

POST COUNCIL MEETING

June 17, 2020 at 10:00 a.m.

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

Agenda

- ❖ **Welcome:** Chairman Wade Carpenter
00:00 – 01:05
- ❖ **Approval of March 26, 2020 Minutes:** Chairman Wade Carpenter
01:05 – 01:31
- ❖ **Quarterly Reports:** Lt. Jaclyn Moore & Lt. Alex Garcia
01:31 – 11:55
- ❖ **2020-2021 Quarter One Curriculum Update:** 11:55 – 31:19
 - **Special Functions Officer/Law Enforcement Officer:** Lt. Alex Garcia
11:55 – 15:13
 - **Basic Corrections Officer:** Training Director Travis Knorr
15:13 – 31:19
- ❖ ***Garrity* Discussion:** Dir. Scott Stephenson
31:19 – 38:19
- ❖ **Disciplinary Cases:** Attorney Lynda Viti 38:19 – 03:01:00
 - **Derrick Cumbee** 38:25 – 48:32
 - **Ryan Deichmueller** 48:32 – 52:14
 - **Jaycee Franco** 52:14 – 54:58
 - **Isaac Fullmer** 54:58 – 1:00:03
 - **K.C. Giles** 1:00:17 – 1:31:38
 - **Todd Tyler Gray** 1:31:38 – 1:41:15
 - **Jeffrey Hume** 1:41:27 – 1:50 15
 - **Devin Rich** 1:50:22 – 1:54:10
 - **Jennings Richmond** 1:54:10 – 1:57:21
 - **Bobby Rogers** 1:57:26 – 2:19:28

- Logan Roseman 2:19:34 – 2:35:04
- Steven Sargent 2:35:10 – 2:44:00
- Suzanne Skirvin 2:44:08 – 2:53:16
- Andrew Vickery 2:53:27 – 2:57:32
- Morgan York 2:57:41 – 3:01:00

❖ **Schedule Next Meeting: 09/09/20 @ 10:00am POST HQ, Sandy, Utah**
3:08:28 – 3:10:24

❖ **Adjourn:**
3:10:27 – 3:10:43

* In accordance with the Executive Order issued by Governor Gary Herbert on March 18, 2020, concerning the Open and Public Meetings Act, UCA 52-4-101 et seq. (OPMA), the option for in-person attendance is limited to officers on the agenda and their legal representation, POST Council members and POST staff. All others can listen to the live streamed event.

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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 (Video)
Sheriff Cory Pulsipher, Washington County Sheriff's Office (Video)
Chief Chad Soffe, Utah Chiefs of Police Association (Video)
Sheriff Nathan Curtis, Sevier County Sheriff's Office (Phone)
Victoria McFarland, JD. At Large (Phone)
Frank Budd, PhD. At Large (Phone)
Bruce Bayley, PhD. Weber State University (Phone)
Sheriff Cameron Noel, Utah Sheriffs Association (Video)
Christie Moren, At Large (Phone)

The following POST Council members were excused:

Executive Director Mike Haddon, Utah Department of Corrections

POST staff present:

Scott Stephenson, Director (In-Person)
Lynda Viti, JD. DPS Legal Counsel representing POST, Asst. Attorney General (Video)
Marcus Yockey, JD. DPS Legal Counsel representing POST, Asst. Attorney General (Video)
Julie Gomez, Administrative Secretary (In-Person)
Alex Garcia, Basic Training Bureau Chief (In-Person)
Jaclyn Moore, Investigations Bureau Chief (In-Person)
Jeremy Barnes, Investigations (In-Person)
Dusty Hamlin, Investigations (In-Person)
Dave Barnett, Investigations (In-Person)
Jeff Adams, Investigations (Phone)
Chris Fielding, POST Media (In-Person)
John Jacobs, POST Media (Video)
Camille Zabriskie, Basic Training/Investigations Technician (In-Person)

Others present:

Derrick Cumbee (In-Person)
Isaac Fullmer (In-Person)
Logan Roseman (In-Person)
Suzanne Skirvin (In-Person)
Steven Sargent (In-Person)
Bobby Rogers (In-Person)

