

# POST COUNCIL MEETING

March 24, 2008 @ 2:00pm

## Dixie State College Agenda

- ❖ Welcome and Introductions: Chairman Lynn Nelson
  - New POST Deputy Director – Kelly Sparks
- ❖ Approval of December 6, 2007, Minutes: Lynn Nelson
- ❖ Annual Audit Letter: Scott Stephenson
- ❖ Action Report for 2007: Scott Stephenson
  - Cadets Trained, In-Service Statistics, Cases, etc.
- ❖ Technology Report: John Jacobs
  - Computer Lab, New Software, etc.
- ❖ H. B. 305 - County Sheriff Qualification Amendments: Lynn Nelson/  
Scott Stephenson
- ❖ Satellite Audit Results: Wade Breur
  - Utah Valley University
  - Salt Lake City Police Academy
- ❖ Weber State Accelerated Academy Report: Kelly Sparks
- ❖ Dixie College Seeking Approval to Include Correction Training: Dave Holm
- ❖ Disciplinary Actions: Bob Morton/Steve Winward
- ❖ Schedule Next Meeting:
- ❖ Adjourn for Dinner:



# POST COUNCIL MEETING

March 24, 2008

*Dixie State College/Kenneth Gardner Student Center  
St. George, UT*

## MINUTES

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On March 24, 2008, a regularly scheduled POST Council meeting was held at 2:00pm at the Dixie State College/Kenneth Gardner Student Center in St. George, 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  
Sheriff Dave Edmunds, Summit County Sheriff's Office  
Councilman Robert D. Robertson, Murray City Council  
Executive Director Tom Patterson, Department of Corrections  
Larry Gillett, UPOA  
Vice-President Donna Dillingham-Evans, Dixie State College  
Director Mike Larsen, Orem DPS  
Chief Robert Allinson, Cedar City Police Department  
Commissioner James J. Eardley, Washington County  
Mayor Joe Ritchie, Roy City  
Dr. Frank Budd, Utah Chiefs of Police Association (Proxy for Chief Val Shupe a portion of the meeting)  
Val Shupe, South Ogden City P.D. (Arrived at the meeting during disciplinary cases)

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

Attorney General Mark Shurtleff, Attorney General's Office  
Colonel Lance Davenport, Superintendent, Utah Highway Patrol

**POST staff present:**

Scott Stephenson, Director  
Shaunna McCleve, Administrative Secretary  
Steve Winward, POST Investigations Bureau Chief  
Kevin Nitzel, POST Investigations  
Bryant Green, POST Investigations (on loan from DOC)  
Paul Kotter, POST Investigations  
Wade Breur, POST Basic Training Bureau Chief  
Robert C. Morton, DPS Legal Counsel representing POST  
John Jacobs, Training Manager

**Others present:**

David Holm, Dixie State Police Academy  
Kelly Sparks, Weber State Police Academy  
Dennis Hutchinson, Department of Corrections Training Academy

Ben Winslow, Desert Morning News  
Nate Carlisle, Salt Lake Tribune  
Brian Stecklen, Weber State University  
John C. Brewer, Utah Valley State College PD  
Kevin McLeod, Weber County SO  
Jewel Doyle Fuchs, Weber County SO  
Rich Townsend, Department of Public Safety  
Kirk Smith, Washington County SO  
Stuart McIver, Department of Correction – AP&P  
Chris Howard, Brigham City PD  
Dennis Vincent, Brigham City PD  
Sid Groll, Division of Natural Resources  
Chris Autry, Brigham Young University PD  
Larry Stott, Brigham Young University PD  
Aaron Rhoades, Brigham Young University PD  
Jim Hoffman, Salt Lake Community College Academy  
Russell Peck, St. George PD  
Barry Golding, St. George PD  
James Van Fleet, St. George PD  
Bruce Graham, St. George PD  
Tyrell Bangerter, St. George PD  
Richard Farnsworth, St. George PD  
Marlon Stratton, St. George PD  
J. Lynn Yeates, Box Elder SO  
Lindsay Shepherd, South Jordan PD  
Darin Parke, South Ogden PD  
Rod Peterson, Bridgerland Police Academy  
Ed Moyer, Sandy PD  
Robert Wright, Snow College PD  
Terry McKinnon, Utah Highway Patrol  
Doug McCleve, Utah Highway Patrol  
Jeff Nigbur, Department of Public Safety  
Cameron Roder, Department of Public Safety  
Brian Wallace, Syracuse PD  
Tracy Jensen, Syracuse PD  
Scott Folsom, University of Utah PD

### **WELCOME AND INTRODUCTIONS**

Chairman Lynn Nelson welcomes the Council Members and visitors. He introduced the new POST Deputy Director, Kelly Sparks and welcomed him as the newest member of the POST staff.

### **APPROVAL OF POST COUNCIL MINUTES**

The POST Council minutes of December 6, 2007, were reviewed and the following motion was presented.

**Motion:** *Sheriff Mike Lacy motioned to approve the minutes of December 6, 2007.*  
**Second:** *Larry Gillett seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

## **ANNUAL AUDIT LETTER**

Director Stephenson informed the Council there would be a letter sent to all Utah law enforcement agencies preparing them for the annual records and in-service audit on all sworn officers. After the completion of the audit, agencies will be able to report in-service hours. The letter explains the timeline over the next few months, so all the administrators will be aware of what is going to take place. The letter outlines three phases of the audit:

1. "Reconciliation Period", which will be during the months of April and May. During this period, POST will send out a list of all active officers to each agency administrator. The department will be required to reconcile all of their officers with POST's records. Once this is completed, the agencies will move to the second phase.
2. The second phase is the "Reporting Period", which will take place in June and July. Departments will be required to submit annual training hours online through the POST's website portal.
3. The third phase is the "Audit Period", which will be during the month of August. During this period, POST will identify officers who have not met the 40 hours in-service requirement and notify the officer and their respective agency of the deficiency. The officer certification will be suspended until the deficiency is made up. Officers that do not make up the deficiency will be reported to the Utah Retirement System (URS) on October 1<sup>st</sup>.

The "Annual Audit Letter" will be sent to the departments by POST, in behalf of the Council. Last year there were eleven officers that were reported to the URS by POST. The reconciliation audit last year has helped POST maintain accurate records of the certified officers in the State of Utah.

## **ACTION REPORT FOR 2007**

Director Stephenson reported to the Council the following annual statistics for 2007.

<b>BASIC TRAINING</b>					
<b>Cadets Trained</b>		<b>Attrition</b>		<b>Agencies Served</b>	
26	SFO	5	Academic	18	City
88	LEO (Attended both blocks of training)	1	EVO	28	County
82	LEO (Law Enforcement block only)	1	Firearms	6	State
<b>196</b>	<b>TOTAL</b>	2	Misconduct	<b>52</b>	<b>TOTAL</b>
		4	PT		
		<b>13</b>	<b>TOTAL</b>		

  

<b>INVESTIGATIONS</b>			
OPENED	86	FELONY LETTER	1
CLOSED	45	REVOCATIONS	13
PENDING W/ RECOMMENDATION	20	1 YR. SUSPENSION	3
STILL OPEN	21	2 YR. SUSPENSION	2
		3 YR. SUSPENSION	1
		4 YR. SUSPENSION	1
		LETTER OF CAUTION	20
		DENIAL TO ATTEND	2
		NO ACTION	3

  

<b>IN-SERVICE</b>			
CLASSES SPONSERED	51	OFFICERS TRAINED ON-LINE	1,358
OFFICERS TRAINED	1,140	OFFICERS HOURS OFFERED ON-LINE	14
TOTAL HOURS	1,552	AGENCIES SERVED ON-LINE	96
		TOTAL HOURS COMPLETED ON-LINE	5,432

## **TECHNOLOGY REPORT**

John Jacobs reported to the Council on POST technology. The distance education classroom has been completed and is ready to start production. The filming of the basic training session #272 has begun and will be available to satellite academies and agencies to utilize for refresher courses.

On June 4<sup>th</sup> and 5<sup>th</sup>, POST will offer an Intoxilizer class and SFST that will be held at the Miller Campus. The class will be broadcasted by a two-way live feed to Richfield that will allow officers in the region to attend. It will also be available on a secured connection through the Internet.

\*The Richfield class is on hold due to connection issues in Richfield, but attendance over the Internet is still scheduled.

John also reported the technology progress in basic training. The online testing system for basic training and the satellite academies has been implemented. He explained after the curriculum and assessment development is completed, the information is then put onto the POST servers. It will then be pushed down to the POST Staff and the Internet so satellite academies and agencies may access it.

John explained the capabilities of testing online. For example, each student will have a randomized test to prevent cheating. After the student has taken a quiz, they are provided immediate feedback pertaining to questions missed and what the answer should have been. However, this option will not be available on certification tests.

In addition to the immediate feedback, this technology offers a "Coaching Report." This report will be accessible after the test is completed and will let the student know which objectives were answered correctly and those that were incorrect.

## **H.B. 305 – COUNTY SHERIFF QUALIFICATION AMENDMENTS**

Chairman Nelson informed the Council of House Bill 305, which was passed during the 2008 Legislative session. The Bill implements qualification changes for individuals running for County Sheriff. The Sheriff's Association developed a 40-hour corrections training course. This course provides the necessary information to effectively manage and maintain a correctional facility. This course will be required for candidates running for County Sheriff who do not possess Correction Certification.

Director Stephenson reported that POST would provide this training in two ways; POST will host the 40-hour course and offer an online course to train prospective Sheriffs. The course examination will be proctored at satellite testing facilities located throughout the state.

## **SATELLITE AUDIT RESULTS**

Lieutenant Breur reported on Utah Valley State College Academy and the Salt Lake City Police Academy audit results. The areas audited included: the application process, administration of the academy, policy and procedures, physical fitness testing and academic testing. The academies were found to have met or exceeded POST requirements.

## **WEBER STATE ACCELERATED ACADEMY REPORT**

Director Kelly Sparks provided an after action report about the accelerated skills academy to the Council.

One-year ago at the POST Council meeting, Sheriff Slater proposed and was granted a pilot accelerated skills academy. The intent of the program was to build upon the education a student receives as they complete a bachelor program in Criminal Justice. Director Sparks recognized the following as the committee members: Deputy Commissioner Rich Townsend, Director Scott

Stephenson, Director Sid Groll, Chief Ken McGuire, Chief Gary Jensen, Sheriff Brad Slater, Sheriff Dave Edmunds, Director Steve Demille, Director Dave Holm, Dr. Kaye Gillespie, and himself. The committee met on several occasions and conducted a thorough review of the Weber State University Criminal Justice curriculum. The committee then compared it with the current POST curriculum and identified specific classes from the special function officer block, correction block and the law enforcement block that would need to be included in the accelerated academy.

The program began on January 23, 2008, and was approximately nine weeks long with 355 training hours. All 10 cadets graduated last week on March 20, 2008. The cadets in this class exhibited a high-level of maturity and they were very dedicated as they went through the process. The criminal justice background was an asset for these cadets while they attended this academy. There were five different agencies represented in this program.

Class profile was as follows:

- Median Age – 30 years
- Average Education – 16.56 years
- Bachelors Degree in Criminal Justice – 100%

Director Sparks was very pleased with the cadets' performance and highlighted the following areas:

	<u>Pass Rate</u>	<u>Average Score</u>	<u>Range</u>
Physical Fitness	100%	83.8%	69 - 94.8%
Firearms	100%	91.6%	83.9 - 96.4%
Academics	100%	93.41%	91.59 – 94.85%
Graduation	100%		

Each graduate will be closely monitored as they progress through their police field training programs. Director Sparks will provide the Council with performance report. All administrators from the employing agencies have agreed to provide the necessary feedback to evaluate the program. This accelerated program was a success because of the cooperation and assistance provided by all of the agencies.

Sheriff Edmunds asked how the accelerated program class performance compared to a normal POST session. Director Sparks said he was unable to compare this program with a POST class. He mentioned the class had higher academic performance when compared to a Weber State Satellite session. John Jacobs reported POST academic scores average between 86 – 87%.

**DIXIE COLLEGE SEEKING APPROVAL TO INCLUDE CORRECTIONS TRAINING**

Director Dave Holm addressed the Council. Dixie College Academy had their first graduation and it was a successful session. Director Holm expressed his gratitude to all the surrounding agencies and to POST for assisting Dixie College Satellite Academy. He stated he would like to add corrections training to the Dixie College Academy, because of a high demand for corrections officers in the region. This would serve the sheriff's in the area and provide them a wide-range of officers to choose from.

Sheriff Kirk Smith addressed the Council and endorsed the Dixie College Academy. He emphasized the added value the Corrections Certification would bring to the southern portion of the state. He asked for the Council's support of Director Holms request.

- Motion:** *Sheriff Mike Lacy motioned to accept Director Dave Holm's request to have the corrections training added to Dixie College Satellite Academy.*
- Second:** *VP Donna Dillingham-Evans seconded the motion.*
- Vote:** *The motion passed with all in favor.*

## **DISCIPLINARY ACTIONS**

Attorney Robert Morton and Lt. Steve Winward presented the following disciplinary cases:  
\*Case Summaries will be added in a separate appendix.

### **JOHN F. SPENCER - (Felony Convictions- Child Abuse/Aggravated Assault)**

*Appendix A-1*

Aggravating Circumstances: Conviction in Criminal Court.

Mitigating Circumstances: None.

**John F. Spencer was convicted of a felony and received a felony letter for revocation of his Peace Officer Certification from Director Stephenson.**

### **JAROM H. BROWN- (Inappropriate relationship with a prisoner – Associating with Criminals)**

*Appendix A-2*

Aggravating Circumstances: On-duty- Untruthfulness with Investigators- Custodial environment.

