

# POST COUNCIL MEETING

September 21, 2016

*Washington County Administration Building, 197 East Tabernacle, St. George, Utah*

## MINUTES

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On September 21, 2016, a regularly scheduled POST Council meeting was held at 1:00 p.m. at the Washington County Administration Building in St. George, Utah. Chairman James O. Tracy conducted and welcomed those in attendance.

### **The following POST Council members were in attendance:**

Sheriff James O. Tracy, Chairman, Utah County Sheriff's Office  
Chief Wade Carpenter, Vice-Chairman, Park City Police Department  
Chief Spencer Austin, Representing Utah Attorney General  
Frank Budd, At Large  
Colonel Mike Rapich, Superintendent, Utah Highway Patrol  
Dr. Matthew Checketts, At Large  
John Crowley, UPOA Representative  
Chief Marlon Stratton, St. George City Police Department  
Sheriff Robert Dekker, Millard County Sheriff's Office  
Mayor Toby Mileski, Pleasant View City  
Chief Kim Hawkes, North Park Police Department  
Executive Director Rollin Cook, Utah Department of Corrections  
Commissioner Kerry Gibson, Weber County Commissioner  
Bruce Bayley, Weber State University  
Victoria McFarland, At Large  
Sheriff Cameron Noel, Beaver County Sheriff's Office  
Christie Moren, At Large

### **POST staff present:**

Scott Stephenson, Director  
Kelly Sparks, Deputy Director  
Atty. Kevin Bolander, DPS Legal Counsel representing POST, Asst. Attorney General  
Atty. Marcus Yockey, DPS Legal Counsel representing POST, Asst. Attorney General  
Julie Gomez, Administrative Secretary  
Al Acosta, POST Investigations Bureau Chief  
Brad Macfarlane, POST Investigations  
Robert Bench, POST Investigations  
Jaclyn Moore, POST Investigations  
Jeff Adams, POST Investigations  
Jeremy Barnes, POST Investigations  
Wade Breur, POST Basic Training Bureau Chief  
Christopher Fielding, POST Media Producer  
Taylor Conti, POST Investigations Technician

**Others present:**

Lisa Naef  
Casey Naef  
Ben Winslow  
Brian Gwilliam  
Shawn Fausett  
Darrell Broadhead  
Matt Wilkins  
Jared Nichols  
Jason Ridman  
Rosie Rivera  
Jason Sparks  
Chance Ferran  
Darin Adams  
Scott Finlayson  
Darin Hoover  
Justin Butler  
Jason Elwood  
DJ Bolerjack  
Silver Borwn  
Terri Brown  
Jason Reed  
Amberdee Miller Wilson  
Brandon Oborn  
Greg Turnbow  
Brandee Turnbow  
Shane Harding  
Nate Nelson  
Jeffrey C. Jensen  
Greg Skordas

**WELCOME AND INTRODUCTIONS**

The meeting was called to order at 1:00 pm. Chairman James Tracy welcomed those in attendance and recognized Colonel Mike Rapich as a new board member. Colonel Rapich replaced Danny Fuhr as the Superintendent of the Utah Highway Patrol.

**APPROVAL OF POST COUNCIL MINUTES**

The POST Council minutes of June 2, 2016, were reviewed and the following motion was made:

- Motion:** *Christie Moren motioned to accept the minutes of June 2, 2016.*
- Second:** *Chief Marlon Stratton seconded the motion.*
- Vote:** *The motion passed with all in favor.*

**QUARTERLY REPORTS**

Lt. Acosta reported the following: Since the last Council meeting (June 2, 2016), Investigations Bureau received 76 complaints and opened 30 investigations. There are currently 47 active investigations and 36 open investigations. Investigations conducted 3 administrative hearings and closed 15 cases with no action. Investigations has received 5 voluntary relinquishments with the following allegations: custodial sexual misconduct, willful falsification / lying on POST application, misuse of prescription drugs, sex on duty, lying

under Garrity, and unlawful sexual conduct with a minor. Investigations conducted 244 background investigations for applicants attending a police academy, 23 application reviews for waiver/reactivations and 54 dispatch application reviews for a total of 321 applications reviewed the past quarter.

Lt. Wade Breur presented the following training bureau report for June until the end of August. POST has four classes in session or have completed their session during this quarter. On May 25<sup>th</sup> session #321 started with 35 cadets and 33 law enforcement officers graduated on August 4<sup>th</sup>. Session #322 SFO started on June 6<sup>th</sup> with 29 cadets and 35 cadets moved on to the LEO portion on July 13<sup>th</sup>. Session #322 is scheduled to graduate on September 22<sup>nd</sup>. On August 8<sup>th</sup> session #323 started with 25 cadets and 29 cadets moved on to the LEO portion. They are scheduled to graduate November 23<sup>rd</sup>. Session #324 SFO started August 29<sup>th</sup> with 10 cadets.

