

POST COUNCIL MEETING

June 2, 2006 at 10:00 a.m.

*Salt Lake Community College
Miller Campus*

Agenda

❖ Welcome and Introductions:

- Chairman Jon Greiner
 - Introduction of new POST Council Members -
 - Mayor Joe Ritchie - Representing Mayor
 - Ken Wallentine – Representing UPOA

❖ Approval of March 20, 2006 Minutes:

- Chairman Jon Greiner

❖ Discussion of Budget Request Letter to, President of the Senate, Speaker of the House and Governor:

- Director Rich Townsend

❖ Discussion of Letter for POST Certification From Commander Wilmore, of Federal Protective Service:

- SAC Tim Fuhrman
 - See attached letter

❖ UHP Training Request:

- Colonel Scott Duncan

❖ POST Basic Training Curriculum Discussion and Approval:

- Deputy Director Bob Morris
 - SFO/LEO Proposal

❖ Corrections Training Curriculum Discussion and Approval:

- Director Dennis Hutchinson

❖ Disciplinary Actions:

- Cheryl Luke

❖ Tour of New Facility:

❖ Schedule Next Meeting:

❖ Adjourn for Lunch:



POST COUNCIL MEETING

*June 2, 2006
Salt Lake Community College, Miller Campus
Sandy, Utah*

MINUTES

On June 2, 2006, a regularly scheduled POST Council meeting was held at 10:00 a.m. at the Salt Lake Community College, Miller Campus in Sandy, Utah. Chairman Jon Greiner conducted.

The following POST Council members were in attendance:

Chief Jon Greiner, Chairman, Ogden City P.D.
Sheriff Lynn Nelson, Vice-Chairman, Cache County Sheriff's Office
Sheriff Mike Lacy, San Juan County Sheriff's Office
Chief Val Shupe, South Ogden City P.D.
Ben Jones, At Large
Chief Robert Allinson, Cedar City P.D.
SAC Tim Fuhrman, FBI
Sheriff Bud Cox, Davis County Sheriff's Office
Sheriff Dave Edmunds, Summit County Sheriff's Office
Councilman Robert D. Robertson, Murray City Council
Attorney General Mark Shurtleff, Attorney General's Office
Executive Director Scott Carver, Department of Corrections
Ken Wallentine, Attorney Generals Office, UPOA
Colonel Scott Duncan, Superintendent Utah Highway Patrol
Mayor Joe Ritchie, Roy City

The following were excused and/or absent:

Vice-President Donna Dillingham-Evans, Dixie College
Commissioner James J. Eardley, Washington County

POST staff present:

Major Rich Townsend, Director
Capt. Bob Morris, 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)
Dan Altenes, POST Investigations
Cheryl D. Luke, Assistant Attorney General representing POST
John Jacobs, Training Manager

Others present:

Russell Lee, UPOA
Gerald Maughan, Midvale City PD
Dennis Hutchinson, Department of Corrections
Frank W. Budd, UCOPA
Jim Hoffman, Salt Lake Community College

WELCOME AND INTRODUCTIONS

Chairman Jon Greiner welcomes the Council Members and visitors. He excused Donna Dillingham-Evans and James Eardley from the meeting. He thanked Jim Hoffman for inviting us and hosting the meeting at the Salt Lake Community College. He introduced the two new members to the Council. Mayor Joe Ritchie of Roy City representing the Mayor position, and Ken Wallentine representing the Utah Peace Officer's Association.

APPROVAL OF POST COUNCIL MINUTES

The minutes of March 20, 2006 were reviewed. The following motion was presented.