Mitigating Circumstances: None

***Motion:*** *Larry Gillett motioned to accept Jarom Brown's signed consent agreement for a two-year suspension of his Peace Officer Certification. (6/2/07 – 6/27/09)*  
***Second:*** *Sheriff Mike Lacy seconded the motion.*  
***Vote:*** *The motion passed with all in favor.*

### **RONALD R. FRIEND - (Inappropriate relationship with a prisoner – Association with Criminals)**

*Appendix A-3*

Aggravating Circumstances: On-duty - Untruthfulness with Investigators - Lying under Garrity to department - Custodial environment.

Mitigating Circumstances: None.

***Motion:*** *Chief Bob Allinson motioned to accept Ronald Friend's signed consent agreement for a two-year suspension of his Peace Officer Certification. (5/30/07 – 5/30/08)*  
***Second:*** *Sheriff Mike Lacy seconded the motion.*  
***Vote:*** *The motion passed with all in favor.*

**FRED BARLOW** - (Non-feasance, Failure to answer questions in an official investigation, Seeking guidance from a federal fugitive from justice, revocation of Peace Officer Certification in another state).

Appendix A-4

Aggravating Circumstances: Lack of cooperation with the investigation.

Mitigating Circumstances: None.

**Motion:** *Ben Jones motioned to accept the findings of the Administrative Law Judge and revoke Fred Barlow's Peace Officer Certification.*

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

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

**PRESTON L. BARLOW** - (Non-feasance, Failure to answer questions in an official investigation, revocation of Peace Officer Certification in another state).

Appendix A-5

Aggravating Circumstances: Lack of cooperation with the investigation.

Mitigating Circumstances: None.

**Motion:** *Sheriff Mike Lacy motioned to accept the findings of the Administrative Law Judge and revoke Preston Barlow's Peace Officer Certification.*

**Second:** *Ben Jones seconded the motion.*

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

**JAMES M. COLEMAN** – (Theft)

Appendix A-6

Aggravating Circumstances: On-duty - Disruption to the community and department - Conviction in criminal court - Untruthfulness and lack of cooperation with investigation.

Mitigating Circumstances: None.

**Motion:** *Larry Gillett motioned to accept the findings of the Administrative Law Judge and revoke James Coleman's Peace Officer Certification.*

**Second:** *Commissioner James Eardley seconded the motion.*

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

**BARRY T. NIELSEN - (Sexual Battery)**

*Appendix A-7*

Aggravating Circumstances: On-duty- Supervisory authority- Disruption to the community and department – Untruthfulness and lack of cooperation with investigation- Conviction in criminal court – Lying under Garrity – Years of service.

Mitigating Circumstances: None.

***Motion:*** *VP Donna Dillingham-Evans motioned to accept the findings of the Administrative Law Judge and revoke Barry Nielsen's Peace Officer Certification.*

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

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

**JOHN C. ELLIS - (Criminal Trespass)**

*Appendix A-8*

Aggravating Circumstances: On-duty or perception of on-duty status – Supervisory authority – Disruption to community and/or department – Misused position of trust and authority – Years of service.

Mitigating Circumstances: None.

***Motion:*** *Ben Jones motioned to accept John Ellis' signed consent agreement for revocation of his Peace Officer Certification.*

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

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

**STUART J. FORD - (Domestic Violence)**

*Appendix A-9*

Aggravating Circumstances: Caused a disruption to the community and/or department – Any criminal conduct that has domestic violence attached to the charge.

Mitigating Circumstances: Truthfulness and cooperation with investigation – Takes responsibility for actions.

***Motion:*** *Commissioner James Eardley motioned to accept Stuart Ford'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.*

**TROY ABPLANALP - (Threatening with a Dangerous Weapon)**

*Appendix A-10*

Aggravating Circumstances: Disruption to community and department – Conviction in criminal court - Public intoxication while armed.

Mitigating Circumstances: Truthfulness and cooperation during IA investigation – Plea to a lesser offense.

***Motion:*** *Robbie Robertson motioned to accept Troy Abplanalp's signed consent agreement for revocation of his Peace Officer Certification.*

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

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

**STEPHANIE K. PORET - (Unlawful Use of Controlled Substance)**

*Appendix A-11*

Aggravating Circumstances: Disruption to department.

Mitigating Circumstances: None.

***Motion:*** *Larry Gillett motioned to accept Stephanie Poret's signed consent agreement for revocation of her Dispatcher Certification.*

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

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

**ELIZABETH M. MILLER - (Custodial Sexual Misconduct)**

*Appendix A-12*

Aggravating Circumstances: Disruption to community and/or department.

Mitigating Circumstances: None.

***Motion:*** *Ben Jones motioned to accept Elizabeth Miller's signed consent agreement for revocation of her Peace Officer Certification.*

***Second:*** *Commissioner James Eardley seconded the motion.*

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

**ROGER J. NIELSON - (Sexual Misconduct)**

*Appendix A-13*

Aggravating Circumstances: Disruption to the community and the department – Misuse of position of trust and authority.

Mitigating Circumstances: None.

***Motion:*** Chief Bob Allinson motioned to accept Roger Nielson's signed consent agreement for revocation of his Peace Officer Certification.

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

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

**STEPHEN A. GRAY - (Custodial Sexual Misconduct)**

*Appendix A-14*

Aggravating Circumstances: On-Duty – Caused a disruption to the community and/or department.

Mitigating Circumstances: Truthfulness and cooperation with investigation.

***Motion:*** Sheriff Mike Lacy motioned to accept Stephen Gray's signed consent agreement for revocation of his Peace Officer Certification.

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

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

**KATIE C. SCHOFIELD - (Custodial Sexual Misconduct)**

*Appendix A-15*

Aggravating Circumstances: None.

Mitigating Circumstances: Off-duty status.

***Motion:*** Larry Gillett motioned to accept Katie Schofield's signed consent agreement for revocation of her Peace Officer Certification.

***Second:*** Commissioner James Eardley seconded the motion.

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

**GEORGE M. ZAMANTAKIS - (Sexual Misconduct, Lying under Garrity)**

*Appendix A-16*

Aggravating Circumstances: Position of authority – Repetitiveness of conduct – Disruption to the community.

Mitigating Circumstances: Support from Mayor and officers.

***Motion:*** *Director Mike Larson motioned to accept George Zamantakis' signed consent agreement for revocation of his Peace Officer Certification.*

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

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

**MICHAEL S. KINGSTON - (Sexual Misconduct, Lying after a Garrity Warning)**

*Appendix A-17*

Aggravating Circumstances: On-duty – Disruption to the community and the department – Repetitiveness of conduct.

Mitigating Circumstances: None.

***Motion:*** *Ben Jones motioned to accept Michael Kingston'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.*

**MARK B. BINKS - (On-duty Sexual Misconduct)**

*Appendix A-18*

Aggravating Circumstances: On-duty – Disruption to the community and the department – Supervisory authority.

Mitigating Circumstances: Takes responsibility for actions.

***Motion:*** *Director Mike Larsen motioned to accept Mark Bink's signed consent agreement for a four-year suspension of his Peace Officer Certification. (9/14/07 - 9/14/11)*

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

***Vote:*** *The motion passed with 12 in favor and 1 opposed.*

**MICHAEL H. HOUCK - (On-duty Sexual Misconduct)**

Appendix A-19

Aggravating Circumstances: On-duty – Repetitiveness of conduct – Disruption to community and department.

Mitigating Circumstances: Takes responsibility for actions – Honesty during investigation.

Discussion: Executive Director Tom Patterson would like to see a four-year suspension. Lt. Winward explained Kingston, Binks, Houck and Collyer cases are all related. Binks was a supervisor and that is the reason he received a four-year suspension. Sheriff Cox stated this is consistent with the way the Council handled the previous case- he believes supervisors should be held to a higher standard.

Director Larsen feels the Council needs to weigh the mitigating and aggravating circumstances. Sheriff Edmunds feels that taking responsibility for actions should not be a mitigating circumstance. Director Larsen stated some of these officers did come clean and that is how the case came to light. Sheriff Edmund stated because of the high demand of hiring officers, some agencies may hire some officers they normally wouldn't. He feels we need to take a firm stand when it comes to disciplining officers.

Attorney Robert Morton told the Council, from a legal opinion, all three of these cases are consistent with the guidelines and would stand any type of legal challenge. There are distinguishing characteristics with each of these cases and the administrators of these officers have agreed with POST's recommendations.

Larry Gillett feels these cases of on-duty sexual misconduct should be a higher category than D and should be a B, or C.

Director Larsen believes the guidelines need to be adjusted. Attorney Morton reminded the Council to evaluate the cases with the current guidelines. Attorney Morton cautioned the Council to not modify the guidelines at this time, but could do so in the near future.

**Motion:** *Sheriff Mike Lacy motioned to accept Michael Houck's signed consent agreement for a three-year suspension of his Peace Officer Certification. (9/18/2007 -9/18/10)*

**Second:** *Sheriff Bud Cox seconded the motion.*

**Vote:** *The motion tied with 6 in favor and 6 opposed. Motion passed with Chairman Nelson breaking the tie and voting in favor. The final vote was 7 in favor and 6 opposed.*

**JAMES B. COLLYER - (On-duty Sexual Misconduct)**

Appendix A-20

Aggravating Circumstances: On-duty – Disruption to the community and the department.

Mitigating Circumstances: Takes responsibility for actions – Honesty during investigation.

**Motion:** *Larry Gillett motioned to accept James Collyer's signed consent agreement for a two-year suspension of his Peace Officer Certification. (9/20/07 – 9/20/09)*

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

**Discussion:** Executive Director Patterson feels this discipline is not severe enough.

**Vote:** *The motion passed with 7 in favor and 6 against.*

**ROBERT W. CROZIER - (Inappropriate use of state computer, Consensual Sexual Misconduct)**

*Appendix A-21*

Aggravating Circumstances: On-duty – Disruption to community and department – At workplace – Repetitiveness of conduct.

Mitigating Circumstances: Truthfulness and cooperation during investigation – Takes responsibility for actions.

**Motion:** *Commissioner James Eardley motioned to accept Robert Crozier's signed consent agreement for a four-year suspension his Peace Officer Certification. (10/4/07 – 10/4/11)*

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

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

**JEREMY D. JACKSON - (On-duty Sexual Misconduct)**

*\* Case pending, remanded back to POST investigations.*

Aggravating Circumstances: Repetitiveness of conduct – Disruption to the community and department.

Mitigating Circumstances: None.

**Motion:** *Sheriff Bud Cox motioned to accept Jeremy Jackson's signed consent agreement for a three-year suspension of his Peace Officer Certification. (3/7/08 – 3/7/11)*

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

**Discussion:** *Sheriff Dave Edmunds stated this case is worse than previous cases because the actions of the officer were done in a patrol car and could be viewed by members of the public. He feels this should be a four-year suspension. Larry Gillett concurred with Sheriff Edmunds proposal for a four-year suspension.*

**Vote:** *The motion failed with 6 in favor and 7 opposed*

**New Motion:** *Ben Jones motioned to reject the signed consent agreement for a three-year suspension and have the POST Investigator seek a signed consent agreement for a four-year suspension of Jeremy Jackson's Peace Officer Certification. (3/7/08 – 3/7/12)*

**Second:** *Commissioner James Eardley seconded the motion.*

**Vote:** *The motion passed with 9 in favor and 4 opposed.*

**KENNETH C. ALTON - (Sexual Misconduct)**

*\* Case pending, remanded back to POST investigations.*

Aggravating Circumstances: On-duty – Caused a disruption to the community and/or department.

Mitigating Circumstances: Truthfulness and cooperation with investigation – Takes responsibility for actions.

**Motion:** *Director Mike Larsen motioned to reject the signed consent agreement for a two-year suspension and have the POST Investigator seek a signed consent agreement for a four-year suspension of Kenneth Alton's Peace Officer Certification. (1/17/08 – 1/17/12)*

**Second:** *Commissioner James Eardley seconded the motion.*

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

**LEON D. WEESE - (Off-duty Consensual Sexual Misconduct)**

*Appendix A-22*

Aggravating Circumstances: Disruption to community and department.

Mitigating Circumstances: Off-duty

**Motion:** *Larry Gillett motioned to accept Leon Wesse's signed consent agreement for an eighteen-month suspension of his Peace Officer Certification. (5/18/2007-11/18/08)*

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

**Discussion:** Director Larsen feels the officer may have taken advantage of the victim. Larry Gillett asked how POST came up with the recommendation. Investigator stated the affair was off duty and Chief Greiner agreed with the recommendation.

**Vote:** *The motion passed with 9 in favor and 4 opposed.*

**FRED S. SWAIN - (Driving Under the Influence)**

*Appendix A-23*

Aggravating Circumstances: Supervisor authority (Lieutenant in charge of DUI squad) – Disruption to the community and department (media attention) – Conviction in Court.

Mitigating Circumstances: First offense – Honesty, Garrity interview with UHP.

**Discussion:** Executive Director Tom Patterson questioned whether Swain's attempt to mask the odor of alcohol by eating an MRE should be considered an aggravating circumstance. Investigator Winward replied the elusive behavior of Swain was listed in the body of the report. He did eventually comply with officers and did what they asked him to do. Attorney Morton informed the Council of Colonel Davenport's concurrence with POST's recommendation. Larry Gillett asked if POST would reduce his sentence so Swain could reactivate his Peace Officer Certification. Director Stephenson assured the Council that would not be the case.

