

POST COUNCIL MEETING

June 9, 2008 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 24, 2008 Minutes: Chairman Nelson
- ❖ Corrections Training Curriculum Approval: Director Dennis Hutchinson
- ❖ Basic Training Curriculum Approval: Lt. Wade Breur/John Jacobs
Scott Stephenson
 - PT Vertical Jump
- ❖ Weber State Accelerated Academy FTO Report: Sheriff Brad Slater
 - Seeking Approval for Second Pilot Program
- ❖ Salt Lake County SO Seeking Approval for a Corrections Academy:
- ❖ Review of Guidelines:
- ❖ Disciplinary Actions: Attorney Bob Morton/Lt. Steve Winward
 - Twenty-One Cases
 - Two Request for Reconsideration
 - Courtney Haggerty
 - George M. Zamantakis
- ❖ Recognitions: Scott Stephenson
- ❖ Schedule Next Meeting:
- ❖ Adjourn for Lunch:



POST COUNCIL MEETING

June 9, 2008

*Larry H. Miller Community College
Public Safety Education Building -Sandy, UT*

MINUTES

On June 9, 2008, a regularly scheduled POST Council meeting was held at 10:00am at the Larry H. Miller Community College/Public Safety Education Building in 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
Sheriff Mike Lacy, San Juan County Sheriff's Office
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
Deputy Director Mike Haddon, Department of Corrections (Proxy for Executive Director Tom Patterson)
Vice-President Donna Dillingham-Evans, Dixie State College
Director Mike Larsen, Orem DPS
Chief Robert Allinson, Cedar City Police Department
Chief Val Shupe, South Ogden City P.D.
Colonel Lance Davenport, Superintendent, Utah Highway Patrol

The following were excused and/or absent:

Attorney General Mark Shurtleff, Attorney General's Office
Mayor Joe Ritchie, Roy City
Commissioner James J. Eardley, Washington County
Larry Gillett, UPOA
Executive Director Tom Patterson, Department of Corrections (Represented by Mike Haddon)

POST staff present:

Scott Stephenson, Director
Kelly Sparks, Deputy Director
Shaunna McCleve, Administrative Secretary
Steve Winward, POST Investigations Bureau Chief
Kevin Nitzel, POST Investigations
Bryant Green, POST Investigations
Paul Kotter, POST Investigations
Wade Breur, POST Basic Training Bureau Chief
Robert C. Morton, DPS Legal Counsel representing POST
John Jacobs, Training Manager
Brad Zeeman, POST Basic Training Sergeant

Others present:

David Holm, Dixie State Police Academy
Dennis Hutchinson, Department of Corrections Training
Ben Winslow, Desert Morning News
Rich Townsend, Department of Public Safety
Jim Hoffman, Salt Lake Community College Academy
Jeff Nigbur, Department of Public Safety
Terry Keefe, Layton PD
Brad Slater, Weber Co. SO
Phillip Dyer, Attorney for Ron Benson
Guy Mills, Self
Ron Benson, Self
Robyn Williams, Department of Corrections
April Hooingsworth, Attorney for Cortney Haggerty
Cortney Haggerty, Self
Emily Haggerty, Self
Matt Jube, Attorney for George Zamantakis
George Zamantakis, Self
Misty Zamantakis, Self
Terry A. Fritz, Salt Lake City PD
Rollin Cook, Salt Lake Co. SO
Scott Crowther, Salt Lake Co. SO
Gaylyn Larsen, Salt Lake Co. SO

WELCOME AND INTRODUCTIONS

Chairman Lynn Nelson welcomed those in attendance at POST Council and called the meeting to order at 10:00am.

APPROVAL OF POST COUNCIL MINUTES

The POST Council minutes of March 24, 2008, were reviewed and Donna Dillingham-Evans made the following correction. On page five (5) of the minutes ~~Dixie College~~ replaced with Dixie State College.

Motion: *Sheriff Mike Lacy motioned to approve the minutes of March 24, 2008.*

Second: *Robbie Robertson seconded the motion.*

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

CORRECTIONS TRAINING CURRICULUM APPROVAL

Director Dennis Hutchinson addressed the Council on the proposed curriculum changes for Corrections training. Eleven hours will be taken from the LEO block and implemented into the SFO block- this was done last year. Sheriff Cox requested clarification on whether POST is making these changes to the SFO portion of the academy. Director Stephenson reported the eleven hours moved from the LEO block to SFO block does not create a separate certification. The Basic Corrections block hours have remained the same, however, there have been some minor changes in courses taught. Dir. Hutchinson stated these changes are for the Corrections academy only.

Motion: *Chief Val Shupe motioned to approve the changes in Corrections Training Curriculum.*

Second: *Director Mike Larsen seconded the motion.*

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

BASIC TRAINING CURRICULUM APPROVAL

Lt. Wade Breur presented the POST Basic training curriculum changes.

◇ Proposed changes for SFO.

- Change Reality Based Application Scenarios from 16 hours to eight hours – POST staff realized the cadets are proficient with eight hours of training.
- Add four hours to Collection and Preservation of Evidence course.
- Add four hours to Physical Training.

◇ Propose changes for LEO.

- Add one hour to Traffic Law course to address new laws and trends.
- Add two hours of scenario practical to Dead Body Investigations course.
- Adjust 14 hours from Reality Based Application Scenarios. This change is due to hours being duplicated during scenario training days.

◇ The next three classes proposed were experimental courses last year.

- Add a two hour class Basic Bomb Recognition course.
- Add a three hour class Introduction to Incident Command System course.
- Add a three hour class National Incident Management System course.
- Add a four hour class Identify Theft-Fraudulent Documents course.

◇ Propose experimental courses for 2008-2009.

- Add two hours for a Criminal Intelligence course.
- Add two hours for a Homeland Security course.
- Add 16 hours for a Crisis Intervention course.

These proposed changes will increase the LEO portion of the Academy by six hours.

Discussion: ASAC Furhman asked who would be instructing the Crisis Intervention course. POST is evaluating Salt Lake City PD's 40 hour course as a model and will initially utilize instructors from Salt Lake City PD. VP Dillingham-Evans asked if POST includes a reality base scenario on "Ethical and Moral Standards" in addition to the two hours taught in class. Lt. Breur replied that every scenario has an ethical objective and ethical and moral standards are discussed by the evaluator.

Motion: *Robbie Robertson motioned to approve the changes in POST Basic Training Curriculum.*

Second: *Colonel Lance Davenport seconded the motion.*

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

Sgt. Brad Zeeman addressed the Council to discuss the physical fitness (PT) entrance standard. After a year of analysis, POST determined the Vertical Jump standard has created a disparity for female applicants. Only 67% of females were able to pass the vertical jump. POST is requesting a change to the requirement from 16 inches to 14 inches on the entrance standard while maintaining the established exit standard for graduating from the Academy. Based upon the past year's data, this change will raise the success rate to 95%, thus, creating a larger applicant pool for the law enforcement community during this challenging recruitment period. Council members asked how POST came up with the 14 inch standard. Sgt. Zeeman stated the 14 inch standard was chosen based upon statistical data generated from the past year. He concluded by stating the 14 inch standard makes it feasible for a cadet to obtain the 17 inch exit standard. Sergeant Zeeman emphasized this change will only affect the entrance standard, not the exit.

- Motion:** *Chief Robert Allinson motioned to approve the change in POST PT Entrance Standard from 16 inches to 14 inches.*
- Second:** *VP Donna Dillingham-Evans seconded the motion.*
- Vote:** *The motion passed with all in favor.*

Lt. Steve Winward reported on the First Line Supervisor Course POST conducted. Traditionally, this course was contracted with instructors from Idaho. However, POST recognized a need to create its own curriculum and utilize local assets. Chief Watt from Ogden PD, Chief Valentine from the Attorney General's Office and Chief Snyder from South Salt Lake PD instructed this course. The four day course was highly rated by the students. Based upon the favorable feedback, POST will continue to offer this course. POST is currently developing an executive level leadership modeled after the IACP Leadership in Police Organization course. This course is due to come on line towards the end of 2008.

WEBER STATE PRACTICAL SKILLS ACADEMY FTO REPORT

Sheriff Slater reported on the Weber State Practical Skills Academy and asked Chief Keefe from Layton PD to give an overview of how the officer hired by his agency is progressing in his FTO training. Chief Keefe has been very impressed with the quality of the officer the academy developed. The officer has struggled a little with the practical skills but not at any greater level than those that have attended the regular academy. The graduate is mature; his reports are articulate and well written. Chief Keefe has been very pleased with the pilot program and feels it would be a good idea to move forward with another pilot program.

Sheriff Slater's agency has hired four officers from the academy and has seen similar results as Chief Keefe. All four are about halfway through the FTO program and have demonstrated a high level of report writing and maturity.

The Division of Wildlife Resource's recruits have been doing very well. Sheriff Slater would like to continue to monitor these 10 officers and is requesting approval to do another pilot program.

- Motion:** *Sheriff Mike Lacy motioned to approve a second pilot program for the Practical Skills Academy.*
- Second:** *Chief Val Shupe seconded the motion.*
- Vote:** *The motion passed with all in favor.*

SALT LAKE COUNTY SHERIFF'S OFFICE SEEKING APPROVAL FOR A CORRECTIONS ACADEMY

Chief Cook from Salt Lake County Sheriff's Office (SLCSO) addressed the Council. He reported his agency has been conducting an in house corrections academy for fourteen-years with UDC oversight. SLCSO would like the Council's approval to continue with its own corrections academy and report directly to POST. SLCSO will continue to use the corrections curriculum approved by POST Council.