Motion: *Chief Val Shupe motioned to approve the minutes of January 12, 2006.*

Second: *Ben Jones seconded the motion.*

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

DISCUSSION OF BUDGET REQUEST LETTER

Director Rich Townsend informs the Council about POST's budget and the allocation schedule in which POST is funded. He points out POST is allocated 18.5% of the Criminal Fine Surcharge which should be \$3,431,264.00, but what the legislature has appropriated is \$2,923,800.00 leaving POST over a half a million dollars short. All of the other agencies funded by this fund are very close to their allocations. Director Townsend presented the letter that will be sent to the Governor, President of the Senate, Speaker of the House and the two minority leaders, asking for their support in allowing POST to have the full appropriations. He then distributed the five signature pages for the Council members to sign, which will accompany the letters. Sheriff Dave Edmunds raised the concern of why such a large discrepancy with the amount POST receives and what is allocated. Director Townsend asked Ken Wallentine to explain this to the Council. Ken Wallentine informed the Council the estimates are low and the other agencies have loud, well-connected advocacy groups that have been talking to the legislators for years. These groups have made sure that their appropriations stay up with the allocation estimates. Director Townsend feels the letter is a good start to getting our full allocation. Robbie Robertson told the Council of a conversation he had with Speaker Greg Curtis. After a meeting they had a conversation where Robbie asked the Speaker why POST was so under funded. The Speaker was unaware of this situation and promised if we get this information to him that he would look at it and try to help remedy the situation. It was also discussed by Council members the key players of the appropriated fund committee need to be contacted and made aware of the situation POST is in.

DISCUSSION OF LETTER FOR POST CERTIFICATION FROM COMMANDER WILMORE

SAC Tim Fuhrman reported to the Council the issues which involve this letter. SAC Fuhrman understood the Federal Protective Service (FPS) had full police authority because they had a representative on the Joint Terrorist Task Force (JTTF). He has since found out this representative on JTTF was deputized as a U.S. marshal to be part of the task force. The responsibility of the Federal Protective Service's is policing, securing and insuring a safe environment in which federal agencies conduct their business. They used to be part of the General Service Administration, which is Division of Homeland Security. The only thing they are responsible for is the safety of Federal facilities. When they were created in 1971, Congress designated they be "special police officer's" that would have the authority of sheriff's or constables on property under the charge and control of DHS. They are part of ICE and have authority in federal buildings. Sheriff Lynn Nelson asked why they needed Utah Peace officer authority. SAC Fuhrman answered by saying he doesn't know any more information than what is in the letter. He also stated that the new Commander of FPS would be willing to come to a future POST Council meeting. There was other discussion by Council members regarding other agencies such as State Parks requesting the same powers, but it was necessary because they were in rural areas without a POST certified officer close. It is not the same situation that the FPS officer will be in. Chief Jon Greiner stated that the Commander should appear before the Council and report why this action is necessary.

Motion: *SAC Tim Fuhrman motioned to have Mr. Wilmore's representative to the next POST Council meeting.*

Second: *Sheriff Bud Cox seconded the motion.*

Vote: *Motion passed with all in favor.*

SAC Tim Fuhrman will make the invitation to the FPS representative.

UHP TRAINING REQUEST

Colonel Scott Duncan addressed the Council and informed the members that the Utah Highway Patrol has approximately 30 vacant positions right now. POST is unable to train the amount needed to get the UHP fully staffed. Colonel Duncan stated he has met with Director Townsend to get POST assistance in helping them run their own class. He also informs the Council there are 10 spots reserved in the August session by the UHP. They are willing to give up and allow other police agencies to use those slots. Chief Jon Greiner questioned if they needed to submit a lesson plan and schedule. UHP will use POST schedule and curriculum but will provide some of their own resources to run it. The request today by UHP is informational only. Colonel Duncan informed the Council the UHP has to use all resources available to get them where they need to be and he hopes this benefits all of law enforcement.

POST BASIC TRAINING CURRICULUM DISCUSSION AND APPROVAL

Director Rich Townsend addressed the Council and stated there is not one issue at POST that has received more time and attention than basic training. He also told the Council members there have been countless hours spent by POST staff and committee members in retooling the curriculum. He also stated that the process started under the Chairmanship of Sheriff Dave Edmunds and Chief Ed Rhodes when they convened a curriculum review committee. The committee reviewed the curriculum and made their recommendations. POST then took their recommendations and developed a process to bring us up to where we are now. He also stated that every hour of basic training is going to be accounted for and needs to pertain to basic knowledge needed to enter into an FTO program.

