett, UPOA
Colonel Lance Davenport, Superintendent, Utah Highway Patrol
Director Mike Larsen, Orem DPS
Mayor Joe Ritchie, Roy City
Dr. Frank Budd, Utah Chiefs of Police Association (Proxy for Chief Val Shupe)

The following were excused and/or absent:

Chief Robert Allinson, Cedar City Police Department
Commissioner James J. Eardley, Washington County
Chief Val Shupe, South Ogden City P.D. (Represented by Dr. Frank Budd proxy)

POST staff present:

Major Rich Townsend, Director
Capt. Scott Stephenson, Deputy Director
Shaunna McCleve, Administrative Secretary
Lt. Steve Winward, POST Investigations Bureau Chief
Kevin Nitzel, POST Investigations
Jerry Jorgensen, POST Investigations (on loan from DOC)
Rick Wyss, DPS Legal Counsel representing POST
John Jacobs, Training Manager
Lt. Wade Breur, POST Basic Training
Scott Barnett, POST Investigations



Others present:

Dale Stacey, Rich County Sheriff's Office
David Holm, Dixie State Police Academy
Kelly Sparks, Weber State Police Academy
Jewel Fuchs, Weber County Sheriff's Office
Dennis Hutchinson, Department of Corrections Training
Sid Groll, DNR Law Enforcement
Mike Fowlks, DWR Law Enforcement
Ben Winslow, Desert Morning News
Deborah Ramsay, Desert Morning News
Preston Raban, DPS, PIO
Nate Carlisle, Salt Lake Tribune
Lynda Zobell, Public
Rod Peterson, Bridgerland Police Academy
Scott McKane, KSTU FOX 13

WELCOME AND INTRODUCTIONS

Chairman Lynn Nelson welcomes the Council Members and has the visitors introduce themselves. He then turned some time over to Director Townsend who reported on the new building. Townsend informed the Council the new facility is being well utilized and is accommodating the needs of all those training and teaching here.

APPROVAL OF POST COUNCIL MINUTES

The minutes of March 14, 2007 were reviewed and the following motion was presented.

- Motion:** *Sheriff Mike Lacy motioned to approve the minutes of March 19, 2007.*
Second: *Robbie Robertson seconded the motion.*
Vote: *The motion passed with all in favor.*

DISCIPLINARY TRAINING

Chairman Nelson asked to have a training session on disciplinary decisions at the next POST Council meeting to be held on June 14th. Attorney Rick Wyss instructed the Council there is a legal obligation for consistency in how decisions are made regarding disciplinary actions. Mr. Wyss stated when POST staff investigates a certified peace officer or dispatcher; State Statute 53-6-211 governs peace officer discipline. The POST Council has designated an Administrative Law Judge (ALJ) to preside over all hearings and has deemed these hearings as formal hearings, rather than have the POST Council present for all hearings. Once the case is heard by an ALJ, the finding will still come before the Council for final approval. After the Council is finished with the disciplinary action, the officer/dispatcher has the right to appeal the Council's decision to the Utah Court of Appeals and/or Career Service Review Board. All records created by POST staff and Council will be subject for review and scrutinized for consistency. Mr. Wyss advised the Council the current disciplinary matrix is too broad and inconsistent. For this reason, it is evident the POST Council has gradually moved away from using the matrix as a foundation for decision-making. The lack of consistency and structure is the primary basis for the disciplinary guideline proposal. Mr. Wyss informed the Council, the primary reason for reversal rulings in the Utah Court of Appeals or the Career Service review Board is due to inconsistent sentencing in disciplinary rulings.



Lt. Steve Winward introduced the new guidelines and explained the research involved. The offenses are all categorized (based on historical data) and each category begins with a recommended disciplinary baseline. Suspension sentence time may be added or subtracted based upon aggravating or mitigating circumstances discovered in each disciplinary case. There was a subsequent discussion about possible changes and improvements by the Council. Lt. Winward stated these new guidelines are subject to the Council's approval and any member may make recommendations for changes.

Mr. Wyss informed the Council the new guidelines are a tool for the Council to use and are subject to their direction and change. (See sub-motion below) The Council discussed the weight of mitigating and aggravating circumstances and agreed they shouldn't cancel each other out. The POST Council was reminded that it has discretion within the mitigating and aggravating guidelines when imposing disciplinary actions on future cases.

Motion: Sheriff Mike Lacy motioned to accept the new POST Investigation Disciplinary Guidelines.

2nd: VP Donna Dillingham-Evans seconded the motion.

Sub-Motion: AG Mark Shurtleff motioned to amend the POST Investigation Disciplinary Guidelines with the following changes:

- 1) Tier 2 drugs should be placed in a category B.
- 2) The Wording verbiage on the category page should be changed from "can be charged" to "could have been charged."
- 3) On page 3, "providing false information to police officer during arrest" (remove "during arrest").