- Motion:** *Sheriff Mike Lacy motioned to approve Salt Lake County SO request to independently run a corrections academy under the direction of POST.*
- Second:** *Colonel Lance Davenport seconded the motion.*

Discussion: Sheriff Cox asked if this academy would function like a satellite academy. Chief Cook replied yes.

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

Presentation: Chief Cook presented a plaque to Director Hutchinson and thanked him for all the support they received over the past 14 years from UDC staff.

REVIEW OF GUIDELINES

Lt. Winward presented proposed changes to the Disciplinary Guidelines.

- Move consensual sexual misconduct on duty from a category "D" to a "C".
- Remove aggravating and mitigating circumstances that were seldom used.
- Move lying under Garrity during a department IA investigation from aggravating circumstance to a category "C" offence.

Discussion: VP Donna Dillingham-Evans asked how "truth" and "cooperation" is a mitigating circumstance when this standard should be expected from an officer-the Council agreed.

SAC Fuhrman noticed "department heads opinion" has been removed from the aggravating and mitigating circumstances and asked if POST Investigators will continue to talk to the department administrators. Lt. Winward stated POST will continue the practice.

Motion: *Sheriff Dave Edmunds motioned to approve the changes to the guidelines.*

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

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

This will take effect after today's meeting.

DISCIPLINARY ACTIONS

Attorney Robert Morton presented the following disciplinary cases.

TRAVIS B. DAVIS - (Felony Convictions- Seven First Degree Felonies)

*Appendix A-1

<p><u>Aggravating Circumstances:</u> Conviction in Criminal Court.</p> <p><u>Mitigating Circumstances:</u> None.</p>
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Travis B. Davis was convicted of a felony and received a Felony Revocation Letter of his Peace Officer Certification from Director Stephenson.

WILLIAM F. LAWRENCE - (Felony Convictions)

*Appendix A-2

Aggravating Circumstances: Conviction in Criminal Court.

Mitigating Circumstances: None.

William F. Lawrence was convicted of a felony and received a Felony Revocation Letter of his Peace Officer Certification from Director Stephenson.

JEREMY JACKSON- (Sexual Misconduct On-Duty)

*Appendix A-3

Aggravating Circumstances: Repetitiveness of conduct; Disruption to the community and department; On- duty.

Mitigating Circumstances: None.

Motion: Ben Jones motioned to accept Jeremy Jackson's signed consent agreement for a four-year suspension of his Peace Officer Certification. (3/7/08 – 3/7/12)

Second: Sheriff Mike Lacy seconded the motion.

Vote: The motion passed with all in favor.

STEPHEN K. WEST - (Driving Under the Influence)

*Appendix A-4

Aggravating Circumstances: Position of authority; Conviction in a criminal court.

Mitigating Circumstances: Truthfulness and cooperation during investigation; Off Duty; Takes responsibility for actions.

Motion: Chief Bob Allinson motioned to accept Stephen West's signed consent agreement for a two-year suspension of his Peace Officer Certification. (4/17/07– 4/17/09)

Second: Sheriff Bud Cox seconded the motion.

Vote: The motion passed with all in favor.

KENNETH ALTON - (Sexual Misconduct)

*Appendix A-5

Aggravating Circumstances: On-duty; Caused a disruption to the community and/or department.

Mitigating Circumstances: Truthfulness and cooperation during investigation; Takes responsibility for actions.

Motion: *Robbie Robertson motioned to accept Kenneth Alton's signed consent agreement for a four-year suspension of his Peace Officer Certification.*

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

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

CATHERINE COULTER - (Unlawful Sexual Conduct).

*Appendix A-6

Aggravating Circumstances: Caused a disruption to the community and department.

Mitigating Circumstances: None.

Motion: *Ben Jones motioned to accept the signed consent agreement for revocation of her Peace Officer Certification.*

Second: *Deputy Director Mike Haddon seconded the motion.*

Deputy Director Haddon reported Catherin Coultter resigned after the investigation.

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

JARED PRICE – (Unlawful Sexual Conduct)

*Appendix A-7

Aggravating Circumstances: Caused disruption to the community and/or department.

Mitigating Circumstances: None.

Motion: *Sheriff Mike Lacy motioned to accept Jared Price's signed consent agreement for revocation of his Peace Officer Certification.*

Second: *Robby Robertson seconded the motion.*

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

BRETT ROTH - (Custodial Sexual Misconduct)

*Appendix A-8

Aggravating Circumstances: Willingness to participate in conduct; Repetitiveness of conduct; Disruption to the department.

Mitigating Circumstances: None.

Motion: *Sheriff Dave Edmunds motioned to accept Brett Roth'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.*

TYLER KOCH - (Introduction of Contraband into a Correctional Facility, Exploiting Prostitution, Associating with Criminals)

*Appendix A-9

Aggravating Circumstances: Disruption to department; on-duty status; Custodial environment; Misuse of position of trust and authority.

Mitigating Circumstances: None.

Motion: *Robby Robertson motioned to accept Tyler Koch's signed consent agreement for revocation of his Peace Officer Certification.*

Second: *Colonel Lance Davenport seconded the motion.*

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

BRIAN GROB - (Falsification of POST Application; Admitted to On-Duty Misconduct)

*Appendix A-10

Aggravating Circumstances: On-duty.

Mitigating Circumstances: None.

Motion: *Ben Jones motioned to accept Brian Grob'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.*

RICK KEMP - (Fraudulent Prescription)

*Appendix A-11

Aggravating Circumstances; Caused disruption to community and department.

Mitigating Circumstances: None.

Motion: *Chief Val Shupe motioned to accept Rick Kemp's signed consent agreement for revocation of his Peace Officer Certification.*

Second: *Chief Bob Allinson seconded the motion.*

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

BRIAN SMITH - (Theft, DUI, Use of Illegal or Prescription Controlled Substances)

*Appendix A-12

Aggravating Circumstances: Disruption to department; Perception of on-duty status; Misuse of position of trust and authority.

Mitigating Circumstances: None.

Motion: *Colonel Lance Davenport motioned to accept Brian Smith's signed consent agreement for revocation of his Peace Officer Certification.*

Second: *Robbie Robertson seconded the motion.*

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

MICHEAL BALLARD - (Custodial Sexual Misconduct)

*Appendix A-13

Aggravating Circumstances; Willingness to participate in conduct; Disruption to the department.

Mitigating Circumstances: None.

Motion: *VP Donna Dillingham-Evans motioned to accept the findings of the Administrative Law Judge and revoke Michel Ballard's Peace Officer Certification.*

Second: *Sheriff Dave Edmunds seconded the motion.*

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

RANDY L. SHEPHERD - (DUI, Domestic Violence Assault , resisting Arrest, Assault on a Police Officer, Intoxication.)

*Appendix A-14

Aggravating Circumstances: Disruption to the community and department; Conviction in criminal court; Lack of cooperation during an investigation; Failure to cooperate during an arrest; Criminal conduct that has domestic violence attached to the charge.

Mitigating Circumstances: None.

Motion: *Ben Jones motioned to accept the findings of the Administrative Law Judge and revoke Randy Shepherd's Peace Officer Certification.*

Second: *Robbie Robertson seconded the motion.*

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

MITCHELL G. MALMROSE - (DUI, Assault, Burglary)

*Appendix A-15

Aggravating Circumstances: Disruption to the community and department; Conviction in criminal court.

Mitigating Circumstances: None.

Motion: *Sheriff Mike Lacy motioned to accept the findings of the Administrative Law Judge and revoke Mitchell Malmrose's Peace Officer Certification.*

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

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

JUSTIN S. MATHESON - (Off-Duty Sexual Misconduct, Distribution of a Controlled Substance)

*Case pending, remanded back to POST investigations.

Aggravating Circumstances: Disruption to community and department.

Mitigating Circumstances: Unable to locate witnesses; Lack of evidence; No conviction or filing in criminal court.

Motion: *Sheriff Dave Edmunds motioned to reject the signed consent agreement and seek revocation of Justin Matheson's his Peace Officer Certification.*

Second: *Chief Robert Allinson seconded the motion.*

Discussion: Sheriff Cox asked for clarification as to whether the Council has the power to revoke peace officer certification or does an investigator have to go back and get a signed consent agreement. Atty. Bob Morton told the Council there are procedural issues and had Lt. Winward elaborate. Lt. Winward stated every officer has a right to an administrative hearing. By signing a consent agreement, the officer is waiving the right to an administrative hearing. Once the consent agreement is signed the case is heard by the POST Council. If the Council accepts the agreement then the POST Investigator will send a final order to the officer. If the Council rejects the consent agreement the POST Investigator will need to obtain a signed consent agreement for POST Council's recommendation or have the officer's case heard by an Administrative Law Judge (ALJ). The reason for this is all officers have their right to due process. Sheriff Cox then stated he feels only if the facts differ from one Council meeting to the next, that the case should then come back to the Council. This is putting the process off for three to four months. Atty. Morton replied the officers are agreeing to waive their right to a trial and agree with the proposed discipline. If the Council changes the recommendation then the officer has the right to an ALJ hearing.

