

POST COUNCIL MEETING

March 19, 2007 at 3:00pm

Dixie State College - St. George, UT

Agenda

- ❖ Welcome and Introductions: - Chairman Nelson
- ❖ Approval of December 6, 2006 Minutes: - Chairman Nelson
- ❖ In-Service Training Plan - Commissioner Scott Duncan
- ❖ Review of the Updated Curriculum: - Dir. Townsend -
Capt. Stephenson - John Jacobs
 - Objectives
 - Lesson Plans
 - Scenario Base Training
 - Testing
- ❖ Report on POST Technology: - Training Manager John Jacobs
 - Automation of POST Records
 - Access to POST Portal
 - Reporting Status Changes and Training Hours to POST
- ❖ Physical Fitness Entrance Standard Adjustment:- Capt. Stephenson
- ❖ Satellite Academies Report: - Dir. Townsend
 - Approval of Dixie College Satellite Academy - VP Dillingham-Evans
 - Corrections – Dir. Hutchinson
 - WSU - Sheriff Brad Slater
- ❖ Report on Hildale/Colo. City Law Enforcement:
 - Status of Utah POST Investigation – Dir. Townsend
 - Status of Arizona POST Investigation –Dir. Tom Hammerstrom
 - Washington County Sheriff Kirk Smith
- ❖ Directors Report: - Dir. Townsend
- ❖ Disciplinary Actions: - Lt. Steve Winward/Rick Wyss
- ❖ Schedule Next Meeting:
- ❖ Adjourn:



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Dixie State College
St. George, Utah

MINUTES

On March 19, 2007, a regularly scheduled POST Council meeting was held at 3:00pm at Dixie State College, St. George, Utah. Chairman Lynn Nelson conducted.

The following POST Council members were in attendance:

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

POST staff present:

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

Others present:

Ed Phillips, Department of Public Safety
Michael C. Nelsen, Brigham City P.D.
Kurt Fertig, Brigham City P.D.
Marilyn Hammarstrom, Visitor
Tom Hammarstrom, Arizona POST
Jeff Merrell, Uintah County S.O.



Jim Hoffman, Salt Lake Community College
Mid Groll, DNR Law Enforcement
Matthew Bell, Weber County S.O.
Gerald Cook, Weber County S.O.
Jewel Fuchs, Weber County S.O.
Brad Slater, Weber County S.O.
Jake Adams, Washington County S.O.
Wayne Caldwell, Law Office of Peter Stirba
Ben Winslow, Deseret Morning News
Jeff Nigbur, DPS, PIO
Preston Raban, DPS, PIO
Toni Gillett, Visitor
Ken Wallentine, Attorney Generals Office
Al Acosta, DPS, IA
Nate Carlisle, Salt Lake Tribune
Jon Greiner, Ogden P.D.
Stephen Chapman, Sandy City Police Department
Dennis Hutchinson, Department of Corrections
Ron Rasmussen, Ephraim P.D.
David Holm, Dixie State College Academy
Kirk Smith, Washington County S.O.
Lamont Smith, Kane County S.O.
Stuart McIver, Department of Corrections, AP&P
Johnny W. McCoy, Smithfield City P.D.
Doug McCleve, DPS, Utah Highway Patrol
Russell Peck, St. George P.D.
Marlon Stratton, St. George P.D.
Barry Golding, St. George P.D.
James Van Fleet, St. George P.D.
Richard Farnsworth, St. George P.D.
Brian Stecklein, Weber State University
Kelly Sparks, Weber State University, Police Academy
L. Kay Gillispie, Weber State University
Gerald L. Nelson, Visitor
Lance Jensen, Syracuse P.D.
Tracy Jensen, Syracuse P.D.
Brian Wallace, Syracuse P.D.
Bruce Wisan, UEP Special Fiduciary
Jethro Barlow, Hildale Visitor
Greg Hoole, Attorney for Lost Boys
Steve Bailey, Mohove County S.O.
Gary Engels, Mohove County Attorney
Sam Brower, Private Investigator, NV
Gary Jensen, Vernal City P.D.
Lindsay Shepherd, South Jordan P.D.
Paul Tittensor, Brigham City P.D.
Frank Budd, Utah Chiefs of Police Association

WELCOME AND INTRODUCTIONS

Chairman Lynn Nelson welcomes the Council Members, media and visitors. He welcomed new Council members Tom Patterson, Executive Director of Corrections and Mike Larsen, Director of Orem Public Safety. He also thanked Donna Dillingham-Evans for hosting the meeting at Dixie State College.



