

POST COUNCIL MEETING

September 18, 2007 at 10:00 a.m.

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

Agenda

- ❖ Welcome and Introductions - Chairman Lynn Nelson
- ❖ Approval of June 14, 2007 Minutes - Chairman Lynn Nelson
- ❖ Concealed Weapons – Deputy Commissioner Ed Phillips
- ❖ Report on Hildale/Colorado City Issues - Counsel Rick Wyss
- ❖ Utah Retirement Systems (URS) Letter - Director Rich Townsend
 - 40 Hours In-Service Training
- ❖ POST Automation of Records - Training Manager John Jacobs
 - Yearly Reconciliation Audit
- ❖ Status Change Form - Deputy Director Scott Stephenson
- ❖ Satellite Academy Reports:
 - Dixie College – Director Dave Holm
 - Weber State University – Director Kelly Sparks
- ❖ Disciplinary Actions - Counsel Rick Wyss
- ❖ Schedule Next Meeting:
- ❖ Adjourn for Lunch:



POST COUNCIL MEETING

September 18, 2007

*Public Safety Education and Training Center
Sandy, Utah*

MINUTES

On September 18, 2007, a regularly scheduled POST Council meeting was held at 10:00am at the Public Safety Education and Training Center, Sandy, Utah. Chairman Lynn Nelson conducted.

The following POST Council members were in attendance:

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

The following were excused and/or absent:

Commissioner James J. Eardley, Washington County
Mayor Joe Ritchie, Roy City
Attorney General Mark Shurtleff, Attorney Generals Office (Represented by Chief Wallentine)

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
Bryant Green, POST Investigations (on loan from DOC)
Rick Wyss, DPS Legal Counsel representing POST
John Jacobs, Training Manager
Lt. Wade Breur, POST Basic Training Bureau Chief



Others present:

Director David Holm, Dixie State Police Academy
Director Kelly Sparks, Weber State Police Academy
Director Dennis Hutchinson, Department of Corrections Training
Director Sid Groll, DNR Law Enforcement
Ben Winslow, Desert Morning News
Nate Carlisle, Salt Lake Tribune
Thomas B. James
John T. James
Director Rod Peterson, Bridgerland Police Academy
Sheriff Cameron Noel, Beaver County S. O.
Sheriff Brad Slater, Weber County S. O.
Director Jim Hoffman, Salt Lake Community College
Brian Stecklein, Weber State University
Michael Boone
Susan Hornbuckle
Assistant Chief Greg Krusi, Clearfield P.D.
Chief Jim Schilling, Clearfield P.D.

WELCOME AND INTRODUCTIONS

Chairman Lynn Nelson welcomes the Council Members and has the visitors introduce themselves.

APPROVAL OF POST COUNCIL MINUTES

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

Motion: *Robbie Robertson motioned to approve the minutes of June 14, 2007.*
Second: *Sheriff Mike Lacy seconded the motion.*
Vote: *The motion passed with all in favor.*

OPEN CARRY OF A WEAPON

Deputy Commissioner Ed Phillips proposed to have officer training on “open carry” of a firearm implemented into the basic training curriculum. Robbie Robertson stated it would be a good idea to include “concealed weapons” training also. Director Townsend told the Council it would be a simple process to add this information to the existing curriculum.

Motion: *Sheriff Mike Lacy motioned to accept the proposal.*
2nd: *VP Donna Dillingham-Evans seconded the motion.*
Vote: *Motion passed with all in favor.*

REPORT ON HILDALE/COLORADO CITY ISSUES

Counsel Rick Wyss reminded the Council members POST was waiting for Arizona POST to complete their investigation on Hildale/Colorado City officers. The results from the Arizona POST's findings will impact the investigation being done by Utah POST Investigations. Dir. Townsend, Lt. Winward and Mr. Wyss attended the Arizona administrative hearings on this issue and the Administrative Law Judge (ALJ) ruled the Arizona POST Council had followed



correct procedure in the discipline decisions of these officers. The Arizona POST Council will now hand down the discipline on September 19, 2007, and the Utah POST Council will receive information by mail regarding the ruling.