**Motion:** *Larry Gillett motioned to accept Fred Swain's signed consent agreement for a four-year suspension of his Peace Officer Certification. (6/23/06-6/23/10)*

**Second:** *Chief Bob Allinson seconded the motion.*

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

**ALAN W. HURST** - (Driving Under the Influence of Alcohol)

*Appendix A-24*

Aggravating Circumstances: Failing to cooperate during an arrest – Conviction in Court.

Mitigating Circumstances: Takes responsibility for actions – Off-duty.

**Motion:** *Commissioner James Eardley motioned to accept Alan Hurst's signed consent agreement for a three-year suspension of his Peace Officer Certification. (12/5/07-12/05/10)*

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

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

**TORY K. PARK** - (DUI/Leaving the scene of an accident)

*Appendix A-25*

Aggravating Circumstances: Not cooperative during the police investigation – Leaving the scene of an accident.

Mitigating Circumstances: Truthfulness and cooperation with POST Investigator – Takes responsibility for actions.

**Motion:** *Sheriff Dave Edmunds motioned to accept Tory Park's signed consent agreement for a three-year suspension of his Peace Officer Certification. (9/2/07-9/2/10)*

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

**Vote:** *The motion passed with 11 in favor and 2 opposed.*

**BRYAN R. SANDNESS - (Driving Under the Influence of Alcohol)**

Appendix A-26

Aggravating Circumstances: Conviction in criminal court.

Mitigating Circumstances: Takes responsibility for actions – Off-duty.

**Motion:** *Larry Gillett motioned to accept Bryan Sandness' signed consent agreement for a two-year suspension of his Peace Officer Certification. (10/3/07 – 10/3/09)*

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

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

**STEPHEN K. WEST - (Driving Under the Influence)**

*\* Case pending, remanded back to POST investigations*

Aggravating Circumstances: Position of authority – Conviction in a criminal court.

Mitigating Circumstances: Truthfulness and cooperation during investigations – Off-duty – Takes responsibility for actions

**Discussion:** Director Larsen asked what the differences were between the previous case and the current case. Lieutenant Winward replied that West self reported his conduct to POST.

**Motion:** *Director Mike Larsen motioned to reject the signed consent agreement for an eighteen-month suspension and have the POST Investigator seek a consent agreement for a two-year suspension of his Peace Officer Certification. (4/17/08 – 4/17/10)*

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

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

**CORTNEY C. HAGGERTY - (Use of Controlled Substance {Ecstasy})**

Appendix A-27

Aggravating Circumstances: None.

Mitigating Circumstances: Truthfulness and cooperation with investigation – takes responsibility for actions – One time usage seven years ago.

**Motion:** *Ben Jones motioned to accept Cortney Haggerty's signed consent agreement for four-year suspension of his Dispatcher Certification. (11/28/07-11/28/11)*

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

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

**BENJAMIN L. WALKER** - (Theft)

Appendix A-28

Aggravating Circumstances: None.

Mitigating Circumstances: Honesty – Coming forward unsolicited.

- Motion:** *Commissioner James Eardley motioned to accept Benjamin Walker's signed consent agreement for a four-year suspension of his Special Function Officer Certification. (6/30/06-6/30/10)*
- Second:** *Robbie Robertson seconded the motion.*
- Vote:** *The motion passed with all in favor.*

**VALERIE M. HUTCHENS** - (Falsification of POST Application)

Appendix A-29

Aggravating Circumstances: Repetitiveness of conduct.

Mitigating Circumstances: None.

- Motion:** *Ben Jones motioned to accept Valerie Hutchens' signed consent agreement for a four-year suspension of her Peace Officer Certification. (3/24/08 – 3/24/12)*
- Second:** *Larry Gillett seconded the motion.*
- Vote:** *The motion passed with all in favor.*

**JOY L. ANDREWS** - (Pattern of Conduct/Lying Under Garrity)

Appendix A-30

Aggravating Circumstances: Disruption to department.

Mitigating Circumstances: None.

- Motion:** *Larry Gillett motioned to accept Joy Andrews' signed consent agreement for a three-year suspension of her Peace Officer Certification. (11/27/06 – 11/27/09)*
- Second:** *Executive Director Tom Patterson seconded the motion.*
- Vote:** *The motion passed with all in favor.*

**JARED L. GLOVER - (Pattern of Conduct)**

Appendix A-31

Aggravating Circumstances: Pre-existing warnings – On-duty or perception of on-duty status – Disruption to community and/or department – Repetitiveness of conduct.

Mitigating Circumstances: None.

**Discussion:** Executive Director Tom Patterson asked for more facts on this case. He questioned if a traffic stop occurred or was it a meeting in a parking lot? Investigator Winward replied it was a traffic stop but the individuals knew each other. Ticket was not issued and the in-car video camera was never activated to record the stop.

**Motion:** *Larry Gillett motioned to accept Jared Glover's signed consent agreement for a one-year suspension of his Peace Officer Certification. (9/23/07 – 9/23/08)*

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

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

**DAVID A. GOODRICH - (Disorderly Conduct)**

Appendix A-32

Aggravating Circumstances: None.

Mitigating Circumstances: Truthfulness and cooperation with investigation – Takes responsibility for actions.

**Motion:** *Sheriff Dave Edmunds motioned to accept David Goodrich's signed consent agreement for a nine-month suspension of his Peace Officer Certification. (3/24/08-12/5/08)*

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

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

**Discussion:** Sheriff Dave Edmunds complimented the POST staff for all of the hard work they put into this meeting. Sheriff Bud Cox agreed and appreciated the new coversheet for the disciplinary packets. He would like to see the baseline discipline with the category on the coversheet or attach the guideline to the back of the packet.

Chairman Nelson stated the Council should have an executive session before the next POST Council meeting to discuss recommended changes of the guidelines.

**Motion:** *Larry Gillett motioned to go into executive session at the beginning of the next POST Council to make changes to the guidelines.*

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

**Vote:** *Motion passed with all in favor.*

**NEXT POST COUNCIL MEETING**

The next POST Council meeting will be held on June 9, 2008, at 10:00am at the Larry H. Miller Public Safety Education Training building (POST).

**ADJOURNMENT**

Larry Gillett motioned to adjourn the meeting.  
Ben Jones seconded the motion.  
Meeting adjourned at 3:30pm.



*APPENDIX - A*





**POST Investigations Bureau  
CASE SUMMARY**

**Case No: 07-025LE**

**Subject: JOHN F. SPENCER**

**Investigator: Kevin Nitzel**

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**ALLEGATION(S)**

**Felony Convictions-Child Abuse/Aggravated Assault**

**POST INVESTIGATION OF ALLEGATION(S)**

John F. Spencer was employed as a correctional officer with the Department of Corrections on April 10, 1989. Spencer was employed and certified as a law enforcement officer by Centerville City Police Department on June 10, 1991. During his tenure with Centerville City Police Department he attained the rank of sergeant. On May 29, 2007, Spencer resigned his employment after being charged with several felonies.

On May 25, 2007, Spencer was involved in a domestic altercation when he struck his wife and child. Spencer was charged with Child Abuse/Neglect-Second Degree Felony, Domestic Violence in the Presence of a Child-Third Degree Felony, Aggravated Assault-Third Degree Felony, and Damage/Interrupt Communication Device-Class B Misdemeanor.

On February 11, 2008, Spencer pled guilty to the amended charge of Child Abuse/Neglect-Third Degree Felony, and Aggravated Assault-Third Degree Felony.

On February 22, 2008, Spencer was issued a Felony Revocation Letter by POST Director Scott Stephenson.

**VIOLATION(S)**

Spencer's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iv) conviction of a felony.
2. Administrative Code R728-409-3(J)(l)(g)(ii-iv) in that he violated the Law Enforcement Code of Ethics.

**AGGRAVATING CIRCUMSTANCE(S)**

Conviction in criminal court

**MITIGATING CIRCUMSTANCE(S)**

None

**POST RECOMMENDATION**

The Felony Letter is being provided as information to the Council.

**POST COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-020LE/C  
**SUBJECT:** Jarom H. Brown  
**Investigator:** Bryant Green

---

### ALLEGATION(S)

**Inappropriate Relationship with a Prisoner  
Associating with Criminals**

### POST INVESTIGATION OF ALLEGATION(S)

Jarom H. Brown was certified and employed by the Salt Lake County Sheriff's Office (SLCSO) as a correctional officer on January 1, 2006. During an internal affairs investigation (IA), Brown resigned from SLCSO on June 27, 2007.

While conducting an IA on another officer, it was discovered Brown might have been involved in an inappropriate relationship with a female inmate. On May 29, 2007, SLCSO opened an IA on Brown.

While listening to recordings of inmate phone calls, IA investigators heard Brown's name prominently mentioned in connection with him providing female inmates with his web site address and site name. They also heard a female inmate openly discuss a rumor that Brown may have had sex with another female inmate.

During the first week of June 2007, IA investigators interviewed several female inmates as a result of these rumors. As the interviews progressed, it was apparent Brown had provided some female inmates with his personal information. He also provided them his contact information so they could contact him after their release from incarceration. IA found no evidence that Brown had any sexual contact with female inmates.

On June 22, 2007, IA investigators interviewed Brown. During questioning, Brown was untruthful about his relationship with female inmates. He denied providing them his web address and site name. He also denied he ever e-mailed or chatted online with any current or former jail inmates. Based upon his denials and inconsistencies, IA investigators requested Brown take a polygraph examination.

On June 26, 2007, the polygraph examination was administered. In the opinion of the examiner, Brown was deceptive during the examination. After the examination, Brown was re-interviewed to confront him about the deception detected during the polygraph. Brown admitted to making contact with former female inmates, but claimed it was unintentional. On June 27, 2007 Brown resigned from the SLCSO.

On September 14, 2007, Brown was interviewed by POST. After a Garrity warning he admitted to providing one female inmate his web address and site name. However, Brown never admitted to intentionally contacting former inmates. Brown signed a consent agreement for a one-year suspension of his Correctional Officer Certification beginning on June 27, 2007 to June 27, 2008.

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

On August 16, 2007, POST reviewed Brown's case with Sheriff Jim Winder of SLCSO. He agreed with POST's recommendation for a one-year suspension of Brown's Correctional Officer Certification.

### **VIOLATION(S)**

Brown's actions violated the following:

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

### **AGGRAVATING CIRCUMSTANCES**

On-duty  
Untruthfulness with investigators  
Custodial environment

### **MITIGATING CIRCUMSTANCES**

None

### **POST RECOMMENDATION**

POST recommends the Council accept Brown's signed amended consent agreement for a two-year suspension of his Correctional Officers Certification- June 27, 2007 until June 27, 2009.

### **POST COUNCIL ACTION**

On December 6, 2007, POST Council met and reviewed this case. After consideration of the aggravating factors, it was the Council's decision to amend the charge against Brown from Category G to a Category F (misfeasance, dereliction of duty that does not rise to a level of criminal conduct).

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-049LE/C  
**SUBJECT:** Ronald R. Friend  
**Investigator:** Bryant Green

---

### ALLEGATION(S)

**Inappropriate relationship with a prisoner**  
**Associating with criminals**

### POST INVESTIGATION OF ALLEGATION(S)

Ronald R. Friend was certified and employed by the Salt Lake County Sheriff's Office (SLCSO) as a correctional officer on May 11, 1998.

On January 26, 2007, SLCSO opened an internal affairs (IA) investigation on Friend. Information from an inmate alleged several female inmates were receiving preferential and inappropriate treatment from Friend. The allegations included Friend placing money in their inmate accounts, smuggling in contraband for inmates and, on occasion, taking inmates out of their cells to be alone with him.

IA Investigators interviewed several female inmates. The inmates provided information that Friend had violated numerous jail policies:

1. Exchanging handwritten notes with female inmates.
2. Mailing Christmas cards to inmates.
3. Providing soda pop and candy to certain female inmates.
4. Took one female inmate from her cell for a couple of hours.

The IA investigation confirmed Friend had:

1. Developed an inappropriate friendship with a female inmate.
2. Visited the same female inmate on 3 different occasions at her apartment after her release from the jail.
3. Had lunch with her, purchased her a new bed and clothing for her children.

On March 12, 2007, IA Investigators interviewed Friend. After receiving a Garrity warning, Friend failed to admit to any of the findings. Subsequently, Friend was re-

interviewed on March 29, 2007, to clarify his statements from the previous interview. During the 2<sup>nd</sup> interview, he admitted to visiting the former jail inmate at her apartment, along with buying her lunch, a bed and clothing for her children. Friend insisted there was never a sexual relationship between him and this inmate.

After the internal affairs investigation was completed, Friend was terminated from the SLCSO on May, 30,2007.

On September 10, 2007, Friend was interviewed by POST. After a Garrity warning, he admitted to all of the material facts of the case, but still insisted there was no sexual contact between him and the female inmates. Friend signed a consent agreement for a one-year suspension of his Correctional Officer Certification beginning on May 30, 2007, to May 30, 2008.

### **CHIEF ADMINISTRATORS OPINION**

On August 16, 2007, POST reviewed Friend's case with Sheriff Jim Winder of SLCSO. He agreed to POST's recommendation for a one-year suspension of Friend's peace officer certification.

### **VIOLATION(S):**

Friend's actions violated the following:

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

### **AGGRAVATING CIRCUMSTANCES**

On-duty  
Untruthfulness with Investigators  
Lying under Garrity to Department  
Custodial Environment

### **MITIGATING CIRCUMSTANCES**

None

### **POST RECOMMENDATION**

POST recommends the Council accept Friend's signed consent agreement for a two-year suspension of his Correctional Peace Officers Certification, beginning on May 30, 2007 and ending on May 30, 2009.

**POST COUNCIL ACTION**

On December 6, 2007, POST Council met and reviewed this case. After consideration of the aggravating factors, it was the Council's decision to amend the charge against Friend from Category G to a Category F (misfeasance, dereliction of duty that does not rise to a level of criminal conduct.)

