

# POST COUNCIL MEETING

September 11, 2008

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

## MINUTES

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On September 11, 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  
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  
Executive Director Tom Patterson, Department of Corrections  
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  
Chief Ken Wallentine, Attorney General's Office (Proxy for Attorney General Mark Shurtleff)  
Dr. Sterling R. Provost, At Large  
Lt. Kyle Shepherd, UPOA  
LuWayne Walker, Juab County Commissioner

**The following were excused and/or absent:**

Attorney General Mark Shurtleff, Attorney General's Office (Proxy by Ken Wallentine)  
Mayor Joe Ritchie, Roy City

**POST staff present:**

Scott Stephenson, Director  
Kelly Sparks, Deputy Director  
Shaunna McCleve, Administrative Secretary  
Steve Winward, POST Investigations Bureau Chief  
Bryant Green, POST Investigations (on loan from DOC)  
Rich Fordham, POST Investigations  
Wade Breur, POST Basic Training Bureau Chief  
Robert C. Morton, DPS Legal Counsel representing POST, Asst. Attorney General  
John Jacobs, Training Manager

**Others present:**

Scott Duncan, Commissioner, Department of Public Safety  
Garrard Moren, UHP Training  
Jim Winder, Salt Lake County Sheriff  
Todd Griffiths, UPOA  
David Holm, Dixie State College Police Academy  
Dennis Hutchinson, Department of Corrections Training  
Ben Winslow, Desert Morning News  
Rich Townsend, Department of Public Safety  
Letisha Gerrick, Department of Public Safety  
Casey Alton, Self  
Cameron Roden, Department of Public Safety  
Carey Seager, Representing Justin Matheson  
Jewel Fuchs, Weber County SO  
Gaylyn Larsen, Salt Lake Co. SO  
Jack Rickards, Weber State University Police Academy  
Rod Peterson, Logan City PD/BATC  
Russ Roper, Logan City PD  
Brett Roth, Self  
Kathy Slagowski, Utah Highway Patrol  
Terry McKinnon, Utah Highway Patrol  
Erin Alberty, Salt Lake Tribune

**WELCOME AND INTRODUCTIONS**

Chairman Lynn Nelson welcomed those in attendance at POST Council and called the meeting to order at 10:05am.

**INTRODUCTION OF NEW COUNCIL MEMBERS**

The following new members were introduced to the Council;

LuWayne Walker, Juab County Commissioner, worked in Law Enforcement for 31 years.

Dr. Sterling R. Provost, at Large position, retired from the Utah State Board of Regents professional staff and helped organize the UHP Honorary Colonel Association.

Lt. Kyle Shephard, UPOA representative, currently works for West Jordan PD for 23 years.

**APPROVAL OF POST COUNCIL MINUTES**

The POST Council minutes of June 9, 2008, were reviewed and the following motion was made:

**Motion:** *Chief Val Shupe motioned to approve the minutes of June 9, 2008.*

**Second:** *Director Mike Larsen seconded the motion.*

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

**CORRECTIONS CERTIFICATION (GRANDFATHER CLAUSE)**

Director Scott Stephenson explained to the Council the information that was found when he and the POST staff researched the minutes on the corrections certification grandfather clause. It was discovered if an individual was employed before July 1, 1985, and had gone through the law enforcement block of the academy, they could be grandfathered in as a correctional officer.

## **AUDIT REPORT ON SATELLITE ACADEMIES**

Lt. Wade Breur reported under the direction of Capt. Kelly Sparks he and Sgt. Tracy Harper performed two audits since the last Council meeting. The first audit was the Salt Lake County Sheriff's Office Correction Academy and the second was Bridgerland Applied Technology Center Academy. Both academies were found to be in compliance with the standards set by the Council.

## **REPORT ON IN-SERVICE TRAINING HOURS AUDIT**

Manager John Jacobs reported the results of the audit and the reporting of in-service training hours. In April POST requested all agencies to verify current employees.

John reported there are 8,915 active officers in the state, which is 526 more than last year. There was a total of 1,395,891 in-service training hours reported to POST, which gives a weighted average of 87 hours per officer. There were 24 officers that failed to meet this requirement and letters were sent to the officers and their agencies. They have until October 1, 2008, to make up the deficiency.

## **TECHNOLOGY REPORT**

Manager John Jacobs reported the new testing system for basic and in-service training is being used by all satellite academies. This will assist POST staff in validating curriculum objectives and test questions.

POST purchased a 48 station computer lab to support satellite academies and agency training needs.

POST is in the process of replacing the training management system with a more robust tracking software program. The old program was not capable of protecting officer's personal information, thus not meeting security requirements. The new system has been purchased and the files are currently being scanned into the new system.

## **DISCIPLINARY ACTIONS**

Attorney Robert Morton presented the following disciplinary cases.

### **JOHN E. STEVENS - (Possession of Controlled Substance)**

*Appendix A-1*

Aggravating Circumstances: None.

Mitigating Circumstances: None.

**John Stevens received a felony letter of revocation of his peace officer certification from Director Stephenson.**

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

Appendix A-2

Aggravating Circumstances: Disruption to community and department.

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

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

**Second:** *Sheriff Dave Edmunds seconded the motion.*

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

**NATHAN F. AMOSA** - (Sexual Misconduct, Lying Under Garrity)

Appendix A-3

Aggravating Circumstances: On-duty or perception of on-duty status; Willingness to participate in conduct; Disruption to community and/or department; Misusing position of trust.

Mitigating Circumstances: None.

**Motion:** *Colonel Lance Davenport motioned to accept Nathan Amosa'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.*

**CORRI L. EBY** - (Lying under Garrity, On-duty with Alcohol in System)

Appendix A-4

Aggravating Circumstances: On-duty or perception of on-duty status; Willingness to participate in conduct; Violation of POST Policy and Procedure.

Mitigating Circumstances: None.

**Motion:** *Sheriff Mike Lacy motioned to accept Corri Eby's signed consent agreement for revocation of her special functions certification.*

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

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

**JEAN L. EKKER - (Violation of Law Enforcement Code of Ethics)**

Appendix A-5

Aggravating Circumstances: None.

Mitigating Circumstances: None.

**Motion:** *Chief Robert Allinson motioned to accept the signed consent agreement for revocation of her peace officer certification.*

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

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

**RICK S. LAWRENCE – (Illegal Possession, Use of a Controlled Substance)**

Appendix A-6

Aggravating Circumstances: None.

Mitigating Circumstances: None.

**Motion:** *Director Mike Larsen motioned to accept Rick Lawrence'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.*

**JENNIFER MYERS-BUDKE - (Custodial Sexual Misconduct)**

Appendix A-7

Aggravating Circumstances: Willingness to participate in conduct; Disruption to the department; Conviction in criminal court.

Mitigating Circumstances: None.

**Motion:** *Chief Ken Wallentine motioned to accept the Administrative Law Judge's ruling revocation of Jennifer Myers-Budke's correctional officer certification.*

**Second:** *Colonel Lance Davenport seconded the motion.*

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

**RANDY J. PRINCE - (Custodial Sexual Misconduct)**

Appendix A-8

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

Mitigating Circumstances: None.

**Motion:** *Robby Robertson motioned to accept Randy Prince's signed consent agreement for revocation of his correctional officer certification.*

**Second:** *Sheriff Mike Lacy seconded the motion.*

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

**CONSTANTINE A. RODIN - (Assault)**

Appendix A-9

Aggravating Circumstances: On-duty or perception of on-duty status; Disruption to community and/or department.

Mitigating Circumstances: None.

**Motion:** *VP Donna Dillingham-Evans motioned to accept Constantine Rodin's signed consent agreement for revocation of his peace officer certification.*

**Second:** *Sheriff Mike Lacy seconded the motion.*

**Discussion:** SAC Tim Furman stated Mr. Rodin is a contract linguist with the FBI. Mr. Rodin pled guilty to the Assault (Class B Misdemeanor) and pled no contest to interference with public servant (Class B Misdemeanor).

