

POST COUNCIL MEETING

March 16, 2021 at 10:00 a.m.

Remote Electronic Meeting

Anchor location: Public Safety Education & Training Center*
410 West 9800 South

Agenda

- ❖ Welcome: Chairman Wade Carpenter
00:00 – 00:47
- ❖ Approval of January 13, 2021 Minutes: Chairman Wade Carpenter
00:50 – 02:22
- ❖ Annual and Quarterly Reports: Lt. Jaclyn Moore & Cpt. Alex Garcia
02:22 – 14:06
- ❖ 2020-2021 Quarter Four Curriculum Update: 14:06 – 15:09
 - Special Functions Officer/Law Enforcement Officer: Cpt. Alex Garcia
- ❖ LEO Leadership Course Update: Gary Cox
15:09 – 25:59
- ❖ Open Meeting Training: Attorney Richard Jorgensen
26:00 – 29:28
- ❖ Disciplinary Cases: Attorney Renee Spooner 29:28 – 29:47
 - David Bennett 29:47 – 33:12
 - Clinton Burt 33:20 – 53:47
 - Ron Demill 53:53 – 1:22:36
 - Bradley Lowder 1:22:57 – 1:26:27
 - Anthony Powers 1:26:29 – 1:48:46
 - Jason Sparks 1:48:58 – 1:52:23
 - Braydon Summarell 1:52:28 – 2:02:56
 - Philip Whitlock 2:03:05 – 2:08:46

❖ **Policy Update: Director Scott Stephenson**
2:08:50 – 2:09:31

❖ **Legislative Update: Director Scott Stephenson** 2:09:31 – 2:33:48

- **Autism Training – Director Stephenson & Cheryl Smith**
2:15:12 – 2:20:13
- **HB 62**
- **HB 138**
- **HB 162**
- **HB 237**
- **HB 301**
- **HB 307**
- **HB 334**
- **SB 13**
- **SB 38**
- **SB 106**
- **SB 191**
- **SB 196**

❖ **UCJIS Access – Mayor Troy Walker**
2:33:48 – 2:37:47

❖ **Schedule Next Meeting: 06/22/21 @ 10:00am POST HQ, Sandy, Utah**
2:37:49 – 2:39:12

❖ **Adjourn:**
2:39:16 – 2:39:27

* NOTICE OF SPECIAL MEETING CIRCUMSTANCES DUE TO COVID-19 PANDEMIC: In keeping with recommendations of Federal, State, and Local authorities to limit public gatherings in order to control the continuing spread of COVID-19, and in accordance with the Utah Open and Public Meetings Act, specifically Utah Code § 52-4-207(4), the Peace Officer Standards and Training Council will make the following adjustments to our normal meeting procedures.

- All members of the POST Council, POST staff and those on the agenda and their counsel will have the option to attend in person or participate electronically via phone or video conference.

- All other observers may listen to the live streamed event here: utahpost.adobeconnect.com/pc

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March 16, 2021 at 10:00 a.m.

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Anchor location: Public Safety Education & Training Center*
410 West 9800 South – 3rd Floor Council Room

Attendance Roster

The following POST Council members were in attendance:

Chief Wade Carpenter, Chairman, Park City Police Department (In-Person)
Colonel Mike Rapich, Superintendent, Utah Highway Patrol (In-Person)
Spencer Austin, Representing Utah Attorney General (In-Person)
Matthew Checketts, PhD. At Large (In-Person)
John Crowley, UPOA Representative (In-Person)
Chief Allen Swanson, Layton City Police Department (Remote)
Chief Chad Soffe, Utah Chiefs of Police Association (In-Person)
Sheriff Nathan Curtis, Sevier County Sheriff's Office (Remote)
Victoria McFarland, JD. At Large (In-Person)
Frank Budd, PhD. At Large (In-Person)
Bruce Bayley, PhD. Weber State University (Remote)
Jeanetta Williams, At Large (Remote)
Mayor Troy Walker, Incumbent Mayor representative (Remote)
Executive Director Brian Nielson, Utah Department of Corrections (In-Person)
Sheriff Cameron Noel, Utah Sheriffs Association (In-Person)

The following POST Council members were excused:

Sheriff Cory Pulsipher, Washington County Sheriff's Office (Remote)

POST staff present:

Scott Stephenson, Director (In-Person)
Renee Spooner, JD. DPS Legal Counsel representing POST, Asst. Attorney General (In-Person)
Richard Jorgensen, JD. DPS Legal Counsel representing POST, Asst. Attorney General (In-Person)
Julie Gomez, Administrative Secretary (In-Person)
Jaclyn Moore, Investigations Bureau Chief (In-Person)
Alex Garcia, Basic Training Bureau Chief (In-Person)
Dusty Hamlin, Investigations (In-Person)
Dave Barnett, Investigations (In-Person)
James Timpson, Investigations (In-Person)
Austin O'Bray, Investigations (In-Person)
Chris Fielding, POST Media (In-Person)
Camille Zabriskie, Basic Training/Investigations Technician (In-Person)
John Jacobs, POST Media (Remote)

Others present:

Gary Cox (In-Person)
Cheryl Smith (In-Person)

Chevaun Black (In-Person)
Braydon Summerall (In-Person)
David Bennett (In-Person)
Ron Demill (In-Person)
Rich Wiley (In-Person)
Anthony Powers (Remote)
Brady Stuart (Remote)

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Statement of a Closed Meeting

On March 16, 2021, The POST Council board met for its scheduled meeting. A quorum was present. The matter of

Anthony Powers 19-096 came before this board.