2ndSub-Motion Larry Gillett seconded the motion

Vote: Motion passed 13 for and 1 against.

The Council then returned to the original motion.

Original Motion: Sheriff Mike Lacy accepted the changes of the sub-motion and restated his original motion with the said changes.

2nd: VP Donna Dillingham-Evans concurred.

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

CORRECTIONS TRAINING REPORT

Corrections Training Director Dennis Hutchinson presented the Corrections Curriculum and informed the Council there is a slight modification to the SFO block. Corrections training maintained the 5 hours (2 hours of report writing and 3 hours of courtroom demeanor) that POST removed, and also added 4 hours of sex crimes accompanied with 2 hours of drug recognition. They moved Gang Awareness to the basic corrections block creating a 9-hour increase to the curriculum. The following classes were added to the Basic Corrections Curriculum;

- Decision Making
- History of Corrections and Gang Awareness.



The following classes were removed;

- Chemical Agents
- Introduction to Offender Tracking

Motion: Sheriff Dave Edmunds made a motion to accept the curriculum presented.
2nd: Executive Director Tom Patterson seconded the motion.

Discussion: Sheriff Bud Cox stated that all SFO, LEO and Corrections certification need to be the same regardless of where the course is taught. Director Hutchinson responded by telling the Council they are adding hours, not taking hours away. Sheriff Edmunds stated this was discussed in the Curriculum Review Committee meeting and his Corrections Deputies rarely go to court. Chairman Nelson informed the Council members, Department of Correction's (DOC) main objective is to train officers to work at the prisons and in AP&P. DOC made the training available to the Sheriff's, but that is not their main objective. Council members discussed having core classes the same whether taught at POST or a satellite academy. The Council agreed that the satellite academies could add additional hours as long as the core classes are taught.

Vote: The motioned passed with 12 for and 2 against.

Motion: *AG Mark Shurtleff proposed to amend the previous motion and add back the two hours of gang awareness training.*
2nd: *Executive Director Tom Patterson seconded the motion.*
Vote: *The motion passed with 12 for and 2 against.*

Director Hutchinson presented a plan to correct the in-service training deficiencies uncovered by the audit on DOC. In prior years, some of its officers were not receiving the mandatory 40 hours of in-service training mandated by state statute. DOC is hoping the Council will ratify the proposed remedy. The officers are being trained as to how they can review their individual training records online to monitor their annual progress. The DOC training staff will begin auditing in-service hours in January of each year to ensure every employee had the appropriate number of hours by June 30 of every year. The yearly employee performance plan has been modified to include in-service training hours to be reported by April of each year. Supervisors will be reminded to check the training records of their staff in order to complete the performance plans. Beginning in May, supervisors will receive weekly reminders of officers who are still deficient in hours. Officers who are not compliant by June 30th of each year will not be allowed to function in a certified position and will be disciplined accordingly. In order to fix the officers that were found deficient by the audit, DOC sent letters giving the officers a time period to correct the deficiency. To date, all officers are in compliance with the state statute. Those officers that were deficient after the audit have received a letter of warning and are required to attend an Executive Director Legislative Training Update. In the future, URS will also be notified and given the names of officers deficient in training hours.

Motion: *Robbie Robertson motion to support the changes made by Corrections.*
2nd: *Sheriff Bud Cox seconded the motion.*
Vote: *Motion passed with all in favor.*



BASIC TRAINING CURRICULUM APPROVAL

Training Manager John Jacobs presented the Basic Training Curriculum to the Council for approval. There has been a lot of research done to create the new curriculum and recommendations have been received from POST staff, POST Council, field training officers, and various agencies throughout the state. It should also be noted that the proposed curriculum received the Curriculum Sub-Committee's endorsement. Sheriff Edmunds publicly endorsed the proposed curriculum by stating that it is a superior product from what POST was using in the past.

Motion: *Sheriff Dave Edmunds motioned to accept the POST Curriculum.*
2nd: *Mayor Joe Ritchie seconded the motion.*

Discussion: Larry Gillett asked if the hours removed were covered in scenario training. John Jacobs replied they were. Dir. Townsend informed the Council POST Basic training used to be seventeen weeks long and is now approximately fifteen to sixteen weeks.

Vote: *Motion passed with all in favor.*

SATELLITE ACADEMIES AUDIT PLAN

Deputy Director Scott Stephenson informed the Council POST has created an administrative audit for each Satellite Academy to verify compliance with POST's core objectives. The first audit will be conducted in July at the new Dixie State College Satellite Academy. Dir. Townsend stated the each satellite academy is aware of the new audit program.