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

**WILLIAM D. SKINNER - (Sexual Misconduct, Lying Under Garrity, Obstruction of Justice)**

Appendix A-10

Aggravating Circumstances: Willingness to participate in conduct; Repetitiveness of conduct; Disruption to community and/or department; Lack of cooperation with investigation.

Mitigating Circumstances: None.

**Motion:** VP Donna Dillingham-Evans motioned to accept the Administrative Law Judge's ruling of revocation of William Skinner's peace officer certification.  
**Second:** Chief Ken Wallentine seconded the motion.  
**Vote:** The motion passed with all in favor.

**ERIC W. BUTLER - (Lying Under Garrity, Policy Violations)**

Appendix A-11

Aggravating Circumstances: On-duty or perception of on-duty status; Willingness to participate in conduct.

Mitigating Circumstances: None.

**Motion:** Colonel Lance Davenport motioned to accept Eric Butler's signed consent agreement for a four-year suspension of his peace officer certification. (6/3/08-6/3/12)  
**Second:** Sheriff Bud Cox seconded the motion.  
**Discussion:** Director Mike Larsen commented when officers lie under Garrity it is concerning to him there is a possibility this individual could still return to law enforcement. He would like to reserve the right to recertify only those officers who are cooperative during investigations.  
**Vote:** The motion passed with all in favor.

**RIAN J. LAURSEN - (Improper Use of Technology)**

Appendix A-12

Aggravating Circumstances: On-duty or perception of on-duty status; Willingness to participate in conduct; Disruption to community and/or department; misuse position of trust.

Mitigating Circumstances: None.

**Motion:** Sheriff Mike Lacy motioned to accept Rian Laursen's signed consent agreement for a four-year suspension of his correctional officer certification. (5/20/08 – 5/20/12)  
**Second:** Colonel Lance Davenport seconded the motion.  
**Vote:** The motion passed with all in favor. (Executive Director Tom Patterson recused himself.)

**KENNETH O. JAMES** - (Threatening with or Using a Dangerous Weapon in a Fight)

Appendix A-13

Aggravating Circumstances: Conviction in criminal court.

Mitigating Circumstances: None.

- Motion:** *Commissioner LuWayne Walker motioned to accept Kenneth James' signed consent agreement for a three-year suspension of peace his officer certification. (7/14/08 – 7/14/11)*
- Second:** *Executive Director Tom Patterson seconded the motion.*
- Vote:** *The motion passed with all in favor.*

**HEATHER DAWN PYPER** - (Reckless Driving, Disorderly Conduct)

Appendix A-14

Aggravating Circumstances: None.

Mitigating Circumstances: None.

- Motion:** *Colonel Lance Davenport motioned to accept Heather Pyper's signed consent agreement for a three-year suspension of her peace officer certification. (6/25/08-6/25/11).*
- Second:** *Robbie Robertson seconded the motion.*
- Vote:** *The motion passed with all in favor.*

**JEREMY R. WELLS-** (Theft)

Appendix A-15

Aggravating Circumstances: On-duty or perception of on-duty; Willingness to participate in conduct.

Mitigating Circumstances: None.

- Motion:** *Robbie Roberts motioned to accept Jeremy Wells' signed consent agreement for a three-year suspension of peace his special functions officer certification. (7/2/08 – 7/2/11).*
- Second:** *Sheriff Mike Lacy seconded the motion.*

Discussion: Sheriff Bud Cox asked if cadets could make purchases without the meal card. Lt. Winward stated they could make purchases with their own money. VP Donna Dillingham-Evans asked if the cards could be tracked to a specific individual. Lt. Winward stated they could.

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

**KEVIN W. FERNELIUS - (Falsification of POST Application)**

Appendix A-16

Aggravating Circumstances: None.

Mitigating Circumstances: None.

**Motion:** *Chief Robert Allinson motioned to accept Kevin Fernelius' signed consent agreement for a two-year suspension of his special functions certification. (9/11/08-9/11/10)*

**Second:** *Chief Val Shupe seconded the motion.*

Discussion: Sheriff Bud Cox asked if two years suspension was enough and if the drugs used were illegal drugs. Lt. Winward reported the drugs used were a tier 2 drug. If the cadet would have disclosed the drug use on the application, he would have been told to reapply in six months. However, the two-year suspension is requested because of the cadet lying on his application.

Director Mike Larsen told the Council it was his agency that reported the discrepancies between the two applications. He stated Ferneilus was a leader in his academy class and feels the Council should show leniency.

Sheriff Bud Cox asked if it was clear Ferneilus knew he was lying. Lt. Winward stated Ferneilus knew if he told the truth he would not be allowed to attend the academy.

**Vote:** *The motion passed with 11 in favor and 3 against.*

**KIM HARWARD - (DUI)**

Appendix A-17

Aggravating Circumstances: None.

Mitigating Circumstances: None.

**Motion:** *VP Donna Dillingham-Evans motioned to accept Kim Harward's signed consent agreement for a two-year suspension of his peace officer certification. (6/27/10 – 6/27/10)*

**Second:** *Robbie Robertson seconded the motion.*

**Vote:** *The motion passed with all in favor. (Executive Director Tom Patterson recused himself.)*

**JOHN LAMBERT - (Driving Under the Influence)**

Appendix A-18

Aggravating Circumstances: Willingness to participate in conduct; Conviction in criminal court.

Mitigating Circumstances: None.

- Motion:** *Sheriff Mike Lacy motioned to accept John Lambert's signed consent agreement for a two-year suspension of his correctional officer certification. (9/11/08 - 9/11/10)*
- Second:** *Commissioner LuWayne Walker seconded the motion.*
- Discussion:** Attorney Bob Morton informed the Council there is a letter of support for Mr. Lambert.
- Vote:** *The motion passed with all in favor. (Executive Director Tom Patterson recused himself.)*

Request for Reconsideration:

**KENNETH CASEY ALTON - (Sexual Misconduct)**

Kenneth Alton addressed the Council and apologized for his actions. His passions lie with working in law enforcement and would like reconsideration because he reported his actions to POST.

Sheriff Cox asked Lt. Winward why the Council raised this to a four-year suspension. Lt. Winward stated this recommendation was first heard and rejected by the Council in March 2008. The Council asked for a four-year suspension because of the repetitiveness of his conduct.

- Motion:** *Sheriff Dave Edmunds motioned not to accept the request for reconsideration and move forward with the four-year suspension of Kenneth Alton's peace officer certification.*
- Second:** *Executive Director Tom Patterson seconded the motion.*
- Vote:** *The motion passed with 9 favor and 5 against.*

Request for Reconsideration:

**BRETT D. ROTH**

Brett Roth addressed the Council and admitted to the allegations. Mr. Roth claimed at the time he started seeing the female parolee, Sheriff Hawkins was aware of the relationship. Roth stated he had no idea it was a third degree felony for him to date a parolee. He presented letters of support from colleagues to the Council. Mr. Roth would like the opportunity to return to law enforcement and requested the Council to consider a suspension rather than revocation.

Council members discussed Roth's request and the following motion was made:

- Motion:** *Sheriff Dave Edmunds motioned not to accept the request for reconsideration and move forward with revoking Brett Roth's peace officer certification.*
- Second:** *VP Donna Dillingham-Evans seconded the motion.*
- Vote:** *The motion passed with all in favor.*

## **MITIGATORS AND AGGRAVATORS OF DISCIPLINARY GUIDELINES**

Sheriff Winder addressed the Council explaining the course of action the Salt Lake County Sheriff's Office takes when disciplining its officers. This process can, at times, take months to complete. He would like to advocate the POST Council include agency recommendation as a mitigating factor in the disciplinary guidelines. He also stated his agency provides rehabilitative assistance to individuals who have a drug or alcohol addiction, however POST guidelines recommend termination for violations involving drugs or alcohol. This may discourage officers from reporting a problem for fear of termination rather than going to administration and seeking assistance.