UTAH RETIREMENT SYSTEMS (URS) LETTER

Director Townsend informed the Council of POST's diligence in gathering the in-service training hours from law enforcement agencies throughout the state. POST sent out approximately 40 suspension letters suspending an officer's authority to have peace officer powers until their training hours are reported (per State Statute 53-6-202{4}{b}). These officers have until October 1, 2007, to makeup the deficiency before POST reports them to the Utah Retirement System. The Chief, Sheriff or Administrative Officer of each law enforcement agency has the authority to determine what training is qualified as in-service training.

POST AUTOMATION OF RECORDS

Manager John Jacobs reported the audit of all the agencies in the state took well over a year to complete and POST now has an accurate count of every officer in the state. This year was the first year agencies were able to report in-service hours on-line. Approximately 38% of agencies participated in using the on-line reporting system. Also, this system allows a training coordinator to check what officers are registered or are on a wait-list for POST in-service classes. POST is working toward having 40 hours of in-service training available on-line. John Jacobs reported the results of the audit, informing the Council there are 182 agencies in the state, which employ 8,389 officers.

STATUS CHANGE FORM

Captain Scott Stephenson advised the Council that during the audit of the agencies it was obvious POST's records were not matching department records. The biggest problem POST noticed was when an officer was leaving a department and going to a different agency, POST was not receiving this information. Both the "Notification of Personnel Status Change" form and the "Application for Certification" form have been updated and are available on-line to all departments. POST is confident these forms will, in conjunction with the online capabilities, make-it easier for agencies to report the change of status on officers. Capt. Stephenson reiterated how important it is for POST to receive this information in order for the records of officers to remain current.

Sheriff Cox questioned about the Application for Certification, stating he has officers working in multiple classifications, but under "certification information", it only asks for one certification. Capt. Stephenson replied the primary function of the officer needs to be reported on the "Position" line and all applicable certifications should be marked on the form. Officers can be utilized in any capacity they are certified in by their agency.

On a year-to-year basis, POST will conduct an agency reconciliation audit. Every agency will be required to report any discrepancies to POST. Therefore, the reporting system will be up to date when agencies are ready to report their in-service hours for each officer they employ.

Attachments included: **1 - Notification of Personnel Status Change**
 2 - Application for Certification



SATELLITE ACADEMY REPORTS

Director Dave Holm, of the Dixie College Satellite Academy, reported their new academy is in session and has almost completed the SFO block; with three or four of the cadets already being hired by agencies. These hired cadets are scheduled to attend POST to complete the LEO portion of the academy so they can graduate earlier. Dixie College is receiving great support from the law enforcement agencies they serve.

Director Kelly Sparks, of the Weber State University Satellite Academy, reminded the Council of a proposal made during the March meeting by Sheriff Brad Slater. The proposal introduced the possibility of developing an accelerated academy for students who graduate with their bachelors' degree in criminal justice. WSU graduates approximately 120 students per year in this field with most of the students intending on pursuing a career in law enforcement. The abbreviated academy would appeal to graduates because they would receive credit for their earned degrees. WSU will ensure the criminal justice curriculum covers the classroom portion of POST, while leaving only the skill-based areas of the academy to learn. These areas include firearms, defensive tactics, physical fitness, emergency vehicle operation, etc.

A committee has been formed to study this proposal and make recommendations to the Council. This report is for information only and, in the future, the Council may be asked to authorize a pilot program, which will start with 10 students. The committee will present additional information at the December POST Council.

Director Sparks presented the after action report on the corrections portion of the WSU academy and requested permission to continue corrections training. This is a partnership between Weber County SO and WSU and by all accounts has been a complete success. Davis County SO and Layton City PD are also contributing to the training at the academy and are sponsoring cadets. FYI - 62 officers have graduated from the correction portion of the academy and four have failed.

Motion: *Sheriff Bud Cox motioned to grant Weber State University permission to continue the corrections training.*
Second: *Sheriff Dave Edmunds seconded the motion.*
Vote: *The motion passed with all in favor.*

Director Rod Peterson, of the Bridgerland Satellite academy, reported the correction portion of the academy is vital to their region and wanted to thank the POST Council of the approval. On October 11, 2007, they will graduate 22 cadets. Their goal for next year is to provide in-service training to the northern region.