APPROVAL OF POST COUNCIL MINUTES

The minutes of December 6, 2006 were reviewed and the following motion was presented.

Motion: *Larry Gillett motioned to approve the minutes of December 6, 2006.*

Second: *Sheriff Mike Lacy seconded the motion.*

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

IN-SERVICE TRAINING PLAN

Public Safety Commissioner Scott Duncan announced to the POST Council that up to seventy-thousand dollars is going to be made available across the state for in-service training. The Chief's and Sheriff's Association's, as well as the UPOA and the POST Council sent letters to the Governor's Office and Legislative Leadership to support POST in receiving a budget increase. As a result of these efforts, POST did receive a budget increase and the Commissioner wants law enforcement to have a tangible amount of money infused into each region of the state for in-service training.

Note: Since the March POST Council meeting, it has been decided the regional satellite academies may request up to ten-thousand dollars each to coordinate and host in-service training in the six respective regions of the state.

- Bridgerland Applied Technology Center - Northern Utah
- Weber State University – North Central Utah
- Salt Lake Community College – Central Utah
- Utah Valley College – South Central Utah
- Uintah Basin Applied Technology Center – Eastern Utah
- Dixie State College – Southern Utah

REVIEW OF THE UPDATED CURRICULUM

POST Training Manager John Jacobs made a presentation to the Council on the new POST basic training curriculum. The new curriculum was handed out to each Council member who has been asked to review the contents of the plan and get any feed back to the POST staff by the middle of April. The new curriculum includes scenario based training, new objectives with associated lesson plans, new test questions and adjusted hours for both the SFO and the LEO blocks. The entire curriculum, with associated details, will be placed on the POST website as soon as the Council makes final approval at the June 14, 2007, POST Council meeting.

REPORT ON POST TECHNOLOGY

A technology report was presented to the Council by John Jacobs. There are two primary components to the Crown Point Software, which has been purchased by POST. The first component is called "Training Manager". The new basic training curriculum is built on the training manager foundation, which includes lesson objectives, lesson plans and test questions. Because training manager is a complete training package, the software will electronically individualize how a student is performing. The basic training staff will be able to determine if a particular student is grasping the approved lesson objectives as he/she progresses through the basic training academy.

The second component is "Skills Manager". Skills manager is the part of the software which tracks training records of all certified officers throughout the State of Utah. POST is completing the process of automating the certification records of peace officers and corrections officers who are currently employed in the State of Utah.



Skills manager is the platform upon which every police and corrections agency will report annual in-service training hours. It is a web base program which will allow all agencies and officers to access certification and training information on a real time basis.

Section 53-6 of the Utah Code, is very specific regarding the training obligations for both peace officers and correctional officers in this state. All certified officers must receive a minimum of 40 hours of in-service training during each fiscal year (June 30 – July 1) in order to keep their certification current. Now that POST has automated its files, agencies and officers are obligated to accurately report the number of training hours an officer has received during the previous fiscal year.

Note: It is up to each law enforcement or corrections agency to maintain a file on the classes an individual officer takes for annual POST certification. Only the number of hours an individual officer receives during the fiscal year will be recorded in the automated files of POST.

PHYSICAL FITNESS ENTRANCE STANDARD ADJUSTMENT

Capt. Scott Stephenson presented the entry level physical fitness standards to the POST Council. He advised the Council a statewide letter was sent to all Chief's and Sheriff's regarding the new entrance standard.

Note: All Chief's and Sheriff's should be aware the new entrance standard will go into effect beginning July 1, 2007. All cadets coming to POST will have to pass the POST entrance standard the first day of the academy in order to complete a basic training session. All law enforcement agencies are encouraged to make the POST physical fitness entrance standard a condition for employment. By doing this, no agency or administrator will be caught off guard if a cadet fails to pass the physical exam on the first day of the academy. (see "attachment 1")

SATELLITE ACADEMIES REPORT

POST Council member and Vice President of Dixie State College Donna Dillingham-Evans requested POST Council approval on DSC sponsoring a satellite training academy. Ms. Dillingham-Evans reviewed the rigorous process DSC has undergone in order to be eligible for a satellite academy at DSC. Inclusive in the process has been the selection of an advisory board, many meetings with southern Utah Chief's and Sheriff's, the selection of a satellite academy director and the confirmation that physical facilities will be made available in order to have a successful law enforcement training academy. VP Dillingham-Evans introduced Mr. David Holm as the new DSC Satellite Academy Director. Dave Holm has been the Administrative Lieutenant for the Cedar City Police Department and recently retired after 26 years of active law enforcement service. Dave will be a great addition to DSC faculty.