POST trained 672 officers and dispatchers in 28 in-service training classes for a total of 432 hours of training offered.

## **SATELLITE AUDITS**

Lt. Wade Breur reported POST conducted three satellite academy audits; the first was on Salt Lake County Sheriff's Office Academy (SLCSO). There were no exceptions to their administrative audit. During the audit, there were discussions with the training staff regarding PT testing and a discussion on Rhabdomyolysis. The Sheriff's Office believes their academy had one case of Rhabdomyolysis. Lt. Breur explained this is a condition where an individual exercises so hard their muscles release a protein called myoglobin into the bloodstream, which can become very serious. Across the country, there have been some deaths related to peace officer training due to this particular medical condition.

The second audit was on the Utah State University Eastern Academy (USU Eastern). There were no exceptions to the administrative audit.

The third audit this quarter was on Salt Lake Community College Academy (SLCC). There was one exception to the audit regarding POST policy. The exception dealt with an individual that was dismissed. With all of the academies, there is a bifurcated process when a person is dismissed. They either go through the higher education process for the institution or the agency side for the dismissal/termination. The cadet also has an appeal process through POST. The SLCC academy failed to notify this individual about the appeal process with POST conducted by Director Stephenson. The individual was readmitted back to the academy. The cadet was dismissed a second time on separate policy violations and POST assisted SLCC with the POST appeal process.

Chairman Tracy asked if there was an incident that occurred with the medical condition (rhabdomyolysis) that brought about the conversation or was it something you were looking to prevent. Lt. Breur answered POST had the discussion because SLCSO had an incident where they believed the individual had Rhabdomyolysis or they were injured. SLCSO trains their recruits on their entry standard which includes the 300 meter run. Lt. Breur explained to them POST has removed the 300 meter run for the entry standard because it is an advisory standard and has the potential for injuries. SLCSO said they had a person pull a hamstring and it put them out, the person was hired, and they stayed injured for a number of weeks while in the academy. Lt. Breur stated it was from that conversation, he informed SLCSO, there are also some other areas that they need to be looking at. This is how the Rhabdomyolysis discussion occurred. They did not have a Rhabdomyolysis case, they had an injury with a pulled hamstring related to the entry 300 meter run.

## **DISCIPLINARY CASES**

Attorney Marcus Yockey presented the following cases to the POST Council:

**MICHAEL ADAMS**

Offence – Sexual Solicitation  
Category –D  
Recommended Discipline – 18 month suspension  
Status – Placed on administrative leave. Resigned 5/3/16  
Agency – Washington City Police Department

On April 28, 2016, Michael Adams was investigated by his agency for sexual solicitation. The investigation disclosed Adams' phone number was identified on a massage parlor client list that a local agency was investigating for prostitution. Investigation further disclosed that in September 2015, on two occasions, Adams patronized the massage parlor. At the conclusion of each massage, the masseuse masturbated Adams to the point of ejaculation. Adams paid \$40 and \$50 respectfully and tipped the masseuse an additional \$20 on both occasions. Criminal charges were not filed with the county attorney. On May 3, 2016, Adams resigned from his agency.

On 8/24/2016, Michael Adams waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

**Motion:** *Mayor Toby Mileski motioned to accept recommended 18 month suspension of Michael Adams' peace officer certification.*  
**Second:** *Commissioner Kerry Gibson seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**GALEN BRET ALLRED**

Offence – Unlawful use of a financial transaction card, Misusing public money  
Category – A  
Recommended Discipline – Revocation  
Status – Resigned 1/31/16  
Agency – Iron County Sheriff's Office

On January 8, 2016, Bret Allred, a law enforcement officer, used an agency fuel card to fill up his personal vehicle with fuel, while he was off-duty and for personal use. Between March 12 and March 15, 2015, Allred used an agency fuel card to obtain over 92 gallons of fuel for his personal vehicle. Allred admitted to using an agency fuel card to obtain fuel for his personal vehicle to pull a horse trailer to a rodeo in Tremonton, Utah. Allred justified the use of the fuel card by dropping off department files for incineration on his way to the rodeo.

Allred failed to respond to the notice of agency action. On September 2, 2016, an order of default was signed by the administrative law judge and mailed to Allred.

**Motion:** *Frank Budd motioned to accept recommended revocation of Bret Allred's peace officer certification.*  
**Second:** *Sheriff Robert Dekker seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**RYAN BORROWMAN**

Offence – Assault – Domestic Violence  
Category – C  
Recommended Discipline – 2 year suspension  
Status – Letter of reprimand. Resigned 9/12/16  
Agency – Washington County Sheriff's Office

On March 18, 2015, Ryan Borrowman was involved in an argument with his wife in the backyard of their residence. During the argument, Borrowman grabbed his wife's arm and also pushed her. Borrowman's wife contacted the local police who responded and conducted an investigation. At the conclusion of the investigation, Borrowman was arrested and booked in the jail for domestic violence assault.

