

POST COUNCIL MEETING

June 22, 2021 at 10:00 a.m.

Public Safety Education & Training Center
410 West 9800 South 3rd Floor Council Room
Sandy, UT 84070

Agenda

- ❖ Welcome: Chairman Wade Carpenter
00:00 – 00:50
- ❖ Approval of March 16, 2021 Minutes: Chairman Wade Carpenter
00:50 – 01:25
- ❖ Quarterly Reports: Lt. Jaclyn Moore & Lt. Christian Newlin
01:30 – 05:17
- ❖ 2021-2022 Quarter One Curriculum Update: 05:19 – 09:33
 - Special Functions Officer/Law Enforcement Officer: Lt. Christian Newlin
- ❖ Disciplinary Cases: Attorney Renee Spooner 09:37 – 09:51
 - Elisa Allen 10:03 – 13:46
 - Zechariah Harger 13:48 – 17:37
 - Michael Hayes 17:45 – 21:27
 - Brandon La Verne 21:30 – 30:44
 - Dustin Long 30:51 – 36:32
 - Chris Loveless 36:37 – 40:29
 - Herson Majano 40:33 – 49:03
 - Jeremy Miller 49:12 – 52:40
 - Jack Stephenson 52:44 – 56:58
 - Benjamin Stowell 57:04 – 1:05:09
 - Taffin Strong 1:05:13 – 1:09:16
 - Richard Taylor 1:09:19 – 1:20:34
 - Agustin Torres 1:20:46 – 1:24:04
 - James Vance 1:24:08 – 1:29:56

- ❖ **Inservice Annual Training Hours Requirement Discussion: Director Scott Stephenson** 1:30:13 – 1:40:03
 - 16 hours (de-escalation, defensive tactics, mental health)
 - Autism Training
 - Domestic Violence Training
 - Asset Forfeiture
 - 40 hours Training Requirement

- ❖ **Lawful Permanent Residents Update: Director Scott Stephenson**
1:40:06 – 1:43:44

- ❖ **Sub-Committee Meeting Update: Dir. Scott Stephenson** 1:43:46 – 2:02:15
 - Use of Force Policy
 - K-9 Policy

- ❖ **Medical Marijuana and Law Enforcement Discussion: Director Scott Stephenson**
2:02:17 – 2:22:24

- ❖ **Utah Code Ann. 53-6-211(1)(g) Discussion: Director Scott Stephenson**
2:22:24 – 2:31:14

- ❖ **Dispatch Qualifications: Captain Alex Garcia**
2:31:16 – 2:48:08

- ❖ **NPOST: Captain Alex Garcia**
2:48:10 – 2:53:28

- ❖ **Recognition: Director Scott Stephenson**
2:53:47 – 2:55:06

- ❖ **Schedule Next Meeting: 09/23/21 @ 1:00pm St. George, Utah area**
2:55:07 – 2:58:13

- ❖ **Adjourn: 2:58:15 – 2:58:31**

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Attendance Roster

The following POST Council members were in attendance:

Chief Wade Carpenter, Chairman, Park City Police Department
Colonel Mike Rapich, Superintendent, Utah Highway Patrol
Spencer Austin, Representing Utah Attorney General
Matthew Checketts, PhD. At Large
John Crowley, UPOA Representative
Chief Allen Swanson, Layton City Police Department
Chief Chad Soffe, Utah Chiefs of Police Association
Sheriff Nathan Curtis, Sevier County Sheriff's Office
Victoria McFarland, JD. At Large
Frank Budd, PhD. At Large
Jeanetta Williams, At Large
Executive Director Brian Nielson, Utah Department of Corrections
Sheriff Cameron Noel, Utah Sheriffs Association

The following POST Council members were excused:

Sheriff Cory Pulsipher, Washington County Sheriff's Office
Bruce Bayley, PhD. Weber State University
Mayor Troy Walker, Incumbent Mayor representative

POST staff present:

Scott Stephenson, Director
Renee Spooner, JD. DPS Legal Counsel representing POST, Asst. Attorney General
Richard Jorgensen, JD. DPS Legal Counsel representing POST, Asst. Attorney General
Julie Gomez, Administrative Secretary
Jaclyn Moore, Investigations Bureau Chief
Alex Garcia, Basic Training Bureau Chief
Dusty Hamlin, Investigations
Dave Barnett, Investigations
James Timpson, Investigations
Austin O'Bray, Investigations
Chris Fielding, POST Media Producer
Camille Zabriskie, Investigations Technician
John Jacobs, POST Technology and Curriculum
Marcus Yockey, POST Curriculum

Others present:

Chief Ken Wallentine

Brandon La Verne

Zechariah Harger

Jack Stephenson

Joe Dougherty

Ben Winslow

Jeremy Harris

Lynda Viti (Remote)