Bridgerland Academy Director Rod Peterson reported to the Council the success they had with the pilot correctional block and was soliciting the Council's approval for permanent status. The academy partnered with the Cache County Sheriffs Office, which made it possible to use the Sheriff's facility for scenario-based training. There were 24 students present and because it was a pilot program there was no fee charged. Rich County Sheriff Dale Stacey was able to hire one of the graduates, which saved the Sheriff's Office time and money by not having to send this cadet to Salt Lake to attend POST. Sheriff Nelson feels Bridgerland Academy has made terrific changes and they are producing a viable product.

Motion: *Sheriff Dave Edmunds motioned to allow Bridgerland Academy to continue teaching corrections certification.*

2nd: *VP Donna Dillingham-Evans seconded the motion.*

Vote: *Motion passed with all in favor.*



DISCIPLINARY ACTIONS

Attorney Rick Wyss presented the following disciplinary cases, giving an overview of each.

The following, Matthew J. Allen and Steven C. Ward were both convicted of felonies and received a felony letter from Director Townsend for revocation of their peace officer certification.

MATTHEW J. ALLEN – (Forcible sex abuse of a minor)

Allen was employed by the Davis County Sheriff's Office and was terminated on May 5, 2006, following his arrest for Forcible Sex Abuse of a Minor.

Matthew Allen hired a female babysitter to watch his daughter. During the time she was in the home, Allen began to develop an inappropriate relationship in which they talked about sex and other inappropriate topics. Mr. Allen took his daughter and the babysitter to the community pool. After swimming they all went into the family dressing room. The babysitter showered and came out wearing a towel. The babysitter reported Mr. Allen inappropriately touched her.

The incident was reported to Clearfield City Police. Matthew Allen was arrested and charged with two felonies and one-misdemeanor count of Forcible Sex Abuse of a Minor.

On March 12, 2007, Allen pled guilty to one felony count of child sex abuse and a Class A Misdemeanor of unlawful sexual conduct with a minor. On May 10, 2007, Director Richard Townsend issued a felony letter of revocation to Matthew Allen.

Aggravating Circumstances: Allen was charged and plead guilty to a third degree felony.

Mitigating Circumstances: None.

STEVEN C. WARD - (Importation of Controlled Substances into the United States)

Steven Ward is a 28-year-old male, living in Riverton, Utah. He was working as a Police Officer for West Valley City Police Department at the time of the incident. Ward was certified as a Law Enforcement Officer on May 18, 2000, and hired by West Valley City Police Department on July 25, 2000. Ward resigned employment with West Valley City Police Department on June 30, 2006, following an internal affairs investigation.

On July 7, 2005, Ward was conducting surveillance for narcotics agents when an adult male approached his vehicle. Ward shot the male who died as a result of the shooting. The family of the man hired an attorney to do an independent investigation into the shooting. As a result of the investigation done by the family's attorney, evidence was found to indicate that Ward was involved in illegal steroid use. An investigation was opened and conducted by the United States Attorney's Office. On August 2, 2006, Ward was charged with Importation of a Controlled Substance (Steroids), US Code Violation U.S.C. 952 (b). On October 11, 2006, Ward pled guilty and entered into an agreement for a reduced sentence. Ward was also found to have violated several West Valley City policies to include an admission of steroid use during his employment.

On April 3, 2007, Ward was issued a felony letter revoking his peace officer certification in the State of Utah. West Valley Police Chief Nielson was notified by mail and phone.



Aggravating Circumstances: Charged and convicted of a felony crime.

Mitigating Circumstances: None.

Motion: *Sheriff Bud Cox motioned to accept the Felony Letter for a revocation of Matthew Allen's and Steven Ward's peace officer certification.*

Second: *Sheriff Mike Lacy seconded the motion.*

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

LISA WIND - (Sexual Misconduct)

Lisa Wind is 26-years-old and she completed peace officer training at UVSC on June 2, 2004. She was employed with Moab Police Department from June 26, 2004 until July 11, 2005. After resigning from Moab PD she relocated back to Orem. She was then employed as a reserve officer with Utah Valley State College Police Department (UVSCPD) on September 15, 2005.

This case involved Lisa Wind and Sergeant Cory Smith (Case # 06-067/LE), both employees of UVSC Police Department. Several months after Ms. Wind began working at UVSC, she started a relationship with Sgt. Cory Smith. Sgt. Smith had conveyed to her that he was married but was in the process of getting divorced. The relationship became intimate and they engaged in sexual intercourse at the work place while on duty. The relationship ended when Ms. Wind discovered that Sgt. Smith was still married and had not sought for a divorce as he had previously indicated. Ms. Wind contacted POST and reported herself and Sgt. Smith of their misconduct.