On March 24, 2015, Borrowman appeared in the local Justice Court and plead guilty to disorderly conduct, which was amended to an infraction. Borrowman's agency conducted an administrative investigation which determined Borrowman violated agency policy. He was issued a letter of reprimand and retained his employment. During a *Garrity* interview with POST, Borrowman admitted he grabbed his wife's arm to get her attention. He told POST he was frustrated and pushed her to get her away from him when they began to argue.

Borrowman failed to respond to the notice of agency action. On July 18, 2016, an order of default was signed by the administrative law judge and mailed to Borrowman.

**Motion:** Executive Director Cook motioned to accept recommended 2 year suspension of Ryan Borrowman's peace officer certification.

**Second:** Bruce Bailey seconded the motion.

**Vote:** The motion passed with 15 in favor and 1 opposed (Mayor Mileski).

#### **KASON CLARK BOYLE**

Offence – Willfully falsifies any information to obtain certification

Category – C

Recommended Discipline – 2 year suspension

Status – N/A

Agency – Unemployed

On July 1, 2014, Kason C. Boyle submitted an application to POST to attend the police academy. Boyle made no mention of misusing prescription drugs. On October 27, 2014, Boyle submitted an addendum to his POST application; again Boyle failed to disclose misusing prescription drugs. In June of 2015 Boyle completed the academy and was certifiable as a law enforcement officer. During a Pre-Employment evaluation with a local agency, Boyle disclosed his misuse of prescription drugs to the psychologist.

On March 31, 2016, POST conducted a *Garrity* interview with Boyle. During the interview, Boyle said he did not disclose the prescription drug usage on his application because he did not remember it. Boyle then said he did not include the prescription drug use on his application because a statement made by satellite academy personnel caused him to believe the question about misusing a prescription drug did not apply to him. Boyle said that during the ethics class, he stopped listening to the instructor when the issue of prescription drug misuse was discussed. Boyle again failed to disclose the prescription usage on an addendum to his application.

On August 24, 2016, Kason Boyle waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Mayor Mileski asked if the recommendation for the 2 year suspension goes back to time of the incident. Attorney Yockey answered that it goes back to the date POST discovered the individual lied on his application reference to the March date.

**Motion:** Chief Spencer Austin motioned to accept the recommended 2 year suspension of Kason Boyle's peace officer certification.

**Second:** Colonel Mike Rapich seconded the motion.

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

## **DARRELL BROADHEAD**

Offence – Disorderly Conduct

Recommended Discipline – 3 month suspension

Status – Suspended 40 hours

Agency – Unified Police Department

On January 17, 2015, Darrell Broadhead, a law enforcement officer with Unified Police Department, attended a concert at a local high school with his wife and two friends. Two juveniles approached a law enforcement officer at the concert and told the officer Broadhead offered them alcohol. Officers confronted Broadhead as he was drinking from a sports bottle. Broadhead denied offering the juveniles any alcohol and Broadhead's friends claimed ownership of the sports bottle Broadhead was drinking from. The officers tested the contents of the bottle with a Portable Breath Test device (PBT) and it tested positive for alcohol.

Broadhead and his two friends were issued citations for possession or consumption of alcohol at school and Broadhead was also cited for furnishing alcohol to a minor. Broadhead was suspended by his agency for 40 hours without pay and retained his employment. On June 30, 2016, the possession or consumption of alcohol at school charge was amended to a disorderly conduct, a class C misdemeanor. Broadhead entered into a plea in abeyance for disorderly conduct and the furnishing alcohol to a minor charge was dismissed.

In *Garrity* interviews with his agency and POST, Broadhead denied offering alcohol to any juveniles and also denied knowing his friend put alcohol in her sports bottle. Following its investigation, POST was unable to establish Broadhead offered alcohol to minors and was unable to determine whether Broadhead knew alcohol was in the bottle.

On September 8, 2016, Broadhead waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Chairman Tracy informed the Council that there is a letter from Mr. Broadhead's administration to review.

Darrell Broadhead addressed the Council. He stated that he did not offer alcohol to any minor, nor did he offer alcohol to anyone else at the charity concert. It was not his intent to consume alcohol. Regarding the disorderly conduct charge, he informed the Council he has owned up to what occurred since day one and that is why he accepted the plea. He has received discipline from his agency and paid the fee from the courts. He stated that he was frustrated with the allegations and with his friends for not telling him they had put alcohol in the container and allowed him to drink from it. He further explained his frustrations and apologized for his actions.

Sheriff Noel asked Darrell Broadhead if he had been drinking that night. Mr. Broadhead answered that he had consumed Rum and Vodka before attending the event.