Benjamin Stowell (Remote)

Doug Stowell (Remote)

Cheryl Smith (In-Person)

June 22, 2021 POST Council

Elisa Allen 10:03 – 13:46

Elisa Allen, was investigated by a local police agency for driving under the influence of alcohol (DUI). The investigation disclosed that on August 15, 2020, Allen was at a bar with a friend where she consumed multiple alcoholic beverages. Allen drove her vehicle when she left the bar. Allen was stopped for multiple traffic violations. The officer could smell the odor of an alcoholic beverage coming from Allen and noticed she had bloodshot eyes. Allen failed the Standardized Field Sobriety Tests. Allen was arrested for DUI and submitted to a breath test. Allen's results of the breath test were .226.

On August 22, 2020, the case was screened with the city attorney and charges were filed on Allen. On September 16, 2020, Allen entered a plea of guilty to a charge of DUI as provided by Utah Code Ann. § 41-6a-502, a class B misdemeanor.

On March 17, 2021, during a *Garrity* interview with POST, Allen admitted to going to a bar and consuming two (2) beers and multiple mixed drinks containing vodka. Allen admitted that she failed the SFTS's and she was unsafe to operate a motor vehicle. Allen said she was not offered a plea deal due to her high BAC, Allen pled guilty to DUI.

Zechariah Harger 13:48 – 17:37

Zechariah Harger was investigated by his agency for placing an audio recording device in his girlfriend's home without her permission.

During *Garrity* interviews with his agency and POST, Harger said on two occasions he placed an audio recorder in his girlfriend's home without her permission. Harger said he did this because he wanted to know what his girlfriend and her kids were saying about him.

A criminal investigation was not conducted.

Michael Hayes 17:45 – 21:27

Michael Hayes was investigated by a local police agency for electronic communication harassment and threats of violence. The investigation disclosed that on multiple days during the month of June and July 2020, Hayes sent numerous harassing text messages, emails and threatening text messages to his ex-wife and her boyfriend. Hayes continued to send harassing messages after being told to stop by his ex-wife and by the local police department.

On July 15, 2020, the case was screened with the city attorney and charges were filed on Hayes. On October 21, 2020, Hayes entered a plea of guilty to one (1) count of threats of violence, as provided in Utah Code Ann. § 76-5-107, a class B misdemeanor, and five (5) counts of electronic communication harassment, as provided in Utah Code Ann. § 76-9-201, a class B misdemeanor. As part of a plea deal, the other 32 counts of electronic communication harassment were dismissed with prejudice.

During a *Garrity* interview with POST Hayes admitted that he sent his ex-wife harassing messages after being told by her and by the local police to stop contacting her. Hayes said he purchased two new phones to send threatening and harassing messages to his ex-wife's boyfriend anonymously. Hayes admitted that some of the messages he sent involved threats of violence. Hayes resigned from his department before participating in his department's administrative investigation

Brandon La Verne 21:30 – 30:44

Brandon LaVerne got into an argument with his girlfriend at the residence they shared. LaVerne spent the day at home drinking alcohol and playing video games, waiting for Caldwell to come home. An argument ensued when the girlfriend returned from work and wanted to go to bed, but LaVerne wanted to talk. The argument escalated to the point that the girlfriend left the apartment and called the police. The girlfriend reported LaVerne pinned her down on the bed and prevented her from leaving. LaVerne was arrested and charged with Assault (DV), Unlawful Detention (DV), and Intoxication. LaVerne pled guilty, as a plea in abeyance to all three charges.

Dustin Long 30:51 – 36:32

Dustin Long was investigated for criminal mischief, criminal trespass, and DUI. The investigation disclosed Long and his father breached a gate that was secured with a wire and drove onto private property without the permission of the property owner. The property was clearly marked by a sign as being private.

Two ranchers located Long and his father on the north side of the property and confronted them. Long's father admitted to cutting a wire fence on the north side so he and Long could exit the property. Long and his father fled the scene after being confronted. A rancher called the police.

Long was stopped by a local police officer while driving his side-by-side. A second officer arrived and detected the odor of an alcoholic beverage coming from Long's person. The second officer administered Standardized Field Sobriety Tests. Long failed the field tests. Long admitted to consuming alcoholic beverages throughout the day. Long was subsequently arrested for DUI, criminal mischief, and criminal trespass. Long submitted to a blood draw and had a blood alcohol content of .09.

An administrative investigation was opened by his agency. Long resigned and did not participate in the investigation. The investigation determined Long violated policies concerning conduct and performance.