Chief Shupe asked how he proposed POST sort out the information given to investigators. Sheriff Winder would like the POST Investigator to attach documentation outlining what disciplinary actions were taken by the agency. Right now Sheriff Winder feels the only way to advocate for an officer is to come to the Council meeting and make a statement, which may create a disparity within his department. Chief Shupe states he has contacted POST to inquire on specific cases and POST has been very good to let them know if the sanctions they have imposed fall within the guidelines. Sheriff Winder stated he would like to see documentation of agency action taken against the officer in the report given to the Council members.

SAC Tim Fuhrman stated department heads are notified by POST and this information is already included in the case summaries provided to the Council before the meeting. Sheriff Winder does not feel the current system offers neutral and robust enough input on the part of agency administrators.

Executive Director Patterson also expressed concern with creating disparity in his department. However he feels his agency ultimately needs to be in line with POST Council. He also agreed agencies should have input regarding disciplinary cases presented to the Council.

Sheriff Winder asked agency sanctions be read to the Council and formally recorded. Chairman Nelson stated this information is included in the packet the Council receives from POST prior to the meeting. The information is included in the case summary under a paragraph titled "Chief Administrator's Opinion"- most of the time they support the POST recommendations. This may be a matter of educating chief administrators that they do have the right to have their opinion heard by the Council.

Attorney Bob Morton stated it was important for the Council, as an independent board, to be consistent and independent from the agencies. Cases should not be handled differently because a rural agency does not have the same ability to investigate officer misconduct as a larger agency. POST Council should handle these cases in a consistent manner and not give preference to an officer that has already been disciplined by his agency. There is no problem including information to the Council members on how an agency has disciplined their officers, but there may be an issue if the Council takes into consideration the agencies internal disciplinary process.

Chief Ken Wallentine stated the Attorney General's Office represents the Council and the rulings challenged to the Court of Appeals. He emphasized consistency is vital to the ability to defend the action taken by POST Council. The Council needs to remain independent from the agencies.

Sheriff Winder stated he does not believe that the matrix [guidelines] will help in an appeals court and the cases are not all the same. He requested a minor alteration of the POST review [case summary] prepared by the POST Investigators.

Sheriff Cox asked why the agencies actions were not included in the case summary anymore. Lt. Winward stated the POST doesn't include sanctions taken by a department because POST is dealing with the certification of the officer not their employment.

Dr. Provost motioned to have Director Stephenson take Sheriff Winder's recommendations under advisement. The motion failed for lack of a second.

Director Scott Stephenson stated he would contact Sheriff Winder to discuss his concerns in detail and report to the Council.

### **NEXT POST COUNCIL MEETING**

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

### **ADJOURNMENT**

Motion: Sheriff Mike Lacy motioned to adjourn.

Second: Dr. Sterling Provost

Meeting adjourned at 11:55am.

*APPENDIX - A*





# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-013LE  
**SUBJECT:** John E. Stevens  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Possession of Controlled Substance**

### EMPLOYMENT HISTORY

- Utah Department of Corrections from November 17, 2000 to September 23, 2002
- Summit County Sheriff's Office, part time, November 2000 to August 7, 2007
- Gunnison City Police Department from December 20, 2002 to January 22, 2004
- SanPete County Sheriff's Office from January 22, 2004 to October 9, 2007
- Resigned from SanPete County Sheriff's Office on October 9, 2007, after internal affairs investigation.

### POST INVESTIGATION OF ALLEGATION(S)

Stevens, a SPCSO deputy, was assigned as a member of the Central Utah Drug Task Force. In late August of 2007, the task force commander became concerned over Stevens' work performance. He contacted the SPCSO sheriff and discussed his concerns regarding Stevens.

On September 4, 2007, Stevens reported to his SPCSO supervisor that he was being followed and there were people watching his home.

On September 5, 2007, the SPCSO sheriff met with Stevens. Stevens told the sheriff he recently used cocaine and methamphetamine. Stevens submitted to a Urine Analysis Test (UA). The UA results found Stevens had tested positive for cocaine, amphetamine and methamphetamine.

Based upon the nature of Stevens' assignment the SPCSO sheriff contacted the Utah County Sheriff's Office (UCSO) and requested they conduct an independent investigation into the situation.

On September 11, 2007, UCSO executed a search warrant on Stevens home. During the search substances were found which field-tested positive for methamphetamine. Stevens was subsequently charged with three counts of possession of controlled substances.

On August 6, 2008, Stevens entered a plea in abeyance to three-3<sup>rd</sup> Degree Felony, Possession of Controlled Substances. On August 13, 2008, POST issued a Felony Letter to Stevens revoking his Peace Officer and Correctional Officer Certifications.

**CHIEF ADMINISTRATORS OPINION**

POST contacted SPCSO Sheriff Kevin Holman and he concurs with POST's actions.

**VIOLATION(S)**

Stevens' actions violated the following:

1. Utah Code Ann. § 58-37-8 possession of controlled substances
2. Utah Code Ann. § 53-6-211(l)(d)(iii) unlawful possession or use of drugs
3. Administrative Code R728-409-3(C) conviction of any drug related offense

**AGGRAVATING CIRCUMSTANCES**

None

**MITIGATING CIRCUMSTANCES**

None

**POST RECOMMENDATION**

These charges rise to a level of a Felony Letter. (This is for informational purposes only.)

**POST COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-003LE/C  
**SUBJECT:** Justin S. Matheson  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Off-Duty Sexual Misconduct**  
**Distribution of a Controlled Substance**

### POST INVESTIGATION OF ALLEGATION(S)

Justin S. Matheson was employed and certified as a correctional officer with the Carbon County Sheriff's Office (CCSO) on March 20, 2006. On December 7, 2007, Matheson resigned from CCSO following an internal affairs and criminal investigation.

On December 7, 2007, CCSO met with a complainant to discuss misconduct that Matheson had with her husband. The complainant alleged Matheson was having an off-duty sexual relationship with her husband. It was further alleged Matheson had shared some of his prescription medications with her husband.

The complainant's husband was interviewed later the same day. He admitted to having a prescription for the pills his wife had allegedly accused him taking from Matheson. He was elusive to CCSO investigator's questions, admitting "there may have been a time or two where I ran low and Matheson would bring me one." CCSO investigators did not question him about the sexual relationship.

CCSO interviewed Matheson and he admitted to the off-duty sexual relationship he had with the complainant's husband. Matheson admitted to giving the complainant's husband a prescription pill when he was about to run out. Matheson stated the complainant's husband reimbursed the pill after filling his prescription.

On the evening of December 7, 2007, Matheson submitted his letter of resignation to CCSO. CCSO investigators attempted to contact the complainant and her husband for further follow-up and filing of criminal charges. The investigator could not locate either party and heard the complainant and her husband were back together and left town. The county attorney's office failed to file any criminal charges against Matheson.

POST investigators attempted to locate the complainant and her husband in this case and were unable to. Matheson hired an attorney to represent him. POST and CCSO continued to search for the witnesses in this case but were unable to find them. On April 30, 2008, due to the lack of evidence, no witnesses, and no conviction in criminal court, Matheson agreed to sign a four (4) year suspension of his Peace Officer Certification beginning on June 9, 2008.

## **CHIEF ADMINISTRATOR'S RECOMMENDATION**

POST contacted Sheriff James Cordova with Carbon County Sheriff's Office. He would like to see Matheson's Peace Officer Certification revoked. However, due to the lack of evidence and witnesses, he concurs with POST's recommendation to suspend Matheson's Peace Officer Certification.