**FINAL ORDER**





**POST Investigations Bureau  
CASE SUMMARY  
Case No: 06-094LE  
Subject: Fred Barlow  
Investigator: Steven Winward**

---

**ALLEGATION(S)**

**Non-feasance**

**Failure to answer questions in an official investigation  
Seeking guidance from a federal fugitive from justice  
Revocation of peace officer status in another state**

**POST INVESTIGATION OF ALLEGATION(S)**

Fred Barlow was employed and certified as a law enforcement officer in Utah and Arizona by the Hildale/Colorado City Marshal's Office (H/CCMO) on November 1, 2002. During his tenure he was appointed Town Marshall. F. Barlow resigned from H/CCMO on October 15, 2007, after his Peace Officer Certification was revoked in Arizona.

In October 2005, F. Barlow authored a letter to a federal fugitive from justice, Warren Steed Jeffs, who was wanted by the Federal Bureau of Investigation. In this letter, F. Barlow sought guidance for the operation of H/CCMO from Warren Jeffs. The letter was intercepted when Jeffs' brother Seth Jeffs, was arrested in Colorado. This letter was obtained by the FBI and turned over to the Arizona Attorney General's Office.

On March 28, 2006, investigators from the Arizona Attorney General's Office questioned F. Barlow during an official investigation into assets taken from property formally owned by the FLDS Church-United Effort Plan Trust (UEP). The buildings and other fixed assets were taken from land controlled by the UEP after it was designated by a judge to be managed by a court appointed fiduciary. During the interview, F. Barlow refused and/or failed to answer questions the investigators asked about the removal of the property.

On April 19, 2006, the Fiduciary attorney sent a subpoena to F. Barlow to answer questions regarding the missing buildings and other fixed assets removed from land overseen by the fiduciary. F. Barlow refused and/or failed to answer questions during this deposition.

On September 19, 2007, F. Barlow's Peace Officer Certification was revoked in Arizona for contacting a federal fugitive and failing to answer questions during the investigation and deposition.

On October 16, 2007, POST issued an administrative complaint to F. Barlow. However, he failed to respond to the complaint. F. Barlow was believed to be in default and a hearing was scheduled.

### **ADMINISTRATIVE LAW JUDGE RECOMMENDATION**

On January 23, 2008, a default hearing was held in absentia to revoke F. Barlow's Peace Officer Certification before Administrative Law Judge (ALJ) J. Richard Catten. The ALJ ruled F. Barlow was in default and he violated the Law Enforcement Code of Ethics. Judge Catten recommended F. Barlow's Peace Officer Certification be revoked.

### **VIOLATION(S)**

F. Barlow's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) as any conduct or pattern of conduct that would tend to disrupt diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Rule R728-409-3(J)(1)(i) non-feasance in office.

### **AGGRAVATING CIRCUMSTANCE(S)**

Lack of Cooperation with investigation

### **MITIGATING CIRCUMSTANCE(S)**

None

### **POST RECOMMENDATION**

POST recommends the Council accept the recommendation of the ALJ and revoke the Peace Officer Certification of Fred Barlow.

### **POST-COUNCIL ACTION**

### **FINAL ORDER:**



**POST Investigations Bureau  
CASE SUMMARY  
Case No: 06-094LE  
Subject: Preston L. Barlow  
Investigator: Steven Winward**

---

**ALLEGATION(S)**

**Non-feasance**

**Failure to answer questions in an official investigation  
Revocation of Peace Officer Status in another state**

**POST INVESTIGATION OF ALLEGATION(S)**

Preston L. Barlow was employed and certified as a law enforcement officer in Utah (October 21, 2005) and Arizona (March 1, 2006) by the Hildale/Colorado City Marshal's Office (H/CCMO). P. Barlow resigned from H/CCMO on October 15, 2007, after his Peace Officer Certification was revoked in Arizona.

On March 28, 2006, investigators from the Arizona Attorney General's Office questioned P. Barlow during an official investigation into assets taken from property formally owned by the FLDS Church-United Effort Plan Trust (UEP). The buildings and other fixed assets were taken from land controlled by the UEP after it was designated by a judge to be managed by a court appointed fiduciary. During the interview, P. Barlow refused and/or failed to answer questions the investigators asked about the removal of the property.

On April 19, 2006, the Fiduciary attorney sent a subpoena to P. Barlow to answer questions regarding the missing buildings and other fixed assets removed from the land overseen by the fiduciary. P. Barlow refused and/or failed to answer questions during this deposition.

On September 19, 2007, P. Barlow's Peace Officer Certification was revoked in Arizona as a result of him failing to answer questions during the investigation and deposition.

On October 16, 2007, POST issued an administrative complaint to P. Barlow. However, he failed to respond to the complaint. P. Barlow was believed to be in default and a hearing was scheduled.

### **ADMINISTRATIVE LAW JUDGE RECOMMENDATION**

On January 23, 2008, a default hearing was held in absentia to revoke P. Barlow's Peace Officer Certification before Administrative Law Judge (ALJ) J. Richard Catten. The ALJ ruled P. Barlow was in default and he violated the Law Enforcement Code of Ethics. Judge Catten recommended P. Barlow's Peace Officer Certification be revoked.

### **VIOLATION(S)**

P. Barlow's actions violated the following:

1. Utah Code Ann. § 53-6-211(I)(d)(v) as any conduct or pattern of conduct that would tend to disrupt diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Rule R728-409-3(J)(1)(i) non-feasance in office.

### **AGGRAVATING CIRCUMSTANCE(S)**

Lack of cooperation with investigation

### **MITIGATING CIRCUMSTANCE(S)**

None

### **POST RECOMMENDATION**

POST recommends the Council accept the recommendation of the ALJ and revoke the Peace Officer Certification of Preston L. Barlow.

### **POST-COUNCIL ACTION**

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-005LE/C  
**SUBJECT:** James M. Coleman  
**Investigator:** Bryant Green

---

### ALLEGATION(S)

**Theft**

### POST INVESTIGATION OF ALLEGATION(S)

James M. Coleman was employed and certified, as a correctional officer, by the Salt Lake County Sheriff's Office (SLCSO) on November 16, 1999. Coleman was terminated by the SLCSO on February 16, 2007, after being charged with Theft, a Class A Misdemeanor.

On January 3, 2007, James M. Coleman was assigned as a court security deputy at the Scott Matheson Court House. On the same day a day planner containing \$400 in cash was found. The day planner was placed in lost and found and stored in the court security office.

On January 4, 2007, a court security supervisor discovered that the money was missing from the day planner and reported the theft to the Salt Lake City Police Department (SLCPD).

A detective from SLCPD interviewed all of the deputies who had access to the court security office. He reviewed the surveillance security video of the court security office and observed Coleman looking in the black day planner several times. The detective interviewed Coleman on two more occasions after the initial interview. During the third interview, post Miranda, Coleman admitted to taking the money out of the day planner.

On January 31, 2007, charges were filed against Coleman in Third District Court for Theft, a Class A Misdemeanor. On April 19, 2007, he pled guilty to the theft charge.

On August 15, 2007, POST interviewed Coleman. After receiving a Garrity warning, Coleman admitted to the material facts of the case. Based upon the aggravating factors in this case, Coleman was offered a consent agreement for revocation of his Correctional Officer Certification. Coleman requested some time to think about his options and took the agreement with him. Coleman never returned the agreement and has not responded to numerous attempts to contact him.

On December 6, 2007, an administrative complaint was sent via certified mail to Coleman's last known address. The delivery was never accepted and the complaint was returned to POST. Coleman was believed to be in default and a hearing was scheduled.

### **ADMINISTRATIVE LAW JUDGE RECOMMENDATION**

On February 14, 2008, a default hearing was held in absentia to revoke James M. Coleman's Correctional Officer Certification before Administrative Law Judge (ALJ) J. Richard Catten. The ALJ ruled Coleman was in default and he violated the Law Enforcement Code of Ethics. Judge Catten recommended Coleman's Correctional Officer Certification be revoked.

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

POST reviewed this case with SLCSO Sheriff Winder. He concurs with POST's recommendation for revocation of Coleman's Correctional Officer Certification.

### **VIOLATION(S)**

Coleman's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iv) conviction of a crime of dishonesty
2. Administrative Code R728-409-3(J)(l)(c) in that he violated the Law Enforcement Code of Ethics.
3. Utah Code Ann. § 76-6-404 Theft

### **AGGRAVATING CIRCUMSTANCES**

On-Duty  
Disruption to the community and department  
Conviction in criminal court  
Untruthfulness and lack of cooperation with investigation

### **MITIGATING CIRCUMSTANCES**

None.

### **POST RECOMMENDATION**

POST recommends the Council accept the recommendation of the ALJ and revoke the Correctional Officer Certification of James M. Coleman.

### **POST COUNCIL ACTION**

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-057LE  
**SUBJECT:** Roger J. Nielson  
**Investigator:** Bryant Green

---

### ALLEGATION(S)

**Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Roger J. Nielson started his career as a correctional officer with the Utah Department of Corrections on April 18, 1994. On November 7, 1995, Nielson was employed and certified as a police officer with the Salt Lake City Police Department (SLCPD). After an internal affairs (IA) investigation, Nielson resigned from SLCPD on June 15, 2007.

On January 27, 2007, Nielson investigated a traffic accident involving a female suspect. As a result of his investigation, the female suspect was arrested for DUI. She was processed at SLCPD then driven home by Nielson. On February 16, 2007, the woman alleged Nielson had sex with her on the night of her arrest at her home.

An IA investigation discovered enough evidence to sustain the allegation that Nielson had engaged in sexual relations with the arrested female. However, the investigation was not able to determine the exact date of the encounter.

On June 4, 2007, the case was screened with the Salt Lake County District Attorney's Office. They found no substantial evidence to pursue criminal charges.

Nielson has maintained, through his attorney, he had sex with the female suspect, but it did not occur on the night of the arrest.

On December 30, 2007, Nielson signed a consent agreement for the revocation of his Peace Officer Certification.

### CHIEF ADMINISTRATOR'S OPINION

Chief Chris Burbank concurs with POST's recommendation.

## **VIOLATION(S)**

Nielson's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

Disruption to the community and the department  
Misuse of position of trust and authority

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a level of a Category A (Commission of any crime that could have been charged as a felony) on the POST Disciplinary Guidelines. Based upon the aggravating factors of this case, POST recommends the Council accept Nielson's signed consent agreement for revocation of his Peace Officer Certification.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-010LE  
**SUBJECT:** John C. Ellis  
**Investigator:** Paul Kotter

---

### ALLEGATION(S)

#### **Criminal Trespass**

### POST INVESTIGATION OF ALLEGATION(S)

John C. Ellis was employed and certified as a law enforcement officer with the Utah Highway Patrol (UHP) on February 9, 1987. During his tenure he was promoted to the rank of sergeant. On February 15, 2008, Ellis resigned from UHP following an internal affairs (IA) investigation.

On September 27, 2007, Ellis (on-duty) went to a residence and engaged in a verbal altercation with a former girlfriend in front witnesses. After the altercation she left in her vehicle. The witnesses watched Ellis follow her in his patrol car. The witnesses called 911 and reported the incident. UHP found Ellis and the female in a vacant parking lot talking in her vehicle.

On October 1, 2007, UHP initiated an IA investigation into the allegations of an ongoing affair and the verbal altercation that occurred on September 27, 2007.

During the IA investigation, Ellis (off-duty) went to the home of his former girlfriend on October 14, 2007, at approximately 0200 hrs. When he arrived at her house, Ellis noticed a truck belonging to her new boyfriend parked at her residence. Ellis entered the residence using a key his former girlfriend had given him. He pushed his way into her bedroom to confront her and the boyfriend. She yelled at him and pushed him out of her home. Later that day, Richfield City Police Department cited Ellis for Criminal Trespass, a Class A Misdemeanor (criminal charges are still pending).

On January 28, 2008, POST interviewed Ellis over the telephone. After a brief conversation, Ellis was informed of POST's intentions to revoke his certification. He was sent a consent agreement for the revocation of his Peace Officer Certification. On February 15, 2008, Ellis signed the consent agreement and returned it to POST.

### CHIEF ADMINISTRATOR'S RECOMMENDATION

On January 24, 2008 POST contacted Colonel Lance Davenport with UHP. He concurred with the decision to revoke Ellis's Peace Officer Certification.

**VIOLATION(S)**

Ellis's actions violated the following:

1. Utah Code Ann § 53-6-211(1)(d)(v) any conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3(J)(1)(b) criminal conduct where a criminal charge is filed and evidence shows that the criminal act did occur, the person committed the act, and the burden of proof by a preponderance of the evidence.
3. Utah Code Ann § 76-6-206 Criminal Trespass

**AGGRAVATING CIRCUMSTANCE(S)**

On-duty or perception of on-duty status  
Supervisory authority  
Disruption to community and/or department  
Misuse position of trust and authority  
Years of service

**MITIGATING CIRCUMSTANCE(S)**

None

**POST RECOMMENDATION**

These charges rise to a category C (Commission of any crime that is charged as a class A Misdemeanor) on the POST Disciplinary Guidelines. Taking into account the aggravating circumstances, POST recommends the Council accept Ellis's signed consent agreement for revocation.

**POST-COUNCIL ACTION**

**FINAL ORDER**



**POST Investigations Bureau  
CASE SUMMARY  
Case No: 07-070SFO  
Subject: STUART J. FORD  
Investigator: Kevin Nitzel**

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**ALLEGATION(S)**

**Domestic Violence**

**POST INVESTIGATION OF ALLEGATION(S)**

Stuart J. Ford completed the Special Functions portion of the Weber State Satellite Basic Training Academy in August 2006. South Ogden City Police Department (SOCPD) hired Ford as a Animal Control Officer on February 7, 2007. On October 1, 2007, Ford resigned during an internal affairs (IA) investigation.