Sheriff Dekker asked Mr. Broadhead if he has had any contact with the officer that confronted him and whether or not he has apologized to him. Mr. Broadhead answered that he has not had the opportunity to see him to apologize.

Jeremy Jones, attorney for Darrell Broadhead addressed the Council. Mr. Jones stated that he spoke to the prosecutor in this case and initially the agency that prosecuted Mr. Broadhead had been upset with the way Darrell had acted. That was why the criminal charges had played out the way they did. The prosecutor informed Mr. Jones that they understood the situation and upon further reflection, they didn't have those concerns any longer. Mr. Jones feels that the message was received by the prosecuting agency that Mr. Broadhead was apologetic. Mr. Jones referred to and handed out a prior disciplinary matrix' going back to 2013 for disorderly conduct. He stated the matrix shows for disorderly conduct, this Council has consistently

issued letters of caution. Mr. Jones asked the Council to reduce the disciplinary action in this case to a letter of caution.

**Motion:** *Mayor Toby Mileski motioned to not accept the 3 month suspension recommendation and recommended a letter of caution be given to Darrell Broadhead.*

**Second:** *Sheriff Cameron Noel seconded the motion.*

**Vote:** *The motion passed with all in favor. (Victoria McFarland recused herself)*

### **SARAH BRODERICK**

Offence – Willfully falsifies any information to obtain certification

Category – C

Recommended Discipline – 2 year suspension

Status – Terminated 11/27/13

Agency – Utah Department of Corrections

On August 22, 2013, Sara Broderick's POST application was submitted to POST for review. Broderick did not disclose any criminal involvement, arrests, or convictions on her application. On September 16, 2013, Broderick signed a Verification of Application Information form indicating her application was complete.

On September 16, 2013, POST received an electronic notification from the Federal Bureau of Investigation indicating Broderick had a criminal history. POST was also made aware Broderick was arrested for assault domestic violence and failed to disclose it on her POST application.

POST conducted an investigation and determined there were at least 11 separate incidents of criminal conduct which Broderick failed to disclose on her POST application, including traffic citations, arrests for domestic violence, and violation of a protective order. On April 21, 2014, POST conducted a *Garrity* interview with Broderick. During the interview, Broderick admitted to being involved, arrested, and convicted of multiple criminal offenses and not disclosing the information on her POST application.

On June 13, 2016, a hearing was held before the administrative law judge. The ALJ subsequently issued findings of facts and conclusions of law stating Broderick violated UCA 53-6-211 as outlined in the notice of agency action.

Sheriff Dekker stated he did not feel like a 2 year suspension was enough. Christie Moren asked if Ms. Broderick had ever been employed as a peace officer or had she just gone through the certification process. Mr. Yockey answered she had been hired by the Utah Department of Corrections when she went through the academy. She had completed her SFO and BCO certifications.

POST investigator Sgt. Brad Mcfarlane addressed the Council. He clarified Ms. Broderick was attending the Utah Corrections Academy to receive her BCO and SFO certifications for the state of Utah. She was never employed in any other state as a law enforcement officer. She was only employed in the state of Utah for approximately four months while attending the academy. This allegation came to light in the last week of the academy. She had already taken the two certification exams to become certifiable as a BCO and SFO.

Chief Carpenter asked if Ms. Broderick had any domestic violence convictions that would rise to the level of federal statute restricting her from possessing a firearm. Attorney Yockey answered indicating she wouldn't be allowed to possess a firearm as a law enforcement officer (LEO). She would only be able to function as a basic corrections officer (BCO) or a special functions officer (SFO). Victoria McFarland stated if Ms. Broderick still has an active protective order, assuming she was properly served and had notification of a hearing, she would also be restricted by being subject to the protective order. As for the domestic violence, it would depend on the statutory construction as to whether or not she would be federally restricted. On the surface, the combination of these things would make it appear so.

**Motion:** *Sheriff Robert Dekker motioned to not accept the 2 year suspension recommendation and recommended revocation of Sarah Broderick's peace officer certification.*

**Second:** *Chief Spencer Austin seconded the motion.*

**Discussion:** *Frank Budd asked if the revocation would preclude her from ever being employed (as a peace officer) in Utah. Attorney Yockey answered yes. Utah's revocations are reported via the IADLEST peace officer decertification database.*

**Vote:** *The motion passed with all in favor. (Executive Director Cook recused himself)*

## **SILIVA SILVER BROWN**

Offence – BCI Violation

Category – E

Recommended Discipline – 6 month suspension

Status – Letter in file

Agency – Utah Highway Patrol

On September 1, 2015, Silver Brown accessed a personal friend's criminal history through BCI, while off-duty, and without a legitimate law enforcement purpose. Charges were screened with a local County Attorney's Office; the Deputy County Attorney declined to file charges. On December 17, 2015, Department of Public Safety Office of Professional Standards conducted a *Garrity* interview with Brown. Brown said he accessed the criminal history record because his friend requested a copy to include in a job application.