## **VIOLATION(S)**

Roth's actions violated the following:

1. Utah Code Ann § 58-37-8 distribution of controlled substance
2. Utah Code Ann § 53-6-211(l)(d)(v) any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement
3. Administrative Code R728-409-3 (J)(1)(a) uncharged conduct which could be considered criminal, although criminal charges against the person were not filed, but the evidence shows the criminal act did occur

## **AGGRAVATING CIRCUMSTANCE(S)**

Disruption to community and department

## **MITIGATING CIRCUMSTANCE(S)**

Unable to locate witnesses  
Lack of evidence  
No conviction or filing in criminal court

## **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. Taking into account the aggravating and mitigating circumstances, POST recommends the Council accept Matheson's signed consent agreement for a four-year suspension beginning on June 9, 2008 through June 9, 2012.

## **POST-COUNCIL ACTION**

On June 9, 2008, POST Council met and reviewed this case. After consideration of the aggravating factors, it was the Council's decision to amend the four-year suspension. The Council recommended POST Investigation staff seek the revocation of Matheson's Peace Officer Certification.

On August 13, 2008, Matheson signed a consent agreement for the revocation of his Peace Officer Certification.

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-037LE  
**SUBJECT:** Nathan F. Amosa  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Sexual Misconduct  
Lying Under Garrity**

### POST INVESTIGATION OF ALLEGATION(S)

Nathan F. Amosa was employed and certified by the Hurricane City Police Department (HCPD) as a police officer on August 27, 2007. On March 31, 2008, Amosa resigned following an internal affairs (IA) and criminal investigation.

On March 28, 2008, Amosa was dispatched to a found child in the Hurricane area. Amosa recognized the child from a similar call and returned the child to the child's mother. Later in the day, HCPD received a complaint from the mother. The mother alleged Amosa kissed her and sexually touched her under her clothing. The mother also alleged Amosa exposed himself to her and forced her to perform sexual acts on him.

On March 28, 2008, HCPD IA interviewed Amosa. After being issued a Garrity warning, Amosa told investigators nothing sexual had occurred. However, in a subsequent interview Amosa claimed the following occurred:

- The mother of the child let Amosa inside her house where they talked
- Amosa informed the mother he would not cite her for child neglect
- The mother was appreciative and hugged Amosa and asked him on a date
- They began kissing and Amosa began touching the mother under her clothing
- The two went into a back bedroom of the home where they engaged in mutual sexual touching

On March 29, 2008, Amosa met with investigators from the Washington County Sheriff's Office (WCSO) and HCPD. Amosa admitted to the facts as discussed with HCPD. Amosa was arrested by WCSO and booked into the Purgatory Correctional Facility. Amosa was charged with two counts of Forcible Sexual Abuse-2<sup>nd</sup> Degree Felony and Forcible Sodomy-1<sup>st</sup> Degree Felony. The criminal case is pending.

On June 24, 2008, POST interviewed Amosa via telephone. Amosa admitted to the facts as discussed with HCPD and WCSO. Amosa also admitted to lying under Garrity. Amosa signed a consent agreement revoking his Peace Officer Certification.

### **CHIEF ADMINISTRATOR'S OPINION**

On August 4, 2008, POST reviewed Amosa's case with Chief Lynn Excell of HCPD. He concurs with POST's recommendation for the revocation of Amosa's Peace Officer Certification.

### **VIOLATION(S)**

Amosa's actions violated the following:

1. Utah Code Ann. §76-5-403 Forcible Sodomy
2. Utah Code Ann. §76-5-404 Forcible Sexual Abuse
3. Utah Code Ann. §53-6-211(1)(d)(iv) any crime involving unlawful sexual conduct
4. Administrative Code R728-409-3(G) in that he violated the Law Enforcement Code of Ethics

### **AGGRAVATING CIRCUMSTANCES**

On-Duty or perception of on-duty status  
Willingness to participate in conduct  
Disruption to community and/or department  
Misuse position of trust

### **MITIGATING CIRCUMSTANCES**

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. POST recommends the Council accept Amosa's signed consent agreement for the revocation of his Peace Officer Certification.

### **POST COUNCIL'S ACTION**

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-056SFO  
**SUBJECT:** Corri L. Eby  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Lying under Garrity**  
**On-duty with Alcohol in System**

### POST INVESTIGATION OF ALLEGATION(S)

Corri L. Eby was attending the POST Academy while employed by the American Fork Police Department (AFPD). On May 9, 2008, Eby completed the Special Function Officer block of training. On July 1, 2008, after an investigation, Eby was released from the academy and was terminated from AFPD.

On July 1, 2008, Eby went to lunch at a local restaurant in Sandy, Utah. During the lunch she consumed alcohol. This violated both POST's policy and procedure (2250) and Cadet Rules and Regulations part 16(B). When she returned to POST, alcohol was detected on her breath by her classmates who then reported it to POST supervisors. She submitted to a breath test on the Intoxilyzer 8000. She had a breath alcohol level of .013 approximately three hours after returning from lunch.

On July 1, 2008, POST interviewed Eby. After being issued a Garrity warning, Eby admitted consuming one large Bud Light at lunch. Eby admitted she knew it was against POST policy and procedure to consume alcohol while attending and reporting for duty at the academy. She was released from the academy due to this policy violation.

On July 2, 2008, POST went to the restaurant Eby had lunch the day before and reviewed her order. The order showed Eby ordered three Bud Lights throughout her lunch. This was confirmed by the waiter and another cadet who accompanied Eby to the restaurant. Eby returned to POST for an interview and was presented the evidence. She continued to assert she only consumed one large Bud Light. Eby signed a consent agreement for revocation of her Special Function Officer Certification, based on policy violation and lying under Garrity.

## **CHIEF ADMINISTRATOR'S OPINION**

On July 2, 2008, POST reviewed Eby's case with Chief Lance Call of AFPD. He concurs with POST's recommendation for the revocation of Eby's Special Function Officer Certification and dismissal from POST.

## **VIOLATION(S)**

Eby's actions violated the following:

1. Utah Code Ann. §53-6-211(l)(d)(v) any conduct or 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)(l)(i-ii) in that she violated the Law Enforcement Code of Ethics
3. POST Policy and Procedure 2250 Alcohol and Gambling
4. Cadet Rules and Regulations part 16(B)

## **AGGRAVATING CIRCUMSTANCES**

On-Duty or perception of on-duty status  
Willingness to participate in conduct  
Violation of POST policy and procedure

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to category C (Lying under Garrity to POST) on the POST Disciplinary Guidelines. POST recommends the Council accept Eby's signed consent agreement for the revocation of her Special Function Officer Certification.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-051LE/C  
**SUBJECT:** Jean L. Ekker  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Violation of Law Enforcement Code of Ethics**

### POST INVESTIGATION OF ALLEGATION(S)

Jean L. Ekker was employed and certified as a correctional officer by the Iron County Sheriff's Office (ICSO) on June 27, 2005. On May 9, 2008, Ekker was terminated from ICSO for multiple policy violations and referred the matter to POST.

On May 1, 2008, agents of Adult Probation and Parole conducted a home visit on a probationer. When the agents inspected the probationer's apartment they discovered Ekker in the bedroom. The agents reported she was fully clothed and was sitting on the bed. The agents recognized Ekker as a county correctional officer. They reported the incident to the ICSO jail commander. Following the jail commander's review of the incident Ekker was terminated from the ICSO.

Information regarding the incident was referred to the Iron County Attorney's Office and charges have been filed.

On July 8, 2008, POST interviewed Ekker. After being issued a Garrity warning, Ekker stated she had not been in a sexual relationship with the probationer until after she was terminated by ICSO. Ekker said she had sexual relations with the probationer on two occasions after she was terminated (between May 9, 2008 and June 10, 2008.) Ekker's actions violated the Law Enforcement Code of Ethics. Ekker signed a consent agreement for revocation of her Correctional Officer Certification.

### CHIEF ADMINISTRATORS OPINION

ICSO Jail Commander Captain Bret Allred concurs with POST's recommendation for revocation of Ekker's Correctional Officer Certification.