Corrections Training Director Dennis Hutchinson gave a status report on corrections certification training. Dir. Hutchinson reported the correction training curriculum to the POST Council and advised that Bridgerland Applied Technology Center Satellite Academy and the Weber State University Satellite Academy have been granted approval by the POST Council to sponsor correction certification training.

Weber County Sheriff Brad Slater made a presentation to the POST Council in regards to the Weber State University satellite program piloting a project which he explained as follows: The Weber State University Bachelor of Science Criminal Justice program, in conjunction with the WSU satellite academy, is making a proposal to the POST Council to consider a pilot/test program to incorporate a Criminal Justice Bachelor Degree into POST basic training. The request is for Weber State University to analyze which criminal justice classes may apply to POST basic training, allowing a bachelors degree graduate to test out of certain classroom portions of basic training. WSU is asking to take ten graduates from the Criminal Justice Bachelor Degree program into a skills based, boot camp type program. The boot camp would include, defensive tactics, physical fitness training, firearms training, scenarios and any other field training the POST Council would deem appropriate. Approval of such a plan could potentially cut the sixteen week POST basic training academy in



half. No motion was called for, however, Director Townsend suggested a committee be formed to study the proposal and come back to the June 14th POST Council meeting with suggestions and a proposal. The Council endorsed this suggestion and a report will be prepared for the June Council meeting.

REPORT ON HILDALE/COLORADO CITY LAW ENFORCEMENT

POST Director Rich Townsend gave a report to the Council on the status of the investigation regarding the certified officers in Hildale/Colorado City. In the December 2006, POST Council meeting, a motion was passed to have POST Investigations look into allegations of peace officer misconduct in the town of Hildale, Utah. Under the direction of Lt. Steven Winward, an extensive investigation has been taking place, with numerous trips to Hildale. Although a few concerns have been substantiated regarding some of the officers in this jurisdiction, to date, nothing has risen to the level of suspending peace officers powers of any current officers. Dir. Townsend reminded the Council that previous Marshal Sam Roundy and Deputy Marshal Vance Barlow were decertified by the POST Council in March of 2005. Recently, Deputy Marshal Mica Barlow has had his certification revoked for contempt of a Federal Grand Jury. Dir. Townsend read a prepared statement to the Council requesting to keep the investigation open until such time all pertinent facts are gathered.

Dir. Townsend then turned the time over to Arizona POST Director Tom Hammarstrom for a report on the status of the Arizona POST investigation. Dir. Hammarstrom advised the Utah POST Council that Arizona's investigation will be complete by May or June of 2007. There are two Administrative Law Judge (ALJ) hearings scheduled and he will report back on the findings of those hearings at the appropriate time.

Washington County Sheriff Kirk Smith then gave a report to the POST Council regarding his feelings of the policing responsibilities in the town of Hildale. Sheriff Smith stated his office is prepared to accept any policing obligations which may be required, however, he expressed strong sentiments about this being a local issue for the Mayor's of these two respective towns (Hildale, Utah/Colorado City, Arizona) to work through. Duly elected local government officials are granted the authority by statute to create policing authority within their jurisdiction. Sheriff Smith stated his office is prepared to assist in any way his office can, but the right to replace any police administrators or officers within these jurisdictions rests with the Mayors of the two towns.

After a lengthy discussion, the POST Council made the recommendation to allow the investigation to remain open. The results of Arizona POST investigation will be included with the findings and recommendations once the Utah POST investigation is completed.