On August 8, 2016, a hearing was held before the administrative law judge. The ALJ subsequently issued findings of facts and conclusions of law stating Brown violated UCA 53-6-211(1) as outlined in the notice of agency action.

Chairman Tracy informed the Council that there is a letter from Mr. Brown's administration to review.

Attorney Greg Skordas addressed the council. He stated he is Silver Brown's attorney, but was not asked by Silver Brown to appear today. Mr. Skordas came on his own with Silver Brown's permission. Mr. Skordas informed the Council he was cognizant of the Utah County Attorney's office review of the facts. It wasn't just so much that the Utah County Attorney's office declined the case; they did so because there was no victim and no harm. There was no chance of Utah County prevailing in front of a jury. They felt there was no benefit to the judicial system by even filing charges of this nature. Mr. Skordas stated the attorney's office felt it was not consistent with the legislative intent behind this statute.

Mr. Brown accessed a record for an individual who was trying to improve his employment. That was certainly not the reason why this legislation was passed. Mr. Skordas feels this was not criminal conduct that satisfies the requirements for the sanction that has been recommended. Mr. Skordas would like the Council to consider the facts of the case and the circumstances of what has occurred. He feels criminal intent was lacking and there was no chance this case would ever get prevailed upon in front of a jury. Mr. Skordas feels Silver Brown is a person of unparalleled integrity and the kind of law enforcement officer we need on the streets.

Silver Brown addressed the Council. He stated that with this incident, there was no intent to harm anyone. Mr. Brown stated his actions were not for personal reasons and only wanted to help a friend with his employment. Mr. Brown stated he has done everything possible in the past 14 years he can to be the best law enforcement officer. He has learned from this incident and has taken actions to make sure it never happens again. He asked the Council for leniency and understanding.



Bruce Bailey asked Mr. Brown if after he accessed the system and realized he had made a mistake, did he self-report the incident. Mr. Brown answered he told his Sergeant about the incident. Mayor Mileski asked if Mr. Brown ran the report for a job application. Attorney Yockey answered that yes, it was for the individual's job application. Mayor Mileski asked if Mr. Brown wrote a letter of recommendation for that individual. Attorney Yockey answered that was not part of the POST investigation.

**Motion:** *Chief Marlon Stratton motioned to not accept the recommendation and recommended a letter of caution.*

**Second:** *Frank Budd seconded the motion.*

**Vote:** *The motion passed with all in favor. (Colonel Rapich and Victoria McFarland recused themselves)*

DPS Legal Counsel Marcus Yockey addressed the Council. Yockey's intention for addressing the Council would be to receive guidance regarding future BCI violations. Yockey asked the Council to consider amending the recommendation for this category. In the past, the Council has issued more severe sanctions for BCI violations. POST strives to ensure they are presenting consistent recommendations to the POST Council regarding this type of violation.

Chairman Tracy noted the reason for the inquiry is important. He feels the Council has seen inquiries that appeared to be vindictive involving a spouse or a pending divorce. He's also seen BCI inquiries for curiosity verses something of a benign nature. He doesn't know if it should be an issue to take away the option to have the current range of options for recommended sanctions.

DPS Legal Counsel Kevin Bolander stated the tricky thing about these BCI violations is they tend to be on the extreme. They tend to be either relatively benign verse something of a more serious nature. That might be something to consider if we revamp the guidelines.

Victoria McFarland added that she feels it might be helpful for somebody at some point to give the Council an overview of the training that is provided to those who have access to the system. She thinks some of the agencies have been a little more lax with either their enforcement or their auditing. She feels this may be something that needs to be addressed through DPS channels in providing the training.

Attorney Yockey thanked the Council for their input and will consult with his client accordingly.

#### **ADAM SMITH BURTON**

Offence – DV Assault, DV in the presence of a child, Intoxication, Emergency Reporting – False Report  
Category – C

Recommended Discipline – 3 1/2 year suspension

Status – Resigned 9/3/15

Agency – Iron County Sheriff's Office

On August 22, 2015, Adam Burton, a law enforcement officer with Iron County Sheriff's Office, got in an argument with his friend, when the friend accused Burton of being inappropriate with the friend's wife. Burton's two-year-old son and wife were present. Burton's wife got between both men and pushed them apart to prevent an altercation. Burton pushed his wife out of the way, causing her to fall to the ground. The friend hit Burton in the head, more than one time, with a closed fist and then walked away. Burton got up and started following the friend, yelling at him to come back. Burton's wife followed Burton, trying to get him to go back home.