DISCIPLINARY ACTIONS

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

MARCUS J. BARRETT – (Disorderly Conduct)

Marcus Barrett was employed by the Salt Lake City Police Department (SLCPD) until his resignation on December 8, 2006, following an internal affairs investigation.

On August 29, 2006, Marcus Barrett was playing basketball and became involved in a physical altercation at the Gold's Gym in West Valley City. The victim and Barrett exchanged words and then became entangled and wrestled to the floor. The altercation was quickly broken up, and neither person was injured. When the game ended, the victim left the gym, but Barrett continued to play with several others that remained. Barrett left the gym a short time later and noticed the victim waiting for him in a car outside the gym. Barrett also recalled two other vehicles behind the victim's vehicle and assumed they were his friends. Barrett and the victim then exchanged words again and the victim took off in his vehicle. Barrett got into his marked police vehicle and pulled in front of the victim's vehicle. Barrett didn't have his pistol in his vehicle so he retrieved his shotgun from the trunk and racked the action; the weapon was empty. Barrett yelled profanities at the victim and ordered him to roll down his window; he then put the shotgun back into the trunk. The incident was recorded on dispatch tapes when the victim called 911. West Valley Police Department responded and Barrett was charged with misdemeanor assault, unlawful detainment, and disorderly conduct.

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

On April 23, 2007, Barrett signed a consent agreement for a three (3) year suspension of his police certification. The suspension would have been from April 9, 2007 to April 8, 2010.

On June 14, 2007, POST Council denied the signed consent agreement for a three-year suspension and requested POST Investigators to seek a signed consent agreement for revocation.

On June 28, 2007, Barrett signed and returned a consent agreement for revocation of his peace officer status.

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

Mitigating Circumstances: None.

Motion: *Larry Gillett to accept the signed consent agreement for revocation of Marcus Barrett's peace officer certification.*

Second: *Chief Val Shupe seconded the motion.*

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

MICHAEL J. BOONE - (Sexual Misconduct)

Michael J. Boone was hired by Clearfield City Police Department on September 18, 1992, where he was employed until his resignation on November 30, 1997. Boone was rehired by the Clearfield Police Department on May 23, 2000. During his tenure with Clearfield City PD, he attained the rank of sergeant.



On April 16, 2007, Boone told the Clearfield Chief of Police that he had a one- time, off-duty sexual encounter with a married Clearfield City Police Dispatcher, whom he supervised. The admission was prompted by his crew's knowledge of the sexual relationship. The crew gave Boone an ultimatum, telling him to inform the department or they would report the incident themselves. The female dispatcher admitted to the off-duty sexual encounter and resigned her employment, citing friction with fellow dispatchers resulting from her sexual relationship with Sergeant Boone.

On May 3, 2007, Sergeant Boone was demoted from the rank of Sergeant to Police Officer III. This demotion followed an internal affairs investigation substantiating the inappropriate sexual relationship.

Michael Boone signed a consent agreement for a two-year suspension of his peace officer certification from the date of POST Council.

<p><u>Aggravating Circumstances:</u> ~ Supervisory authority. ~ Caused a disruption to the community and/or department.</p> <p><u>Mitigating Circumstances:</u> ~ Off duty</p>
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Michael Boone addressed the Council and reported he did not directly supervise Ms. Phillips.

Motion: *Larry Gillett motioned to accept the signed consent agreement for a two-year suspension of Michael Boone's peace officer certification. (September 18, 2007 – September 18, 2009)*

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

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

STACEY PHILLIPS - (Sexual Misconduct)

Stacey Phillips was hired by Clearfield City Police Department on July 25, 2006 as a certified dispatcher. She was employed until her resignation on April 16, 2007.

This case involves Sergeant Michael Boone, which is also being addressed by the POST Council.

On April 16, 2007, Sergeant Boone told the Clearfield Chief of Police that he had a one- time, off-duty sexual encounter with a married Clearfield City Police Dispatcher, whom he supervised. Ms. Phillips admitted to the off-duty sexual encounter and resigned her employment, citing friction with fellow dispatchers resulting from her sexual relationship with Sergeant Boone.

Dispatcher Stacey Phillips signed consent agreement for a two-year suspension of her dispatcher certification from the date of POST Council.