Deputy Commissioner Ed Phillips told the Council the first assignment he was given when he came to DPS was to get with Director Townsend to review the process of revising the curriculum. He feels POST is responding to requests coming in from other Council members and police agencies around the state. He also stated the theme "make every hour count" is a very appropriate direction to go. An area he would like addressed in the future by the Council is EVO training. There is a lot of time being wasted at the range and scheduling is a serious problem. One idea the Council may want to think about is to have POST do everyone's on-service EVO training on the track so it is better utilized. Right now an agency will reserve the track for the whole day and only 4 or 5 vehicles will be out there training. The other idea he discussed is the need for POST to run more basic training sessions and we may be able to bring other agencies in to train supervisors and give them hands on training with POST sessions.

Deputy Director Bob Morris explained the process used to retool the curriculum. The first step was forming the curriculum committee, second the task analysis was conducted, third FTO Committee Input, fourth basic training staff gave input, fifth instructor input, sixth curriculum development, seventh instructor review, eighth basic training review, ninth administrative review, and last POST Council approval.

John Jacobs went over the changes and additions that have been done thus far on the curriculum. Classes that were proposed to be dropped and will not be replaced are: Understanding Human Behavior, Corrections For Peace Officers, Note Taking / Study Skills, Consular Notifications, Bloodborne Pathogens (OSHA), Shotgun, Elder Abuse/Neglect and Exploitation, and The Juvenile Facility Tour.

The proposition was made to reduce the time on the following courses: Constitution Law & Bill of Rights, Radio Communications, BCI and AFIS, Patrol Concepts, Crime Scene Protection, Crimes In Progress, Child Abuse and Neglect, Radar and Lidar Certification. Sac Tim Fuhrman questioned the reduction in Constitutional Law & Bill of Rights. John Jacobs informed the Council this is a course that was repeated in other courses. He also said some of the reduction of these courses were a result of merging courses that were teaching the same objectives.

The following courses were proposed to be merged: Related Law Enforcement Agencies, Discretionary Decision Making, Uniform Care & Appearance, Abnormal Behavior, Cultural Competence, Use of Force, Unlawful Harassment, Field Notes, Interpersonal Communications, Reasonable Force, Stress Management, Civil Process Service, Lawful Traffic Stops, Weapon Retention, Area Familiarization, Community Oriented Policing, Case Preparation, and DUI Practical.

Proposed Special Function Hours

Category	Old Hours	New Hours	Change
Lecture	186	135	-51
DT Mats	15	15	0
Range	0	0	0
Practical	9	9	0
Scenario	4	31	27
Admin & Testing	17	25	+8
Physical Training	12	12	0
	243	227	-16

Proposed Law Enforcement Hours

Category	Old	New	Change
Lecture	156	102	-54
DT Mats	30	28	-2
Range	96	96	0
Practical	17	19	+2
Scenario	47	61	+14
Admin & Testing	26	26	0
Physical Training	26	26	0
	398	358	-40