JC Jensen (In-Person)
Jeffrey Hume (In-Person)
Rich Willey (In-Person)
KC Giles (In-Person)
Travis Knorr (Video)

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June 2020 POST Council Case Summaries

Derrick Combee

On February 12, 2020, Derrick Cumbee, a law enforcement agent with Adult Probation and Parole (AP&P), was investigated by his agency for the falsification of a government document. The investigation concluded that on January 18, 2020, Cumbee had falsified O-track, a government document used by AP&P to track parolees, entries when he documented he had made face to face visits but had only spoken with them over the phone or not contacted them at all. Cumbee told his agency he had fallen behind and had planned on doing the face to face visits on the 18th, but his partner told him he was going to Hockey games instead. Cumbee said he knew he would get in trouble for doing the visits alone so after verifying some of his parolees were home that day, he chose to indicate the phone contact as a successful face to face visit.

During a POST *Garrity* interview, Cumbee confirmed what he told his agency and when asked, estimated he had contacted seventy-five percent of the individuals he marked he had a face to face visit with. Cumbee explained he only did this with parolees that he knew and were considered low risk. Cumbee also told POST he did not know O-track was a government record, he thought it was only a spreadsheet the agents used to help track their caseloads. NOTE: Cumbee's supervisor said he feels partly to blame. He was aware of problems with Cumbee's partner, but did not know they were as bad as they were until this incident and wishes he had reassigned them to different agents before this happened.

Ryan Deichmueller

Ryan Deichmueller submitted an application for the reactivation of his POST certifications. Investigators compared Deichmueller's reactivation application with an application he submitted in 2017. On the 2017 application Deichmueller failed to disclose a traffic citation he received in 1995 for failure to yield. Deichmueller also failed to disclose his entire illegal drug history. Deichmueller disclosed he used marijuana five times with the date of last use being January 14, 1999. Deichmueller also disclosed he used mushrooms in his 20's.

On the reactivation application Deichmueller disclosed the failure to yield traffic citation as well as his one time use of ecstasy in 1998 and one time use of LSD in 1999. These admissions were not divulged in the previous, 2017, application. Deichmueller further disclosed he used marijuana around 10 times with the date of last use being August 28, 2009. The previous application stated he last used marijuana in January of 1999, and mushrooms twice.

During a *Garrity* interview with POST Deichmueller said he did not include the failure to yield citation on his 2017 application because it was part of his juvenile history and he did not think much of it. The POST application is very clear that an applicant's juvenile history has to be disclosed and included. Deichmueller said he did not include his entire illegal drug history on his 2017 application because he "half-assed" filling out his application. Deichmueller said it was a lateral transfer and he knew the department wanted to hire him, so he just filled out and documented the basic information. Deichmueller said he did not spend a lot of time on the application and he was more in a hurry than anything else.

Jaycee Franco

On June 8, 2019, Jaycee Franco was investigated for intoxication. Franco was at a party for a friend's relative. While at the party Franco consumed at least five beers and two gin and tonics. All the adults consumed shots of liquor in the kitchen during one part of the evening. Franco said she did not remember anything after the gin and tonics and shots in the kitchen. Franco said the next thing she knew she was exiting a police vehicle at the jail and had vomited on her pants.

At some point during the evening Franco made a suicidal threat to her friend and police were called. Police arrived on scene where the friend and the friend's sister were holding Franco down on the ground. Franco was arrested and booked into the county jail for intoxication. During a *Garrity* interview with Franco, she admitted to consuming at least five beers and two gin and tonics at the birthday party. Franco said she did not remember the verbal altercation she had with her friend or making suicidal threats. Franco said after consuming the gin and tonics she did not remember anything until she was at the jail exiting the police vehicle. Franco said she did remember seeing vomit on her pants and also remembered vomiting at the jail.

Franco was charged with one count of intoxication and pled guilty to that charge on July 1, 2019. Franco retained her employment with her department.