<p><u>Aggravating Circumstances:</u> ~ Willingness to participate in conduct. ~ Disruption to community and/or department</p> <p><u>Mitigating Circumstances:</u> None.</p>



Motion: *Sheriff Mike Lacy motioned to accept the signed consent agreement for a two-year suspension of Stacey Phillip's dispatcher certification. (September 18, 2007 – September 18, 2009)*
Second: *Robbie Robertson seconded the motion.*
Vote: *The motion passed with all in favor.*

ESCHELLE E. BUTCHER – (Disorderly Conduct)

Eschelle Butcher was hired by Clearfield City Police Department on June 28, 1999, as a certified dispatcher. She is currently employed by the Davis County Sheriff's Office.

On April 12, 2007, Eschelle Butcher's nine-year old child was misbehaving. The child has a history of anger problems and receives counseling and medication for anger outbursts. During this incident, Ms. Butcher got frustrated and slapped the child across the face. The child has a step-mother by the name of, Virginia Helm, the day after the slapping incident, Ms. Helm called her step-son to ask him a question regarding an issue at school. The step-son told her he did not go to school that day because he had a red mark on his face from his mother hitting him. Ms. Helm contacted the Syracuse Police Department and reported the child abuse case. The Syracuse Police Department investigated the case and cited Eschelle Butcher with Child Abuse, Class B misdemeanor. During the investigation, Butcher admitted to striking the child but did not think she hit him that hard.

On June 11, 2007, Butcher pled guilty to the amended charge of Disorderly Conduct, a Class C misdemeanor. She was ordered to pay court costs and was placed on court probation for 18 months. The effective dates for the probationary period are June 11, 2007 through December 18, 2008.

On May 18, 2007, an internal affairs investigation substantiated the incident. Butcher was moved from her certified dispatcher position to a non-certified position within the department.

Butcher signed a consent agreement, agreeing to a one-year suspension of her dispatcher certification starting May 18, 2007, or for the duration of her court probation.

Aggravating Circumstances: ~ Conviction in criminal court.

Mitigating Circumstances: ~ Agency Support.
~ Takes responsibility for actions.
~ Pled to lesser offense.

Motion: *Colonel Lance Davenport motioned to accept Eschelle Butcher's signed consent agreement for a one-year suspension of her dispatcher certification or until her probation is complete.*
Second: *Executive Director Tom Patterson seconded the motion.*
Vote: *The motion passed with all in favor.*



KARL D. CALLISON – (Sexual Misconduct/Code of Ethics)

Karl Callison was hired by the Department of Corrections in December 1995, and resigned after two weeks of employment. Callison was inactive for two years until he passed the reactivation exam and was hired by Iron County Sheriff's Office (September 1, 1997). Callison resigned on November 19, 2001, following an internal investigation and receiving a Letter of Caution from POST for off duty sexual misconduct.

Callison was out of law enforcement for almost three years before taking the reactivation exam for the second time. After successfully passing the reactivation exam, he was hired by Enoch City Police Department on October 1, 2004, where he was employed until his resignation on July 20, 2007. During his employment with Enoch City Police Department, he achieved the rank of sergeant.

On July 16, 2007, Sgt. Karl Callison informed his Chief that he had been having a sexual affair with a woman he met while assisting on a civil case. Callison stated he would meet her after work in his police vehicle, in uniform, at the north end of Enoch Road and engage in sexual acts. Callison was placed on administrative leave and he resigned on July 20, 2007.

In August, 2007, Callison signed a consent agreement, agreeing to the revocation of his peace officer certification from the date of POST Council acceptance.

Aggravating Circumstances: ~ Knowledge and experience.
~ Repetitiveness of conduct.
~ Disruption to community and/or department.
~ Misuse position of trust and authority.
~ On-Duty or perception of on-duty status.
~ Pre-existing warnings.

Mitigating Circumstances: None.

Motion: *Chief Robert Allinson motioned to accept Karl Callison'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.*

MARK A. EDWARDS - (One Count of Distribution of Controlled Substance)

Mark E. Edwards has been employed by the Utah Department of Corrections (DOC) since March 18, 1994. Edwards resigned from the DOC on November 13, 2003, after an internal affairs investigation.