Attorney General Mark Shurtleff stated, "We as a Council need to be prepared to answer their questions." He has concerns of moving 27 hours of unlawful harassment, cultural competence and others classes into a 12-hour course. John Jacobs responded by telling the Council that a cadet will listen to a lecture for 12-hours on this subject but it will be reinforced by 31-hours of scenario based training. Some of the scenario's will included, unlawful harassment, racial profiling, cultural bias, etc. Once the scenarios are built, John will bring the information to the Council. Attorney General Shurtleff was also concerned about dropping elderly abuse all together. John Jacobs told the Council the area that was dropped to zero was the tour the cadets were taking of the rest home. Elderly abuse will be merged into another course. Attorney General Shurtleff asked about the change in Constitutional Law & Bill of Rights and the concern of how judges are going to perceive this change. John informed the Council these subjects were being taught in three different places in the curriculum. These subjects will still be covered but the goal is to make every hour count and not repeat the same subject. Chief Val Shupe informed the Council his agency and many agencies are using tasers, AR15's, assault rifles and shotguns with beanbag rounds and asked what is being done to address those issues. John Jacobs responded by telling the Council these issue's scored very low in the task analysis and the FTO concluded these are agency issues and not enough of the agencies used them to warrant including them in basic training. It is not productive for POST to train in these area's and have officers go back to their agencies who do not use them. Director Townsend informs the Council this is something we may address in the future if the majority of agencies start to use these instruments. John Jacobs also informs the Council that the cadets are taught minimum force when doing scenarios. Chief Jon Greiner asked about the diversity training. The fact that officers are going to come across people of different culture and language and asked, "How is that being addressed?" John Jacobs replies by telling the Council that this issue is addressed in cultural competence, ethics and in scenario based training. Attorney General Shurtleff asked about training on testifying going from 11 hours to 4. John Jacobs responded by telling the Council the reason for this change is a lot of this training has moved from the classroom to scenario based training. The cadets are now going to write reports and a few weeks later they will have to recall the information as if they had to testify. There were a few more questions that John Jacobs reviewed with Council members and reaffirmed this is a work in progress.

Deputy Director Bob Morris tells the Council the proposal at hand today is to look at the progress made so far and to slowly integrate the information into the curriculum. He adds that from here we need to, continually review objectives, evaluate new objectives & courses, develop a new testing process, start an instructor development process, create course materials to assist the instructors, and integrate adult learning instruction.

Motion: *Sheriff Lynn Nelson motioned to accept the proposed changes to the curriculum.*

Second: *Sheriff Mike Lacy seconded the motion.*

Vote: *Motion passed with all in favor.*

CORRECTIONS TRAINING CURRICULUM DISCUSSION AND APPROVAL

Dennis Hutchinson reported on the curriculum for Corrections training and stated Corrections follows POST's guidelines on curriculum development. They get together with their agencies and FTO's and reviews their curriculum each year. He reports that last year they had significant changes but not so too many at this time. Corrections added 2 hours of offender tracking, 4 hours on managing female offenders, 2 hours hostage taking negotiations, and institutional security increased by 1 hour. No other major changes are recommended for the Corrections Academy.

DISCIPLINARY ACTIONS

Assistant Attorney General Cheryl D. Luke presented the following disciplinary cases, giving an overview of each.

MIGUEL A. ANAYA – (Sexual Misconduct)

Mr. Anaya was employed by Washington County Sheriff's Office from July 2001, until his resignation on March 2005. Mr. Anaya admitted to a POST investigator of looking into his sister in-laws window and the charge of Voyeurism is still pending. Mr. Anaya's signed a Consent Agreement for a two-year suspension.

Aggravating Circumstances: Mr. Anaya is married to the twin sister of the victim in this case. He has engaged in the same behavior in the past.

Mitigating Circumstances: Mr. Anaya is very remorseful of his conduct, was truthful, and cooperated with the investigation.

- Motion:** *Ben Jones motioned to accept Miguel Anaya's signed Consent Agreement for a two-year suspension of his peace officer certification. (Starting June 2, 2006 – June 2, 2008)*
- Second:** *Sheriff Dave Edmunds seconded the motion.*
- Vote:** *The motion passed with all in favor.*

TRAVIS D. AVERY – (Illegal Use of a Controlled Substance, Pattern of Conduct)

Mr. Avery was employed by the Utah Department of Corrections from December 2001, until his termination in January 2006. Mr. Avery admitted to being under the influence of pain killers while on duty. On March 23, 2006, Mr. Avery signed a Consent Agreement specifying a revocation of his peace officer certification.

Aggravating Circumstances: Present for duty while under the influence of illegally obtained prescription medications.