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

MICHELLE RENDON - (Drug use)

*Appendix A-16

Aggravating Circumstances: Caused a disruption to the community and/or department; Uncooperative with investigation.

Mitigating Circumstances: None.

Motion: *VP Donna Dillingham-Evans motioned to accept Michelle Rendon's signed consent agreement for a four-year suspension of her Peace Officer Certification. (04/5/2006 – 04/5/2010)*

Second: *Director Mike Larsen seconded the motion.*

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

JEREMY D. DAVENPORT - (Marijuana Usage)

*Appendix A-17

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Robby Robertson motioned to accept Jeremy Davenport's signed consent agreement for a four-year suspension of his Peace Officer Certification. (6/9/2008 – 6/9/2008)*

Second: *Ben Jones seconded the motion.*

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

MICHAEL JOHNSON - (Inappropriate use of technology)

*Appendix A-18

Aggravating Circumstances: On-duty; Willingness to participate in conduct; Supervisory authority; Repetitiveness of conduct.

Mitigating Circumstances: None.

Motion: *Sheriff Dave Edmunds motioned to accept Michael Johnson's signed consent agreement for a two-year suspension of his Peace Officer Certification. (6/9/2008 - 6/9/2008)*

Second: *Sheriff Mike Lacy seconded the motion.*

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

RONALD W. BENSON - (Falsification of information to obtain certified status, Lapsed certification)

*Appendix A-19

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Attorney Robert Morton informed the Council Ron Benson and his Counsel were present to appeal the Administrative Law Judge's ruling. Atty. Morton gave a brief summary of the case and told the Council the allegations in this case were: Falsification of information to obtain certified status and a lapsed certification.

The ALJ's findings were that during a four-year period (January 2000 – March 2004): 1) Benson was not engaged in performing the duties of a law enforcement officer and as such his certification had lapsed and is subject to the provision of Utah Code Annotated 53-6-208 which requires him to go back through the academy to attain certification. 2) Benson submitted falsified documents to POST.

Atty. Morton requested POST Council to uphold the ALJ ruling and require Benson to go through the academy if he is to work as a peace officer.

Attorney Phil Dyer, representing Ron Benson, addressed the Council. Atty. Dyer presented a rebuttal to the ALJ's ruling and requested the Council to rescind the ALJ's decision and exonerate Benson through no action. Atty. Dyer would like the ALJ ruling expunged from Mr.

Benson's file if the Council grants Benson's the appeal.

There was discussion held by Council members on the topic of reserve officer status and UDC reserve officer policy. Bud Cox expressed concern about Benson having worked for a couple of years in a certified position before this information was discovered. After reading the ALJ's findings and facts he made the following motion.

Motion: *Sheriff Bud Cox motioned to accept the Administrative Law Judge's recommendation that Ronald Benson's peace officer certification lapsed in January 1, 2004.*

Second: *Sheriff Mike Lacy seconded the motion.*

Vote: *The motion passed with 9 in favor and 1 against. (Deputy Director Mike Haddon recused himself from voting on this motion.)*

Request for Reconsideration:

GEORGE ZAMANTAKIS - (Sexual Misconduct, Lying under Garrity)

Zamantakis' Attorney, Matt Jube, addressed the Council. He indicated Zamantakis does not feel his action's should go undisciplined, but feels a suspension is more appropriate over revocation. According to the guidelines, the sexual misconduct offense is a category "D" offence with a two-year baseline suspension and lying under Garrity is a category "C" offence with a three-year baseline suspension. Counsel Jube also listed several factors he felt should be included as mitigators for this case:

- First offence
- Public support
- FBI letter
- Letter from mayor
- Agency support

Zamantakis denies having sexual relations at his home or at the work place. He took responsibility and resigned from his position. Counsel Jube requested a suspension of his peace officer certification in lieu of revocation.

George Zamantakis addressed the Council and stated he owes the Council and Lt. Winward an apology for his actions. He worked very hard to become a chief and worked hard for his officers. He has since made his family the priority in his life. His wife Misty Zamantakis addressed the Council in support of her husband.

Guy Mills the former husband of the employee Zamantakis had the affair with, addressed the Council. He testified before the Council that Zamantakis lied to him for years about the affair and tried to convince his ex-wife to lie about the relationship. He feels Zamantakis should never return to law enforcement.

Counsel Jube re-approached the Council and stated Zamantakis has the support of the community and is assisting the new chief with his duties.

Bud Cox asked if any facts of the case have changed since last POST Council meeting when this case was first heard. Lt. Winward indicated the facts of the case have not changed and

reinforced the fact there was sexual misconduct on duty. Counsel Jube stated it did not happen in the office, but there was misconduct on an official trip.

Motion: *Sheriff Dave Edmunds motioned not to accept the request for reconsideration and move forward with revoking George Zamantakis' Peace Officer Certification.*

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

Vote: *The motion passed with all favor.*

Request for Reconsideration:

COURTNEY HAGGARTY

Counsel April Hooingsworth, for Courtney Haggarty addressed the Council. Haggarty has been a dispatcher since 1999. In the year 2000 he took ecstasy one time at a New Year's Eve party. When applying for POST in 2007 he listed the drug usage on the application. Because of this disclosure on the application, he was denied admittance into POST until 2012. Due to his dispatcher certification, POST opened an investigation. Counsel stated the offense occurred seven years ago and this behavior has not repeated itself. He is in good standing with his department and Chief Burbank.

Courtney Haggarty addressed the Council and stated he had never taken any type of illegal drugs before this incident or since. A few months later he was diagnosed with Multiple Sclerosis. He has completed his associate's degree in Criminal Justice and is currently working on his bachelor's degree. He knew there would be a waiting period of 5 years before he could apply to become an officer because of the use of ecstasy. When the information was released to the media it was an embarrassment both professionally and personally. All of his education is in the Criminal Justice field and Haggarty asked the Council to be lenient.

Assistant Chief Fritz stated Haggarty has been a good employee, but the Chief will support POST Council's decision. Haggarty is currently under administrative leave pending the decision of the Council. Bud Cox asked what Chief Burbank meant when he stated Haggarty was a valuable employee and would like the suspension back dated. Asst. Chief Fritz did not know exactly what Chief Burbank meant by backdating the suspension. Lt. Winward stated that if the Council backdates the suspension to the date of usage, then the 5 year waiting period would be complete.

Counsel Hooingsworth stated POST could do two things; backdate it to the date of usage or suspend from the date of discovery. Donna Dillingham-Evans asked if he was to apply for POST today would he be eligible. Lt. Winward replied he would be eligible to train.

Motion: *Chief Bob Allinson motioned to backdate the suspension to the date of usage.*

Second: *Chief Val Shupe seconded the motion.*

Discussion: Counsel Morton reminded the Council of the ramifications of letting someone work while under suspension.

Vote: *The motion passed with 9 in favor and 2 against.*

MICHAEL HALLIDAY - (False Information to Obtain Peace Officer Certification)

*Appendix A-20

Aggravating Circumstances: Position of Authority.

Mitigating Circumstances: None.

Counsel Morton informed the POST Council this case was previously heard and ruled on by an ALJ. Initially Halliday was going to appeal the ALJ's ruling in person, but has encountered health problems precluding him from appearing before the Council. He has requested in a letter for POST Council not to suspend his Peace Officer Certification. Via written correspondence, his Counsel asked the press to use discretion in light of Halliday's current health problems. Based on the fact of the case the ALJ recommends a two-year suspension.

Dave Edmunds stated POST must be able to rely on chief executives to accurately report training hours to ensure the integrity of their departments' reserve program. When a department reports training hours for a program that doesn't even exist, POST Council needs to take swift and sever action.

Motion: *Sheriff Dave Edmunds motioned to revoke Michael Halliday's Peace Officer Certification.*

Second: *Deputy Director Mike Haddon seconded the motion.*

Discussion: Donna Dillingham-Evans stated this was poor administration, poor judgment, and poor interpretation. But the chief did not gain anything by doing this. So what was his reason for falsifying the documentation? Scott Stephenson stated the certification is valuable because it enables them to come back to the profession in the future.

Scott Stephenson emphasized POST does not have the resources to police every reserve officer program in the state. When Holladay reported 40 hours for an officer that lived on the Wasatch front, it raised serious concerns and questions at POST.

Chairman Nelson stated retirees have asked him to place them on his department's reserve roster. However, once they realize the work requirements, they change their minds. There are three requirements to be a reserve officer: 1- be on a roster, 2- be engaged in law enforcement duties and 3- complete 40 hours of in-service training. Mike Larsen stated, retired officers listed on his reserve roster work at his discretion in the capacity that supports his department. He would hate to see POST restrict the usage of a reserve program. Dave Edmunds does not think POST or the Council wants to regulate the reserve program, he just feels when someone is found misrepresenting the program they should be disciplined.

Sub-Motion: *Chief Val Shupe motioned to accept the ALJ's recommendation for a two-year suspension of Michael Halliday's peace officer certification.*

Second: *Robbie Robertson seconded the motion.*

Vote: *The motion passed with 6 in favor and 4 against. (Sheriff Lacy abstained)*

PRESENTATION

Scott Stephenson informed the Council Ben Jones' appointment has expired and thanked Ben for all of his years of service with the Council. He also informed the members Commissioner James Eardley's appointment has expired.