On August 23, 2006, Ms. Wind signed a consent agreement, suspending her police officer certification for six months from September 7, 2006, until March 8, 2007.

At the September 7, 2006, POST Council meeting, the Council determined that POST investigators should seek a four-year suspension. The POST Investigator contacted Ms. Wind and she refused to sign the amended consent agreement for a four-year suspension.

On November 17, 2006, an administrative complaint was filed against Lisa Wind. She did not respond within the thirty day allotted time. On March 7, 2007, an administrative hearing was conducted in front of Administrative Law Judge Rick Wyss.

Rick Wyss recommended that Lisa Wind's certification be suspended for four-years starting at the next POST Council meeting on June 14, 2007.

Aggravating Circumstances: Sexual activity took place at the work place while on duty. Wind would not cooperate with POST after the initial investigation.

Mitigating Circumstances: Wind was 10-years younger than Cory Smith. She was a subordinate employee to Smith, and she reported the incident to POST.



Motion: *Larry Gillett motioned to accept the findings of the Administrative Law Judge and suspend Lisa Wind's peace officer certification for four years. (June 14, 2007 – April 13, 2011)*

Second: *Robbie Robertson seconded the motion.*

Vote: *The motion passed with 12 for and 1 against.*

RYAN ATACK – (Use of Controlled Substances)

Ryan Atack was employed by the Salt Lake Police Department on December 4, 1992 and resigned on October 17, 2006, following an internal affairs investigation.

On July 19, 2006, Ryan Atack was contacted several times by one of his superior officers. The supervisor noticed that he was acting strange, was very agitated, and could not focus on one thought at a time. Later during his shift, Atack did not respond to a detail that he was assigned. He was asked to come to the office and meet with the supervisor. Atack was requested to take a urinalysis test and he tested positive for drugs. Further investigation revealed that Atack had been addicted to controlled substances for some time. He was placed on administrative leave while the investigation proceeded. The department's disciplinary hearing findings were that Atack was in violation of department policy regarding the use of controlled substances.

On October 17, 2006, Ryan Atack resigned employment with Salt Lake City Police Department. On April 25, 2007, he signed a consent agreement for Revocation of his Police Officer Certification. Chief Burbank was notified and agreed with the Revocation.

Aggravating Circumstances: Atack was a supervisor with Salt Lake P.D. He was under the influence at the work place and was a 14-year veteran with the department.

Mitigating Circumstances: None.

Motion: *Robbie Robertson motioned to accept Ryan Atack's signed consent agreement for revocation of his peace officer certification.*

Second: *Sheriff Bud Cox seconded the motion.*

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

MARCUS J. BARRETT – (Disorderly Conduct)

Marcus Barrett was an employee with the Salt Lake City Police Department (SLCPD). He was hired by SLCPD on July 18, 2005, and resigned employment with SLCPD on December 8, 2006, following an internal affairs investigation.

On August 29, 2006, Marcus Barrett was playing basketball and became involved in a physical altercation at the Gold's Gym in West Valley City. The victim and Barrett exchanged words and then became entangled and wrestled to the floor. The altercation was quickly broken up, and neither person was injured. The game ended but Barrett continued to play with several others that remained. The victim left the gym. Barrett left the gym a short time later and noticed the victim waiting for him in a car outside the door. Barrett also recalled two other vehicles behind the victim's vehicle and assumed they were his friends. Barrett and the victim then exchanged words again and the victim took off in his vehicle. Barrett got into his marked police vehicle and pulled in front of the victim's vehicle. Barrett didn't have his pistol in



his vehicle so he retrieved his shotgun from the trunk and racked the action; the weapon was empty. Barrett yelled profanities at the victim and requested he roll down his window; he then put the shotgun back into the trunk. This was recorded on dispatch tapes when the victim called 911. West Valley Police Department responded and Barrett was eventually charged with misdemeanor assault, unlawful detainment, and disorderly conduct.

On April 9, 2007, Barrett entered into a plea agreement and plead guilty to disorderly conduct, a class C misdemeanor. Barrett was fined \$200 and placed on unsupervised probation for one (1) year.

On April 23, 2007, Barrett signed a consent agreement for a three (3) year suspension of his police certification. The suspension would be from April 9, 2007 to April 8, 2010. Chief Burbank was contacted and agrees with the suspension.

Aggravating Circumstances: Barrett abused his peace officer authority while off-duty, including the use of his duty shotgun.

Mitigating Circumstances: None.

Motion: Sheriff Mike Lacy motioned to accept the signed Consent Agreement for a three-year suspension of Marcus Barrett's peace officer certification.

Second: Dr. Frank Budd seconded the motion.