Isaac Fullmer

Issac Fullmer, a correctional officer, took six (6) rolls of toilet paper from the jail facility without permission. During his agency and POST *Garrity* interviews, Fullmer stated that he was preparing to go on leave due to a new baby his wife just had. Fullmer said with the pandemic and the difficulty finding toilet paper, he just did it without thinking. Fullmer said he returned the toilet paper to the jail when he returned from leave. No criminal action was conducted. Fullmer's agency determined Fullmer would lose 120 hours.

K.C. Giles

KC Giles was investigated for assault, domestic violence in the presence of a child, and unlawful detention. The investigation disclosed that on December 3, 2017, Giles was involved in an argument with his wife while their children were home. During the argument Giles pushed his wife into a wall and refused to let her leave their residence. Giles' wife did seek medical treatment for a head injury. Giles' 12-year-old daughter observed a portion of their physical and verbal altercation. On or about March 1, 2018, a protective order was filed against Giles.

On two occasions after the protective order was filed, Giles sent text messages to his daughter and wife. Giles resigned from UDC on July 27, 2018.

On October 1, 2018, Giles was found guilty by a jury in justice court on the charges of assault, domestic violence in the presence of the child, and unlawful detention. On February 13, 2019, after an appeal in District Court, Giles entered a guilty plea to assault and domestic violence in the presence of a child, both class B misdemeanors. The charge of unlawful detention was dismissed. Two counts of violating a protective order were filed against Giles. Giles entered a guilty plea to the amended charge of an attempted violation of a protective order, a class B misdemeanor. The other protective order violation was dismissed with prejudice.

Giles participated in two *Garrity* interviews with his department where Giles admitted to being in an argument with his wife. Giles said his wife attempted to punch him so he pushed her into a wall in an effort to protect himself. Giles said he believed his wife was suicidal and he did not want her to leave their residence. Giles admitted to trying to stop his wife from leaving their residence by grabbing her arm. Giles' daughter observed Giles grabbing her mother's arm to restrain her from leaving the house. Giles originally denied having direct or indirect contact with his wife after the protective order was served. Later in the interview Giles did admit that he violated the protective order.

During a *Garrity* interview with POST, Giles said he believed his wife was suicidal. Giles said they were fighting over the keys to the vehicle and he believed his wife was going to punch him, so he pushed his wife backwards into a wall. Giles said when his wife tried to leave he did grab her arm in an attempt to keep her inside the residence. After the protective order was issued Giles said his daughter told him she was frustrated with her mother and he told his daughter to speak with her mother about her frustrations. Giles denied that he was trying to contact his wife.

POST attempted to conduct a second *Garrity* interview in regards to the second protective order violation. Giles' attorney informed POST that Giles would rather allow the plea to speak for itself.

Todd Gray

Todd Tyler Gray was investigated for possession or use of a controlled substance. Gray was involved in a relationship with a convicted felon who was arrested while driving Gray's vehicle. Gray's boyfriend told investigators that he injected Gray and Gray injected him with methamphetamine on multiple occasions. No criminal charges were filed.

On November 22, 2019, during a *Garrity* interview with his department, Gray admitted to using methamphetamine on November 20, 2019. Additionally, Gray admitted on multiple occasions to being injected with methamphetamine by his boyfriend and injecting his boyfriend with methamphetamine.

Gray did not participate in the POST investigation.

Jeffrey Hume

Jeff Hume was investigated for theft and falsification or alteration of a government record. Hume was scheduled to work an eight (8) shift beginning at 3:00 p.m. Hume contacted dispatch at approximately 11:00 a.m. to notify dispatch he was available for calls. Hume attended a hockey game from approximately 11:00 a.m. until approximately 10:00 p.m. Hume's work partner was monitoring the radio traffic for any calls. Hume did respond to a call after the hockey game and while driving home from work he was observed by his supervisor making a traffic stop while not in his AP&P uniform. Hume documented that he worked 12 hours. Hume also accessed Webtrack and documented that he contacted or attempted to contact 19 offenders that he supervised. Hume was compensated approximately \$305.76 from his department for January 18, 2020. No criminal charges were filed.