## **VIOLATION(S)**

Ekker's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

None

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a level of a Category A (Custodial Sexual Misconduct) on the POST Disciplinary Guidelines. POST recommends the Council accept Ekker's signed consent agreement for revocation of her Correctional Officer Certification.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-014LE  
**SUBJECT:** Rick S. Lawrence  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Illegal Possession/Use of a Controlled Substance**

### POST INVESTIGATION OF ALLEGATION(S)

Rick S. Lawrence was employed and certified by the West Jordan Police Department (WJPD) as a police officer on June 17, 1983. On June 18, 2006, Lawrence resigned from WJPD after testing positive for controlled substances.

On October 6, 2006, Lawrence was selected to participate in a random drug screen urinalysis. The urinalysis tested positive for Marijuana, Cocaine, and Propoxyphene.

On October 17, 2006, Lawrence met with WJPD administration and denied using any controlled substance. Lawrence blamed his drug addicted son as the reason he tested positive. He believed that his son had laced Lawrence's cigars with drugs. This was never substantiated by investigators.

On October 18, 2006, Lawrence submitted a letter to WJPD declaring his intent to retire on November 1, 2006. He was placed on administrative leave without pay until his retirement.

On June 22, 2008, POST met with Lawrence. He told investigators the same story he provided to WJPD about how the drugs got into his system. He agreed to sign a consent agreement for the revocation of his Peace Officer Certification.

### CHIEF ADMINISTRATOR'S OPINION

On July 1, 2008, POST reviewed Lawrence's case with Chief Kenneth McGuire of WJPD. He concurs with POST's recommendation for the revocation of Lawrence's Peace Officer Certification.

### **VIOLATION(S)**

Lawrence's actions violated the following:

1. Utah Code Ann. §58-37-4 use of possession of a controlled substance
2. Utah Code Ann. §53-6-211(l)(d)(iii) possession or use of narcotics, drugs, or drug paraphernalia.
3. Administrative Code R728-409-3(D) in that he violated the Law Enforcement Code of Ethics.

### **AGGRAVATING CIRCUMSTANCES**

None

### **MITIGATING CIRCUMSTANCES**

None

### **POST RECOMMENDATION**

These charges rise to a Category A (Possession or use of tier 1 drugs) on the POST Disciplinary Guidelines. POST recommends the Council accept Lawrence's signed consent agreement for the revocation of his Peace Officer Certification.

### **POST COUNCIL'S ACTION**

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 06-011LE/C  
**SUBJECT:** Jennifer Myers-Budke  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

#### **Custodial Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Jennifer H. Myers-Budke was employed and certified as a correctional officer with the Salt Lake County Sheriff's Office on October 17, 2000. On May 27, 2004, Myers-Budke resigned and became employed as a correctional officer with the Davis County Sheriff's Office (DCSO). On February 1, 2006, Myers-Budke was terminated following a criminal investigation.

On January 31, 2006, Myers-Budke was interviewed by DCSO regarding her alleged sexual involvement with a current inmate on a work release program. Myers-Budke admitted to kissing and sexual touching, but denied any other sexual involvement with the inmate. She claimed these episodes took place when she was off-duty and away from the facility. The inmate admitted to having sexual relations on and off the facility property.

Myers-Budke was charged with Custodial Sexual Misconduct, a Third Degree Felony. On May 24, 2006, Myers-Budke pled guilty to an amended charge of Custodial Sexual Misconduct-Class A Misdemeanor.

POST attempted to contact Myers-Budke on several occasions. On April 25, 2008, an Administrative Complaint was sent to Myers-Budke's last known address. The complaint was refused and returned to POST. Myers-Budke was believed to be in default and an administrative hearing was scheduled.

### ADMINISTRATIVE LAW JUDGE RECOMMENDATION

On July 15, 2008, a default hearing was held in absentia to revoke Myers-Budke's Correctional Officer Certification before Administrative Law Judge (ALJ) J. Richard Catten. The ALJ ruled Myers-Budke was in default and found to be in violation of state statute and the Law Enforcement Code of Ethics. Judge Catten recommended Myers-Budke's Correctional Officer Certification be revoked.

## **CHIEF ADMINISTRATOR'S RECOMMENDATION**

POST contacted Sheriff Bud Cox with the Davis County Sheriff's Office. He concurs with POST's recommendation to revoke Myers-Budke's Correctional Officer Certification.

## **VIOLATION(S)**

Myers-Budke'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  
Conviction in criminal court

## **MITIGATING CIRCUMSTANCE(S)**

None

## **POST RECOMMENDATION**

These charges rise to 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 decision to revoke Myers-Budke's Correctional Officer Certification.

## **POST-COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 06-049LE/C  
**SUBJECT:** Randy J. Prince  
**Investigator:** Rich Fordham

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### ALLEGATION(S)

#### **Custodial Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Randy J. Prince was hired and certified by the Salt Lake County Sheriff's Office (SLCSO) on May 30, 2002. On June 12, 2006, he resigned from SLCSO following an Internal Affairs (IA) investigation.

On April 12, 2005, a former female inmate of the Salt Lake County Jail informed a SLCSO employee that she had a sexual relationship with Prince in 2003. Salt Lake County Investigators were unable to immediately conduct an investigation with Prince because of his military deployment overseas.

On June 1, 2006, SLCSO IA interviewed the female who made the allegation. She told investigators the relationship never took place.

On June 8, 2006, SLCSO IA interviewed Prince. Prince admitted to having a sexual relationship with the female on multiple occasions while he was off duty and at a friend's house.

On July 17, 2008, POST conducted a telephonic interview with Prince. Prince admitted to all the relevant facts of the case and agreed to sign a consent agreement revoking his Peace Officer Certification.

### CHIEF ADMINISTRATOR'S OPINION

On August 4, 2008, POST reviewed Prince's case with Sheriff James Winder of the SLCSO. Sheriff Winder was not in Office at the time of this incident and was reticent to offer an opinion.

## **VIOLATION(S)**

Prince'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 unlawful sexual conduct
3. Administrative Code R728-409-3 (G) Crimes involving unlawful sexual conduct

## **AGGRAVATING CIRCUMSTANCES**

Willingness to participate in conduct  
Repetitiveness of conduct

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a level of a Category A (Custodial Sexual Misconduct) on the POST Disciplinary Guidelines. Based on the aggravating factors, POST recommends the Council accept Prince's signed consent agreement for the revocation of his Peace Officer Certification.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-029LE  
**SUBJECT:** Constantine A. Rodin  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

Assault

### POST INVESTIGATION OF ALLEGATION(S)

Constantine A. Rodin was employed and certified as a correctional officer with the Davis County Sheriff's Office on June 20, 1997. On September 4, 1997, Rodin became employed as a law enforcement officer with the Salt Lake City Police Department (SLCPD). On February 26, 2008, Rodin was terminated from SLCPD following an internal affairs (IA) and criminal investigation.

On January 8, 2008, Rodin was leaving Highland High School when a student said "Hola" to him in the hallway. Rodin was upset with this comment and took the student to the detention office. There were three school resource officers working in the detention office. While detained in the office, Rodin slapped the student on the cheek and twisted the student's ear while threatening to arrest him.

After the assault, Rodin released the student without further incident. The resource officers were shocked and dismayed with Rodin's behavior. Rodin left the school and contacted the resource officers by phone and told them not to report the incident. Rodin asked the officers to say they were not present if questioned about the incident.

On January 22, 2008, Rodin was interviewed by SLCPD IA investigators. He admitted slapping the student on the cheek, but failed to recall pulling the student's ear. Rodin admitted to contacting the resource officers and asking them to deny being present when the incident occurred.

On June 26, 2008, formal charges were filed against Rodin. He has been formally charged with Assault-Class B Misdemeanor and two counts of Interference with a Public Servant-Class B Misdemeanor-the criminal charges are pending.