A neighbor came out of his house and asked Burton to be quiet or he would call police. Burton became confrontational with the neighbor. Burton's wife pulled Burton away from the neighbor and yelled for the friend to come back to help her. Burton shoved his wife out of the way again and she fell to the ground. Several neighbors heard all of the yelling and called 911. The friend came back and held Burton on the ground until

police arrived. The local prosecutor declined to file charges on Burton because he was the “victim” of an assault by his friend. The prosecutor declined to file any domestic violence charges on Burton because Burton’s wife was uncooperative.

During the POST investigation, it was discovered Burton had also been involved in a false reporting incident that occurred on December 6, 2015. The investigation disclosed Burton’s wife was out with her friends at a local bar and Burton wanted her to come home. When Burton’s wife did not answer her phone, Burton called police and made a false report of a fight between three women at that bar. Police responded and determined there was no fight in progress. Police listened to the recorded 911 call and immediately recognized Burton’s voice as the caller. The local prosecutor filed a class B misdemeanor charge of False Emergency Reporting on Burton. Burton entered a plea of not guilty and the adjudication is pending. During a POST Garrity interview, Burton admitted he made a false report of a fight, to get his wife to respond to him and come home.

Adam Burton failed to respond to the notice of agency action. On August 17, 2016, an order of default was signed by the administrative law judge and mailed to Burton.

**Motion:** *John Crowley motioned to accept the recommended 3 1/2 year suspension of Adam Burton’s peace officer certification.*  
**Second:** *Commissioner Kerry Gibson seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**JUSTIN J. BUTLER**

Offence – Driving under the influence (DUI)  
Category – D  
Recommended Discipline – 1 year suspension  
Status – Resigned 5/4/16  
Agency – Payson City Police Department

On April 30, 2016, Justin Butler was stopped for a lane travel violation. Butler submitted to standardized field sobriety tests which indicated impairment. Butler was arrested for DUI. Butler submitted to a chemical breath test and his BrAC was measured to be 0.105.

On July 20, 2016, Butler entered a plea of guilty to impaired driving, a class B misdemeanor, in the local justice court. During a POST Garrity interview, Butler admitted to consuming alcohol and then driving his vehicle with a BrAC over the legal limit.

On August 29, 2016, Justin J. Butler waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Nate Nelson, attorney for Justin Butler, addressed the Council. He stated he and his client feel the one year suspension is appropriate given the facts and circumstances presented.

Justin Butler addressed the Council. He stated he takes full responsibility for what he did. He feels a one year suspension is a fair punishment. He would like to put this behind him and try to get back into law enforcement and move forward.

**Motion:** *Chief Wade Carpenter motioned to accept the recommended 1 year suspension of Justin Butler’s peace officer certification.*  
**Second:** *Executive Director Cook seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

## **LARRY CUNNINGHAM**

Offence – Falsify a return of service

Category – B

Recommended Discipline – 3 year suspension

Status – Terminated 2/25/15

Agency – Bringhurst Constables

On January 31, 2015, Larry Cunningham, a deputy constable, attempted to serve a subpoena on a woman who lived several hours from the Constable's Office. Cunningham was unable to serve the subpoena. However, he spoke to the woman by phone the next day and arranged to serve her husband the subpoena at the husband's place of employment located near the Constable's Office. After serving the subpoena to the husband, Cunningham filled out and signed an affidavit, which generated a proof of service (Return of Service) for the subpoena. On the affidavit and proof of service, Cunningham falsely indicated he personally served the woman at her residence on January 31, 2015. Cunningham's agency became aware of his actions and on February 25, 2015, Cunningham was terminated from his agency.

During a *Garrity* interview with POST, Cunningham admitted he indicated on the affidavit that he personally served the woman at her residence on January 31, 2015, which generated a falsified return of service.

On August 30, 2016, Larry Cunningham waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

**Motion:** *Christie Moren motioned to accept the recommended 3 year suspension of Larry Cunningham's peace officer certification.*

**Second:** *Chief Kim Hawkes seconded the motion.*

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

## **SHAID DEPALMA**

Offence – Criminal Trespassing, Criminal Mischief

Category – E

Recommended Discipline – Letter of Caution

Status – Suspended 36 hours without pay

Agency – Beaver County Sheriff's Office

On or about January 4, 2016, Shaid DePalma was attempting to access BLM land but was unable to drive on the main road due to snow pack. DePalma walked across private property to a locked gate leading to the BLM land and placed glue in the lock. DePalma was investigated by his agency and admitted putting glue in the lock because he wanted the lock owner to cut the lock, which would temporarily allow access through the gate. DePalma said he did not know the gate was on private property. DePalma apologized to the property owner, purchased the property owner a new lock and was suspended by his agency for 36 hours without pay. The case was screened with the county attorney who declined to prosecute.