Discussion: Council members discussed the Barrett case and some members feel he could have been charged with a felony. Larry Gillett stated, with the aggravating circumstances, Barrett should have his peace officer certification revoked.

Sub-Motion: *Larry Gillett motioned to reject the signed Consent Agreement and to seek revocation of Marcus Barrett's peace officer certification.*

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

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

Amendment: *AG Mark Shurtleff amended his vote from in favor to against. Motion passed with 12 in favor and 2 against.*

JOHN THOMAS JAMES - (DUI)

John T. James was working as a Deputy Sheriff for Summit County Sheriff's Office at the time of the incident. James was hired by Summit County Sheriff's Office March 4, 1991, and certified as a Law Enforcement Officer. During his break in service with the Summit County Sheriff's Office, James was employed by Park City Police Department on December 6, 1993, and worked there until January 31, 2002. James was re-hired by Summit County SO on January 31, 2002, and worked there until he resigned on July 26, 2005, following his arrest for DUI.

On June 11, 2005, James was stopped at 650 So. Main St. in Salt Lake City for failing to signal right during a turn. The Salt Lake City Police Officer could smell the odor of alcohol coming from James and asked him to exit the vehicle. James was given field sobriety tests and arrested for DUI. James was asked to submit to a breath test and declined. James plead not guilty and his case was postponed several times and a jury trial was held on February 14, 2007. James was found guilty of DUI and Open Container.



John T. James signed a consent agreement for a two (2) year suspension from the date of arrest, (June 11, 2005 through June 10, 2007).

On March 19, 2007 the Council rejected the signed consent agreement and motioned for the POST Investigator to seek a three-year suspension. (July 25, 2005 – July 26, 2008)

Aggravating Circumstances: James refused to submit to a Breath Test.

Mitigating Circumstances: James has been in law enforcement for 15-years with no other problems. His employer supports James and will rehire him.

Motion: *Larry Gillett motioned to accept John James' signed Consent Agreement of a three- year suspension of his peace officer certification. (July 25, 2005 – July 26, 2008)*

Second: *Sheriff Mike Lacy seconded the motion.*

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

BRANDI L. JONES - (Sexual Misconduct)

Brandi Jones was an employee with the Rich County Sheriff's Office (RCSO). Jones was hired on June 27, 2005, as a Dispatcher/Correctional officer and resigned from RCSO on January 27, 2007, after an internal affairs investigation.

On three separate occasions Brandi Jones engaged in sexual intercourse while on duty. On January 25, 2007, Sheriff Stacey and POST Lt. Winward conducted an interview with Brandi Jones. During the interview Jones denied any knowledge of sexual encounters in the office. When confronted with the fact that there was evidence of inappropriate sexual behavior on duty, she did admit to three encounters. On January 27, 2007, Sheriff Stacy met with Jones and in that meeting Jones decided to resign her position with the RCSO.

POST made several attempts to contact Jones regarding her corrections officer status. Jones would not return calls.

A consent agreement for revocation was sent to Jones, along with a letter explaining her rights and the process of the POST investigation. On March 6, 2007 Jones signed the consent agreement for revocation.

Aggravating Circumstances: On duty sexual misconduct at the workplace.

Mitigating Circumstances: None.



Motion: *Robbie Robertson motioned to accept Brandi Jones' signed Consent Agreement of revocation of her correction officer certification.*
Second: *AG Mark Shurtleff seconded the motion.*
Vote: *The motion passed with all in favor.*

MATTHEW S. JONES - (Sexual Misconduct/Pattern of Conduct)

Mr. Jones was hired by Weber County Sheriff's Office, where he worked until being hired by Ogden Police Department in November 2003. On January 24, 2007, Jones was terminated from Ogden P.D. following an internal investigation.

In February and July 2006, the Ogden Police Department received complaints from two separate Hispanic individuals. They stated that during traffic stops, an Ogden Police Officer had taken their wallets which contained a few hundred dollars in cash. Neither individual was cited for the traffic offense. Through the process of elimination and a photo lineup, Officer Jones was identified as the officer making the traffic stops. Jones denied involvement in the thefts and submitted to a polygraph examination. The results showed deception when asked about his involvement in the thefts of wallets. During the internal investigation, Jones was charged with insubordination and several previous policy violations were brought to light. The violations include taking evidence home, not checking out on traffic stops, and not being honest with supervisors concerning his whereabouts during his shift. The internal investigation mentioned a previous relationship Jones had with a dispatcher that caused problems for Ogden P.D.