POST made contact with Rodin, but he referred POST to his attorney. Rodin, through his attorney, signed a consent agreement revoking his Peace Officer Certification.

## **CHIEF ADMINISTRATOR'S OPINION**

On July 22, 2008, POST reviewed Rodin's case with Chief Chris Burbank of SLCPD. Chief Burbank concurs with POST's recommendation for the revocation of Rodin's Peace Officer Certification.

## **VIOLATION(S)**

Rodin's actions violated the following:

1. Utah Code Ann. §76-5-102 Assault
2. Utah Code Ann. §76-8-301 Interference with Public Servant
3. Utah Code Ann. §53-6-211(l)(d)(v) any conduct or 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)(1)(c) in that he violated the Law Enforcement Code of Ethics

## **AGGRAVATING CIRCUMSTANCES**

On-Duty or perception of on-duty status  
Disruption to community and/or department

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a Category D (Commission of any crime that is charged or could have been charged as a Class B Misdemeanor) on the POST Disciplinary Guidelines. Based upon the aggravating factors and multiple Class B Misdemeanor charges, POST recommends the Council accept Rodin's signed consent agreement for the revocation of his Peace Officer Certification.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-020LE  
**SUBJECT:** William D. Skinner  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

Sexual Misconduct  
Lying under Garrity  
Obstruction of Justice

### POST INVESTIGATION OF ALLEGATION(S)

William D. Skinner was employed and certified by the Davis County Sheriff's Office (DCSO) as a correctional officer on September 19, 1994. On July 1, 2006, Skinner resigned from the DCSO and was employed and certified by Syracuse Police Department (SPD) as a peace officer. On December 12, 2008, Skinner became employed with the Morgan County Constables Office (MCCO) on a part time basis. On March 17, 2008, Skinner resigned from SPD and MCCO following an internal affair (IA) and POST investigation.

In September 2007, Skinner and a civilian female employee with the DCSO began a relationship via the Spillman chat program. Skinner and the female employee continued their cyber relationship by sending nude photos to one another from their personal computers. The relationship escalated when they started meeting off-duty to engage in sexual relations. The sexual relationship continued through February 2008, but abruptly ended when the female alleged Skinner raped her in her West Bountiful home.

The female reported the alleged rape to a former SPD peace officer who then reported the incident to SPD administration. SPD contacted West Bountiful Police Department (WBPD) and requested a formal criminal investigation be conducted. During the SPD interview, Skinner told investigators the sexual relationship with the female occurred from December to January when he was separated from his wife. Skinner told investigators he never used force to engage in sexual relations with the female.

On February 22, 2008, Skinner and the female were interviewed by WBPD. According to the female, the alleged rape occurred after Skinner refused to leave her residence without receiving some form of sexual gratification from her. WBPD forwarded the information to the Davis County Attorney's Office to be screened for charges. However, they refused to file any criminal charges against Skinner.

On March 27, 2008, POST interviewed Skinner. After being issued a Garrity warning, Skinner was very evasive during the interview. His statements to POST were different from his statements made to SPD and WBPD. Skinner refused to sign a consent agreement revoking his Peace Officer Certification and he refused POST's request he submit to a polygraph examination.

On April 14, 2008, an Administrative Complaint was filed against Skinner. Skinner filed a timely response to the complaint and an Administrative Hearing was scheduled.

## **ADMINISTRATIVE LAW JUDGE RECOMMENDATION**

On May 27, and July 16, 2008, a hearing was held to revoke William Skinner's Peace Officer Certification before Administrative Law Judge (ALJ) J. Richard Catten. Judge Catten ruled Skinner was found to be in violation of state statutes: 76-7-103-Adultery, 76-8-306-Obstruction of Justice, 53-6-211-Conduct or pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement. Judge Catten also ruled Skinner was in violation of Administrative Code R728-409-3 Lying under Garrity, Sexual conduct which substantially diminishes or, if known, would tend to diminish public confidence and respect for law enforcement, and the Law Enforcement Code of Ethics. Judge Catten's recommendation stated Skinner has no credibility and cannot be trusted or believed. Skinner's conduct with the female, his wife, and the subsequent investigation demonstrated a pattern of deception. Based upon the preponderance of evidence, Judge Catten recommended revoking Skinner's Peace Officer and Correctional Officer Certifications.

## **CHIEF ADMINISTRATOR'S OPINION**

On August 18, 2008, POST reviewed Skinner's case with Chief Brian Wallace of SPD. Chief Wallace concurs with the ALJ's recommendations for the revocation of Skinner's Peace Officer Certification.

## **VIOLATION(S)**

Skinner's actions violated the following:

1. Utah Code Ann. §76-7-103 Adultery
2. Utah Code Ann. §76-8-306 Obstruction of Justice
3. Utah Code Ann. §53-6-211(1)(d)(v) any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement
4. Administrative Code R728-409-3(J)(1)(l)(ii) lying under Garrity
5. Administrative Code R728-409-3(J) (1) (g) (ii) sexual conduct with substantially diminishes or if know, would tend to diminish public confidence and respect for law enforcement.

## **AGGRAVATING CIRCUMSTANCES**

Willingness to participate in conduct  
Repetitiveness of conduct  
Disruption to community and/or department  
Lack of cooperation with investigation

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a Category B, C, D, and E (Crimes of physical violence that could have been charged as a Class A Misdemeanor; Lying under Garrity to POST/agency investigators; Lying, Dishonesty, and False Report; and Consensual sexual misconduct off duty that becomes disruptive to an agency and/or the community) on the POST Disciplinary Guidelines. Taking in consideration the aggravating circumstances, POST recommends the Council accept the ALJ's decision to revoke Skinner's Peace Officer Certification.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-069LE  
**SUBJECT:** Eric W. Butler  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Lying Under Garrity  
Policy Violations**

### POST INVESTIGATION OF ALLEGATION(S)

Eric W. Butler was employed and certified by the Heber City Police Department (HCPD) as a police officer on December 29, 2005. On June 3, 2008, Butler was terminated following an internal affairs (IA) investigation.

In the early morning hours of June 1, 2008, Butler finished working his shift and instead of going home, stopped at a dispatcher's home to attend a party. Butler stayed outside of the residence in his patrol car. At the request of some of the party goers, Butler made several driver license inquiries on his in-car computer. One female at the party asked Butler to check her alcohol level using his department issued PBT, which Butler agreed to do. The female told Butler if he would check her driver license on his computer she would lift her shirt for him. Butler checked her license and while leaving the female lifted her shirt to Butler.

Later the same day, Butler contacted his sergeant to dispel a rumor about him attending a party which involved underage drinking. Butler's sergeant initiated an IA investigation based on the rumor.

On June 2, 2008, HCPD IA interviewed Butler. After being issued a Garrity warning, Butler indicated he went to the dispatcher's home to look at an ATV. Butler claimed the dispatcher and her roommate's cousin came out and asked Butler to check driver license information on his in-car computer. He claimed nothing else occurred.

On June 3, 2008, Butler was interviewed again by HCPD IA. Butler admitted to lying under Garrity. Butler proceeded to tell HCPD IA investigators about the party and the circumstances of the drinking and license checks. The issue of underage drinking was not confirmed.

On July 8, 2008, Butler contacted POST regarding his investigation. Butler informed POST of the case which included lying under Garrity and checking information on his in-car computer. POST had not yet received the HCPD IA investigation. After receiving information from HCPD, POST conducted a telephonic interview with Butler. Butler agreed to all relevant facts of the case and agreed to sign a consent agreement suspending his Peace Officer Certification for four years.

## **CHIEF ADMINISTRATOR'S OPINION**

On July 21, 2008, POST reviewed Butler's case with Chief Ed Rhoades of HCPD. Chief Rhoades concurs with POST's recommendation for a four year suspension of Butler's Peace Officer Certification.