Mitigating Circumstances: None.

- Motion:** *Sheriff Bud Cox motioned to accept Travis Avery's signed Consent Agreement for a revocation of his peace officer certification.*
- Second:** *Sheriff Lynn Nelson seconded the motion.*
- Vote:** *The motion passed with all in favor.*

DARRIN J. BROWN – (Fraudulent Overtime Claims)

In August 1992 Mr. Brown was employed by Salt Lake Community College Police Department. Then, Mr. Brown began employment with the Pleasant Grove Police Department on July 1993, and resigned on November 2005. During the POST investigation, Mr. Brown admitted to turning in, and being paid approximately \$1200.00, for overtime shifts he had not worked.

On March 24, 2006, Mr. Brown signed a Consent Agreement, agreeing to a four-year suspension of his peace officer certification.

Aggravating Circumstances: Mr. Brown was a Sergeant at the time of this incident and has no reasonable explanation for his behavior.

Mitigating Circumstances: Mr. Brown paid back the money to Pleasant Grove City. Pleasant Grove PD indicated Mr. Brown was a valuable employee. Mr. Brown is very remorseful of his conduct, was truthful, and cooperated with the investigation.

- Motion:** *Chief Val Shupe motioned to accept the Consent Agreement of a four-year suspension of Darrin Brown's peace officer certification. (Starting November 30, 2005 – November 30, 2009).*
- Second:** *Sheriff Mike Lacy seconded the motion.*
- Vote:** *The motion passed with all in favor.*

CHRISTOPHER HESS – (Falsification of POST Application)

Mr. Hess completed POST LEO training at Bridgerland Applied Technical Center on October 27, 2005. He was working as a civilian employee for Cache County Sheriff's Office (CCSO) and was terminated on April 10, 2006 for not passing the background investigation. Mr. Hess failed to disclose a one-time use of methamphetamine on both his application to POST and application for employment with CCSO.

On May 5, 2006 Mr. Hess signed a two-year suspension Consent Agreement.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

- Motion:** *Ken Wallentine motioned to accept the Consent Agreement of a two-year suspension of Christopher Hess's peace officer certification. (Starting April 10, 2006 – April 10, 2008)*
- Second:** *Robbie Robertson seconded the motion.*
- Vote:** *The motion passed with all in favor.*

CRAIG M. HUGIE – (Sexual Misconduct)

Mr. Hugie was employed by the St. George Police Department as a Law Enforcement Officer from February 17, 1998 until he resigned on January 17, 2006. On January 13, 2006, the St. George Police Department was informed that Mr. Hugie was having an affair with the secretary at the school he was working at. Mr. Hugie was the School Resource Officer. He refused to be interviewed but signed a Consent Agreement.

Aggravating Circumstances: Mr. Hugie is married and engaged in a on-duty sexual relationship with a female co-worker. Mr. Hugie refused to cooperate with his department or POST.

Mitigating Circumstances: The conduct was consensual.

Motion: *Sheriff Dave Edmunds motion to accept the Consent Agreement of revocation of Craig Hugie's Peace Officer certification.*

Second: *Sheriff Mike Lacy seconded the motion.*

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

DEE M. JOHNSON – (Domestic Violence)

Mr. Johnson was employed by Monroe City P.D from September 1985 to July 1988. He was hired by Sevier County Sheriffs Office in July 1988, where he worked until he retired in November 2005.

Mr. Johnson was involved in a domestic dispute with his wife. Several officers responded to the Johnson residence, but the wife had already left. After the officers arrived, Mr. Johnson got his 40 cal. duty weapon and threatened to shoot himself. He claimed he was shaking so bad that that the gun went off into the floor.

Mr. Johnson signed a Consent Agreement for a four-year suspension.

Aggravating Circumstances: Mr. Johnson not only endangered himself when he got his gun, but also the officers that responded to his residence. Mr. Johnson struck his wife with a TV tray and also grabbed her arm.