On November 13, 2003, Edwards admitted to DOC administration that he was addicted to prescription drugs and resigned. Edwards was not actively engaged in law enforcement after this date.

On September 30, 2005, Cedar City P.D. arrested Edwards for Unauthorized possession of a prescription drug. After a prosecutor screened the case, Edwards was charged with one felony count of Distribution of a Controlled Substance.



On July 9, 2007, Edwards plead guilty to Distribution of a Controlled Substance, a 1st degree felony. On July 11, 2007, Edwards was issued a Felony Revocation Letter by Director Townsend.

Aggravating Circumstances: ~ Conviction in criminal court.

Mitigating Circumstances: ~ Honesty with POST investigators/Garrity.

Vote on this case is not necessary, informational only to the Council.

MIKE W. HART - (Wanton Destruction of Protected Wildlife, Class B Misdemeanor)

Mike Hart was hired by Utah Department of Corrections on August 14, 2000, where he is currently employed.

In November 2006, Hart, a licensed trapper, set his trap line. Utah leg trap laws require the trapper to check his trap lines every 48-72 hours. Hart stated he worked three 12 hour shifts. Following completion of his shifts, personal issues arose requiring him to go to Nevada for an additional two days. On the morning of the sixth day, Hart checked his trap line and found he had caught a bobcat. Hart had a bobcat tag and dispatched (killed) the bobcat.

A short time later, a DWR Officer stopped Hart and asked about the bobcat. Hart told the officer the truth about working for three days and going to Nevada for two days before checking his trap line. The bobcat was confiscated and Hart was informed he would be contacted about possible criminal charges.

Hart found out in February 2007 that he was being charged with Wanton Destruction of Protected Wildlife, Class B Misdemeanor. On February 12, 2007, Hart plead guilty to a Class B Misdemeanor for Wanton Destruction of Protected Wildlife in Sevier County's Sixth District Court. He was fined \$850.00 and placed on one-year court probation. Hart stated he informed his immediate supervisor of his guilty plea the day it happened.

Hart signed a consent agreement, agreeing to a one-year suspension of his certification from the date of POST Council.

Aggravating Circumstances: ~ Conviction in criminal court

Mitigating Circumstances:

- ~ Agency opinion/support
- ~ Takes responsibility for actions
- ~ Minimal disruption to community or department
- ~ Truthfulness and cooperation with investigation

Attorney Rick Wyss informed the POST Council that the charges against Michael Hart were dropped by Sevier County Attorney. Based on the recommendation of the Sevier County Attorney, the conviction was vacated and all charges were dismissed. The Council revisited the facts and determined Hart had only committed one infraction-not checking his trap line per state statute.



Motion: *Sheriff Mike Lacy motioned to take no action against Mike Hart's certification after being informed the conviction had been vacated and the charges dismissed by the County Attorney's Office.*

Second: *Chief Ken Wallentine seconded the motion.*

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

TIMOTHY J. MAY - (Attempted Insurance Fraud/5 Counts of Misuse of Access to Criminal History Records)

Timothy May began his career in law enforcement as a reserve officer with South Ogden Police Department in August of 1998. He went on to work in several other capacities with different agencies including correctional officer for Weber County SO, police officer for Ogden City PD and finally, a police officer with Clearfield City PD (CCPD) beginning in November of 2003. On June 11, 2007, May was terminated from CCPD after an internal affairs investigation.

During the course of the internal affairs investigation, it was discovered May misused the Utah Criminal Information System (UCJIS), which contains sensitive and protected data. May gave a false report to the Ogden City Police Department that his home was burglarized. One of the items he reported stolen was a fur coat valued at \$5000.00 and then filed a false insurance claim for the alleged loss. Assistant Chief Krusi believed May lied about the allegations even after a Garrity warning.

A polygraph examination was conducted by the Davis County Sheriff's Office on April 26, 2007. As a result of the polygraph examination, May admitted to the misuse of the state computer system at least five or six times to check for drivers license information, warrants and sex offender information. May further admitted he accessed this protected information to give to his friends.

The State of Utah Insurance Fraud Division (IFD) was asked to investigate the allegation of insurance fraud. The investigation revealed the coat was hidden in May's attic.