After Motion and Vote two-thirds of the members present voted to approve closing the meeting.

_____ I have publicly announced during the meeting the reason(s) for closing the meeting, and the location the closed meeting will be held.

_____ I have directed the recording in the minutes of the reason, location, and the vote of each member of the body whether they voted for or against the closing of the meeting.

The closed discussion will be:

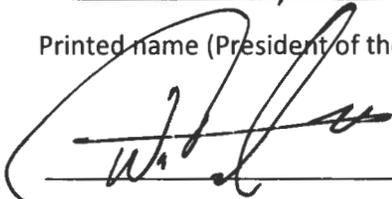
about of the character, professional competence, or physical or mental health of an individual.

_____ discussion regarding deployment of security personnel, devices, or systems.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.
Signed on the 16 day of March 2021 at POST HEADQUARTS SLC, UT.

Wade Carpenter

Printed name (President of the Board)



Signature

March 2021 POST Council Case Summaries

David Bennett

David Bennett was investigated by a local police agency for patronizing a prostitute. The investigation disclosed that Bennett contacted an undercover officer and offered the officer \$60 for oral sex. Bennett agreed to meet the officer at a nearby hotel. As Bennett was driving to the hotel he was stopped by a local police officer. Bennett was advised of his *Miranda* rights and admitted to offering to pay a prostitute for oral sex.

The case was screened with the city attorney and charges were filed on Bennett. On December 8, 2020, Bennett entered a guilty plea to be held in abeyance to the charge of patronizing a prostitute, as provided in Utah Code Ann. § 76-10-1303, a class A misdemeanor.

During a *Garrity* interview with POST, Bennett admitted to offering to pay a prostitute for oral sex.

Clinton Burt

On January 24, 2018, Clinton Burt accessed the Utah Criminal Justice Information System and obtained personal information for a person, and then provided that information to that person's ex-spouse. On March 14, 2019, Clinton Burt was charged with a Class B Misdemeanor for disseminating information from the BCI database. Clinton Burt entered a guilty plea on August 21, 2019, with a plea in abeyance.

On March 28, 2019, a report was made against Clinton Burt by a girlfriend saying he raped her. The victim said she was drunk or drugged and did not and was not able to consent to Burt engaging in sexual intercourse with her. She made an immediate report about the incident. Burt said she participated in the sexual intercourse and did not say no. Charges of rape were declined by the local county attorney.

During the POST *Garrity* interview, Burt admitted his girlfriend seemed sleepy and out of it while he was engaging in sexual intercourse with her. Burt said that if the same behavior would have been committed by a homeless guy then it could have been rape, but because they had a history of sexual activity it was consensual for him.

Ron DeMille

Ron Demill was investigated by his department for an allegation of inappropriate sexual behavior which occurred in 2016. During a department *Garrity* interview with Demill, where he said there were frequent occasions where he would get so turned on by "flirty" conversations with female co-workers that he would retreat into a staff restroom and masturbate to relieve himself. Demill's department sustained the allegation of masturbating in the staff restroom. Demill did not participate in the POST investigative process.

Bradley Lowder

On June 22, 2019, Lowder was criminally investigated for aggravated assault (DV) against his wife in the presence of their two children, Lowder's wife told officers he put his forearm on her neck, causing her to have trouble breathing, this scared her, this is when she started to claw at Lowder's body and she also bit him. Lowder told police he was holding her down by the wrist until she bit him then, "I smacked her across the face," and made the motion of striking something with the back of his hand. Officers were told both children were in the bedroom during the argument.

One count of aggravated assault, and two counts of DV in the presence of a child were filed. All three charges were dismissed without prejudice when the officer was not present for the hearing and the defense objected to a continuation.

Lowder refused to participate in the POST investigation.

On March 2, 2021, Bradley Lowder waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Anthony Powers

Anthony Powers was investigated by his agency and a local police agency for criminal mischief and unlawful detention during a domestic violence situation. After the investigation he was taken into custody and transported to a local hospital for a mental health evaluation in lieu of being booked into jail for criminal violations.

The local police department was called. Powers' mother reported that he was damaging property within the residence and would not allow his wife to leave his sight. Powers' wife explained that he thought the National Security Agency (NSA) was spying on him. She also explained that Powers damaged a glass vase by throwing it at a bathtub, which caused approximately \$500 in damage.