Mitigating Circumstances: Mr. Johnson was egged on by his wife and has divorced, moved and started a new life.

Motion: *Attorney General Mark Shurtleff motioned to accept Dee Johnson's signed Consent Agreement of a four-year suspension of his peace officer certification. (Starting November 20, 2005 – November 20, 2009)*

Second: *Director Scott Carver seconded the motion.*

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

DEDREAH P. MILLER – (Inappropriate Relationship with Offender)

Ms. Miller was employed by the Department of Corrections on May 2003, and resigned in January 2006, following an internal affairs investigation.

Ms. Miller admits to a sexual relationship with an Offender Parolee from the transition center where she was employed and also providing and consuming alcohol with the parolee. Ms. Miller signed a Consent Agreement for revocation.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Sheriff Lynn Nelson moved to accept the Consent Agreement of revocation of Dedreah P. Miller's Peace Officer certification.
Second: Sheriff Dave Edmunds seconded the motion.
Vote: The motion passed with all in favor.

CHARLES D. MRKVICKA - (Custodial Sexual Misconduct)

Mr. Mrkvicka was employed by Washington County Sheriff's Office from September 1998, until he resigned on March 2006, following an internal affairs investigation.

Mr. Mrkvicka had a sexual relationship with a female inmate at the Purgatory jail. On May 3, 2006, Mr. Mrkvicka plead guilty to one 3rd degree Felony-Custodial Sexual Relations and one Class A Misdemeanor-Custodial Sexual Misconduct. Mr. Mrkvicka was issued a Felony letter from POST on May 9, 2006, revoking his Peace Officer Certification.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: Sheriff Lynn Nelson motioned to accept the Felony letter of revocation of Charles Mrkvicka's peace officer certification.
Second: Sheriff Bob Allinson seconded the motion.
Vote: The motion passed with all in favor.

SHAWN L. OLSEN – (Knowingly or Intentionally Possessing an Altered or Forged Prescription or Written Order for a Controlled Substance)

Mr. Olsen was employed by the Carbon County Sheriff's Office from September 2003, until his resignation on November 2005.

Mr. Olsen was stealing methadone from an inmate's medication supply and also admitted to filling fraudulent prescriptions for pain medications. On March 23, 2006, Mr. Olsen signed a Consent Agreement specifying revocation of his peace officer certification.

Aggravating Circumstances: Multiple thefts from employer and pattern of conduct.

Mitigating Circumstances: None.

Motion: Chief Val Shupe motioned to accept the signed Consent Agreement for the revocation of Shawn Olsen's peace officer certification.
Second: Sheriff Bud Cox seconded the motion.
Vote: The motion passed with all in favor.

GREGORY A. WYNN – (Sex on Duty and Supply of Alcohol to a Minor)

Mr. Wynn was employed by the Morgan County Sheriff's Office from March 1997, until he resigned on April 2004.

POST received information that Mr. Wynn had filed to run for Sheriff and there were issues involved in his termination from Morgan County. Mr. Wynn was told that an Administrative Complaint was going to be filed and that witnesses were going to be called to a hearing. He decided to forfeit his POST Certification and signed a Consent Agreement for Revocation on April 15, 2006.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

- Motion:** *Ken Wallentine motioned to accept the Consent Agreement for revocation of Gregory Wynn's peace officer certification.*
- Second:** *Robbie Robertson seconded the motion.*
- Vote:** *The motion passed with all in favor.*

The Morgan County clerk needs to be informed of Mr. Wynn's revocation. After discussion by the Council it was decided that Assistant Attorney General Cheryl Luke and Investigator Jerry Jorgenson would make sure the clerk is aware of this action.

NEXT POST COUNCIL MEETING

The Council approved the date of September 7th for the next POST Council meeting to be held in Logan at 10:00am at the Cache County Sheriffs Office.

TOUR OF NEW FACILITY

ADJOURNMENT

The POST Council meeting adjourned at 11:55am.