On July 27, 2007, POST contacted May to arrange for an interview. May said due to his new job he did not have any time for an interview but he was willing to sign a consent agreement for revocation of his peace officer certification. On August 3, 2007, May signed a consent agreement for revocation of his police certification. Chief Schilling of CCPD was contacted and agreed with the revocation.

Aggravating Circumstances: ~ Untruthfulness during investigation.
~ Lying under Garrity to department.

Mitigating Circumstances: None.

Motion: *Larry Gillett motioned to accept Timothy May's signed Consent Agreement for revocation of his peace officer certification.*

Second: *Sheriff Bud Cox seconded the motion.*

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



DAVID R. MOTT - (Sexual Misconduct/Criminal Misconduct/Code of Ethics)

David Mott was hired by The Beaver County Sheriff's Office on September 12, 1995, where he was employed until his resignation on June 28, 2007.

In June of 2007, the Beaver County Sheriff's Office received several complaints involving Sergeant Mott. The husband of a local school teacher alleged his wife and Sergeant Mott, who was also married, were having a sexual affair. Shortly after the internal affairs investigation began, Mott resigned and refused to be interviewed, it should be noted the female school teacher also refused to be interviewed. It was discovered during the investigation that Mott had "fixed" a few tickets. He had done so by either pulling the citations from lower ranking officers or by telling the court that the individual who received the citation was a confidential informant.

Mott was contacted by POST and agreed to an interview. On August 13, 2007, Mott appeared for his interview at POST. Prior to the interview, Mott stated he had been advised by his attorney not to answer any questions. POST Investigator asked Mott if he would sign a consent agreement for revocation of his peace officer certification.

On August 13, 2007, Mott signed a consent agreement, agreeing to the revocation of his peace officer certification from the date of POST Council's acceptance.

Aggravating Circumstances: ~ Knowledge and experience
~ Supervisory authority
~ Disruption to community and/or department
~ Misuse position of trust and authority
~ Lack of cooperation with investigation

Mitigating Circumstances: None.

Sheriff Noel addressed the Council and reported Mott is going to be criminally charged. The Sheriff also informed the Council that Mott was a supervisor at the time of incident.

Motion: *Colonel Lance Davenport motioned to accept David Mott's signed consent agreement for revocation of his peace officer certification.*

Second: *Director Mike Larsen seconded the motion.*

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

ROGER OPENSHAW - (Drug Use/Criminal Misconduct/Code of Ethics)

Roger Openshaw was hired by the Lehi City Police Department on April 24, 2001. He was employed until his resignation on July 16, 2007.

On June 13, 2007, Corporal Jeremy Elswood, Lehi Police Department, reported his SWAT locker had been broken into. Corporal Elswood is a K9 training officer and kept training aids (drugs) in his locker. Corporal Elswood reported he measured the training aids (drugs) and found only minor discrepancies which could be attributed to transfer from one aid to another. All of Corporal Elswood's belongings were removed from the locker and a marking powder was applied to the locker.



On July 10, 2007, it was determined the locker was again forced open between July 5, 2007, and July 10, 2007. A mandatory meeting was conducted for all employees to inform them of the locker breaches. After the meeting, employees were given the remainder of the day to come forward with any information regarding the incidents. Officer Openshaw came forward and confessed to forcing the locker open to play a practical joke. When he forced the locker open, he found the K9 training aids (marijuana) and decided to take a small amount of marijuana in order to help him cope with stress. Openshaw admitted to smoking the marijuana. Openshaw was placed on administrative leave and resigned his employment with Lehi City Police Department on July 16, 2007.

On August 21, 2007, Openshaw signed a consent agreement, agreeing to the revocation of his peace officer certification from the date of POST Council acceptance.

Aggravating Circumstances: ~ Repetitiveness of conduct
~ Disruption to community and/or department
~ On-Duty/At workplace

Mitigating Circumstances: None.

Motion: *Ben Jones motioned to accept Roger Openshaw's signed consent agreement for revocation of his peace officer certification.*

Second: *Sheriff Dave Edmunds seconded the motion.*

Discussion: Chief Ken Wallentine stated he felt the officer should be criminally charged.