DIRECTORS REPORT

Dir. Townsend gave a report on the status of the new Miller Training Facility. There are four main players in the new seventy-five thousand square foot Miller Public Safety Training and Education Center in Sandy, Utah. POST, Corrections Training, UHP Training, and the Salt Lake Community College Criminal Justice and Satellite Training Program are housed in this brand new facility. The facility was given to law enforcement by Larry H. Miller and is one of the five main structures on the Miller Campus of Salt Lake Community College. All of the players in this new building are very happy with the immediate successes of each of the respective programs. POST has four law enforcement officer certification sessions currently underway and Corrections has three sessions concurrently running. There have been numerous in-service training classes and officers from all over the state have been housed in the modern dormitory facilities. Enough thanks can never be expressed to Larry H. Miller for this most incredible endowment to law enforcement. This new facility will serve law enforcement training needs for many years to come!



DISCIPLINARY ACTIONS

t. Steve Winward presented the following disciplinary cases, giving an overview of each.

MICHAEL GARLICH – (Solicitation for Sex)

Mr. Garlich was employed by the Salt Lake County Sheriff's Office on May 30, 2002, until he resigned on May 26, 2006, following an internal affairs investigation.

On December 23, 2004, Mr. Garlich was arrested for Solicitation of Sex after being approached by an undercover vice officer offering sex. Mr. Garlich entered into a plea in abeyance on April 4, 2005 and placed on probation for 12 months. The case was dismissed on May 17, 2006. SLCSO didn't find out about the case until May 24, 2006 following an anonymous tip. Mr. Garlich was interviewed on August 30, 2006 and admitted to solicitation for sex.

Michael Garlich signed a consent agreement for a two-year suspension of his certification to start May 26, 2006, until May 25, 2008. At the December POST Council meeting it was recommended to revoke Mr. Garlich's certification. Mr. Garlich signed a consent agreement for revocation on December 12, 2006.

Aggravating Circumstances: None.

Mitigating Circumstances: None.

Motion: *Chief Allinson motioned to accept his signed Consent Agreement for a revocation of Michael Garlich's peace officer certification.*
Second: *VP Donna Dillingham-Evans seconded the motion.*
Vote: *The motion passed with all in favor.*

JOHN THOMAS JAMES – (DUI)

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

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

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

Aggravating Circumstances: Convicted of DUI; Declined breath test.

Mitigating Circumstances: None.



Discussion: Council Members discussed the issue's surrounding this case. AG Shurtleff asked if he has admitted to the DUI. Sheriff Edmunds told the Council he will recuse himself from the vote and stated Mr. James has taken responsibility for what he has done. Larry Gillett stated he would like the suspension to start on the date of conviction. Council members asked Lt. Winward what the Matrix was on a DUI. He told the Council for a first offence the Matrix is a one-year suspension, but there was an additional one year added to this recommendation because Mr. James refused a breath test.

Motion: Larry Gillett motioned to reject his signed Consent Agreement and recommends a two-year suspension starting with the date of conviction. (February 14, 2007 – February 14, 2009)

Second: Chief Val Shupe seconded the motion.

Vote: The motion passed with 8 for and 7 against.

NOTE: Following the last case that was heard by the POST Council, Director Larsen informed the Council he disagreed with the way the John T. James case was handled and made the following motion.

Motion: Director Larsen motioned to reopen the John Thomas James case for further discussion.

Second: Robbie Robertson seconded the motion.

Vote: Motion passed with 12 for and 2 against.

Discussion: Director Larsen stated to the Council he feels strongly about disciplining officers for DUI's, but he disagrees with the prior motion, which will essentially decertify Mr. James. He further stated that it is not consistent with what the POST Council has done in the past. Mr. James would be unable to complete the waiver process before the four year time period would expire. He would have to go back through basic training. Larry Gillett stated, if the majority of the Council felt the motion was too harsh, he wouldn't oppose back dating it to a three-year suspension. Dir. Larsen agreed to the three-year suspension, beginning July 2005. Larry Gillett asked Attorney Rick Wyss how the Council will handle the first motion that already passed. Rick stated there needed to be a motion to vacate the previous motion.

Motion: Director Mike Larsen motioned to vacate the previous voted on motion re: the case of John James and motioned not to accept the signed consent agreement and to seek a three-year suspension of his peace officer certification. (July 26, 2005 – July 26, 2008)

Second: Donna Dillingham-Evans seconded the motion.

Vote: The motioned passed with 11 for and 3 against.

Discussion: Sheriff Edmunds told the Council he feels there needs to be more uniformity and consistency in the decisions that are made by the Council. Chairman Nelson informed the Council, with all the changes in the recent months on the Council, it is time to have a training session. It was decided to have the training at the next POST Council meeting in June.