During the POST investigation, it was discovered that Jones had a sexual relationship with a dispatcher. No on duty sexual activity took place. The relationship was well known throughout the department and also the dispatch center. After the relationship ended Jones still pursued the dispatcher. While he was in full uniform and in his patrol car, he followed her to a friend's house where a verbal argument ensued. Jones' supervisor was called and responded to the residence and ordered Jones to have no further contact with the dispatcher. She reported there have been very few problems since the breakup. She subsequently moved to another agency. Jones admitted to the above information concerning his sexual relationship with the dispatcher, but denied involvement in the thefts of wallets. Jones admitted to several policy violations and stated he is no longer interested in working as a police officer and would sign a consent agreement for the revocation of his peace officer certification.

The POST staff recommends the revocation of Jones' peace officer certification. On May 7, 2007, Jones signed a consent agreement, agreeing to the revocation of his peace officer certification.

Aggravating Circumstances: Jones, while married, had a sexual relationship with a dispatcher, which caused problems for both Ogden P.D. and the dispatch center. Jones has a pattern of policy violations with Ogden P.D.

Mitigating Circumstances: The sexual conduct was consensual.



Motion: *Sheriff Mike Lacy motioned to accept Matthew Jones' signed Consent Agreement for revocation of his peace officer certification.*
Second: *Larry Gillett seconded the motion.*
Vote: *The motion passed with all in favor.*

NANCY L. PICKERING - (Theft)

Ms. Pickering was hired by the Daggett County Sheriff's Office on June 1, 1998, where she was employed until her termination on March 7, 2007.

In March 2007, Daggett County Attorney Bryan Sidwell notified the Daggett County Sheriff's Office that Officer Pickering had used the county credit card to purchase over \$1500.00 worth of cigarettes. Daggett County is a non-smoking jail and the brand of cigarettes bought were the same brand Pickering smokes. There were several other unauthorized purchases made by Pickering using the county credit card. Pickering resigned in lieu of termination on March 7, 2007, and plead guilty to Class B Misdemeanor, Theft on March 14, 2007.

Pickering contacted POST and requested to voluntarily sign a consent agreement for revocation of her peace officer certification.

On March 28, 2007, Pickering signed a consent agreement, agreeing to the revocation of her peace officer certification.

Aggravating Circumstances: Pickering was the Jail Commander when the thefts occurred. She plead guilty to Class B Misdemeanor Theft.

Mitigating Circumstances: None.

Motion: *Colonel Lance Davenport motioned to accept Nancy Pickering's signed Consent Agreement for revocation of her peace officer certification.*
Second: *Sheriff Mike Lacy seconded the motion.*
Vote: *The motion passed with all in favor.*

DAVID A SCHIRADO - (Code of Ethics Violation)

David Schirado was a deputy with the Rich County Sheriff's Office (RCSO) from November 29, 2004, until he resigned on January 29, 2007, after an internal affairs investigation.

Sheriff Dale Stacey received information that Deputy Schirado had been claiming hours not worked on his submitted time sheets. He was informed that Deputy Schirado had taken days off but claimed hours worked for those days. Sheriff Stacey looked into the time records and dispatch logs for a three-month period and uncovered Schirado had claimed hours worked that he did not actually work. This added up to approximately \$1,800.00 of compensation for hours not worked.



On January 25, 2007, Sheriff Stacey and Lt. Winward conducted an interview with Schirado. During the interview Schirado admitted that he had not worked a full shift on some days because he was bored and had nothing to do. When he was confronted with the evidence that the amount of time added up to \$1,800.00, he was apologetic and did not realize that it added up to that much. On January 29, 2007, Sheriff Stacy met with Schirado, who decided to resign his position with the RCSO.

On March 2, 2007, an Investigator made contact with Schirado in regards to the POST investigation into his peace officer status. It was explained to him that POST would recommend a four-year suspension of his peace officer status. He stated he did not want to get back into law enforcement. A consent agreement for a four- year suspension was sent to him, along with a letter explaining his rights and the process of the POST investigation. On March 4, 2007, Schirado signed the consent agreement for the four-year suspension.

Aggravating Circumstances: Schirado cheated the department out of \$1,800.00 in a three-month period.

Mitigating Circumstances: None.

Motion: Larry Gillett motioned to reject the consent agreement of a four-year suspension and seek revocation of David Schirado's peace officer certification.

Second: VP Donna Dillingham-Evan seconded the motion.

Discussion: The POST Council discussed the Schirado case as to whether a four-year suspension or revocation is warranted. The following sub-motion was offered.

Sub-Motion: *Director Mike Larsen motioned to accept David Schirado's signed Consent Agreement of a four-year suspension of his peace officer certification.*

Second: *Sheriff Mike Lacy seconded the motion.*

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

CHRISTOPHER R. STAPEL - (Theft)

Mr. Stapel was hired by the Utah Department of Public Safety/Highway Patrol beginning August 7, 1995, and was employed until he resigned on September 12, 2006.