In *Garrity* interviews with POST and his agency, Hume admitted to documenting 12 hours of work when he was at a hockey game the majority of his shift. Hume also admitted to documenting in Webtrack that he contacted or attempted to contact 19 offenders he supervised. Hume admitted that he did not attempt to contact any of the 19 offenders he documented in Webtrack. Hume said he knew Webtrack was a government record and he documented the offender's visits to get "breathing room" from a heavy caseload.

Devin Rich

On June 28, 2019, Devin Rich, a certified dispatcher, was investigated and cited by a local agency for reckless driving. The investigation showed Rich was driving his motorcycle on I-15 at over 100 mph and changing lanes multiple times without using his blinker within a one-mile distance. Rich was arrested later that year on a warrant that had been issued when Rich did not follow court instructions to resolve the citation. Rich paid the fine and was released from jail. Rich was stopped the previous year in the same area by the same officer for thirty miles per hour over the posted speed limit.

Rich's agency did not conduct an internal investigation and Rich is still employed. Rich did not reply to multiple attempts at contact from POST.

Jennings Richmond

Jennings Richmond, was investigated for assault and willful falsification of application to obtain certification. Richmond was involved in a family fight where he was punched by a family member. Richmond was a cadet and was attending the UDC academy at this time. Richmond's training sergeant noticed that Richmond had a fat lip and asked how he received the fat lip. Richmond told his training sergeant that he was virtual reality boxing with his brother and was accidentally hit in the face. A few days later Richmond's training sergeant was notified by another cadet that Richmond had been involved in a fight with a family member and that is how he received the fat lip. No criminal charges were filed and UDC terminated Richmond on April 6, 2020 and referred it to POST.

During the POST investigation the family member reported that Richmond was a chronic marijuana user.

During a *Garrity* interview with POST, Richmond admitted that he lied to his training sergeant about how he received the fat lip. Richmond admitted to smoking marijuana one time in Utah and more than 70 times in another state, which contradicted the information in his application. Richmond only documented that he used marijuana twice on his POST application. Richmond said he had been stressed about not documenting the marijuana use because he did not want to be known as a liar. Richmond also admitted during the interview his employment history was incomplete.

Bobby Rogers

On June 28, 2019, Bobby Rogers was administratively investigated by his agency for a BCI violation. The administrative investigation disclosed that Rogers read a news article stated that a local police agency was serving a search warrant on a home. The home was not in the city that Rogers's agency had jurisdiction over. Rogers searched the address the media released through

the county assessor's office and located a name of the owner of the home. Rogers then conducted a record check on the name of the homeowner on his department issued computer. Rogers accessed the driver's license of the homeowner.

During *Garrity* interviews with POST and his department, Rogers admitted to using his department issued computer to access the driver's license of the homeowner of the residence. Rogers admitted that he was not asked by any person or department to assist in the investigation. Rogers admitted at the time he accessed the homeowner's driver's license, the homeowner had not been publicly named as a person of interest or suspect in the case of the missing female. Rogers said he is a law enforcement professional and he has a right to know information about criminals. Rogers also admitted to being properly trained on the proper use of UCJIS.

Logan Roseman

Logan Roseman was investigated by his department for the allegation of unauthorized access and use of BCI protected information. During the department IA, a BCI dissemination log report for Roseman's user ID was requested. Roseman's department documented eight (8) inquiries generated through Spillman and 15 inquiries generated through Palantir by Roseman, which did not have a legitimate law enforcement purpose. A due process hearing was conducted on August 14, 2019. Roseman's department sustained the allegation of unauthorized use of personal protected information. Criminal charges were not filed on Roseman and his employment was terminated with his department on September 2, 2019.

During a POST *Garrity* interview with Roseman, he admitted to running his wife's classmates' protected information through multiple databases because he suspected her of having an affair. A UCJIS audit log report of Roseman's User ID, obtained by POST investigators, documented 33 different UCJIS searches which were unlawful and unauthorized. The queries generated by Roseman were on April 29, 2019, and April 30, 2019, and consisted of Name, Drivers License, License Plate, Warrant, Protective Order, and NCIC searches. The queries were focused on the male individual who Roseman suspected his wife was having an affair with.