Powers was transported to a local hospital by the police for an involuntary mental health evaluation. He was cited for criminal mischief and unlawful detention. Powers later transferred to another local hospital for further evaluation.

On March 2, 2019, the case was screened and charges were filed by the city prosecutor for criminal mischief and unlawful detention with a domestic violence attribute, both class B misdemeanors. Powers plead not guilty to the charges. The case was dismissed on January 23, 2020, because Powers' family members would not testify in court. The resolution of the case was a diversion agreement.

An administrative investigation was conducted by the Ogden Police Department. The investigation determined Powers committed unlawful detention and criminal mischief, both with domestic violence attributes. His agency terminated Powers' employment with the Ogden Police Department. Powers was contacted to arrange a time for a POST interview, but he declined to be interviewed. He also refused to release his medical records to POST.

On March 11, 2021, Anthony Powers waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action .

Jason Sparks

On May 12, 2019, Jason Sparks, a law enforcement officer with the South Salt Lake Police Department, was investigated for misdemeanor sexual abuse while in Washington D.C. The criminal investigation was conducted by the Metropolitan Police Department. A prosecutor declined to file a charge against Sparks due to insufficient evidence.

An administrative investigation was conducted by members of the South Salt Lake Police Department. Sparks confessed to committing misdemeanor sexual abuse by touching the victim's buttocks without permission, being highly intoxicated, and urinating in public.

Sparks was asked about touching the victim's breasts and vagina. He did not recall touching her breasts, but mentioned that if he did it was an accident. Sparks denied touching the victim's vagina. He was subsequently terminated from the South Salt Lake Police Department on October 7, 2019. Sparks did not participate in the POST investigation.

Jason Sparks failed to respond to the notice of agency action. On February 16, 2021, an order of default was signed by the administrative law judge and mailed to Jason Sparks.

Braydon Summarell

Deputy Braydon Summarell was employed by the Carbon County Sheriff's Office and was investigated by a local police agency for incidents involving his association with another officer from a local police agency in suspicious behaviors. Those allegations were determined to be unfounded, but during the investigation, further information was received about Summarell injecting himself with heroin. Those allegations were investigated, and Summarell was sent to take a polygraph.

Summarell was unaware of the new allegations when he went to the polygraph examination. When he was asked about the illegal drug or steroid use, Summarell abruptly ended the polygraph examination. Summarell then went to his administration and was interviewed by them under Garrity. During that interview, Summarell denied using heroin, but admitted to using steroids. Summarell was placed on suspension after that interview. Summarell participated in a subsequent Garrity interview with POST investigators. During that interview, Summarell admitted to using 3 types of anabolic steroids as part of a cycle. The anabolic steroids were not purchased from a medical professional and a prescription was not obtained to use them.

Philip Whitlock

Phillip Whitlock was investigated by a local police agency for child abuse and rape. On December 11, 2018, Whitlock's nine-month-old son was crying when Whitlock's wife was trying to give the child a bath. Whitlock volunteered to help with their child. During this incident Whitlock bit his child on the leg to give the infant something to cry about.

On July 14, 2019, Whitlock was investigated for child abuse. Whitlock's wife was in the kitchen doing dishes when she heard the child start to cry in another room. Whitlock's wife went to check on the child and asked Whitlock what had happened. Whitlock told her that the kids were fighting over a toy. Later that night Whitlock's wife found a bite mark on the child's leg. As part of the investigation Whitlock participated in a computer voice stress analysis (CVSA) which showed indications of deceit when asked about biting the child. Whitlock denied that he bit the child on July 14, 2019, but admitted to biting the child on December 11, 2018.

On January 16, 2020, Whitlock's wife reported to investigators that Whitlock had raped her after their baby was born in 2018. Whitlock's wife said their son was born in March of 2018, via Caesarean section and she was told not to engage in sexual activity for six (6) weeks by her doctor. She told investigators that Whitlock engaged in sexual intercourse with her during her recovery time against her will. She said she would cry and push Whitlock away and tell him that it hurt. She said Whitlock would respond by saying "I am almost done" or completely ignoring her. Whitlock's wife provided Facebook messages to investigators where admitted Whitlock had

raped her. Whitlock's wife asked Whitlock in a message "did you mean it when you said you were sorry for raping me?" Whitlock responded, "yes. Of course I did." Whitlock's wife sent another message that read "I don't understand how you could keep an erection while I'm crying pushing on your chest and begging you to stop if you love me...it doesn't make sense to me." Whitlock responded, "im sorry ill [sic] be better."

On October 30, 2019, the case was screened with the county attorney and charges were filed on Whitlock for two (2) counts of child abuse, under Utah Code Ann. § 76-5-109(2)(A), both 2nd degree felonies. The charges are still pending in the court system.

Whitlock did not participate in the POST investigation and his department was never notified of any criminal investigation. Whitlock resigned from his agency prior to the second child abuse charge.