In February 2007, Utah Department of Public Safety began an investigation into a missing M14 rifle. Information was uncovered that former Trooper Christopher Stapel had been issued a M14 rifle, serial #954823, and had not turned the weapon in upon his resignation. Stapel was contacted and denied knowledge of the weapon's whereabouts. He was informed if the weapon was not recovered within two days, ATF would be contacted and criminal charges could ensue. Sheriff Dale Stacey from the Rich County Sheriff's office was contacted concerning the missing rifle and the possibility of Stapel's leaving the weapon at the Sheriff's Office. Sheriff Stacey immediately searched the Sheriff's Office and did not locate the rifle. Stapel called within two days and stated he acted on a hunch and found the M14 rifle at the Rich County Sheriff's Office on the night of February 28, 2007. This statement was proven to be untrue as Sheriff Stacey checked his offices prior to February 28, 2007, and did not locate the rifle. The dispatcher on duty on February 28, 2007, who would have to allow entrance into the offices, stated Stapel did not come to the Sheriff's Office the night of February 28, 2007. The subsequent investigation revealed Stapel had been in possession of the rifle.



During the POST investigation, Stapel refused to submit to a polygraph examination and would not admit to stealing the rifle but stated he would sign a consent agreement for the revocation of his peace officer certification.

The POST staff recommended the revocation of Stapel's peace officer certification. On April 1, 2007, Stapel signed a consent agreement, agreeing to the revocation of his peace officer certification.

Aggravating Circumstances: Stapel would not cooperate in the POST investigation.

Mitigating Circumstances: None.

Motion: *Colonel Lance Davenport motioned to accept Christopher Stapel's signed Consent Agreement for revocation of his peace officer certification.*

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

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

JEREMY ZOBELL - (Sexual Misconduct with a Minor)

Jeremy D. Zobell was an employee/officer with the Draper Police Department (DPD) beginning on April 11, 2005. He resigned from DPD on December 13, 2005, after an investigation was initiated from the Attorney General's Office.

Jeremy Zobell met a 16-year-old minor through an acquaintance at a restaurant in November of 2005. Zobell thought that the young man was 18-years-old, as this is what he told Zobell the first time they met. The two got together to watch a DVD at Zobell's condo a few days later. At this time the young man revealed his real age to Zobell. After the movie the two engaged in sexual contact and took a shower together. The young man reported that he was not forced to do anything he did not want to do. The young man and Zobell did not see each other after that incident.

In mid December 2005, the young man had several emotional problems arise from this and other relationships. The parents requested that the activity in which their son was involved be investigated. The Attorney General's office started an investigation into this relationship along with several other incidents involving other men. At the conclusion of the investigation, Draper City Prosecutor sent the case to the district court in West Jordan where charges were filed. On January 18, 2007, Zobell entered into a plea of contributing to the delinquency of a minor, a Class B Misdemeanor.

In late February, POST contacted Zobell and requested an interview with him. He stated that he was not interested in a formal interview. It was explained that POST was seeking to revoke his peace officer certification. He agreed to sign the consent agreement and return it to POST. Jeremy Zobell returned a consent agreement for revocation dated April 1, 2007.

Aggravating Circumstances: Zobell was involved in a sexual relationship with a 16-year old boy and refused to be interviewed.

Mitigating Circumstances: None.



Motion: *Colonel Lance Davenport motioned to accept Jeremy Zobell's signed Consent Agreement for revocation of his peace officer certification.*

Second: *Sheriff Mike Lacy seconded the motion.*

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

Discussion: AG Mark Shurtleff requested an update on the Arizona POST's Hildale/Colorado City investigation. Dir. Townsend informed the Council Arizona POST is holding the administrative hearing on July 17th and 18th and the results will be prepared at the September Council Meeting.

NEXT POST COUNCIL MEETING

The next POST Council meeting will be on Tuesday, September 18th at 10:00 a.m. The meeting will be held at the Public Safety Education and Training Center, Miller Campus.

ADJOURNMENT

Motion: Chief Mike Lacy motioned to adjourn the meeting.

Second: Larry Gillett seconded the motion.

Meeting adjourned at 12:30pm.