The case was screened with the city attorney and charges were filed against Long. Long pled guilty to an amended charge of impaired driving, a class B misdemeanor. He also pled no contest to criminal mischief, a class B misdemeanor. The criminal trespass charge was dismissed with prejudice.

POST attempted to contact Long to arrange a time for an interview. Long did not respond to calls from POST. A *Garrity* interview was not completed.

Long failed to respond to the Notice of Agency Action. On June 7, 2021, an Order of Default was signed by the administrative law judge and mailed to him.

Chris Loveless 36:37 – 40:29

Chris Loveless engaged in a vehicle pursuit. Video footage from his vehicle's dash camera showed the pursuit ended when Loveless accelerated his patrol vehicle and crashed into the back of the suspect vehicle. Loveless documented in his crime report and probable cause statements that his vehicle's brakes were not working to their full potential which led to a traffic accident.

Loveless was investigated by his agency and admitted to accelerating his patrol vehicle and crashing into the back of the suspect vehicle. On February 25, 2020, Loveless resigned in lieu of termination.

During a POST *Garrity* interview, Loveless made the same admission concerning the vehicle pursuit as he did with his agency. He also specified that he did not recall using his brakes during the pursuit.

Herson Majano 40:33 – 49:03

Herson Majano, a certified dispatcher, intentionally drove his car into a cement sound barrier in an attempt to kill himself. Majano told officers investigating the accident he has a drug addiction. Majano said he relapsed at a party earlier that day and used methamphetamines and was feeling bad about doing so. He said he believed his addiction was going to ruin his life so he drove his car into the cement sound barrier in an attempt to kill himself.

Majano performed Standardized Field Sobriety Tests (SFSTs) and provided multiple clues of impairment. Majano was arrested and cited for the DUI. The arresting officer then applied for an

involuntary commitment (Pink Sheet) to a local medical center where Majano was evaluated by medical personnel.

On March 2, 2021, Majano entered a guilty plea, to be held in abeyance, to the amended charge of impaired driving.

Majano did not return any of POST's attempts to contact him.

Jeremy Miller 49:12 – 52:40

Jeremy Miller was investigated criminally for allegations of sexual misconduct with two female inmates. One inmate stated they had sexual intercourse 10 times while she was in custody. The other inmate stated they had sexual intercourse one time while she was in custody.

Miller admitted to giving his phone number to the inmate who alleged they had sexual intercourse 10 times so they could have sexual intercourse after she was released. He, however, denied having sexual intercourse with the two inmates. The inmate who said she and Miller had sex 10 times also said she and Miller used a condom each time they had sex. A box of condoms was found in Miller's vehicle during the investigation. Miller denied using condoms with his wife.

Five counts of custodial sexual relations were filed against Miller. He was subsequently terminated from his agency on February 8, 2019. On July 23, 2019, Miller pled no contest to one count of custodial sexual relations, a third-degree felony. The other four charges were dismissed without prejudice.

Miller participated in a *Garrity* interview with POST. In the interview, Miller denied having sexual intercourse with the two inmates, but admitted to having sexual conversations. Miller also stated that if he was going to have sexual intercourse with either of them, then he would have chosen the one that claimed they had sexual intercourse 10 times.

Miller waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the Notice of Agency Action .

Jack Stephenson 52:44 – 56:58

Jack Stephenson submitted a memorandum indicating he had used different types of drugs several years ago, prior to attending the law enforcement academy, which were not included on his application to attend the academy. He also included additional usage of some drugs he had included on the application for entrance into the academy. In the memorandum he indicates "I was afraid that if I put all this stuff down...I wouldn't be accepted."

Benjamin Stowell 57:04 – 1:05:09

Benjamin Stowell, a special functions officer (SFO) who was working for the Utah County Constable's Office, was investigated for the criminal offense of impersonation of an officer. Stowell had completed his law enforcement officer (LEO) training but was not sworn. Stowell was also investigated for driving under the influence of alcohol on a separate occasion. During the first incident, Stowell was at his parent's residence and noticed a vehicle with a male individual in the driver seat who was asleep. Stowell thought the male may have been drunk so he approached the vehicle. Stowell told the male he was a sergeant with Utah County and asked him what he was doing. The male told Stowell he was an Uber driver waiting for a rider. Stowell asked the male for his Uber license or Uber certification, which the male did not have. Stowell asked the driver to exit his vehicle. As the male opened his door, Stowell observed two firearms inside the vehicle. Stowell took the firearms away from the male and placed them on the windshield of the vehicle. The male then exited the vehicle and Stowell contacted the local police for assistance. The responding agency later discovered Stowell was not a law enforcement officer and screened charges with the local prosecutor.