Scott Stephenson gave the Council members a disc with POST Council recordings and case summaries for their review. POST is considering going paperless and providing the POST Council information on CD. The Council was also provided the Basic Training Physical Fitness DVD for their review and input.

NEXT POST COUNCIL MEETING

The next POST Council meeting will be held on Thursday, September 11, 2008 at 10:00am. It will be held at the LM Public Safety Education Training building.

ADJOURNMENT

Meeting adjourned at 1:15pm.

[APPENDIX-A]





POST Investigations Bureau CASE SUMMARY

Case No: 07-0071LE
Subject: Travis B. Davis
Investigator: Kevin Nitzel

ALLEGATION(S)

Felony Convictions-Seven First Degree Felonies

POST INVESTIGATION OF ALLEGATION(S)

Travis B. Davis was employed and certified by the Department of Corrections (UDC) as a correctional officer on April 1, 1999. On October 5, 2007, Davis resigned his employment with UDC.

On September 20, 2007, Davis was home alone with his twelve-year-old stepdaughter. Davis took his stepdaughter into his bedroom and removed her shorts. Davis, while dressed only in his undergarments, was lying on top of his stepdaughter when his wife walked into the room. Davis's wife contacted the Pleasant Grove Police Department and Davis was subsequently charged with seven first-degree felonies and two third-degree felonies.

On January 11, 2008, in Fourth District Court, Davis pled guilty to Attempted Aggravated Sex Abuse of a Child-First Degree Felony, Attempted Rape of a Child-First Degree Felony, and three (3) counts of Aggravated Sex Abuse of a Child-First Degree Felonies.

On March 10, 2008, Davis was issued a Felony Revocation Letter by Director Stephenson.

VIOLATION(S)

Davis's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iv) conviction of a felony.
2. Administrative Code R728-409-3(E) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

Conviction in criminal court

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

The Felony Letter is being provided as information to the Council.

POST COUNCIL ACTION

FINAL ORDER



**POST Investigations Bureau
CASE SUMMARY**

Case No: 06-051LE/C
Subject: William F. Lawrence
Investigator: Kevin Nitzel

ALLEGATION(S)

Felony Conviction

POST INVESTIGATION OF ALLEGATION(S)

William F. Lawrence was employed and certified by the Department of Corrections as a correctional officer on June 27, 2005. On April 21, 2006, he was terminated.

On April 20, 2006, Lawrence contacted a prostitute and agreed to pay her \$300.00 for sexual relations. When the prostitute arrived at Lawrence's residence, he identified himself as a police officer and placed her in handcuffs. Lawrence then forced her to participate in sexual relations and did not pay her. After leaving Lawrence's residence, the victim contacted West Jordan Police Department and reported the incident. Lawrence was charged with Forcible Sex Abuse-Third Degree Felony.

On December 6, 2007, in Third District Court, Lawrence was found guilty of Forcible Sex Abuse-Third Degree Felony.

On April 15, 2008, Lawrence was issued a Felony Revocation Letter by Director Stephenson.

VIOLATION(S)

Lawrence's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iv) conviction of a felony.
2. Administrative Code R728-409-3 (E) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

Conviction in criminal court

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

The Felony Letter is being provided as information to the Council.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-019LE
SUBJECT: Jeremy D. Jackson
Investigator: Paul Kotter

ALLEGATION(S)

Sexual Misconduct On-Duty

POST INVESTIGATION OF ALLEGATION(S)

Jeremy D. Jackson was employed and certified by the Weber State University Police Department (WSUPD) as a police officer on January 26, 2005. On August 18, 2007, Jackson was hired by the Syracuse Police Department (SPD) and maintained a part time position with WSUPD. On February 22, 2008, Jackson resigned from SPD following a criminal investigation. Jackson resigned from WSUPD following a POST investigation on March 7, 2008.

In January 2008, a third party complaint was filed with SPD alleging Jackson engaged in on-duty sexual misconduct with several females in the community.

On February 5, 2008, SPD interviewed Jackson regarding the allegations without being read a Garrity warning. He admitted, while on-duty and in his patrol vehicle, a female exposed her chest to him and he responded by exposing himself to her.

On February 20, 2008, SPD contacted Clearfield Police Department (CPD) to conduct a criminal investigation to determine if any criminal laws were violated. Jackson was interviewed by CPD on February 22, 2008.

During the interview, Jackson admitted to a sexual encounter with the female while he was on-duty. Jackson resigned after SPD was informed of his admission during the criminal investigation. Prior to resigning, Jackson admitted to an additional sexual encounter with a different female while on-duty in his patrol vehicle. Criminal charges were screened and declined because the sexual encounters were consensual.

On March 7, 2008, POST interviewed Jackson. After being issued a Garrity warning, Jackson admitted to all the material facts of the case. He signed a three-year consent agreement for the suspension of his Peace Officer Certification.

CHIEF ADMINISTRATOR'S OPINION

On March 7, 2008, POST reviewed Jackson's case with Chief Brian Wallace of SPD and Chief Dane LeBlanc of WSUPD. They both concur with POST's recommendation for a three-year suspension of Jackson's Peace Officer Certification.

VIOLATION(S)

Jackson's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(J)(g)(ii-iv) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCES

Repetitiveness of conduct
Disruption to the community and department

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a level of a Category D (Consensual sexual misconduct on-duty) on the POST Disciplinary Guidelines. Based upon the aggravating factors of this case, POST recommends the Council accept Jackson's signed consent agreement for a three-year suspension of his Peace Officer Certification-March 7, 2008 through March 7, 2011.

POST COUNCIL'S ACTION

On March 24, 2008, POST Council rejected the three-year suspension. The Council recommended the POST Investigation staff seek a four-year suspension of Jackson's Peace Officer Certification.

On March 28, 2008, Jackson signed a four-year consent agreement for the suspension of his Peace Officer Certification. March 7, 2008 through March 7, 2012.

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

Case No: 07-023LE

Subject: Stephen K. West

Investigator: Steven Winward

ALLEGATION(S)

Driving Under the Influence

POST INVESTIGATION OF ALLEGATION(S)

Stephen West was employed and certified as a law enforcement officer by the St. George Police Department (SGPD) on December 2, 1996. During his tenure with SGPD, he attained the rank of sergeant. On April 17, 2007, during an internal affairs (IA) investigation West resigned from SGPD.

On April 14, 2007, at approximately 4:30 am, West was with a friend traveling home from Mesquite, NV in his personal vehicle. A Washington County deputy stopped him for speeding in a construction zone on I-15 near St. George. The deputy detected the odor of alcohol and asked West to perform field sobriety tests. West cooperated with the deputy and failed the tests. He was arrested for driving under the influence of alcohol (DUI), a Class B Misdemeanor. West was taken to the Washington County Jail where he tested 0.104 on the Intoxilyzer.

West cooperated with his department during the IA investigation. During the interview, West stated he drove home because he did not feel impaired and his friend was quite intoxicated. On April 17, 2007, West resigned his employment with (SGPD). West contacted POST under his own volition and cooperated with its investigators.

On December 17, 2007, West pled guilty to a reduced charge of alcohol related reckless driving, a Class B Misdemeanor. The court sentenced him to probation until the fine was paid.

On December 18, 2007, POST interviewed West and he admitted to all the material facts of the case. West agreed to an 18-month suspension of his Peace Officer Certification.

CHIEF ADMINISTRATOR'S RECOMMENDATION

On December 20, 2007, POST reviewed West's case with SGPD Assistant Chief Russell Peck. He concurred with POST's recommendation of an 18-month suspension.

VIOLATION(S)

West's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iv) and 41-6a-502 driving under the influence of alcohol or drugs.
2. Administrative Rule R728-409-3(I) Driving under the influence of alcohol or drugs.

AGGRAVATING CIRCUMSTANCE(S)

Position of authority
Conviction in a criminal court

MITIGATING CIRCUMSTANCE(S)

Truthfulness and cooperation during investigations
Off duty
Takes responsibility for actions

POST RECOMMENDATION

These charges rise to the level of a Category D (DUI-first offense) on the POST Disciplinary Guidelines. Based on the aggravating and mitigating factors of this case, POST recommends the Council accept West's consent agreement for an 18-month suspension of his Peace Officer Certification-beginning April 17, 2007 through September 17, 2008.

POST-COUNCIL ACTION

On March 24, 2008, POST council rejected the signed consent agreement for an 18-month suspension. POST council voted to seek a two-year suspension of West's Peace Officer Certification.

On March 26, 2008, West signed a consent agreement for a two-year suspension of his Peace Officer Certification.

FINAL ORDER



POST Investigations Bureau CASE SUMMARY

Case No: 08-011LE
Subject: Kenneth C. Alton
Investigator: Kevin Nitzel

ALLEGATION(S)

Sexual Misconduct

POST INVESTIGATION OF ALLEGATION(S)

Kenneth C. Alton was employed and certified by the Emery County Sheriff's Office (ECSO) on March 27, 2000. On January 17, 2008, Alton resigned during an internal affairs (IA) investigation.

On January 25, 2008, POST received a complaint alleging that Alton had an on duty extramarital affair with the complainant's wife. The complainant told a POST investigator that Alton resigned from the ECSO because of the on duty sexual affair. During ECSO's IA investigation, they were able to confirm Alton had an on-duty sexual relationship with the complainant's wife.

On January 27, 2008, Alton contacted POST and requested to have an interview because he was in the process of seeking employment with another law enforcement agency.