## **VIOLATION(S)**

Butler's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

On-Duty or perception of on-duty status  
Willingness to participate in conduct

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a Category C (Lying under Garrity) on the POST Disciplinary Guidelines. Based on the aggravating factors, POST recommends the Council accept Butler's signed consent agreement for the suspension of his Peace Officer Certification from June 3, 2008, through June 3, 2012.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-050LE/C  
**SUBJECT:** Rian J. Laursen  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

#### **Improper Use of Technology**

### POST INVESTIGATION OF ALLEGATION(S)

Rian J. Laursen was employed and certified by the Utah State Department of Corrections (UDC) as a correctional officer on February 19, 2008. On May 20, 2008, Laursen was terminated following an internal affairs investigation.

On May 15, 2008, Laursen was participating in UDC computer training. After signing a confidentiality agreement, Laursen accessed inmate pictures and information from UDC's computer and downloaded the information on to his personal thumb drive and personal pocket notebook.

Another cadet attending the same training informed supervisors of Laursen's actions. UDC investigators interviewed Laursen and he admitted downloading photographs and information from the UDC computer for personal use. However, no formal charges were filed.

POST attempted to contact Laursen several times. Laursen would hang up when he realized it was a POST investigator calling him on the phone. POST sent Laursen a consent agreement suspending his Correctional Officer Certification for four years. Laursen signed the consent agreement and returned it to POST.

### CHIEF ADMINISTRATOR'S OPINION

On June 25, 2008, POST reviewed Laursen's case with Bureau Chief Brent Wiechman who was acting for and in behalf of Director Thomas Patterson with UDC. Chief Wiechman concurs with POST's recommendation for the suspension of Laursen's Correctional Officer Certification.

## **VIOLATION(S)**

Laursen's actions violated the following:

1. Utah Code Ann. §67-16-4 Improperly disclosing or using private, controlled or protected information
2. Utah Code Ann. §53-6-211(1)(d)(v) any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement
3. Administrative Code R728-409-3(J)(1)(l)(i) in that he violated the Law Enforcement Code of Ethics

## **AGGRAVATING CIRCUMSTANCES**

On-Duty or perception of on-duty status  
Willingness to participate in conduct  
Disruption to community and/or department  
Misuse position of trust

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a Category D (Commission of any crime that is charged or could have been charged as a Class B Misdemeanor) on the POST Disciplinary Guidelines. Based upon the aggravating factors, POST recommends the Council accept Laursen's signed consent agreement for the Suspension of his Correctional Officer Certification- May 20, 2008, through May 20, 2012.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-066LE  
**SUBJECT:** Kenneth O. James  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Threatening with or Using a Dangerous Weapon in a Fight**

### EMPLOYMENT HISTORY

- Utah Department of Corrections (UDC)- employed and certified as a correctional officer on July 17, 1998
- Resigned from UDC on June 29, 1999
- Salt Lake County Sheriff's Office (SLCSO)-employed as a correctional officer on July 1, 1999
- Resigned from SLCSO following an internal affairs investigation and conviction in criminal court on July 14, 2008

### POST INVESTIGATION OF ALLEGATION(S)

On April 11, 2008, James' wife asked a construction worker working in the vicinity of James' home to turn down the loud music. The construction worker refused her request and James' wife returned home and told James. James went to the construction site to confront the construction worker who spoke to his wife.

When James arrived on the construction site, a construction worker ran towards James. James pulled a hand gun and pointed it at the construction worker and told him to back off. James demanded to talk to the construction worker who had addressed his wife. The construction worker backed off and called police.

The Davis County Attorney's Office reviewed, filed, and charged James with: Threatening with or Using a Dangerous Weapon in a Fight or Quarrel-Class A Misdemeanor.

On May 8, 2008, James was interviewed by SLCSO investigators. James admitted to the material facts of the case and added he felt his life was in jeopardy when the construction worker was running toward him. James told investigators he did not go to the construction site with the intent of assaulting or drawing his weapon on anyone.

On July 14, 2008, James pled guilty to the charge of Threatening with or Using Dangerous Weapon in a Fight or Quarrel-Class A Misdemeanor and entered into a plea in abeyance.

On August 5, 2008, POST interviewed James over the phone. James agreed to sign a consent agreement suspending his Peace Officer Certification for three years.

### **CHIEF ADMINISTRATOR'S OPINION**

On August 4, 2008, POST reviewed James' case with Sheriff Jim Winder with SLCSO. Sheriff Winder concurs with POST's recommendations for the suspension of James' Peace Officer Certification.

### **VIOLATION(S)**

James' actions violated the following:

1. Utah Code Ann. §76-10-506 Threatening with or using a dangerous weapon in a fight or Quarrel
2. Utah Code Ann. §53-6-211(1)(d)(v) any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement
3. Administrative Code R728-409-3(J)(1)(c) where the filing of a criminal charge has resulted in a finding of guilt based on evidence

### **AGGRAVATING CIRCUMSTANCES**

Conviction in criminal court

### **MITIGATING CIRCUMSTANCES**

None

### **POST RECOMMENDATION**

These charges rise to a Category C (Commission of any crime that is charged or could have been charged as a Class A Misdemeanor) on the POST Disciplinary Guidelines. POST recommends the Council accept James' signed consent agreement for the Suspension of his Peace Officer Certification-July 14, 2008, through July 14, 2011.

### **POST COUNCIL'S ACTION**

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-042LE  
**SUBJECT:** Heather Dawn Pyper  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Reckless Driving**  
**Disorderly Conduct**

### POST INVESTIGATION OF ALLEGATION(S)

Heather Dawn Pyper completed Special Function Officer training at the Salt Lake Community College on March 27, 2000. On June 2, 2004, she completed Basic Peace Officer training at the Utah Valley State College. Pyper completed Correctional Officer training on August 18, 2005, at the Department of Corrections. Pyper was not currently employed with a law enforcement agency.

On June 24, 2007, a Utah Highway Patrol Trooper responded to a road rage/reckless driving complaint. The female complainant told the Trooper she and Pyper were involved in a road rage incident on I-15. Pyper followed the female complainant to her residence. At the residence, a verbal argument ensued between Pyper and the complainant. Pyper stated to the complainant she was a police officer. When asked to produce police identification Pyper immediately left the scene.

As a result of the Trooper's investigation Pyper was charged with Reckless Driving and Impersonating a Police Officer. On June 24, 2008, Pyper entered a guilty plea to Reckless Driving, a Class B misdemeanor and Disorderly Conduct, a Class C misdemeanor.

On June 25, 2008, POST contacted Pyper and conducted a telephonic interview. Pyper admitted to the material facts of the case and agreed to sign a three-year consent agreement for the suspension of her Peace Officer, Corrections Officer and Special Functions Officer certifications.

### CHIEF ADMINISTRATORS OPINION

None

**VIOLATION(S)**

Pyper's actions violated the following:

1. Utah Code Ann. § 41-6a-528 Reckless Driving
2. Utah Code Ann. § 76-9-102 Disorderly Conduct
3. Utah Code Ann. § 53-6-211(l)(d)(v) Conduct that would tend to disrupt, diminish, jeopardize public trust and fidelity in law enforcement
4. Administrative Code R728-409-3(J)(1)(l)(i) in that she violated the Law Enforcement Code of Ethics.

**AGGRAVATING CIRCUMSTANCES**

None

**MITIGATING CIRCUMSTANCES**

None

**POST RECOMMENDATION**

These charges rise to a level of a Category E & D (Class C and B misdemeanors) on the POST Disciplinary Guidelines. POST recommends the Council accept Pyper's signed consent agreement for a three-year suspension of her Peace Officer, Corrections Officer and Special Functions Officer certifications-June 25, 2008 through June 25, 2011.

**POST COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-057SFO  
**SUBJECT:** Jeremy R. Wells  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Theft**

### POST INVESTIGATION OF ALLEGATION(S)

Jeremy R. Wells was attending the POST Academy while employed by the Utah Highway Patrol (UHP). On May 9, 2008, Wells obtained his Special Function Officer Certification. On July 2, 2008, after an investigation, Wells was released from the police academy and terminated from UHP.