On September 28, 2007, Ford was arguing with his estranged wife about visitation rights in the presence of their children. Ford became enraged and grabbed his estranged wife by the shoulders and pushed her into a corner. As Ford's wife was walking away, he threw a shoe hitting her in the back. Ford's wife called the Weber County Sheriff's Office to report the domestic violence incident. Deputies responded and conducted a criminal investigation for domestic violence. Ford was placed on administrative leave while SOCPD opened an IA investigation.

Ford was contacted by POST on December 20, 2007. He stated he did not wish to be interviewed and would voluntarily give up his Special Function Officer Certification. Ford's criminal case is still pending and he has yet to be formally charged.

On January 20, 2008, Ford signed a consent agreement for the revocation of his Special Function Certification.

**CHIEF ADMINISTRATOR'S RECOMMENDATION**

Chief Val Shupe concurs with POST's recommendation for revocation of Ford's Special Function Officer Certification.

**VIOLATION(S)**

Ford's actions violated the following:

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

**AGGRAVATING CIRCUMSTANCE(S)**

Any criminal conduct that has domestic violence attached to the charge  
Caused a disruption to the community and/or department

**MITIGATING CIRCUMSTANCE(S)**

Truthfulness and cooperation with investigation  
Takes responsibility for actions

**POST RECOMMENDATION**

These charges rise to the level of a Category B (crime involving physical/domestic violence) on the POST Disciplinary Guidelines. Based on the aggravating/mitigating factors of this case POST recommends the Council accept Stuart J. Ford's consent agreement for the revocation of his Special Function Officer Certification.

**POST COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-009LE  
**SUBJECT:** Troy L. Abplanalp  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Threatening with a Dangerous Weapon (Firearm) during a Quarrel,  
Utah Code Ann. §76-10-506, a Class A Misdemeanor**

### POST INVESTIGATION OF ALLEGATION(S)

Troy L. Abplanalp was employed and certified, as a correctional officer, on March 1, 2004, by the Utah County Sheriff's Office (UCSO). On May 6, 2005, he was certified as a law enforcement officer with the UCSO. On October 29, 2007, Abplanalp was terminated from the UCSO after an internal affairs (IA) investigation.

On September 11, 2007, Abplanalp, while off duty, was involved in a verbal altercation with two civilians after narrowly avoiding a traffic accident involving their vehicles. As the altercation escalated, Abplanalp pointed his handgun at the two men and yelled at them to stay in their car. He did not identify himself as a deputy during the incident. After leaving the scene, Abplanalp drove home.

The victims reported the incident to Orem City Police Department after Abplanalp left the scene. After receiving the complaint, the officers realized Abplanalp was a UCSO deputy and contacted UCSO to advise them of the situation. The Orem officers, in conjunction with a UCSO supervisor, were able to locate Abplanalp at a friend's residence in Provo.

On September 12, 2007, USCO opened an IA investigation on this incident. Abplanalp was issued a Garrity warning prior to the interview. Abplanalp admitted to pointing a handgun at the two men during the argument and admitted that he did not see any weapons or actions that would have justified the use of deadly force. Abplanalp stated that when he returned home he consumed vodka prior to riding his bicycle to a friend's house. Abplanalp admitted that he was intoxicated and armed when he rode his bicycle to his friend's house.

On January 23, 2008, Abplanalp entered a plea of "No Contest" to a reduced charge of Threatening with a Dangerous Weapon, a Class C Misdemeanor.

On February 1, 2008, Abplanalp was interviewed at POST. After a Garrity warning, Abplanalp admitted to all of the material facts in this case. Abplanalp signed a consent agreement for revocation of his Peace Officer Certification.

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

On February 1, 2008, POST reviewed this case with UCSO Sheriff Tracy. He concurs with POST's recommendation for revocation of Aplanalp's Peace Officer Certification.

### **VIOLATION(S):**

Abplanalp's actions violated the following:

1. Utah Code Ann. §76-10-506, threatening with a dangerous weapon during a quarrel.
2. Utah Code Ann. §53-6-211(l)(d)(v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
3. Administrative Code R728-409-3(J)(l)(i) in that he violated the Law Enforcement Code of Ethics.

### **AGGRAVATING CIRCUMSTANCES**

Disruption to community and department  
Conviction in a criminal court  
Public intoxication while armed

### **MITIGATING CIRCUMSTANCES**

Truthfulness and cooperation during IA investigation  
Plea to a lesser offense

### **POST RECOMMENDATION**

These charges rise to a level of a Category B (Crime of physical violence that was charged as a Class A Misdemeanor) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Abplanalp's signed consent agreement for revocation of his Peace Officer Certification.

### **POST COUNCIL ACTION**

### **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-015D  
**SUBJECT:** Stephanie K. Poret  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Unlawful Use of Controlled Substance**

### POST INVESTIGATION OF ALLEGATION(S)

Stephanie K. Poret was employed as a dispatcher with Valley Emergency Communications Center (VECC) in October 1997. She was certified as a dispatcher with VECC on March 3, 2006. On January 16, 2008, following an internal affairs investigation, she resigned from VECC.

On August 20, 2007, VECC received a call from Poret's residence regarding a medical problem. Poret's husband gave a fictitious name to dispatchers and medical personnel. Poret was transported to the hospital by ambulance. When Poret returned to work, she told her supervisor she was transported to the hospital due to a kidney infection. Based on the inconsistent statements by Poret and her husband, VECC referred the case to West Valley City Police Department (WVCPD). During an interview with WVCPD, Poret admitted she was transported to the hospital was because of a heroin overdose and not a kidney infection. (Note: Criminal charges were not filed.)

On October 26, 2007, VECC interviewed Poret. After being issued a Garrity warning, she admitted that she and her husband used heroin on August 20, 2007, which resulted in her overdose.

On February 22, 2008, POST contacted Poret and conducted a telephonic interview. She admitted to all the material facts of the case. On February 28, 2008, Poret signed a consent agreement for the revocation of her Dispatcher Certification.

### CHIEF ADMINISTRATOR'S RECOMMENDATION

POST Investigations contacted Gigi Smith with VECC. She concurs with POST's recommendation for revocation of Poret's Dispatcher Certification.

**VIOLATION(S)**

Poret's actions violated the following:

1. Utah Code Ann § 58-37-8 unlawful use of controlled substance
2. Utah Code Ann § 53-6-211(l)(d)(iii) addiction to or the unlawful sale, possession, or use of narcotics, drugs, or drug paraphernalia
3. Administrative Code R728-409-3 (D) addiction to drug or narcotics

**AGGRAVATING CIRCUMSTANCE(S)**

Disruption to department

**MITIGATING CIRCUMSTANCE(S)**

None

**POST RECOMMENDATION**

These charges rise to a category A (Possession or use of tier 1 drugs-heroin) on the POST Disciplinary Guidelines. Based on the aggravating and mitigating circumstances, POST recommends the Council accept Poret's signed consent agreement for revocation.

**POST COUNCIL'S ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-005LE/C  
**SUBJECT:** Elizabeth M. Miller  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

#### **Custodial Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Elizabeth M. Miller was employed and certified as a correctional officer with the Tooele County Sheriff's Office (TCSO) on January 29, 2006. She voluntarily resigned from TCSO on December 11, 2007.

On November 6, 2007, TCSO received information from Miller's husband, a TCSO Deputy, regarding a sexual relationship Miller was having with a federal parolee.

On December 11, 2007, Miller contacted her supervisor and requested he come to her home. When Miller met with her supervisors, she informed them that she was resigning her employment with the department.

On January 9, 2008, POST received notice from TCSO of Miller's resignation and the alleged custodial sexual relationship. The federal parolee listed his place of residence as Miller's home address.

On January 23, 2008, POST interviewed Miller. After being issued a Garrity warning, Miller admitted to having an off duty sexual relationship with the federal parolee-while still married to her husband. Miller stated her husband moved out of her home in November 2007 because of her extramarital affair. After Miller's husband moved out, the federal parolee moved in and stayed with Miller and her children. Miller agreed to sign a consent agreement revoking her Correctional Officer Certification. Formal criminal charges have not been filed.

### CHIEF ADMINISTRATOR'S RECOMMENDATION

POST Investigations contacted Sheriff Frank Park with TCSO. He concurs with POST's recommendation for revocation of her Correctional Officer Certification.

**VIOLATION(S)**

Miller's actions violated the following:

1. Utah Code Ann § 76-5-412 custodial sexual relations.
2. Utah Code Ann § 53-6-211(l) (d) (iv) any crime involving unlawful sexual conduct.
3. Administrative Code R728-409-3 (G) Crimes involving unlawful sexual conduct.

**AGGRAVATING CIRCUMSTANCE(S)**

Disruption to community and/or department

**MITIGATING CIRCUMSTANCE(S)**

None

**POST RECOMMENDATION**

These charges rise to a level a category A (custodial sexual misconduct) on the POST Disciplinary Guidelines. Based upon the aggravating circumstances, POST recommends the Council accept Miller's signed consent agreement for revocation.

**POST-COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-057LE  
**SUBJECT:** Roger J. Nielson  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Roger J. Nielson started his career as a correctional officer with the Utah Department of Corrections on April 18, 1994. On November 7, 1995, Nielson was employed and certified as a police officer with the Salt Lake City Police Department (SLCPD). After an internal affairs (IA) investigation, Nielson resigned from SLCPD on June 15, 2007.

On January 27, 2007, Nielson investigated a traffic accident involving a female suspect. As a result of his investigation, the female suspect was arrested for DUI. She was processed at SLCPD then driven home by Nielson. On February 16, 2007, the woman alleged Nielson had sex with her on the night of her arrest at her home.

An IA investigation discovered enough evidence to sustain the allegation that Nielson had engaged in sexual relations with the arrested female. However, the investigation was not able to determine the exact date of the encounter.

On June 4, 2007, the case was screened with the Salt Lake County District Attorney's Office. They found no substantial evidence to pursue criminal charges.

Nielson has maintained, through his attorney, he had sex with the female suspect, but it did not occur on the night of the arrest.

On December 30, 2007, Nielson signed a consent agreement for the revocation of his Peace Officer Certification.

### CHIEF ADMINISTRATOR'S OPINION

Chief Chris Burbank concurs with POST's recommendation.

## **VIOLATION(S)**

Nielson's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

Disruption to the community and the department  
Misuse of position of trust and authority

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a level of a Category A (Commission of any crime that could have been charged as a felony) on the POST Disciplinary Guidelines. Based upon the aggravating factors of this case, POST recommends the Council accept Nielson's signed consent agreement for revocation of his Peace Officer Certification.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



**POST Investigations Bureau  
CASE SUMMARY  
Case No: 08-021LE/C  
Subject: Stephen A. Gray  
Investigator: Kevin Nitzel**

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**ALLEGATION(S)**

**Custodial Sexual Misconduct**

**POST INVESTIGATION OF ALLEGATION(S)**

Stephen A. Gray was employed and certified by the Utah Department of Corrections (UDC) on July 12, 2004. On December 17, 2007, Gray resigned during an internal affairs (IA) investigation.

On March 5, 2008, the Salt Lake County Sheriff's Office (SLCSO) was conducting a pre-employment investigation on Gray. An investigator from SLCSO contacted POST and requested information on Gray's certification. The investigator's inquiry was initiated because Gray disclosed a sexual misconduct incident during his employment with UDC. POST contacted UDC and requested a copy of the IA investigation.

On March 7, 2008, Gray was contacted by POST. During the interview, Gray admitted he allowed a female inmate to expose her chest to him and rub his groin over his clothing. This occurred on one occasion during his employment with UDC. (Note: No criminal charges were filed against Gray.)

On March 7, 2008, Gray signed a consent agreement for the revocation of his Peace Officer Certification.

**CHIEF ADMINISTRATOR'S RECOMMENDATION**

UDC Investigations Chief Brent Wiechman concurs with POST's recommendation for the revocation of his Correctional Officer Certification.

## **VIOLATION(S)**

Gray's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCE(S)**

On-Duty

Caused a disruption to the community and/or department

## **MITIGATING CIRCUMSTANCE(S)**

Truthfulness and cooperation with investigation

## **POST RECOMMENDATION**

These charges rise to the level of a Category A (custodial sexual misconduct) on the POST Disciplinary Guidelines. Based on the aggravating and mitigating factors of this case, POST recommends the Council accept Stephen A. Gray's consent agreement for the revocation of his Correctional Officer Certification.

## **POST COUNCIL'S ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-001LE/C  
**SUBJECT:** Katie C. Schofield  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

#### **Custodial Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Ms. Katie C. Schofield was employed and certified as a correctional officer with the Utah Department of Corrections (UDC) on July 13, 2007. On November 16, 2007, following an internal affairs (IA) investigation, she was terminated by UDC.

On November 6, 2007, UDC received an anonymous letter from a citizen that accused Schofield of having a personal relationship with a female parolee, prompting UDC to open an IA investigation.

The IA investigation revealed Ms. Schofield had given a parolee her cell phone number and met her, off duty, at a convenience store. They talked in Schofield's vehicle for approximately one hour and, before leaving, the parolee gave Schofield a hug and a kiss on the cheek.

Schofield was terminated for violation of UDC policy and procedure: Interacting with Inmates/Offenders. UDC did not have sufficient evidence to pursue criminal charges.