On January 28, 2008, POST interviewed Alton. During the interview, Alton admitted to having sexual relations with the married female, on three separate occasions, while on-duty.

On January 28, 2008, Alton signed a consent agreement for a two-year suspension of his Peace Officer Certification.

CHIEF ADMINISTRATOR'S RECOMMENDATION

Sheriff Guymon concurs with POST's recommendation for a two-year suspension of his Peace Officer Certification.

VIOLATION(S)

Alton's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(J)(l)(g)(ii-iv) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

On-Duty

Caused a disruption to the community and/or department

MITIGATING CIRCUMSTANCE(S)

Truthfulness and cooperation with investigation

Takes responsibility for actions

POST RECOMMENDATION

These charges rise to the level of a Category D (consensual on-duty sexual misconduct) on the POST Disciplinary Guidelines. Based on the aggravating and mitigating factors of this case, POST recommends the Council accept Kenneth C. Alton's signed consent agreement for a two-year suspension of his Peace Officer Certification beginning from the date of his resignation-January 17, 2008 until January 17, 2010.

POST COUNCIL ACTION

On March 24, 2008, POST Council rejected Alton's signed consent agreement for a two-year suspension of his Peace Officer Certification and directed POST to seek a four-year suspension. On April 2, 2008, Alton signed a consent agreement for a four-year suspension of his Peace Officer Certification, from January 17, 2008 through January 17, 2012.

FINAL ORDER



**POST Investigations Bureau
CASE SUMMARY**

Case No: 08-039LE/C
Subject: Catherine M. Coulter
Investigator: Kevin Nitzel

ALLEGATION(S)

Unlawful Sexual Conduct

POST INVESTIGATION OF ALLEGATION(S)

Catherine M. Coulter completed the POST Basic Training Academy in December 2005. The Utah Department of Corrections (UDC) hired Coulter as a correctional officer on December 27, 2005. Coulter was terminated on April 5, 2008, following an internal affairs (IA) investigation for unlawful sexual conduct.

In February/March 2008, Coulter was warned several times about having the same unapproved male inmate in her work area. Coulter stated the Deputy Warden had approved the inmate to be in her work area. The Deputy Warden was contacted and denied giving permission for the inmate to be in Coulter's work area.

An IA investigation was opened and Coulter was interviewed on March 26, 2008. During the investigation Coulter admitted she had engaged in sexual relations with the male inmate on numerous occasions for the past two and a half months. The sexual relations took place in Coulter's work area while she was on-duty. Coulter was charged with three counts of Custodial Sexual Relations, Third Degree Felonies.

Coulter was interviewed at POST on April 18, 2008, where she admitted to all the material facts of the case. Coulter signed a consent agreement for the revocation of her Correctional Officer Certification.

CHIEF ADMINISTRATOR'S OPINION

Brent Wiechman, UDC Law Enforcement Bureau Chief concurs with POST's recommendation to revoke Coulter's Correctional Officer Certification.

VIOLATION(S)

Coulter's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Utah Code Ann. § 76-5-412 Custodial Sexual Relations
3. Administrative Code R728-409-3(J)(l)(a) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

Caused a disruption to the community and/or department

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a Category A (Commission of any crime that is charged or could have been charged as a felony) on the POST Disciplinary Guidelines. Based on the aggravating factors of this case POST recommends the Council accept Catherine M. Coulter's signed consent agreement for the revocation of her Correctional Officer Certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau CASE SUMMARY

Case No: 06-076LE/C
Subject: Jered D. Price
Investigator: Kevin Nitzel

ALLEGATION(S)

Unlawful Sexual Conduct

POST INVESTIGATION OF ALLEGATION(S)

Jered D. Price was employed and certified by the Salt Lake County Sheriff's Office (SLCSO) as a correctional officer on November 5, 1999. On January 27, 2006, he resigned following an internal affairs (IA) investigation for unlawful sexual conduct.

On January 5, 2006, the SLCSO received information Price was dating a female probationer. The SLCSO conducted several interviews with female inmates and Price. It was determined Price met the female inmate at the Salt Lake County Jail, gave her his phone number, and wrote her letters. When the inmate was released from jail and during her probation, Price called her and they went out on several dates. Price who is married did not engage in sexual relations with the female probationer, but engaged in mutual sexual touching on several occasions.

Price's whereabouts were unknown until POST contacted him at his new residence. He stated he did not wish to be interviewed and would voluntarily surrender up his Correctional Officer Certification. No criminal charges were screened against Price in this case.

On April 16, 2008, Price signed a consent agreement for the revocation of his Correctional Officer Certification.

CHIEF ADMINISTRATOR'S OPINION

Sheriff Jim Winder concurs with POST's recommendation to revoke Price's Correctional Officer Certification.

VIOLATION(S)

Price's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(j)(l)(a) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

Caused a disruption to the community and/or department

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a Category A (Commission of any crime that is charged or could have been charged as a felony) on the POST Disciplinary Guidelines. Based on the aggravating factors of this case POST recommends the Council accept Jered D. Price's consent agreement for the revocation of his Correctional Officer Certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 07-016LE
SUBJECT: Brett D. Roth
Investigator: Paul Kotter

ALLEGATION(S)

Custodial Sexual Misconduct

POST INVESTIGATION OF ALLEGATION(S)

Brett D. Roth graduated from POST in 1993 and began working as a reserve officer for Uintah County Sheriff's Office (UCSO). On March 24, 1995, Roth graduated from the Corrections Academy and began working as a correctional officer with UCSO. On October 1, 1997, Roth was hired by Naples Police Department (NPD) as a part time police officer. On July 1, 2003, Roth resigned from NPD. On February 9, 2007, Roth resigned after UCSO's internal affairs (IA) investigation.

On February 6, 2007, UCSO was informed Roth's girlfriend was arrested for DUI and booked into the UCSO jail. It was discovered Roth's girlfriend was on State and Federal probation during the time of their relationship. UCSO contacted Duchesne County Sheriff's Department (DCSD) to initiate an IA investigation.

On February 7, 2007, during an interview, Roth acknowledged he knew she was on probation at the time their relationship started. He also admitted their relationship was sexual in nature.

On February 8, 2007, Uintah County Attorney and Roth's attorney met and agreed if Roth resigned from UCSO no criminal charges would be filed against him. On February 9, 2007, Roth resigned from UCSO.

On December 19, 2007, POST contacted Roth and attempted to set up an interview. Roth referred POST to his attorney. His attorney wanted to proceed with an administrative hearing.

On January 24, 2008, POST filed an administrative complaint against Roth. On March 28, 2008, Roth contacted POST and stated he no longer had an attorney and agreed to sign a consent agreement for revocation of his Peace Officer Certification.

CHIEF ADMINISTRATOR'S OPINION

POST contacted Uintah County Sheriff Jeff Merrell. He concurs with POST's recommendation to revoke Roth's Peace Officer Certification.

VIOLATION(S)

Roth's actions violated the following:

1. Utah Code Ann § 76-5-412 Custodial Sexual Relations
2. Utah Code Ann § 53-6-211(l)(d)(iv) any crime involving dishonesty, unlawful sexual conduct, physical violence
3. Administrative Code R728-409-3 (G) Crimes involving unlawful sexual conduct.

AGGRAVATING CIRCUMSTANCE(S)

Willingness to participate in conduct
Repetitiveness of conduct
Disruption to the department

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to the level of a category A (Custodial sexual misconduct) on the POST Disciplinary Guidelines. Based upon the aggravating circumstances, POST recommends the Council accept Roth's signed consent agreement for revocation.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 07-051LE/C
SUBJECT: Tyler Koch
Investigator: Bryant Green

ALLEGATION(S)

Introduction of Contraband into a Correctional Facility
Exploiting Prostitution
Associating with Criminals

POST INVESTIGATION OF ALLEGATION(S)

Tyler Koch was employed and certified as a law enforcement officer on June 1, 2001, by the Salt Lake County Sheriff's Office (SLCSO). During his tenure with SLCSO, Koch worked as a correctional officer at the Salt Lake County Adult Detention Facility. On June 7, 2007, Koch resigned during SLCSO's criminal and internal affairs (IA) investigation.

On May 9, 2007, a complaint was filed against several SLCSO correctional officers regarding their professional misconduct. Specifically, it was alleged Koch smoked marijuana with the complainant's daughter. An IA investigation was opened on May 15, 2007. During the course of the IA investigation it was discovered Koch:

- Exchanged letters with female inmates
- Put cash into inmate fund accounts
- Smuggled food and cell phones to inmates
- Transported prostitutes to meet with their clients (off-duty)
- Accepted money and sexual favors in exchange for the listed violations (off-duty)

Evidence of Koch's marijuana usage was not discovered during the IA investigation. However, during an interview with IA investigators, Koch admitted to the material facts of the case. Charges against Koch were not filed in exchange for his cooperation in the investigation of an inmate. The inmate, a suspect in a capital homicide, was responsible for influencing Koch into committing the violations.

On May 14, 2008, POST contacted Koch to arrange for an interview. Koch stated he would not be available for an interview but agreed to sign a consent agreement for revocation of his Peace Officer Certification.

CHIEF ADMINISTRATOR'S OPINION

On May 16, 2008, POST reviewed this case with SLCSO Sheriff James Winder. He concurs with POST's recommendation for revocation of Koch's Peace Officer Certification.