On August 3, 2016, DePalma waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Mayor Mileski asked what the distance on private property was from point A to the gate. Attorney Yockey answered the distance was approximately 100 – 200 yards. Mayor Mileski asked if there was a fence between. Attorney Yockey stated that the normal road to access the BLM land was snow packed, so the gate would essentially allow him access to that BLM land through another route. Mayor Mileski stated that if he read it correctly, Mr. DePalma left and returned to glue the lock shut. Attorney Yockey answered yes, Mr.

DePalma went and purchased the glue and glued the lock shut so it had to be cut. Mayor Mileski asked if Mr. DePalma has had any other POST actions. Attorney Yockey answered no.

Attorney Yockey informed the Council there was a letter from Mr. Depalma's administration to review.

**Motion:** *Colonel Mike Rapich motioned to accept the recommended letter of caution.*  
**Second:** *Bruce Bailey seconded the motion.*  
**Vote:** *The motion passed with all in favor. (Sheriff Cameron Noel recused himself)*

#### **JASON ELWOOD**

Offence – Sex on Duty  
Category – B  
Recommended Discipline – 4 year suspension  
Status – Terminated 9/29/15  
Agency – Uintah County Sheriff's Office

Between March 2015 and August 2015 Jason Elwood, a correctional officer with the Uintah County Sheriff's Office (UCSO), engaged in sexual conduct while on duty inside the correctional facility, multiple times with two co-workers. UCSO did not conduct an internal investigation into this allegation because Elwood had been terminated prior to the discovery of the sexual conduct on duty. UCSO had previously terminated Elwood for policy violations not related to this allegation.

On July 29, 2016, Jason Elwood waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Jason Elwood addressed the Council. He apologized and stated he regrets his actions. He has taken the steps in his personal and professional life to rectify the issues which led to these incidents. He has been attending counseling weekly. He asked for leniency and stated he would like to eventually return to law enforcement.

**Motion:** *Chief Wade Carpenter motioned to accept the recommended 4 year suspension of Jason Elwood's peace officer certification.*  
**Second:** *Sheriff Robert Dekker seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **CHANCE FERRAN**

Offence – Disorderly Conduct  
Category – F  
Recommended Discipline – Letter of Caution  
Status – N/A  
Agency – Unemployed

On October 12, 2015, Chance Ferran, an unemployed, certified peace officer, was investigated by a local police department for disorderly conduct. Ferran called police to report his ex-wife had assaulted him. Ferran had met with his ex-wife at a hospital to pick up their seven-year-old daughter who was taken to the hospital for medical treatment. While Ferran was putting his daughter into his vehicle, Ferran's ex-wife became upset and threw a cup of ice at Ferran, hitting him in the face. An argument ensued between Ferran and the boyfriend of the ex-wife, who was also at the hospital.

On October 30, 2015, the local prosecutor filed a disorderly conduct charge on Ferran, his ex-wife, and her boyfriend. On January 12, 2016, Ferran pled no contest to disorderly conduct under Utah Code Ann. § 76-9-102, an infraction.

On August 24, 2016, Ferran waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Mr. Ferran addressed the Council. He stated he was sorry to be before the Council. He wants to put this matter behind him and move forward in law enforcement.

**Motion:** *Commissioner Kerry Gibson motioned to accept the recommended Letter of Caution.*  
**Second:** *Chief Marlon Stratton seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **ELLEN GUADARRAMA**

Offence – Willfully falsifies any information to obtain certification

Category – C

Recommended Discipline – 2 year suspension

Status – N/A

Agency – Unemployed

On October 30, 2013, Ellen Guadarrama submitted a POST application to attend training at a satellite police academy. Guadarrama indicated in her application that she had never used marijuana. On February 26, 2014, Guadarrama submitted an addendum to her POST application and disclosed she smoked marijuana twice in 2010 when she was 18 years of age and two times in 2011 when she was 19 years of age. On September 17, 2015, POST received an email message from Guadarrama, which stated she took a polygraph exam on December 24, 2014, with a potential law enforcement employer. During the polygraph, Guadarrama disclosed she last used marijuana in May 2012, which was less than two years prior to attending the academy.

On August 25, 2016, Ellen Guadarrama waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

**Motion:** *John Crowley motioned to accept the recommended 2 year suspension of Ellen Guadarrama's peace officer certification.*  
**Second:** *Chief Spencer Austin seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **BRETT RYON HADLEY**

Offence – Sexual Solicitation, Lewdness, Contributing to the delinquency of a minor

Category – D

Recommended Discipline – 2 1/2 year suspension

Status – Terminated 12/18/15

Agency – Harrisville City Police Department

On or about October 9, 2015, Brett Hadley, a law enforcement officer with Harrisville City Police Department, paid an adult male approximately \$60 to engage in oral and manual sex with him. The adult male's wife witnessed the sexual acts and the exchange of money. Later that evening, Hadley asked the adult male and a 17-year-old male if either wanted Hadley to perform oral sex on them, both males declined the offer. Hadley then exposed his penis to both males and said he would send a picture of his penis to the adult male.