On July 2, 2008, personnel from the Salt Lake Community College (SLCC) Larry H. Miller Campus informed a POST employee they owed money on a culinary meal card. SLCC issues meal cards to cadets while attending POST. Wells found a meal card not issued to him and used it six times and continued to use his issued meal card. Wells went over his daily allotted meal allowance for one week by \$17.90.

On July 2, 2008, POST interviewed Wells. After being issued a Garrity warning, Wells admitted to using both cards. He knew how much he was allotted per day and admitted using the found card to exceed the allotted amount. Wells understood this violation was considered a theft. He signed a consent agreement for a three-year suspension of his Special Function Officer Certification.

### CHIEF ADMINISTRATOR'S OPINION

On July 17, 2008, POST reviewed Wells' case with Colonel Lance Davenport of UHP. He concurs with POST's recommendation for the suspension of Wells' Special Function Officer Certification.

## **VIOLATION(S)**

Wells' actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

On-Duty or perception of on-duty status  
Willingness to participate in conduct

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a Category D (Commission of any crime that is charged or could have been charged as a Class B Misdemeanor) on the POST Disciplinary Guidelines. POST recommends the Council accept Wells' signed consent agreement for the suspension of his Special Function Officer Certification from July 2, 2008, through July 2, 2011.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-052SFO  
**SUBJECT:** Kevin W. Fernelius  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Falsification of POST Application**

### POST INVESTIGATION OF ALLEGATION(S)

Kevin W. Fernelius was a cadet at the Utah Valley State College (UVSC) Satellite Police Academy. Fernelius was Special Function Officer certified and was attending the Law Enforcement Officer block of training. He submitted his application for admittance into the UVSC Academy on August 2, 2007. On May 12, 2008, Fernelius submitted an application to the Orem Department of Public Safety (ODPS) for a position as a police officer. During his background investigation it was discovered he omitted information regarding drug usage on his POST application.

ODPS investigators compared Fernelius' POST application to his employment application and discovered inconsistencies. Specifically, Fernelius listed pain medication and anabolic steroid usage on his employment application but not on his POST application. When questioned, Fernelius admitted to omitting the drug usage on his POST application. Fernelius told investigators he thought it might preclude him from being accepted to the UVSC Academy.

On June 18, 2008, Fernelius was interviewed at POST. After being issued a Garrity warning, Fernelius admitted to the material facts of the case and signed a consent agreement for a two-year suspension of his Special Function Certification. In addition, Fernelius was removed from the UVSC training program.

### CHIEF ADMINISTRATORS OPINION

Chief Mike Larsen and UVSC POST Training Director Steve Demille concur with POST's recommendation for a two-year suspension of his Special Functions Officer Certification and his removal from the training program.

**VIOLATION(S)**

Fernelius' 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(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 Category D (willful falsification to obtain certified status) on the POST Disciplinary Guidelines. POST recommends the Council accept Fernelius' signed consent agreement for a two-year suspension of his Special Functions Officer Certification, beginning on September 11, 2008 and ending on September 11, 2010.

**POST COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-033LE  
**SUBJECT:** Kim S. Harward  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Driving Under the Influence**

### POST INVESTIGATION OF ALLEGATION(S)

Kim S. Harward was employed and certified as a correctional officer with the Utah Department of Corrections (UDC) on October 19, 1990. On December 20, 1995, UDC certified Harward as a peace officer. On July 27, 2008 Harward was terminated from UDC after an internal affairs (IA) investigation.

On February 13, 2008, while operating his personal motor vehicle, Harward was stopped by the Hurricane Police Department for speeding. Based upon Harward's slurred speech and confused behavior, he was requested to submit to a standardized field sobriety test. After failing the test Harward was arrested for driving under the influence.

As a result of the DUI interview, Harward was requested to submit to a blood draw. The toxicology report indicated Harward's blood contained Hydrocodone and Methadone at the time of his arrest.

Harward was charged with Speeding and Driving with a measurable amount of controlled substances in the body. On June 17, 2008, Harward entered a guilty plea to speeding however the driving with a measurable amount of a controlled substance charged was dismissed.

On July 8, 2008 POST interviewed Harward. After a Garrity warning, Harward claimed the only recollection he had of the evening was going to bed. Harward signed a consent agreement for a two-year suspension of his peace officer certification.

### CHIEF ADMINISTRATOR'S OPINION

On August 21, 2008, POST reviewed Harward's case with UDC Bureau Chief Brent Wiechman who was acting for and in behalf of Director Thomas Patterson. Chief Wiechman concurs with POST's recommendation for the two-year suspension of Harward's Peace Officer Certification.

### **VIOLATION(S)**

Harward's actions violated the following:

1. Utah Code Ann. §41-6a-517 Driving with any measurable controlled substance in the body.
2. Utah Code Ann. §53-6-211(l)(d)(iv) any crime involving driving under the influence of alcohol or drugs
3. Administrative Code R728-409-3(I) in that he violated the Law Enforcement Code of Ethics

### **AGGRAVATING CIRCUMSTANCES**

None

### **MITIGATING CIRCUMSTANCES**

None

### **POST RECOMMENDATION**

These charges rise to a Category D (DUI, first offense) on the POST Disciplinary Guidelines. POST recommends the Council accept Harward's signed consent agreement for the suspension of his Peace Officer Certification-July 27, 2008 through July 27, 2010.

### **POST COUNCIL'S ACTION**

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-048LE/C  
**SUBJECT:** John C. Lambert  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Driving Under the Influence**

### POST INVESTIGATION OF ALLEGATION(S)

John C. Lambert was employed and certified as a correctional officer with the Utah Department of Corrections (UDC) on March 11, 1996. On April 18, 2008, Lambert was arrested for DUI.

On April 18, 2008, Lambert was stopped by the Spanish Fork Police Department. During the traffic stop, the officer noticed Lambert's speech was slurred and detected the odor of alcohol on his breath. After Lambert performed the field sobriety tests, the officer concluded he was impaired and arrested him for DUI. Lambert was taken to the Utah County Jail where he agreed to a breath test- his breath alcohol level was 0.172.

On April 28, 2008, UDC interviewed Lambert. After being issued a Garrity warning, he admitted to the material facts of the case. Lambert was cooperative with the investigators during the investigation.

On June 6, 2008, POST interviewed Lambert. After being issued a Garrity warning, he admitted to the material facts of the case and agreed to sign a consent agreement suspending his Correctional Officer Certification for two years.

On June 30, 2008, Lambert pled guilty to the lesser charge of alcohol related reckless driving-Class B Misdemeanor.

### CHIEF ADMINISTRATOR'S OPINION

On June 2, 2008, POST reviewed Lambert's case with UDC Bureau Chief Brent Wiechman who was acting for and in behalf of Director Thomas Patterson. Chief Wiechman concurs with POST's recommendation for the two year suspension of Lambert's Correctional Officer Certification.

### **VIOLATION(S)**

Lambert's actions violated the following:

1. Utah Code Ann. §41-6a-502 DUI
2. Utah Code Ann. §53-6-211(l)(d)(iv) any crime involving driving under the influence of alcohol or drugs
3. Administrative Code R728-409-3(I) in that he violated the Law Enforcement Code of Ethics

### **AGGRAVATING CIRCUMSTANCES**

Willingness to participate in conduct  
Conviction in criminal court

### **MITIGATING CIRCUMSTANCES**

None

### **POST RECOMMENDATION**

These charges rise to a Category D (DUI, first offense) on the POST Disciplinary Guidelines. POST recommends the Council accept Lambert's signed consent agreement for the suspension of his Correctional Officer Certification-September 11, 2008 through September 11, 2010.

### **POST COUNCIL'S ACTION**

### **FINAL ORDER**