VIOLATION(S)

Koch's actions violated the following:

1. Utah Code Ann. §76-8-311, Introduction of Contraband into a Correctional Facility
2. Utah Code Ann. §76-10-1305, Exploiting Prostitution
3. Utah Code Ann. §53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
4. Administrative Code R728-409-3(J)(l)(a) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCES

Disruption to department
On-duty status
Custodial Environment
Misuse of position of trust and authority

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a level of a Category A (Crime could have been charged as a felony) on the POST Disciplinary Guidelines. Based upon the aggravating factors of this case, POST recommends the Council accept Koch's signed consent agreement for revocation of his Peace Officer Certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau CASE SUMMARY

Case No: 08-046LE
Subject: Brian P. Grob
Investigator: Kevin Nitzel

ALLEGATION(S)

**Falsification of POST Application
Admitted on-duty misconduct**

POST INVESTIGATION OF ALLEGATION(S)

Brian P. Grob was employed and certified as a correctional officer by the Utah Department of Corrections (UDC) on June 17, 2005. On May 18, 2007, Grob resigned from UDC and became certified as a law enforcement officer with the Salt Lake City Airport Police (SLCAP). On May 13, 2008, Grob resigned during an internal affairs (IA) investigation.

On May 12, 2008, Grob sent an e-mail to his chief and disclosed he lied on his POST application. He had a sexual relationship with a fourteen-year old female when he was twenty-two. Grob also failed to disclose an attempted suicide. Grob sent a second e-mail outlining several department policy violations including participating in self sexual gratification while on-duty.

On May 15, 2008, Grob was interviewed at POST. During the interview he admitted to the material facts of the case. Grob stated he no longer wanted to pursue a career in law enforcement and signed a consent agreement for the revocation of his Peace Officer Certification.

CHIEF ADMINISTRATOR'S OPINION

Chief Steve Marlovits concurs with POST's recommendation for the revocation of Brian P. Grob's Peace Officer Certification.

VIOLATION(S)

Grob's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Utah Code Ann. § 53-6-211(1)(d)(i) Willful falsification of any information to obtain certified status.
3. Administrative Code R728-409-3(J)(l)(g)(i) and 3(A) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

On-Duty

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to the level of a Category A (Commission of any crime that is charged or could have been charged as a felony) on the POST Disciplinary Guidelines. Based on the aggravating factors of this case, POST recommends the Council accept Brian P. Grob's consent agreement for the revocation of his Peace Officer Certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau CASE SUMMARY

Case No: 05-066LE/C
Subject: Rick S. Kemp
Investigator: Kevin Nitzel

ALLEGATION(S)

Fraudulent Prescription

POST INVESTIGATION OF ALLEGATION(S)

Rick S. Kemp was employed and certified by the Utah Department of Corrections (UDC) as a Correctional Officer on June 22, 2001. On August 31, 2005, following an internal affairs investigation (IA) he was terminated.

On March 30, 2005, a male caller, who identified himself as a physician assistant (PA), called in a prescription for Lortab to the K-Mart pharmacy for Tina Higaris. The Pharmacist was suspicious of the call and contacted the PA named by the caller. The PA stated he did not call in the prescription for Lortab and did not have a patient named Tina Higaris.

Kemp arrived at the pharmacy wearing his Department of Corrections uniform and attempted to obtain the fraudulent prescription for Tina Higaris. The Draper City Police (DCPD) responded and questioned Kemp regarding the prescription. Kemp informed DCPD a "little known friend," Tina Higaris, asked him to pick up her prescription. Kemp claimed he did not know the prescription was fraudulent nor the type of prescription he was picking up. Kemp gave an address and phone number for Tina Higaris.

DCPD discovered that the address provided by Kemp was an empty field. DCPD also checked the phone number given to them by Kemp; the phone number had been disconnected. A check with the person who last possessed that number revealed no knowledge of Tina Higaris or Rick Kemp. Kemp stated he did not know what happened to Tina Higaris and she had not contacted him regarding her prescription.

Kemp's whereabouts was unknown until POST contacted him at his mother's residence on March 10, 2008. He stated he did not wish to be interviewed and would voluntarily give up his Correctional Officer Certification. Kemp's criminal case is still pending and he has yet to be formally charged.

On March 10, 2008, Kemp signed a consent agreement for the revocation of his Correctional Officer Certification.

CHIEF ADMINISTRATOR'S RECOMMENDATION

Brent Wiechman, UDC Law Enforcement Bureau Chief concurs with POST's recommendation to revoke Kemp's Correctional Officer Certification.

VIOLATION(S)

Kemp's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(J)(l)(a) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

Caused a disruption to the community and/or department

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to a Category A (Commission of any crime that is charged or could have been charged as a felony) on the POST Disciplinary Guidelines. Based on the aggravating factors of this case, POST recommends the Council accept Rick S. Kemp's signed consent agreement for the revocation of his Correctional Officer Certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-045LE
SUBJECT: Brian G. Smith
Investigator: Bryant Green

ALLEGATION(S)

Theft
DUI
Use of Illegal or Prescription Controlled Substances

POST INVESTIGATION OF ALLEGATION(S)

Brian G. Smith was employed and certified as a law enforcement officer on January 2, 1996, by the Utah Highway Patrol (UHP). During his tenure with UHP, Smith attained the rank of sergeant. On May 2, 2008, Smith resigned after UHP's internal affairs (IA) investigation.

On January 10, 2008, Smith drove his assigned marked UHP vehicle to the state liquor store in Draper and purchased two pints of hard liquor. Smith then drove to a theater in Lehi to watch a movie. During the movie, Smith consumed one pint of hard liquor. After the movie Smith drove his marked vehicle to a park near his home in Herriman. While at the park, Smith consumed alcohol from the second pint he had previously purchased. Smith left the park and drove to his home.

After arriving at his home, Smith sat in his UHP vehicle and consumed more alcohol. Smith called his Bishop and asked if he would come over. The Bishop arrived at Smith's home and sat in Smith's car. Smith then threatened suicide by holding his handgun to his chin. The Bishop secured the gun after Smith placed it on the dashboard. The Bishop then got out of the car and called 911.

After the Bishop exited Smith's car, Smith went into his home and went to bed. A short time later, Salt Lake County deputies and UHP supervisors responded to Smith's home. The officers were able to take him into custody without further incident. Smith was transported to a local hospital for treatment and a psychological evaluation.

On January 12, 2008, UHP initiated an IA investigation into Smith's misconduct. During the interview, Smith admitted to the material facts of the case. Smith also admitted, in the past, he had stolen and used Demerol and one Ambien tablet from his father-in-law's dental office. Smith's abuse of alcohol and prescription medications started after an on-duty traffic accident.

On May 13, 2008, POST contacted Smith and conducted a telephonic interview. Smith admitted to the material facts of the case and agreed to sign a consent agreement for revocation.

CHIEF ADMINISTRATOR'S OPINION

On May 15, 2008, POST reviewed this case with UHP Superintendent Colonel Lance Davenport. He concurs with POST's recommendation for revocation of Smith's Peace Officer Certification.

VIOLATION(S)

Smith's actions violated the following:

1. Utah Code Ann. §41-6a-502, Driving under the influence of alcohol
2. Utah Code Ann. §76-6-404, Theft
3. Utah Code Ann. §53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
4. Administrative Code R728-409-3(j)(l)(a) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCES

Disruption to department
Perception of on-duty status
Misuse of position of trust and authority

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to the level of a Category A (Crime could have been charged as a felony) on the POST Disciplinary Guidelines. Based upon the aggravating factors of this case, POST recommends the Council accept Smith's signed consent agreement for revocation of his Peace Officer Certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 06-033LE/C
SUBJECT: Michel E. Ballard
Investigator: Paul Kotter

ALLEGATION(S)

Custodial Sexual Misconduct

POST INVESTIGATION OF ALLEGATION(S)

Michel E. Ballard was employed and certified as a correctional officer with the Washington County Sheriff's Office (WCSO) on May 23, 2001. On April 13, 2006, he resigned during criminal and internal affairs (IA) investigation.

On April 3, 2006, WCSO received information from two sources indicating Ballard had an inappropriate sexual relationship with a former jail inmate. The first source was the female inmate involved in sexual relations with Ballard. The second source was a WCSO deputy who also participated in the sexual encounter. The female, who was on probation, told investigators she went with Ballard and the other deputy to a hotel and engaged in sexual relations.

On October 28, 2006, Ballard was arrested and booked into the Washington County Jail for Custodial Sexual Relations-Third Degree Felony. Note: the other deputy involved pled guilty, was terminated and had his Correctional Certification revoked by POST.

On January 25, 2008, Ballard pled guilty to Custodial Sexual Misconduct-Class A Misdemeanor.

On January 28, 2008, POST attempted to interview Ballard but he refused to cooperate. Ballard failed to sign the consent agreement for revocation.

On March 6, 2008, Ballard was served an administrative complaint via certified mail. He failed to respond to the complaint. Ballard was found to be in default per administrative rule and a hearing was scheduled.

On April 28, 2008, Ballard contacted Administrative Law Judge (ALJ) J. Richard Catten. Ballard asked for a continuance and his request was denied.

ADMINISTRATIVE LAW JUDGE RECOMMENDATION

On May 1, 2008, a default hearing was held in absentia before Administrative Law Judge (ALJ) J. Richard Catten. The ALJ ruled Ballard was in default and found to be in violation of state statute and the Law Enforcement Code of Ethics. ALJ Catten recommended Ballard's Correctional Officer Certification be revoked.