Steven Sargent

Steve Sargent was investigated for bringing alcohol onto prison property and consuming some of the beverage. Sargent, an optometrist for the department, arrived early to work. While sitting in his vehicle he opened a can of an alcoholic beverage in the parking lot of the prison. Sargent consumed some of the beverage, relaxed for approximately one hour, then reported for his shift. A department employee observed Sargent with the alcoholic beverage in his hand and reported the incident.

At lunchtime Sargent returned to his vehicle and consumed more of the beverage. When Sargent's break was over, he entered the prison building and was stopped by the warden. The warden asked Sargent if he was drinking alcohol in his vehicle and Sargent admitted he was.

During department and POST *Garrity* interviews Sargent admitted to purchasing the alcohol the night before the incident, driving to work with it in his personal vehicle, then consuming the alcohol on prison property in the parking lot. Sargent's department sustained several policy violations; criminal charges were not screened with the county attorney's office.

Suzanne Skirvin

Suzanne Skirvin was pulled over for traffic violations and the officer smelled the odor of alcohol coming from her vehicle. The officer asked Skirvin if she had been consuming alcohol earlier that evening. Skirvin said she had. Skirvin was investigated for suspicion of driving under the influence of alcohol. The officer had her perform the standardized field sobriety tests. After the conclusion of the tests and obtaining a positive PBT result, Skirvin was arrested and transported to the office for a chemical test. Skirvin submitted to an intoxilyzer test which registered a result of .114 BrAC. Skirvin was issued a citation for driving under the influence of alcohol and released to a responsible party.

An internal administrative investigation was conducted and included a department *Garrity* interview with Skirvin. During the interview Skirvin said she had concerns with the original reason for the stop, the administration of the field sobriety tests, and the observation of the Baker Rule. Skirvin's department sustained the allegation of driving while impaired and Skirvin resigned from her department.

A POST investigation was conducted and included a *Garrity* interview with Skirvin. Skirvin admitted to consuming at least two mixed drinks, a bottle of beer, and one shot of liquor at a local bar prior to the traffic stop. During the interview, Skirvin said she did not dispute the PBT or Intoxilyzer results. Skirvin was asked if she felt she violated the law as it pertained to the DUI statute in state code. Skirvin said, "I did. I broke the law."

The criminal case is still pending.

Andrew Vickery

Andrew Vickery, a certified law enforcement officer, was investigated by a local agency for assault at a local bar—the person assaulted was an employee at the bar. The assault charge was filed and later amended to disorderly conduct, to which Vickery pleaded guilty.

During his agency's internal investigation *Garrity* interview, Vickery was asked multiple times if he made any contact or attempted to push the bar employee in any way. Vickery was adamant that he did not touch or push the employee, even after being reminded there was video surveillance. The surveillance video shows there was an altercation and Vickery grabbed the employee's arm and pushed the employee away from him.

Months later, Vickery was investigated by a local agency for retaliation against a witness, victim, or informant and criminal mischief. The investigation showed Vickery returned to the same bar where the assault occurred. Vickery used a knife to destroy two patio awnings. Vickery also damaged the water shut off in two toilets causing the water to overflow resulting in water damage to the building and heating system of the business.

Charges were filed for retaliation against a witness, victim, or informant, a third-degree felony and criminal mischief, a third-degree felony. Vickery's court date for the two charges is pending.

Morgan York

Morgan York was investigated by a local police agency for retail theft. The investigation disclosed that York went to a local store to purchase items for her new residence. York was observed by an employee switching price tags from cheaper items and placing them on more expensive items in order to pay less money. York went to the self-checkout at the store and paid \$187.03 less than the actual cost. The employee contacted the local police agency.

The local police agency interviewed York after advising her of her rights per *Miranda*. York admitted to switching the price tags on certain items. York was given a citation for retail theft and released. York entered a plea of no contest to a charge of attempted retail theft, under Utah Code Ann. § 76-6-602, a class C misdemeanor.

During a *Garrity* interview with her department, York admitted to going to a local store and switching the price tags on items to pay a lower price. York was terminated from her agency on October 29, 2019.

York contacted POST and requested we move forward with her case without her participation.