During the second incident Stowell was driving home from a concert he attended at a local venue. Stowell entered an intersection on a green light and was struck by another vehicle. The responding officer spoke with Stowell and observed the odor of alcohol coming from him. Stowell admitted to the officer he consumed a few beers. Stowell performed the standardized field sobriety tests which he failed. Stowell submitted to an intoxilyzer test which registered a BrAC of .188. Stowell was issued a citation for the DUI and released to a responsible party.

Stowell pleaded guilty to driving under the influence of alcohol, a class B misdemeanor, in criminal court. The charge of impersonation of an officer was later dismissed without prejudice.

Stowell participated in a *Garrity* interview with POST and admitted to the conduct of DUI. Stowell also admitted that he told the male driver he was a sergeant with Utah County. In the interview, Stowell said he asked the driver to exit his vehicle and hand over his weapons.

Stowell later resigned from his employment at the Utah County Constable's Office.

A hearing was held before the administrative law judge. The ALJ issued findings of facts and conclusions of law stating Stowell violated UCA 53-6-211 on both counts as outlined in the notice of agency action.

Taffin Strong 1:05:13 – 1:09:16

Taffin Strong, was investigated by a local police agency for driving under the influence of alcohol (DUI). On August 10, 2020, a citizen reported to dispatch a reckless driver. The local agency located the reckless driver and identified the driver as Strong. Strong was in his personal vehicle, dressed in his BCSO uniform, but was not armed. Strong had bloodshot eyes and was asked to perform Standardized Field Sobriety Tests and exhibited multiple signs of impairment.

Strong was arrested and a blood alcohol test was conducted. Strong had a blood alcohol content of .19.

On August 11, 2020, the case was screened with the county attorney and charges were filed on Strong. On December 10, 2020, Strong entered a plea of guilty to a charge of impaired driving, as provided in Utah Code Ann. § 41-6a-502.5, a class B misdemeanor.

On August 11, 2020, during a *Garrity* interview with his agency, Strong said he drank too much alcohol prior to when he was scheduled to work. Strong said he decided to go to work instead of calling off for the shift.

Strong did not participate in the POST investigation.

Richard Taylor 1:09:19 – 1:20:34

Richard Taylor was traveling to Arizona and stopped in Mesquite, Nevada accompanied by his ex-wife. While in Mesquite they parked in a casino parking lot. The Mesquite Police Department (MPD) responded to Taylor's RV in the parking lot and Taylor was subsequently arrested for charges of domestic assault and false imprisonment. Richard admitted he had been drinking.

The ex-wife told the officers the argument started in the casino and continued when they returned to the RV. She said Richard had pushed her several times, once to the floor, and he prevented her from leaving the RV. She said Richard had a handgun in his possession during the argument. Richard admitted to having the gun, but said he only took it out to put it away as soon as he got back to the RV from the casino. When the police arrived, they were notified the ex-wife was concerned because the handgun was out and thought Richard was going to kill himself and her.

Richard later pled guilty to the reduced charge of disorderly conduct in the Mesquite Court. Richard resigned from his agency prior to the conclusion of their administrative investigation.

Agustin Torres 1:20:46 – 1:24:04

Agustin Torres was investigated by his agency once it was discovered that there was a discrepancy between the times he claimed to be working an overtime shift on his timesheet and the time he actually worked. During the investigation, it was discovered Torres had left several other overtime shifts early but claimed he was there until the shift ended on his timesheets, and was paid for the hours he claimed but did not work. GPS data corroborated that he left the assigned work areas earlier than scheduled. Timecards for the other Troopers working the same shifts were also checked and showed they did not leave the shifts early nor did the shifts end early. The investigation also showed Torres left one of those overtime shifts, before the end of the shift, and immediately drove to the Logan area in his patrol vehicle. This was in violation of UHP policy which prohibits the use of patrol vehicles for personal reasons beyond 50 miles from his home for personal reasons.

James Vance 1:24:08 – 1:29:56

James Vance was cited for proceeding past an inspection station while transporting a boat during an inspection station's hours of operation. The violation was classified as a class B misdemeanor. Vance pled guilty to the above listed charge after it was amended to an infraction.

Prior to Vance's guilty plea, Vance's agency conducted an administrative investigation. The investigation was completed on July 13, 2020. The investigation indicated Vance was culpable for failing to comply with inspection regulations. A corrective interview with Vance was conducted in August of 2020.

POST conducted a *Garrity* interview with Vance. He noticed the signs that directed boaters to the inspection station, but did not pay attention to their message at the time. Vance also explained that he did not visit the inspection station because he thought it was closed. Vance visited the inspection station after being instructed to do so by law enforcement.

A hearing was held before the administrative law judge. The ALJ subsequently issued findings of facts and conclusions of law stating Vance violated Utah code 53-6-211 as outlined in the Notice of Agency Action