CHIEF ADMINISTRATOR'S RECOMMENDATION

POST contacted Sheriff Kirk Smith with Washington County Sheriff's Office. He concurs with POST's recommendation to revoke Ballard's Correctional Officer Certification.

VIOLATION(S)

Ballard's actions violated the following:

1. Utah Code Ann § 76-5-412 Custodial Sexual Relations
2. Utah Code Ann § 53-6-211(l)(d)(iv) any crime involving dishonesty, unlawful sexual conduct, physical violence
3. Administrative Code R728-409-3(G) Crimes involving unlawful sexual conduct.

AGGRAVATING CIRCUMSTANCE(S)

Willingness to participate in conduct
Disruption to the department

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to the level of a Category A (Custodial sexual misconduct) on the POST Disciplinary Guidelines. Taking into account the aggravating circumstances, POST recommends the Council accept the ALJ's recommendation to revoke Ballard's Correctional Officer Certification.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 06-003LE
SUBJECT: Randy L Shepherd
Investigator: Bryant Green

ALLEGATION(S)

DUI

Domestic Violence Assault

Resisting Arrest

Assault on a Police Officer

Intoxication

POST INVESTIGATION OF ALLEGATION(S)

Randy L. Shepherd was employed and certified, as a law enforcement officer, by the Pleasant Grove Police Department (PGPD) on November 17, 1987. On July 25, 1994, Shepherd resigned from PGPD and was hired by Orem Department of Public Safety (ODPS). Shepherd was terminated by the ODPS on December 16, 2005, after being charged with Driving Under the Influence (DUI.)

On the evening of November 15, 2005, ODPS and the Utah Highway Patrol (UHP) received numerous complaints about a possible intoxicated driver. The witnesses provided a license plate number registered to Shepherd. One witness followed the vehicle to a residence, which turned out to be Shepherd's home. UHP officers responded to his residence and found Shepherd in an intoxicated state. Shepherd was taken into custody and transported to the Lehi Police Department (LPD). While at LPD, Shepherd failed the field sobriety tests and submitted to a breath alcohol test. The test revealed a breath alcohol content of .190. Shepherd was arrested and charged with DUI.

Approximately a year and a half later, on February 18, 2007, LPD arrested Shepherd for Domestic Violence Assault, Resisting Arrest, Assault on a Police Officer and Intoxication. Shepherd's wife called LPD and reported her husband was assaulting her. Shepherd resisted and assaulted one of the officers when they attempted to take him into custody.

On May 24, 2007, the 2005 DUI charge was dismissed. On August 17, 2007, Shepherd entered a plea of guilty to Assault on a Police Officer and Intoxication.

On December 19, 2007, an administrative complaint was sent via certified mail to Shepherd's last known address. The delivery was accepted, but Shepherd never filed a response. An Order of Default was issued against Shepherd.

ADMINISTRATIVE LAW JUDGE RECOMMENDATION

On March 13, 2008, a default hearing was held in absentia to revoke Randy L. Shepherd's Peace Officer Certification before Administrative Law Judge (ALJ) J. Richard Catten. During the hearing, the ALJ ruled Shepherd was in default. On March 18, 2008, the ALJ ruled Shepherd violated the Law Enforcement Code of Ethics. Judge Catten recommended Shepherd's Peace Officer Certification be revoked.

CHIEF ADMINISTRATOR'S OPINION

POST reviewed this case with ODPS Chief Mike Larsen. He concurs with POST's recommendation for revocation of Shepherd's Peace Officer Certification.

VIOLATION(S)

Shepherd's actions violated the following:

1. Utah Code Ann. § 53-6-211(I)(d)(v) pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(J)(I)(b), (c) and (I)(i) in that he violated the Law Enforcement Code of Ethics.
3. Utah Code Ann. § 76-5-102.4 Assault on Police Officer
4. Utah Code Ann. § 76-9-701 Intoxication

AGGRAVATING CIRCUMSTANCES

Disruption to the community and department
Conviction in criminal court
Lack of cooperation during an investigation
Failure to cooperate during an arrest
Criminal conduct that has domestic violence attached to the charge

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

POST recommends the Council accept the recommendation of the ALJ and revoke Randy L. Shepherd's Peace Officer Certification.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 06-090SFO
SUBJECT: Mitchell G. Malmrose
Investigator: Paul Kotter

ALLEGATION(S)

DUI

Assault

Burglary

POST INVESTIGATION OF ALLEGATION(S)

On October 25, 2006, Mitchell G. Malmrose completed the special function officer training at Weber State University Satellite Academy. He was expelled from the law enforcement block of training on November 1, 2006, after he was arrested for assault and DUI.

On October 29, 2006, Malmrose went to his girlfriend's residence in Woods Cross. He had a verbal altercation with his girlfriend and then physically assaulted her. Woods Cross City Police (WCCP) responded to the scene, but Malmrose had already left the residence. Bountiful Police Department (BPD) stopped Malmrose and had him perform field sobriety tests. He failed the tests and was arrested for DUI. Malmrose was taken to the Davis County Jail where he submitted to a breath test. Malmrose's breath alcohol level was a .128. He was charged with DUI, Open Container and Assault. Malmrose pled guilty to DUI and Assault.

Six months later on April 1, 2007, Malmrose, while intoxicated, went to his girlfriend's residence in Woods Cross. He entered the house from a basement window and assaulted the girlfriend while his children were present in the house. Malmrose was arrested and charged with Burglary-2nd Degree Felony, Simple Assault, Child Abuse or Neglect, and Intoxication. He pled guilty to the amended charge of Criminal Trespass-Class B Misdemeanor.

On February 6, 2008, POST served an administrative complaint to Malmrose and he did not respond. Malmrose was believed to be in default and a hearing was scheduled.

ADMINISTRATIVE LAW JUDGE RECOMMENDATION

On May 1, 2008, a default hearing was held in absentia to revoke Mitchell G. Malmrose's Special Function Officer Certification before Administrative Law Judge (ALJ) J. Richard Catten. The ALJ ruled Malmrose was in default and found to be in violation of state statute and the Law Enforcement Code of Ethics. Judge Catten recommended Malmrose's Special Function Officer Certification be revoked.

CHIEF ADMINISTRATOR'S OPINION

POST contacted Weber State University Police Academy supervisors at the Weber County Sheriff's Office, Sergeant David MacInnes and Lieutenant Jewel Fuchs. They concur with POST's recommendation to revoke Malmrose's Special Function Officer Certification.

VIOLATION(S)

Malmrose's actions violated the following:

1. Utah Code Ann § 41-6a-502 DUI
2. Utah Code Ann § 76-5-102 Assault
3. Utah Code Ann § 76-6-206 Criminal Trespass
4. Utah Code Ann § 76-6-202 Burglary
5. Utah Code Ann § 53-6-211(I)(d)(iv) Any crime involving dishonesty, physical violence, or driving under the influence of alcohol or drugs
6. Administrative Code R728-409-3 (I) Driving under the influence of alcohol
7. Administrative Code R728-409-3 (J)(1)(c) criminal conduct where the filing of a criminal charge has resulted in a finding of guilt

AGGRAVATING CIRCUMSTANCE(S)

Disruption to community and department
Conviction in criminal court

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

POST recommends the Council accept the recommendation of the ALJ and revoke Malmrose's Special Function Officer Certification.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau CASE SUMMARY

Case No: 06-035LE
Subject: Michelle Rendon
Investigator: Kevin Nitzel

ALLEGATION(S)

Drug use

POST INVESTIGATION OF ALLEGATION(S)

Michele N. Rendon was employed and certified by Salt Lake City Police Department (SLCPD) on March 23, 1993. On April 5, 2006, Rendon resigned during SLCPD's internal affairs (IA) investigation.

On March 24, 2006, a SLCPD supervisor stated, Rendon reported on-duty displaying the following:

- Slurred speech
- Disoriented
- Displayed an unkempt appearance
- Limping

The supervisor was directed to place Rendon on administrative leave and requested her to submit to a drug test.

On March 29, 2006, Rendon's drug test results showed positive for marijuana (THC). On April 5, 2006, Rendon resigned her employment from SLCPD pending a pre-termination hearing.

Rendon was contacted by POST on several occasions, however she stated she did not wish to be interviewed and referred POST to her attorney. After several discussions with her attorney, POST informed him of the intention to schedule an administrative hearing. On the advice of her attorney, she agreed to sign a consent agreement for a four-year suspension of her Peace Officer Certification.

On May 1, 2008, Rendon signed a consent agreement for a four-year suspension of her Peace Officer Certification from the date of her resignation April 5, 2006 through April 5, 2010.

CHIEF ADMINISTRATOR'S OPINION

Chief Chris Burbank concurs with POST's recommendation for a four-year suspension of Rendon's Peace Officer Certification.

VIOLATION(S)

Rendon's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(D) in that she violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCE(S)

Caused a disruption to the community and/or department
Uncooperative with investigation

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

These charges rise to the level of a Category B (possession or use of tier 2 drugs) on the POST Disciplinary Guidelines. Based on the facts of this case, POST recommends the Council accept Michele N. Rendon's consent agreement for a four-year suspension of her Peace Officer Certification-April 5, 2006 until April 5, 2010.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-034LE
SUBJECT: Jeremy D. Davenport
Investigator: Bryant Green

ALLEGATION(S)

Marijuana Usage

POST INVESTIGATION OF ALLEGATION(S)

Jeremy D. Davenport attended Basic Peace Officer training at the Salt Lake Community College (SLCC) from May 14, 2007 until December 20, 2007. After an investigation conducted by POST, Davenport signed a consent agreement for a four-year suspension of his certification.