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

DERK PALFREYMAN - (Felony Theft)

Derk Palfreyman was employed by The Utah County Sheriff's Office (UCSO) on June 9, 2004. He resigned on March 15, 2007, following an internal affairs investigation.

Palfreyman owns land that he leases out for pasture. In 2005, Palfreyman leased his pasture to a private citizen. Palfreyman and the citizen subsequently had several arguments about the length of the lease and Palfreyman's dogs harassing the sheep. Eventually the citizen shot two of Palfreyman's dogs that harassed the sheep.

Palfreyman removed 24 sheep panels from the leased land without the lessee's consent. He arranged for his son to hide the panels. The incident was reported to Salem City P.D. who investigated the incident.

Initially, Palfreyman denied any wrongdoing to the Salem City P.D. Investigators. He later confessed to taking the panels to "inconvenience" the lessee. He eventually turned the panels over to his supervisor at the Utah County Sheriff's Office. The investigation revealed that the panels taken valued \$43.50 each panel, with a total worth of \$1,044.00. Palfreyman was charged with a third degree felony.

In a plea agreement, Palfreyman plead no contest to wrongful misappropriation, a Class B misdemeanor.

On July 5, 2007, Palfreyman signed a consent agreement for revocation of his peace officer certification.



On July 11, 2007, Captain Doug Witney of the UCSO was contacted; he supported the revocation and advised Sheriff Tracy of the action.

Aggravating Circumstances: ~ Untruthfulness and lack of cooperation with investigation
~ Conviction in criminal court (Class B Misdemeanor)
~ Providing false information to a police officer

Mitigating Circumstances: ~ Honesty during Garrity interview with POST investigators

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

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

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

JEFFERY W. SHAW - (Theft and Falsification or Alteration of Government Record)

Jeffery W. Shaw was hired by the Utah Department of Public Safety on August 4, 1984. After an internal affairs investigation, Shaw resigned from DPS on May 31, 2007.

On February 20, 2007, an internal affairs investigation was commenced on Shaw. It was alleged that Shaw would only work part of his full shift. Shaw would then submit his personal time record reflecting he had worked a full eight hours each shift.

A check of Shaw's work records for the month of February 2007 revealed that all of his daily work activities were conducted during the first three to four hours of nearly every shift. This was followed by two to five hours of patrol time. During the investigation, checks of Shaw's vehicle GPS (Global Positioning Satellite) locations were reviewed. It was determined his vehicle was parked at his residence during his listed patrol times.

On February 28, 2007, DPS internal affairs investigators interviewed Shaw. He told investigators he had been involved in this type of behavior for possibly as long as five years. Shaw admitted he would sleep on duty, while at his residence. He admitted to spending at least four hours of every shift at his residence.

On August 2, 2007, POST contacted Shaw for an interview. He stated he was busy with his new job and did not have time for an interview. Shaw said he was willing to accept any discipline POST felt was appropriate. On August 8, 2007, Shaw signed a consent agreement for revocation of his peace officer certification. Colonel Lance Davenport was contacted and agreed with the revocation.

Aggravating Circumstances: ~ On-duty.

Mitigating Circumstances: None.

Motion: *Chief Ken Wallentine motioned to accept Jeffery Shaw's signed consent agreement for revocation of his peace officer certification.*

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

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



PAULETTE STOKER - (Breach of Peace)

Paulette Stoker was certified and employed by the St. George Police Department (SGPD) on May 12, 2002. After an internal affairs investigation, Stoker resigned from SGPD on June 20, 2007.

On May 19, 2007, Stoker was involved in a fight with two women at the Oasis Casino in Mesquite, Nevada. Casino security and officers from the Mesquite Police Department responded to stop the fight. After the situation was under control, Stoker was cited under Nevada State Law for Breach of Peace. Stokers charge is equivalent to Utah's Disorderly Conduct, a Class C misdemeanor.

On June 4, 2007, an internal affairs investigation on Stoker was initiated by the SGPD. During the course of the investigation, it was learned that Stoker failed to notify her chain of command regarding her criminal charges. She was an equal participant in the causes leading up to the altercation. Stoker was not cooperative with the casino security employees and was handcuffed because of her actions.