On January 16, 2007, POST interviewed Schofield. After being issued a Garrity warning, Schofield admitted to the off duty encounter. She also admitted to engaging in sexual relations with the female parolee several times since her termination. Schofield agreed to sign a consent agreement for the revocation of her Correctional Officer Certification.

### CHIEF ADMINISTRATOR'S RECOMMENDATION

POST Investigations contacted UDC Investigations Chief Brent Wiechman who was acting on behalf of Director Thomas Patterson. He concurs with POST's recommendation to revoke Schofield's Correctional Officer Certification.

### VIOLATION(S)

Schofield's actions violated the following:

1. Utah Code Ann § 53-6-211(l) (d) (iv) any crime involving unlawful sexual conduct.
2. Administrative Code R728-409-3 (G) Crimes involving unlawful sexual conduct.

**AGGRAVATING CIRCUMSTANCE(S)**

None

**MITIGATING CIRCUMSTANCE(S)**

Off-duty status

**POST RECOMMENDATION**

The charges rise to a category A (Custodial sexual relations) on the POST Disciplinary Guidelines. POST recommends the Council accept Ms. Schofield's signed consent agreement for revocation.

**POST-COUNCIL ACTION**

**FINAL ORDER:**



## **POST Investigations Bureau**

### **CASE SUMMARY**

**Case No:** 07-023LE

**Subject:** George M. Zamantakis

**Investigator:** Steven Winward

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### **ALLEGATION(S)**

**Sexual Misconduct  
Lying under Garrity**

### **POST INVESTIGATION OF ALLEGATION(S)**

George Zamantakis was employed and certified as a law enforcement officer by the Wendover (Utah) Police Department on March 27, 1993. He resigned from Wendover and went to work for Helper City Police Department (HCPD) on September 27, 1993. During his tenure with HCPD, he was appointed as the Chief of Police. On January 9, 2008, during a POST investigation, Zamantakis resigned from HCPD.

At the end of August 2007, POST received several anonymous complaints on Zamantakis. These complaints alleged Zamantakis had an affair with his former secretary. POST contacted Mayor Dalpiaz of Helper and informed him of the situation, he said the issue had been resolved.

After receiving the initial complaint, POST received several more complaints from citizens of the community regarding the alleged affair between Chief Zamantakis and the former secretary. POST contacted the husband of the former secretary. He confirmed the affair occurred between his wife and Chief Zamantakis, during and after her employment with the city. The former secretary and her husband cooperated with the investigation.

On September 17, 2007, POST opened an investigation into the allegations of sexual misconduct involving Zamantakis. On October 1, 2007, POST conducted an interview with Zamantakis. After being issued a Garrity warning, he denied the allegations of a sexual relationship with the former secretary.

On October 4 and again on October 17 POST interviewed the former secretary involved in the relationship. During these interviews the female stated, she and Zamantakis had an ongoing sexual relationship for approximately two years. They had sexual relations at the work place while Zamantakis was on duty and while at training events paid by the city. The sexual relationship occurred while she was an employee of the city and continued after she resigned.

On October 17, 2007, Zamantakis was served with an Administrative Complaint. Zamantakis, through his attorney, responded to the complaint. In his response he admitted to the on going sexual affair. He admitted the reason why he lied to the POST investigator about the sexual relationship was to protect his family and the family of the former secretary. However, he disputes her claim that sexual relations occurred on duty at the work place.

POST has received several letters of support from current and former employees that worked with Chief Zamantakis; they do not support our decision to revoke his certification. POST has also received calls from two witnesses who claim Chief Zamantakis' family has harassed them because of their cooperation in the case.

On March 7, 2008, Zamantakis signed a consent agreement for revocation of his Peace Officer Certification.

### **VIOLATION(S)**

Zamantakis' actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(v) conduct or pattern of conduct that would tend to disrupt, diminish, or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Rule R728-409-3(J)(1)(g)(ii-iv) Sexual Misconduct.
3. Administrative Rule R728-409-3(J)(1)(l)(ii) lying under the Garrity warning

### **AGGRAVATING CIRCUMSTANCE(S)**

Position of authority  
Repetitiveness of conduct  
Disruption to the community

### **MITIGATING CIRCUMSTANCE(S)**

Support from Mayor and officers

### **POST RECOMMENDATION**

These charges rise to the level of a Category C and D (Lying under Garrity to POST investigators, and Sexual misconduct on and off duty) on the POST Disciplinary Guidelines. Based on the aggravating and mitigating factors of this case, POST recommends the Council accept Zamantakis' consent agreement for revocation of his Peace Officer Certification.

### **POST-COUNCIL ACTION**

### **FINAL ORDER**



# **POST Investigations Bureau**

## **CASE SUMMARY**

**CASE NO:** 07-075LE/C  
**SUBJECT:** Micheal S. Kingston  
**Investigator:** Bryant Green

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### **ALLEGATION(S)**

**Sexual Misconduct**  
**Lying after a Garrity Warning**

### **POST INVESTIGATION OF ALLEGATION(S)**

Micheal S. Kingston was employed and certified as a correctional officer by the Salt Lake County Sheriff's Office (SLCSO) on June 13, 2001. On November 15, 2004, Kingston resigned from SLCSO and was hired as a correctional officer by the Utah County Sheriff's Office (UCSO). On September 18, 2007, during an internal affairs (IA) investigation, Kingston resigned from the UCSO.

On August 22, 2007, an IA investigation was initiated by the UCSO regarding allegations of on-duty sexual misconduct by several officers and a civilian female employee. During the initial phase of the IA investigation, Kingston was identified as one of the officers involved.

UCSO Investigators interviewed Kingston on August 29-30 of 2007. Initially, after a Garrity warning, Kingston denied any sexual activity between him and the civilian female employee. However, during the two interviews, Kingston eventually admitted to several sexual encounters with the female. The encounters occurred both on and off duty at the UCSO facilities and off county property.

On January 17, 2008, Kingston was interviewed by POST. After being issued a Garrity warning, he admitted to all the material facts of the case. Kingston signed a consent agreement for revocation of his Peace Officer Certification.

### **CHIEF ADMINISTRATORS OPINION**

Sheriff James Tracy concurs with POST's recommendation for a revocation of Kingston's Peace Officer Certification.

## **VIOLATION(S)**

Kingston's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

On-duty

Disruption to the community and the department

Repetitiveness of conduct

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a level of Categories C and D (Sexual misconduct and lying under Garrity) on the POST Disciplinary Guideline. Based upon the aggravating factors of this case, POST recommends the Council accept Kingston's signed consent agreement for revocation of his Peace Officer Certification.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-072LE  
**SUBJECT:** Mark B. Binks  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**On Duty Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Mark B. Binks was employed and certified by the Utah County Sheriff's Office (UCSO) on March 25, 1985. During his tenure at UCSO, Binks attained the rank of sergeant. After an internal affairs (IA) investigation, Binks retired from the UCSO on September 14, 2007.

On August 22, 2007, an IA investigation was initiated by the UCSO regarding allegations of on-duty sexual misconduct by several officers and a civilian female employee. During the initial phase of the IA investigation, Sergeant Binks was identified as one of the officers involved.

During the IA investigation, after being issued a Garrity warning, Binks was questioned about his relationship with the female employee. Binks stated in 2005 he had consensual sexual relations with her on one occasion while in the property room of the Utah County Jail. He stated in the summer of 2006, while at the office reviewing timesheets, Binks and the female civilian employee had sexual relations a second time. Binks stated, during the next two years he continued to have a sexual relationship with her. However, the sexual relationship during the two year period was off-duty and not on the Utah County Sheriff's property.

On November 16, 2007, Binks was interviewed at POST. After being issued a Garrity warning, Binks admitted to all of the material facts of this case. Binks signed a consent agreement for a four-year suspension of his Peace Officer Certification.

### CHIEF ADMINISTRATOR'S OPINION

Sheriff James Tracy concurs with POST's recommendation for a four-year suspension of Binks' Peace Officer Certification.

## **VIOLATION(S)**

Binks' actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

On-duty  
Disruption to the community and the department  
Supervisory authority

## **MITIGATING CIRCUMSTANCES**

Takes responsibility for actions

## **POST RECOMMENDATION**

These charges rise to a level of a Category D (consensual sexual misconduct on-duty) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Binks' signed consent agreement for a four-year suspension of his Peace Officer Certification-September 14, 2007 until September 14, 2011.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-074LE/C  
**SUBJECT:** Michael H. Houck  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**On-Duty Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Michael H. Houck was employed and certified as a correctional officer by the Utah County Sheriff's Office (UCSO) on March 24, 1997. On September 18, 2007, after an internal affairs investigation (IA), Houck resigned from UCSO.

On August 22, 2007, an IA was initiated by the UCSO regarding allegations of on-duty sexual misconduct by several officers and a civilian female employee. During the initial phase of the IA, Houck was identified as one of the officers involved.

On September 4, 2007, UCSO Investigators interviewed Houck. After being issued a Garrity warning, Houck was questioned about his relationship with the female employee. Houck stated, during the last 12 months, he had sexual relations with her on two occasions and also admitted to mutual sexual touching on at least five other occasions. All of these incidents occurred while both employees were on-duty and at the UCSO facilities.

On November 16, 2007, Houck was interviewed at POST. After being issued a Garrity warning, Houck admitted to all the material facts of the case. Houck signed a consent agreement for a three-year suspension of his Correctional Officer Certification.

### CHIEF ADMINISTRATOR'S OPINION

Sheriff James Tracy concurs with POST's recommendation for a three-year suspension of Houck's Correctional Officers Certification.

## **VIOLATION(S)**

Houck's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

On-Duty  
Repetitiveness of conduct  
Disruption to community and department

## **MITIGATING CIRCUMSTANCES**

Takes responsibility for actions  
Honesty during investigation

## **POST RECOMMENDATION**

These charges rise to a level of a Category D (consensual misconduct on duty) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Houck's signed consent agreement for a three-year suspension of his Correctional Officer Certification, beginning on September 18, 2007 and ending on September 18, 2010.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-073LE  
**SUBJECT:** James B. Collyer  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**On Duty Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

James B. Collyer started his career as a correctional officer with the Utah Department of Corrections on March 29, 2002. On November 15, 2004, Collyer was employed and certified as a correctional officer with the Utah County Sheriff's Office (UCSO). On October 20, 2006 he was certified as a law enforcement officer and began working as a deputy for the UCSO. On September 20, 2007, during an internal affairs (IA) investigation, Collyer resigned from UCSO.

On August 22, 2007, an IA investigation was initiated by the UCSO regarding allegations of on-duty sexual misconduct by several officers and a civilian female employee. During the initial phase of the IA, Collyer was identified as one of the officers involved.

On August 31, 2007, UCSO IA investigators interviewed Collyer. After being issued a Garrity warning, Collyer was questioned about his relationship with the female employee. Collyer stated in 2004, he had one sexual encounter. Collyer also admitted to mutual sexual touching on one other occasion. These incidents occurred while both employees were on-duty and at the UCSO facilities.

On November 5, 2007, Collyer was interviewed at POST. After being issued a Garrity warning, Collyer admitted to all the material facts of the case. Collyer signed a consent agreement for two-year suspension of his Peace Officer Certification.

### CHIEF ADMINISTRATORS OPINION

Sheriff James Tracy concurs with POST's recommendation for a two-year suspension of Collyer's Peace Officer Certification.

## **VIOLATION(S)**

Collyer's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

On-duty  
Disruption to the community and the department

## **MITIGATING CIRCUMSTANCES**

Takes responsibility for actions  
Honesty during investigation

## **POST RECOMMENDATION**

These charges rise to a level of a Category D (consensual sexual misconduct on duty) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Collyer's signed consent agreement for a two-year suspension of his Peace Officer Certification, beginning on September 20, 2007 and ending on September 20, 2009.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-065LE  
**SUBJECT:** Robert W. Crozier  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Inappropriate Use of a State Computer  
Consensual Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Robert W. Crozier was employed and certified by the Utah Department of Corrections (UDC) as a correctional officer on June 26, 1992. On November 7, 1995, Crozier was certified as a law enforcement officer and remained employed by UDC. On October 4, 2007, Crozier resigned from UDC after an internal affairs (IA) investigation.

On August 21, 2007, an attorney, representing a husband and wife, contacted UDC and made a complaint against Crozier. The attorney alleged Crozier had a sexual relationship with the wife he was representing. The sexual encounter took place in the Ogden Adult Parole and Probation (AP&P) office in April of 2007.

On September 20, 2007, UDC Investigators interviewed Crozier. During the interview Crozier admitted to the following:

- Using his state computer to search sexually oriented Internet chat sites.
- In April 2007, had sexual relations with the married female in his office at AP&P/UDC after business hours.
- In May 2007, he met another female on-line who came to his office on two separate occasions (after hours) and engaged in sexual relations.

On November 15, 2007, Crozier was interviewed by POST. After being issued a Garrity warning, he admitted to all of the material facts of the case. Crozier signed a consent agreement for a four-year suspension of his Peace Officer Certification.

## **CHIEF ADMINISTRATOR'S OPINION**

On January 2, 2008, POST reviewed Crozier's case with UDC Executive Director Tom Patterson. He concurs with POST's recommendation for a four-year suspension of Crozier's Peace Officer Certification.

## **VIOLATION(S)**

Crozier's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

On-duty  
Disruption to community and department  
At workplace  
Repetitiveness of conduct

## **MITIGATING CIRCUMSTANCES**

Truthfulness and cooperation during investigation  
Takes responsibility for actions

## **POST RECOMMENDATION**

These charges rise to a level of a Category D (consensual sexual misconduct on-duty) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Crozier's signed consent agreement for a four-year suspension of his Peace Officer Certification, beginning on October 4, 2007 and ending on October 4, 2011.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-028LE  
**SUBJECT:** Leon Dale Weese  
**Investigator:** Bryant Green

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### ALLEGATION(S)

#### **Off-Duty Consensual Sexual Misconduct**

### POST INVESTIGATION OF ALLEGATION(S)

Leon Dale Weese was employed and certified as a law enforcement officer on March 11, 1996, by the Ogden City Police Department (OPD). On May 18, 2007, Weese was terminated from OPD after an internal affairs (IA) investigation.