POST Investigations Disciplinary Guidelines

Category	Mitigators							Aggravators			
	-4	-3	-2	-1	Baseline	+1	+2	+3	+4		
A	3 year Suspension	3-4 year Suspension	4 year Suspension	Revocation	Revocation	Revocation	Revocation	Revocation	Revocation		
B	2-3 year Suspension	3 year Suspension	3-4 year Suspension	3-4 year Suspension	4 year Suspension	4 year Suspension or Revocation	Revocation	Revocation	Revocation		
C	1-2 year Suspension	2 year Suspension	2-3 year Suspension	2-3 year Suspension	3 year Suspension	3 year Suspension	3-4 year Suspension	4 year Suspension or Revocation	Revocation		
D	6 months - 1 year Suspension	1 year Suspension	1-2 year Suspension	1-2 year Suspension	2 year Suspension	2-3 year Suspension	2-3 year Suspension	3 year Suspension	3-4 year Suspension		
E	Letter of Caution- 6 months Suspension	6 months- 1 year Suspension	6 months- 1 year Suspension	1 year Suspension	1 year Suspension	1-2 year Suspension	1-2 year Suspension	2 year Suspension	2-3 year Suspension		
F	No Action	Letter of Caution	Letter of Caution	Letter of Caution	6 month Suspension	6 months- 1 year Suspension	1 year Suspension	1-2 year Suspension	2 year Suspension		
G	No Action	No Action	No Action to Letter of Caution	Letter of Caution	Letter of Caution	Letter of Caution -6 months Suspension	6 months- 1 year Suspension	6 months- 1 year Suspension	1 year Suspension		



Category

Multiple violations will be added together to the higher combined category.

All convictions of a felony are automatic revocations by state statute 53-6-211(6).

Category A

Commission of any crime that is charged or could have been charged as a felony.

Possession or use of the tier 1 (hard drugs).

Distribution of any controlled substance.

Custodial Sexual Misconduct

3rd DUI

Category B

Conviction of a crime involving domestic violence.

Crimes of physical violence that could have been charged as a class A misdemeanor.

Possession or use of tier 2 drugs.

2nd DUI.

Category C

Commission of any crime, other than a crime of physical violence that is charged or could have been charged as a class A misdemeanor.

Lying under Garrity to POST investigators.

Category D

Willful falsification to obtain certified status.

Providing personal prescription medication to another party.

Lying, Dishonesty, and False Reports.

Consensual sexual misconduct on duty.

1st DUI

Sexual Harassment

Commission of any crime that is charged or could have been charged as a class B misdemeanor.

Category E

Commission of any crime that is charged or could have been charged as a class C misdemeanor.
(Except traffic violations)

Consensual sexual misconduct off duty that becomes disruptive to an agency and/or the community.

Category F

Misfeasance or nonfeasance defined as "the omission of an act which a peace officer by virtue of his employment is charged to do" (dereliction of duty) that does not rise to a level of criminal conduct.

Category G

Multiple traffic violations

Applicants with multiple issues on application which do not result in denial of training.

Policy violations that are referred to POST that do not rise to the level of a certification violation.



Aggravating and Mitigating Circumstances

The list of aggravating and mitigating circumstances include but not limited to the following:

Aggravating

- Knowledge and experience
- Pre-existing warnings
- On-Duty or perception of on-duty status
- Willingness to participate in conduct
- Supervisory authority
- Repetitiveness of conduct
- Disruption to community and/or department
- Department head's opinion
- Untruthfulness and lack of cooperation with investigation
- Conviction in criminal court
- Lying under Garrity to department
- Misuse position of trust and authority
- Years of service
- Failure to cooperate during an arrest
- Providing false information to police officer
- Driving on revoked or suspended license
- Actions involving/contributing to the delinquency of a minor
- Custodial environment
- Activity involving a non-consensual participant
- At workplace
- Substantial age difference
- Any criminal conduct that has domestic violence attached to the charge

Mitigating

- Lack of knowledge and experience
- Minimal disruption to community or department
- First offense
- Honesty – Garrity Interview
- Truthfulness and cooperation with investigation
- Coming forward unsolicited
- Off-Duty
- Agency opinion/support
- Time of honorable and professional service
- Conduct prior to certification / juvenile
- Takes responsibility for actions
- Lesser offense



Tier 1 Drugs

- (a) Heroin,
- (b) Cocaine,
- (c) Percodan,
- (d) Tai sticks,
- (e) Quaaludes,
- (f) Crank,
- (g) Morphine,
- (h) LSD,
- (i) Crack,
- (j) Mescaline,
- (k) Peyote,
- (l) Opium,
- (m) Demoral,
- (n) Methadone,
- (o) Psilocybin\mushroom,
- (p) Amphetamine,
- (q) Barbiturates,
- (r) Methamphetamine,
- (s) Hallucinogens,
- (t) Narcotic analgesics,
- (u) Central nervous system depressants,
- (v) Central nervous system stimulants,
- (w) Phencyclidine (PCP) or any of its analogs,

Tier 2 Drugs

- (a) Marijuana
- (b) Hashish,
- (c) Amyl Nitrates,
- (d) Anabolic Steroids,
- (e) Toluene,
- (f) Cannabis,
- (g) Inhalants,