On March 29, 2008, Granite School District Police (GSDP) contacted SLCC and inquired if Davenport had listed any marijuana usage on his application for POST training. Davenport was in the application process with GSDP as a reserve officer. He revealed marijuana usage on two occasions in May/June 2007. Based upon Davenport's disclosure, SLCC referred the case to POST.

POST contacted Davenport and arranged for an interview on April 17, 2008. After being issued a Garrity warning, Davenport stated he used marijuana on two occasions while he was a cadet while training at SLCC. Davenport signed a four-year consent agreement for the suspension of his Peace Officer Certification.

CHIEF ADMINISTRATORS OPINION

None

VIOLATION(S)

Davenport's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iii) use of drugs
2. Administrative Code R728-409-3(J)(1)(l)(i) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCES

None

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a level of a Category B (Use of tier 2 drugs) on the POST Disciplinary Guidelines. POST recommends the Council accept Davenport's signed consent agreement for a four-year suspension of his Peace Officer Certification-June 9, 2008 through June 9, 2012.

POST COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

CASE NO: 08-040LE
SUBJECT: Michael Johnson
Investigator: Paul Kotter

ALLEGATION(S)

Inappropriate use of technology

POST INVESTIGATION OF ALLEGATION(S)

Michael D. Johnson was employed and certified by the Utah Highway Patrol (UHP) as a trooper on December 16, 1976. During his tenure, he was promoted to the rank of sergeant. On January 19, 1995, Johnson began working part-time for Mantua Police Department (MPD). On August 31, 2004, Johnson retired from UHP. On September 18, 2006, Johnson was employed by Perry Police Department (PPD). During his tenure, he was promoted to the rank of sergeant. On March 11, 2008, Johnson resigned after PPD concluded an internal affairs (IA) investigation.

On February 21, 2008, PPD received a complaint from an officer stating he observed Johnson in his patrol car viewing pornographic images on his computer while on-duty.

On February 23, 2008, PPD interviewed Johnson. Johnson admitted viewing hardcore pornographic web sites on his issued laptop while on-duty. PPD investigators confiscated the laptop and examined the hard drive. The investigators discovered over 17,000 pornographic images on the hard drive.

On May 7, 2008, POST interviewed Johnson. After being issued a Garrity warning, Johnson admitted to all the material facts of the case. He also admitted to viewing hardcore pornographic images on his office computer while on-duty. He signed a two-year consent agreement for the suspension of his Peace Officer Certification.

CHIEF ADMINISTRATOR'S OPINION

On April 30, 2008, POST reviewed Johnson's case with Chief Jim Jones of MPD and Chief Todd Whitaker of PPD. They concur with POST's recommendation for a two-year suspension of Johnson's Peace Officer Certification.

VIOLATION(S)

Johnson's actions violated the following:

1. Utah Code Ann. § 53-6-211(1)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(J)(1)(i)(i-ii) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCES

On-duty status
Willingness to participate in conduct
Supervisory authority
Repetitiveness of conduct

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

These charges rise to a level of a Category F (Misfeasance or nonfeasance) on the POST Disciplinary Guidelines. Based upon the aggravating factors of this case, POST recommends the Council accept Johnson's signed consent agreement for a two-year suspension of his Peace Officer Certification-June 9, 2008 through June 9, 2010.

POST COUNCIL'S ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

Case No: 07-003LE

Subject: Ronald W. Benson

Investigator: Steven Winward

ALLEGATION(S)

**Falsification of Information to Obtain Certified Status
Lapsed Certification**

POST INVESTIGATION OF ALLEGATION(S)

Ronald W. Benson employed by the Salt Lake County Sheriff's Office as a correctional officer in April of 1978. In April of 1987 Ron Benson resigned employment at Salt Lake County and was hired by the Utah Department of Correction (UDC). During his time at UDC he attained his certification as a law enforcement officer. On November 2, 1998, Benson retired from UDC and was hired by the Department of Insurance as a criminal investigator. On January 1, 2000, Benson resigned from the Department of Insurance and sought employment in the private sector as a civilian.

In the Fall of 2003, Benson contacted POST and requested his certification be reinstated. He provided POST with a letter from a supervisor at UDC that stated that he had a reserve application on file with corrections and submitted training hours for each year he was out of law enforcement. Based upon the information provided by Benson, POST updated his records. In March of 2004, UDC hired Benson as an Adult Probation and Parole Officer.

In December 2006, the Legislative General Auditors Office conducted an audit on UDC. In the audit, Benson's Peace Officer Certification reactivation was called into question. The audit's inquiry into his certified status precipitated Benson to contact POST to reactivate his peace officer status. During the reactivation process, POST found inaccuracies in his application. As a result of the inaccuracies, POST opened an investigation.

On January 19, 2007, Benson was interviewed by POST. After being issued a Garrity warning, Benson stated he worked as a reserve officer by passing along information he received from informants. A letter provided by a UDC supervisor implied Benson was a reserve officer with UDC during the time he was out of law enforcement. The POST investigation determined that he did not function as a reserve officer as outlined by UDC policies and procedures.

In May 2007 an administrative complaint was filed against Benson. Benson, through his attorney Phil Dyer, responded to the complaint. On December 18, 2007, an administrative hearing was scheduled and held in front of Administrative Law Judge (ALJ) Cheryl Luke.

ADMINISTRATIVE LAW JUDGE RECOMMENDATION

On December 18, 2007, ALJ Cheryl Luke heard administrative complaint against Ron Benson.

On February 29, 2008, ALJ Cheryl Luke ruled, "Mr. Benson was not engaged in the duties of a law enforcement officer from January 1, 2000 to March 2004. His certification lapsed and is subject to the provisions of Utah Code Ann. 53-6-208."

VIOLATION(S)

Benson's actions violated the following:

1. Utah Code Ann. § 53-6-208 lapsed certification

AGGRAVATING CIRCUMSTANCE(S)

None

MITIGATING CIRCUMSTANCE(S)

None

POST RECOMMENDATION

POST recommends the Council accept the ALJ's ruling that Benson's certification lapsed on January 1, 2004.

POST-COUNCIL ACTION

FINAL ORDER



POST Investigations Bureau

CASE SUMMARY

Case No: 07-039LE

Subject: Michael Halliday

Investigator: Steven Winward

ALLEGATION(S)

False Information To Obtain Peace Officer Certification

POST INVESTIGATION OF ALLEGATION(S)

Michael Halliday was employed and certified as a deputy sheriff with San Juan County Sheriff's Office on May 21, 1976. On September 1, 1987, Blanding Police Department (BPD) hired Halliday and he was subsequently named as Chief of Police.

In August 2007, Utah Highway Patrol (UHP) human resources contacted POST to obtain certification information on Danny Flannery whom they had hired. POST discovered he had not worked in law enforcement for over three-years and did not have in-service training reported to POST during that time frame. Flannery's UHP application included a letter from Chief Mike Halliday stating that Flannery was a BPD reserve officer and he maintained his training hours. However, Flannery did not list reserve work on his UHP application. His application reflected he was in Iraq working as a private contractor for approximately two years. POST determined the letter written by Halliday, on behalf of Flannery, was fabricated. POST opened an investigation on both parties.

POST contacted Mayor Toni Turk of Blanding City to discuss the reserve program. Mayor Turk stated Blanding has never had an approved reserve program. Mayor Turk conducted an independent investigation and learned Chief Halliday was reporting hours for two officers who had quit the department. Halliday reported in-service training hours to POST on behalf of two additional officers under the guise they were reserve officers for BPD.

On August 14, 2007, POST interviewed Halliday. Halliday stated he had a reserve program of former officers that he could call on for special events or special enforcement needs. Halliday admitted that the city administrators had not approved the reserve program. Halliday said he thought he had the right, as the administrator, to have a reserve program set up in this fashion.

POST reviewed the records of several officers named by Halliday. POST verified the officers named by Halliday, with the exception of one, did not work in any law enforcement capacity since leaving BPD.

An administrative complaint was sent out to Halliday seeking suspension of his Peace Officer Certification. Halliday responded to the complaint. A hearing was scheduled in front of Administrative Law Judge (ALJ) J. Richard Catten.

ADMINISTRATIVE LAW JUDGE RECOMMENDATION

On February 14, 2008, a hearing was held to suspend the certification of Mike Halliday's Peace Officer Certification before the ALJ. The ALJ ruled Halliday violated the Law Enforcement Code of Ethics. ALJ Catten recommended Halliday's Peace Officer Certification be suspended for two-years.

VIOLATION(S)

Halliday'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. Administrative Code R728-409-3 (A) in that he violated the Law Enforcement Code of Ethics.

AGGRAVATING CIRCUMSTANCES

Position of Authority

MITIGATING CIRCUMSTANCES

None

POST RECOMMENDATION

POST recommends the Council accept the recommendation of the ALJ and impose a two year suspension of Chief Halliday's Peace Officer Certification.

POST COUNCIL ACTION

FINAL ORDER