On October 7, 2006, Weese responded to an attempted suicide call. The subject of the call was a single female who reported she had swallowed several prescription pills. She was transported to the hospital for treatment and Weese “involuntarily committed” her for a mental evaluation. While she was still at the hospital, Weese called her and offered his assistance.

When she was released, she called Weese for a ride home. Over a period of the next few weeks, Weese—who was married but separated—continued to see the female and developed an off-duty relationship. Eventually, the relationship became sexual in nature. As the relationship continued, the female’s roommates became concerned over her relationship with a married police officer. They approached Chief Greg Whinham of the Roy City Police Department with their concerns. Chief Whinham forwarded a report of the allegations to OPD and an IA investigation was initiated.

Several problems were identified during the investigation:

- Weese was married at the time of the relationship.
- Weese’s actions caused concern for several members of the community.
- Weese admitted to the material facts of the case, but failed to acknowledge the inappropriate nature of the relationship.

Based upon these identified problems, Weese was terminated from OPD.

On January 9, 2008, POST interviewed Weese. After receiving a Garrity warning, he admitted to the material facts of the case. During the interview Weese also admitted he could have exercised better judgment prior to becoming involved in an extramarital affair. On February 14, 2008, Weese signed a consent agreement for an 18-month suspension of his Peace Officer Certification.

### **CHIEF ADMINISTRATORS OPINION**

On January 30, 2008, POST reviewed this case with OPD Assistant Police Chief Wayne Tarwater. Tarwater discussed POST's recommendation with Chief Jon Greiner who agreed with POST's recommendation for an 18-month suspension of Weese's Peace Officer Certification.

### **VIOLATION(S)**

Weese's actions violated the following:

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

### **AGGRAVATING CIRCUMSTANCES**

Disruption to community and department

### **MITIGATING CIRCUMSTANCES**

Off-duty

### **POST RECOMMENDATION**

These charges rise to a level of a Category E (Consensual sexual misconduct off duty which caused disruption to community and the department) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Weese's signed consent agreement for an 18-month suspension of his Peace Officer Certification-May 18, 2007 through November 18, 2008.

### **POST COUNCIL ACTION**

### **FINAL ORDER**



## **POST Investigations Bureau**

### **CASE SUMMARY**

**Case No:** 06-073LE

**Subject:** Fred S. Swain

**Investigator:** Steven Winward

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### **ALLEGATION(S)**

#### **Driving Under the Influence**

### **POST INVESTIGATION OF ALLEGATION(S)**

Fred Swain was employed and certified as a law enforcement officer by the Utah Highway Patrol (UHP) on July 8, 1991. During his tenure with UHP, he attained the rank of Lieutenant-Swain commanded the DUI Squad and the Special Emergency Response Team. On June 23, 2006, during an internal affairs (IA) investigation, he resigned from UHP.

On June 23, 2006, at approximately 0200 hrs, Swain was involved in a single vehicle crash into a concrete barrier in Draper City. Swain, off duty, was driving home in his unmarked patrol car when the crash occurred. Draper City Police Department (DCPD) and UHP officers responded to investigate the crash. During the investigation, officers from both agencies noticed Swain acting peculiar and elusive. Swain would not let the officers get close to him and was eating a meal-ready-to-eat (MRE). The officers were able to get close enough to Swain to detect the odor of alcohol on his breath.

DCPD officers requested Swain to perform standardized field sobriety tests. Swain eventually complied and performed the tests. DCPD gathered enough evidence during the tests and crash investigation to arrest Swain for driving under the influence of alcohol (DUI). Swain submitted to a breath test, the result was 0.116 on the Intoxilyzer.

During the IA investigation, Swain admitted to all the facts relating to the DUI arrest and resigned from UHP. This incident became highly publicized and received national media attention.

On February 21, 2008, Swain and his attorney met with POST investigators and Assistant Attorney General Robert Morton. Swain agreed to sign a consent agreement for a four-year suspension of his Peace Officer Certification.

On March 3, 2008, Swain pled guilty to Alcohol Related Reckless, a Class B Misdemeanor in Third District Court.

## **CHIEF ADMINISTRATOR'S RECOMMENDATION**

On February 22, 2007, POST reviewed Swain's case with UHP Colonel Lance Danvenport. He concurs with POST's recommendation of a four-year suspension.

## **VIOLATION(S)**

Swain's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iv) and 41-6a-502 driving under the influence of alcohol or drugs.
2. Administrative Rule R728-409-3(l) driving under the influence of alcohol or drugs.

## **AGGRAVATING CIRCUMSTANCE(S)**

Supervisor authority (Lieutenant in charge of DUI squad)  
Disruption to the community and department (intensive media attention)  
Conviction in court

## **MITIGATING CIRCUMSTANCE(S)**

First offense  
Honesty- Garrity Interview with UHP

## **POST RECOMMENDATION**

These charges rise to the level of a Category D (DUI-first offense) on the POST Disciplinary Guidelines. Based on the aggravating/mitigating factors of this case, POST recommends the Council accept Swain's consent agreement for a four-year suspension of his Peace Officer Certification-beginning June 23, 2006, (the date of his resignation) and ending June 24, 2010.

## **POST-COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-046LE/C  
**SUBJECT:** Alan W. Hurst  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Driving Under the Influence of Alcohol**

### POST INVESTIGATION OF ALLEGATION(S)

Alan W. Hurst was employed and certified as a law enforcement officer by the Utah Department of Corrections (UDC) on November 7, 1995. On December 5, 2007, Hurst was terminated from UDC following an internal affairs (IA) investigation.

On July 9, 2007, Hurst was arrested by the Sevier County Sheriff's Office (SCSO) for driving under the influence of alcohol (DUI). A SCSO deputy responded to the scene of a single vehicle accident. According to the deputy's report, he initially observed Hurst sitting on the ground next to a red truck that hit a utility pole. The deputy smelled the odor of alcohol coming from Hurst's breath. When asked if he was the driver of the vehicle, Hurst replied, "yes." Hurst refused to submit to the field sobriety tests and was placed under arrest for DUI. Hurst also refused to submit to an Intoxilizer breath test. The deputy obtained a search warrant for a blood sample, which revealed Hurst had a blood alcohol content of .18.

On August 23, 2007, UDC opened an IA investigation on Hurst. During the IA investigation Hurst admitted to all of the material facts of the case. On January 16, 2008, Hurst entered a guilty plea to the charge of Alcohol Related Reckless Driving, a Class B Misdemeanor, in the Sevier County Justice Court.

POST contacted Hurst in February of 2008 to conduct a telephonic interview. Hurst admitted to the material facts of the case and agreed to sign a consent agreement for a three-year suspension of his Peace Officer Certification.

On February 19, 2007, Hurst signed the consent agreement for the suspension of his certification for three-years

## **CHIEF ADMINISTRATORS OPINION**

Deputy Executive Director Robyn Williams agrees with POST's recommendation for a three-year suspension of Hurst's Peace Officer Certification.

## **VIOLATION(S)**

Hurst's actions violated the following:

1. Utah Code Ann. § 41-6a-512(1)(a) alcohol related reckless driving.
2. Utah Code Ann. § 53-6-211(1)(d)(iv) driving under the influence of alcohol.
3. Administrative Code R728-409-3(J)(1)(j) in that he violated the Law Enforcement Code of Ethics.

## **AGGRAVATING CIRCUMSTANCES**

Failing to cooperate during an arrest  
Conviction in criminal court

## **MITIGATING CIRCUMSTANCES**

Takes responsibility for actions  
Off-duty

## **POST RECOMMENDATION**

These charges rise to a level of a Category D (DUI-first offense) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Hurst's signed consent agreement for a three-year suspension of his Peace Officer Certification, beginning on December 5, 2007 and ending on December 5, 2010.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



**POST Investigations Bureau  
CASE SUMMARY  
Case No: 07-053LE  
Subject: TORY K. PARK  
Investigator: Kevin Nitzel**

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**ALLEGATION(S)**

**DUI**

**Leaving the Scene of an Accident**

**POST INVESTIGATION OF ALLEGATION(S)**

Tory K. Park was employed and certified by the University of Utah Police Department (UUPD) as a law enforcement officer on May 17, 2004. On August 2, 2007, Park was terminated from UUPD following an internal affairs investigation.

On May 26, 2007, Park was at a baseball game with co-workers and consumed two beers. Following the game, Park and his co-workers went to a bar and he consumed another beer and a shot of whiskey. Park left the bar and was driving home in his personal vehicle when he dozed off and hit a sign on the side of the road. Park did not remain at the scene of the accident and continued to drive home. A witness called police with Park's license plate number and reported the accident.

The Utah Highway Patrol responded to Park's residence and found him drinking whiskey. Park admitted to colliding with the sign and refused to submit to a portable breath test. Park was issued a citation and the charges were screened with Salt Lake City Attorney's Office. He was charged with DUI and Leaving the Scene of an Accident.

On December 5, 2007, Park appeared in the Salt Lake City Justice Court and pled guilty to leaving the scene of an accident and the amended charge of reckless driving. Park was fined \$100.00 and required to attend alcohol counseling.

On February 6, 2008, Park was interviewed by POST. After being issued a Garrity warning, Park admitted to the material facts of the case. Park took full responsibility for his actions and stated he now realizes he was impaired when he hit the sign. Park admitted that he attempted to cover it up by drinking when he got home. Park stated he has been attending counseling and realizes the negative effect alcohol has had in his life.

On February 6, 2008, Park signed a consent agreement for a three-year suspension of his Peace Officer Certification.

## **CHIEF ADMINISTRATOR'S RECOMMENDATION**

Chief Scott Folsom concurs with POST's recommendation for a three-year suspension of Park's Peace Officer Certification.

## **VIOLATION(S)**

Park's actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCE(S)**

Not cooperative during the police investigation  
Leaving the scene of an accident

## **MITIGATING CIRCUMSTANCE(S)**

Truthfulness and cooperation with POST Investigator  
Takes responsibility for actions

## **POST RECOMMENDATION**

These charges rise to the level of a Category D (DUI-first offense) on the POST Disciplinary Guidelines. Based on the aggravating and mitigating factors of this case, POST recommends the Council accept Tory K. Park's consent agreement for a three-year suspension of his Peace Officer Certification-August 2, 2007 through August 2, 2010.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-068LE/C  
**SUBJECT:** Bryan R. Sandness  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Driving Under the Influence of Alcohol**

### POST INVESTIGATION OF ALLEGATION(S)

Bryan R. Sandness was employed and certified by the Utah Department of Corrections (UDC) on August 8, 2006. On October 3, 2007, Sandness was terminated from UDC following an internal affairs investigation.

On August 12, 2007, a West Jordan police officer initiated a traffic stop on Sandness' vehicle for an equipment violation. The officer detected the odor of alcohol coming from the passenger compartment and Sandness' breath. Subsequently, Sandness failed the standardized field sobriety tests and was placed under arrest for DUI. Sandness submitted to a breath test, which showed a breath alcohol level of .167 on the Intoxilyzer.

On November 15, 2007, Sandness entered a guilty plea to the charge of Driving Under the Influence (DUI), a Class B Misdemeanor, in the West Jordan City Justice Court.

POST contacted Sandness in January of 2008 to arrange for an interview. Sandness stated he had started a new job and was not available for an interview, but he would sign a consent agreement for a two-year suspension of his Correctional Officer Certification.

On February 7, 2008, Sandness signed the consent agreement suspending his certification for two-years.

### CHIEF ADMINISTRATORS OPINION

Executive Director Tom Patterson concurs with POST's recommendation for a two-year suspension of Sandness' Correctional Officer Certification.

### **VIOLATION(S)**

Sandness' actions violated the following:

1. Utah Code Ann. § 41-6a-502 driving under the influence of alcohol.
2. Utah Code Ann. § 53-6-211(l)(d)(iv) conviction of driving under the influence of alcohol.
3. Administrative Code R728-409-3(J)(1)(j) in that he violated the Law Enforcement Code of Ethics.

### **AGGRAVATING CIRCUMSTANCES**

Conviction in criminal court

### **MITIGATING CIRCUMSTANCES**

Takes responsibility for actions  
Off-duty

### **POST RECOMMENDATION**

These charges rise to a level of a Category D (DUI-first offense) on the POST Disciplinary Guidelines. Based upon the aggravating and mitigating factors of this case, POST recommends the Council accept Sandness' signed consent agreement for a two-year suspension of his Correctional Officer Certification-October 3, 2007 through October 3, 2009.

### **POST COUNCIL ACTION**

### **FINAL ORDER**



## **POST Investigations Bureau**

### **CASE SUMMARY**

**Case No:** 08-004LE/D

**Subject:** CORTNEY C. HAGGERTY

**Investigator:** Kevin Nitzel

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### **ALLEGATION(S)**

#### **Use of a Controlled Substance (Ecstasy)**

#### **POST INVESTIGATION OF ALLEGATION(S)**

Cortney C. Haggerty completed training to become a certified dispatcher on July 4, 1999, and was hired by the Salt Lake City Police Department (SLCPD) on January 11, 1999. Haggerty submitted a POST application for the Salt Lake Community College Satellite Academy-dated November 28, 2007.