On August 8, 2007, Stoker plead "No Contest" to the charge of Breach of Peace in the Mesquite City Municipal Court.

On August 22, 2007, POST contacted and interviewed Stoker. POST Investigations also contacted Chief Marlon Stratton of SGPD to discuss the case. After referring to the POST disciplinary guidelines, it was decided a one-year suspension of Stoker's peace officer certification would be recommended.

On August 26, 2007, Stoker signed a consent agreement for a one-year suspension beginning on June 20, 2007 (date of resignation) to June 20, 2008.

Aggravating Circumstances: ~ Conviction in a criminal court.

Mitigating Circumstances: None.

Motion: ***VP Donna Dillingham Evans motioned to accept Paulette Stoker's signed consent agreement for a one-year suspension of her peace officer certification.***

Second: ***Larry Gillett seconded the motion.***

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

JOHN T. JAMES – Request for Reconsideration

Attorney Rick Wyss present a request from John T. James for reconsideration of the action taken against him by the POST Council. Chairman Lynn Nelson allowed Mr. James to address the Council.

John T. James addressed the Council to give an update of the DUI case against him. He informed the Council that the charges against him were dismissed. Mr. James also informed the Council what his life has been like during his suspension. He asked the Council to reconsider the length of his suspension.



Council members asked James several questions about the night of the arrest. James reported that he regrets not taking the breath test and took responsibility for his actions. He reported the incident to his supervisor the following Monday. He resigned his employment out of respect for the law enforcement community and felt once he completed the criminal process he would like to return to law enforcement. He has not work in law enforcement for two-years and three-months.

Motion: *Chief Ken Wallentine motioned to reconsider Mr. John James' suspension and amend the suspension to time served.*

Second: *Chief Val Shupe seconded the motion.*

Vote: *The motion passed with 11 in favor and 1 against.*

NEXT POST COUNCIL MEETING

The next POST Council meeting will be on Thursday, December 6th at 10:00 a.m. The meeting will be held at the Public Safety Education and Training Center, Miller Campus.

ADJOURNMENT

Motion: Executive Director Tom Patterson motioned to adjourn the meeting.

Second: Chief Ken Wallentine seconded the motion.

Meeting adjourned at 11:55pm.





UTAH PEACE OFFICER STANDARDS AND TRAINING

Notification of Personnel Status Change

PEACE OFFICER INFORMATION

Last Name _____ First Name _____ Middle Initial _____ POST ID _____

Home Address _____ City _____ State _____ Zip Code _____

AGENCY INFORMATION

Agency _____ Date of Change _____

CHANGE OF STATUS

ATTACHEMENT #1

Check One: Resigned Retired Terminated Deceased

Select this box if you believe the conduct resulting in termination, resignation, or retirement, rises to the level of a POST Investigation.

Signature of Agency Head

Date

Title

POST USE ONLY

Change of Status Received By _____ Date _____

This form satisfies the requirements imposed on Chiefs, Sheriff's and other Administrators of law enforcement agencies outlined in 53-6-209 and 53-6-211 of the Utah Criminal and Traffic Code



Print Form





UTAH PEACE OFFICER STANDARDS AND TRAINING

Application For Certification

APPLICANT INFORMATION

Last Name First Name Middle Initial POST ID

Home Address City State Zip Code

Select Status: Officer Just Completed Training OR Officer Already Certified From Previous Employment (skip training information)

TRAINING INFORMATION

Training Academy Date Completed

Certification Earned

ATTACHEMENT #2

AGENCY INFORMATION

Agency Date of Hire

CERTIFICATION INFORMATION

I request this person be certified as: (check all that apply)
 Special Function Officer
 Special Function Officer Reserve
 Law Enforcement Officer
 Law Enforcement Officer Reserve
 Correctional Officer
 Correctional Officer Reserve
 Dispatcher

In the position of: (specify position to be certified in)

I certify this person to be an employee of this agency who will be working in a position requiring the certification. A background investigation has been conducted by me or my representative. I am satisfied that this person is of good moral character. To the best of my knowledge this applicant is free of any physical, emotional or mental conditions which might aversely effect his/her performance in the certified position.

POST USE ONLY

Name of Status Received By Date



Signature of Agency Head Date

Title

Print Form