ERIN M. MAES – (Obstruction of Justice)

Erin Maes was working as a dispatcher for Logan City Police Department at the time of the incident. Maes was certified as a dispatcher on May 25, 2002, and hired by Logan City Police Department as a dispatcher on June 1, 2002. Maes resigned employment with Logan City Police Department on October 12, 2006, following an internal affairs investigation.



On October 5, 2006, Erin Maes was serving as a dispatcher for Cache Co. Sheriff's Office. In her official capacity, Ms. Maes learned a Cache Co. Deputy was in the process of executing a search warrant. The warrant was to search the residence and vehicle of an acquaintance of Maes' mother. Maes talked to her mother later that night and asked her why the officers would be investigating this person. Maes mother then called the suspect to tell her Sheriff's officers were looking for her. This leak of information caused the suspect (a drug suspect) to delay her return to Cache County. Her car was cleaned out when she returned. Maes was charged with Obstruction of Justice, a class A Misdemeanor. Maes entered into a plea in abeyance agreement and was given probation for one year.

On February 21, 2007, Erin Maes signed a consent agreement for a two (2) year suspension (February 12, 2007-February 11, 2009).

Aggravating Circumstances: Charged and convicted of a crime; Impeded arrest and possible evidence.

Mitigating Circumstances: She didn't know that her mother would tell the suspect about the information. Logan Police Chief Roper recommends a 1 year suspension to coincide with her probation.

Motion: *Chief Val Shupe motioned to accept the signed Consent Agreement for a two-year suspension of Erin Maes' dispatcher certification.*

Second: *Attorney General Mark Shurtleff seconded the motion.*

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

ROSS SNYDER - (Sexual Misconduct)

Ross Snyder was employed by the Orem Department of Public Safety from October 8, 2001, until his resignation on June 24, 2006.

Mr. Snyder began a relationship with dispatcher Cia Bates and admitted to a POST investigator he engaged in off-duty sexual intercourse with Ms. Bates. Mr. Snyder was also attempting to meet a female employed at BCI for the purpose of sexual intercourse, but that encounter never happened.

Mr. Snyder signed a consent agreement for a two-year suspension of his peace officer certification from the date of his resignation. At the December POST Council meeting, it was recommended to seek a four-year suspension. On January 18, 2007, Mr. Snyder signed a consent agreement for a four-year suspension of his peace officer certification from June 24, 2006 – June 24, 2010.

Aggravating Circumstances: Mr. Snyder and Ms. Bates were both married at the time of the incident. Orem paid for Ms. Bates to attend POST only to have her resign one day after graduation.

Mitigating Circumstances: The conduct was consensual.

Motion: *Larry Gillett motioned to accept Ross Snyder's Consent Agreement of a four-year suspension.*

Second: *Robbie Robertson seconded the motion.*

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



NEXT POST COUNCIL MEETING

The next POST Council meeting will be on Thursday, June 14th at 10:00 a.m. We will be meeting at the Public Safety Education and Training Center, Miller Campus.

ADJOURNMENT

Motion: Chief Val Shupe motioned to adjourn the meeting at 5:30 p.m.

Second: Larry Gillett seconded the motion.

Vote: All in favor.

Meeting adjourned at 5:30pm.



NOTICE

All Law Enforcement Agencies

POST Entrance and Exit Requirements Effective July 1, 2007

Entrance

1.5 Mile Run 15:54

Push Ups 18 Reps (Maximum repetitions with no time constraint and no rest during this phase of the test)

Vertical Jump 16 inch

Sit-Up 26 Reps (One Minute)

Exit

Modified Cooper Single Norms

1.5 Mile Run 14:46

Push Ups 21 (Maximum repetitions with no time constraint and no rest during this phase of the test)

Vertical Jump 17.5 inches

Sit-Up 29 Reps (One Minute)

300 Meter 64 seconds

The procedure and order for testing is recommended as follows:

1. Warm up for 3 minutes; perform the Vertical Jump test and rest for 2 minutes.
2. Perform the One Minute Sit Up test and rest for 5 to 10 minutes.
3. Perform the 300 Meter Run, then rest for 5 to 10 minutes.
4. Perform the Maximum Push Up test, then rest for 5 to 10 minutes.
5. Do the cardio-warm up for 2 to 3 minutes, then perform the 1.5 Mile Run and cardio-cool down for 5 minutes.