In his POST application, Haggerty disclosed using the drug Ecstasy at a New Years Eve party on December 31, 2000. Haggerty's application for basic law enforcement training was denied and a case was opened on his Dispatcher Certification.

On January 10, 2008, Haggerty was interviewed at POST. After a Garrity warning was issued, he admitted to all the material facts of the case.

Haggerty signed a consent agreement for a four-year suspension of his Dispatcher Certification from the date of his POST application for basic law enforcement training.

#### **CHIEF ADMINISTRATOR'S RECOMMENDATION**

Chief Chris Burbank concurs with POST's recommendation for the suspension of Haggerty's Dispatcher Certification. Chief Burbank stated Haggerty is a valuable employee and if POST Council backdated the suspension, he would consider keeping Haggerty.

### **VIOLATION(S)**

Haggerty's actions violated the following:

1. Utah Code Ann. § 53-6-211(l)(d)(iii) Unlawful Use of Narcotics or Drugs.
2. Administrative Code R728-409-3(J)(l)(a) in that he violated the Law Enforcement Code of Ethics.

**AGGRAVATING CIRCUMSTANCE(S)**

None

**MITIGATING CIRCUMSTANCE(S)**

Truthfulness and cooperation with investigation  
Takes responsibility for actions  
One time usage seven years ago

**POST RECOMMENDATION**

These charges rise to the level of a Category A (Possession or use of tier 1 (hard drugs) on the POST Disciplinary Guidelines. POST recommends the Council accept Cortney C. Haggerty's consent agreement for the suspension of his Dispatcher Certification- November 28, 2007 until November 28, 2011.

**POST COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-012SFO  
**SUBJECT:** Benjamin L. Walker  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

#### Theft

### POST INVESTIGATION OF ALLEGATION(S)

On November 21, 2007, Benjamin L. Walker completed the Special Function Officer Training at Utah Valley State College Satellite Academy (UVSC). He was expelled from the Law Enforcement block of training on January 16, 2008, after he admitted to a theft he failed to disclose in his Peace Officer Standards and Training (POST) application.

In June 2006, Walker was stole \$45 from his employer. Walker violated POST policy for not disclosing the theft on his POST application. When Walker was applying with a local agency, he realized he did not disclose the theft on his POST application. Walker informed the Director of the UVSC Academy of his omission on the POST application and was promptly released as per POST policy and procedure.

On January 31, 2008, POST interviewed Walker. After being issued a Garrity warning, Walker admitted to the material facts of the case. Walker agreed to sign a consent agreement suspending his Special Function Officer Certification.

### CHIEF ADMINISTRATOR'S RECOMMENDATION

POST Investigations contacted UVSC Academy Director Steve DeMille. He concurs with POST's recommendation to suspend Walker's Special Function Officer Certification.

### VIOLATION(S)

Walker's actions violated the following:

1. Utah Code Ann. § 53-6-211(l) (d) (v) any conduct or a pattern of conduct that would tend to disrupt, diminish or otherwise jeopardize public trust and fidelity in law enforcement.
2. Administrative Code R728-409-3 (J) (l) (a) in that he violated the Law Enforcement Code of Ethics.
3. Utah Code Ann. § 76-6-404 Theft

**AGGRAVATING CIRCUMSTANCE(S)**

None

**MITIGATING CIRCUMSTANCE(S)**

Honesty  
Coming forward unsolicited

**POST RECOMMENDATION**

The charges amount to a violation of POST policy and procedure, crime of dishonesty. The policy requires a four-year waiting period from the time of involvement or conviction for a crime of dishonesty. POST recommends the Council accept Walker's signed consent agreement for suspension-beginning June 30, 2006 and ending June 30, 2010 (this date is four years from his involvement with the theft).

**POST-COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 08-014LE/C  
**SUBJECT:** Valerie M. Hutchens  
**Investigator:** Bryant Green

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### ALLEGATION(S)

**Falsification of POST Application**

### POST INVESTIGATION OF ALLEGATION(S)

Valerie M. Hutchens submitted her application to attend POST training at Weber State University Satellite Police Academy (WSU) on July 2, 2007. On January 4, 2008, Hutchens completed her training and was certifiable as a correctional officer.

On January 29, 2008, Hutchens voluntarily sent a memo to POST, entitled "Background Information." In the memo Hutchens detailed several incidents of drug usage and theft that she failed to disclose on her POST application.

On February 7, 2008, Hutchens was interviewed by POST. After receiving a Garrity warning, Hutchens was asked to explain why she failed to disclose the information on her application. Hutchens admitted to petty theft and drug usage. She admitted to using marijuana on two occasions and psilocybin mushrooms one time in 2004. Hutchens admitted to four thefts that occurred between 2004 through early summer of 2007. While applying to POST, Hutchens claims she didn't recall the drug usage and the thefts were, "pretty minor."

Hutchens stated she was choosing to disclose the information because she was applying to several police agencies. Hutchens signed a consent agreement recommending a four-year suspension of her certification.

### CHIEF ADMINISTRATORS OPINION

None (not employed)

**VIOLATION(S)**

Hutchens' actions violated the following:

1. Utah Code Ann § 53-6-211(1)(d)(i) willful falsification of any information to obtain certified status.
2. Administrative Code R728-409-3(A) willful falsification of information to obtain certified status.

**AGGRAVATING CIRCUMSTANCES**

Repetitiveness of conduct

**MITIGATING CIRCUMSTANCES**

None

**POST RECOMMENDATION**

These charges rise to a level of a Category D (willful falsification to obtain certified status) on the POST Disciplinary Guideline. Based upon the aggravating factors of this case, POST recommends the Council accept Hutchens' signed consent agreement for a four-year suspension of her Correctional Officer Certification from the date of POST council-March 24, 2008 through March 24, 2012.

**POST COUNCIL ACTION**

**FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-079LE/C  
**SUBJECT:** Joy L. Andrews  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

**Pattern of Conduct**  
**Lying under Garrity**

### POST INVESTIGATION OF ALLEGATION(S)

Joy L. Andrews was employed and certified by the Washington County Sheriff's Office (WCSO) as a correctional officer on May 28, 2005. On November 27, 2006, Andrews was terminated following an internal affairs (IA) investigation.

While employed with the WCSO, Andrews violated several department policies that occurred within the facility. Some of these violations occurred after she was informed and reminded of the violated policies. She violated the following policies:

- Personal use of cell phones inside the secured area of the facility
- The inappropriate use of fire doors during cell checks
  - Failed to secure fire doors, which allowed a female inmate to enter the male section and engage in sexual relations with a male inmate
  - Failed to document or notify supervisors of a possible breach of security after being made aware of the unsecured fire doors
- Lying after being issued a Garrity warning

On October 18, 2006, WCSO initiated an IA investigation on Andrews. After being issued a Garrity warning, she lied to investigators about violating departmental policies.

On January 25, 2008, an attorney representing Andrews contacted POST. The attorney was informed of POST's intentions to suspend Andrews' Correctional Officer Certification for three-years from the date of her termination. The attorney was sent a consent agreement for the suspension of Andrews' Correctional Officer Certification. On February 11, 2008, Andrews signed and returned the consent agreement for the suspension of her certification.

## **CHIEF ADMINISTRATORS OPINION**

On February 25, 2007, POST reviewed Andrews' case with Sheriff Kirk Smith of WCSO. He concurs with POST's recommendation for a three-year suspension of Andrews' Correctional Officer Certification.

## **VIOLATION(S)**

Andrews' actions violated the following:

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

## **AGGRAVATING CIRCUMSTANCES**

Disruption to department

## **MITIGATING CIRCUMSTANCES**

None

## **POST RECOMMENDATION**

These charges rise to a level of a Category C (lying under Garrity to agency investigators) on the POST Disciplinary Guideline. Based upon the aggravating factors of this case, POST recommends the Council accept Andrews' signed consent agreement for a three-year suspension of her Correctional Officer Certification-November 27, 2006 through November 27, 2009.

## **POST COUNCIL ACTION**

## **FINAL ORDER**



# POST Investigations Bureau

## CASE SUMMARY

**CASE NO:** 07-078LE  
**SUBJECT:** Jared L. Glover  
**Investigator:** Paul Kotter

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### ALLEGATION(S)

#### **Pattern of Conduct**

### POST INVESTIGATION OF ALLEGATION(S)

Jarred L. Glover was employed and certified as a correctional officer with the Box Elder County Sheriff's Office (BEC SO) on December 22, 1997. Glover resigned from BEC SO and was employed and certified as a law enforcement officer by the Cache County Sheriff's Office (CCSO) on February 2, 1998. On September 24, 2007, Glover was terminated following an internal affairs (IA) investigation.

On September 16, 2007, a husband complained to CCSO stating Glover was having a relationship with his wife.

On September 12, 2007, the complainant saw his wife and Glover in a parking lot talking. They were standing close to each other, "smiling and laughing while they were talking." The complainant watched this interaction for approximately 45 minutes then approached and confronted his wife and Glover. After a short conversation all parties departed.

Glover contacted his sergeant the following day advising him of a possible complaint regarding a traffic stop. Glover informed his sergeant he had conducted a traffic stop on a female that lasted three to five minutes. When asked for the video of the stop, Glover stated he had not activated his video-a violation of departmental policy. When questioned about the three to five minute traffic stop, Glover corrected himself and stated, "it could have lasted ten minutes at the most." Glover did not document the traffic stop in his patrol log, which is also a violation of departmental policy.

On September 21, 2007, during an IA investigation, Glover was questioned about the traffic stop he conducted on September 12, 2007-he was not issued a Garrity warning. During the interview, Glover stated he failed to activate his emergency equipment (video recorder) when he conducted the traffic stop because he knew the individual. When he was questioned about the duration of the traffic stop, he admitted the stop lasted 45 minutes-this was consistent with the original complaint. Glover stated he did not document the stop because he was out of his area.

During a follow-up interview from CCSO, Glover stated he and the female were just friends and didn't know where the relationship was going. Glover said he hoped it might possibly go farther despite his marriage. Due to their uncertainty, the relationship never turned sexual.

In 2005, Glover was given a written warning and days off for an off duty sexual relationship with a female deputy. He was directed not to be involved in any relationship in the future that would have an adverse effect on the department. The pursuit of this relationship was in direct violation of that warning. On September 24, 2007, Glover was terminated for a pattern of conduct and multiple policy violations.

On November 30, 2007, POST interviewed Glover. After being issued a Garrity warning, he admitted to all the material facts of the case. He signed a one-year consent agreement for the suspension of his Peace Officer Certification.

### **CHIEF ADMINISTRATOR'S RECOMMENDATION**

POST Investigations contacted Sheriff G. Lynn Nelson with CCSO. He concurs with POST's recommendation for a one-year suspension.

### **VIOLATION(S)**

Glover's actions violated the following:

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

### **AGGRAVATING CIRCUMSTANCE(S)**

Pre-existing warnings  
On-duty or perception of on-duty status  
Disruption to community and/or department  
Repetitiveness of conduct

### **MITIGATING CIRCUMSTANCE(S)**

None

### **POST RECOMMENDATION**

The charges rise to a category G (Policy violations that establish a pattern of conduct) on the POST Disciplinary Guidelines. Taking into account the aggravating circumstances, POST recommends the Council accept Glover's signed consent agreement for a one year suspension of his Peace Officers Certification-beginning September 23, 2007, (the date of his termination) and ending September 23, 2008.

### **POST-COUNCIL ACTION**

### **FINAL ORDER**



## **POST Investigations Bureau**

### **CASE SUMMARY**

**Case No:** 07-066LE/C

**Subject:** DAVID A. GOODRICH

**Investigator:** Kevin Nitzel

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### **ALLEGATION(S)**

#### **Disorderly Conduct**

### **POST INVESTIGATION OF ALLEGATION(S)**

David A. Goodrich was employed and certified with the Utah Department of Corrections (UDC) as a correctional officer on February 22, 1999. After Goodrich was charged with Disorderly Conduct, a Class C Misdemeanor, UDC conducted an internal affairs (IA) investigation. At the conclusion of the IA investigation, Goodrich received 80 hours off without pay.

On September 5, 2007, Goodrich was yelling at his wife, but she refused to engage in the argument and ignored him. He began using vulgar language and stated, "I'd be better off dead." His wife called 911 and West Bountiful PD responded to the residence. Goodrich left the residence at the officers' request.

On December 5, 2007, Goodrich entered into a diversion agreement for Disorderly Conduct, Class C Misdemeanor. He was ordered to serve one-year court probation and attend counseling.

On December 17, 2007, POST interviewed Goodrich. After being issued a Garrity warning, Goodrich admitted to all the material facts of the case. Currently Goodrich and his wife are in counseling working on their marriage.

On February 6, 2008, Goodrich signed a consent agreement for the suspension of his Correctional Officer Certification through the remainder of his court probation, which ends on December 5, 2008.

### **CHIEF ADMINISTRATOR'S RECOMMENDATION**

Director Tom Patterson concurs with POST recommendation for the suspension of Goodrich's Correctional Officer Certification through the duration of his court probation.

**VIOLATION(S)**

Goodrich's actions violated the following:

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

**AGGRAVATING CIRCUMSTANCE(S)**

None

**MITIGATING CIRCUMSTANCE(S)**

Truthfulness and cooperation with investigation  
Takes responsibility for actions

**POST RECOMMENDATION**

These charges rise to the level of a Category E (commission of any crime that is charged or could have been charged as a class C misdemeanor) on the POST Disciplinary Guidelines. Based on the mitigating factors of this case POST recommends the Council accept David A. Goodrich's consent agreement for the suspension of his Correctional Officer Certification from the date of POST Council through December 5, 2008 (the end of his court probation).

**POST COUNCIL ACTION**

**FINAL ORDER**