During the subsequent criminal investigation, corroborating text messages from Hadley's phone to the adult male's phone were found. Hadley was terminated from his agency and criminal charges were filed for sexual solicitation, lewdness, contributing to the delinquency of a minor, and intoxication. On May 25, 2016, Hadley entered a plea of no contest to contributing to the delinquency of a minor, a class B misdemeanor, and

attempted sexual solicitation, a class C misdemeanor. The lewdness and intoxication charges were dismissed with prejudice.

POST contacted Hadley several times attempting to arrange an interview. Hadley stated he wished to participate in the POST process, however, since that time he has stopped communicating with POST.

Hadley failed to respond to the notice of agency action. On July 18, 2016, an order of default was signed by the administrative law judge and mailed to Hadley.

Frank Budd asked if Mr. Hadley had been a SRO (School Resource Officer) and this was how he met the victim. Attorney Yockey answered that Mr. Hadley was a SRO. Frank Budd asked if this fact was considered an aggravating circumstance in this case. Attorney Yockey answered POST did not consider it an aggravator. That would be something for the Council to consider. POST considered the nature of the offenses and the issues regarding the victims. Frank Budd stated he felt the actions were very serious and the fact Mr. Hadley was a SRO when he came in contact with the victim should aggravate the sanction. Attorney Yockey stated the actions on this offense, that POST was able to investigate, showed the individual was an adult at the time.

Christie Moren noted her concern was whether Mr. Hadley was grooming prior to the offense. Mr. Hadley was in a position with a minor in a special education class and in Mr. Hadley's opinion; the student was categorized as slow. Attorney Yockey stated that would be something for the Council to determine. POST has recommended the highest sanction under category D. The POST Council can determine if there are aggravating or mitigating factors to consider.

Sheriff Dekker asked if Mr. Hadley ever admitted to the conduct while the victim was a juvenile. Attorney Yockey answered POST did not determine any of the conduct occurred while the victim was a juvenile or a different sanction would have been recommended. Christie Moren asked if the information in the packet came out of the IA (Internal Affairs) investigation. Attorney Yockey answered the information was discovered during the criminal investigation.

**Motion:** *Chief Wade Carpenter motioned to not accept the recommendation and recommended revocation of Brett Hadley's peace officer certification.*

**Second:** *Sheriff Robert Dekker seconded the motion.*

**Vote:** *The motion passed with all in favor. (Mayor Toby Mileski recused himself)*

## **SHANE HARDING**

Offence – Theft by deception

Category – D

Recommended Discipline – 1 year suspension

Status – Resigned 12/21/15

Agency – Sandy City Police Department

On December 15, 2015, Shane Harding was investigated by his agency for theft. The investigation disclosed that between October 1 and November 30, 2015, Harding signed up to work several security shifts, at a local business, as part of his secondary employment. Harding failed to work 24 hours of the shifts he signed up for. Harding submitted a payment request to the business for the hours not worked and was paid for the services not rendered. The monetary value of the 24 hours equated to \$480. Harding admitted to the theft from the business. At the request of the business, Harding was not criminally charged. Harding resigned from Sandy Police Department on December 21, 2015.

On 9/9/2016, Shane Harding waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Jeremy Jones, attorney for Shane Harding, introduced himself and turned the time over to Mr. Harding to speak.

Shane Harding addressed the Council. He takes full responsibility for his actions. He hopes the Council will accept the one year recommendation from POST.

Attorney Yockey informed the Council Mr. Harding did pay back the business the monetary value he was paid.

**Motion:** *Mayor Toby Mileski motioned to accept the recommended 1 year suspension of Shane Harding's peace officer certification.*

**Second:** *Chief Marlon Stratton seconded the motion.*

**Vote:** *The motion passed with all in favor. (Christie Moren recused herself)*

## **DARIN S. HOOVER**

Offence – Disorderly Conduct

Category – F

Recommended Discipline – 3 month suspension

Status – Suspended 200 hours without pay. Resigned 7/15/15

Agency – West Valley City Police Department

On October 11, 2014, Darin Hoover was on a hunting trip with his adult daughter. Hoover and his daughter began to argue because Hoover was divorcing her mother. During the argument, the daughter called Hoover a derogatory name, and Hoover struck his daughter in the mouth with an open hand. Hoover said he struck his daughter as an act of discipline in response to her calling him the derogatory name and being disrespectful. Hoover was arrested and booked into the county jail on charges of domestic violence-assault and interruption of a communication device.

On January 15, 2015, Hoover entered a plea of no contest, to be held in abeyance, to the amended charge of disorderly conduct. During *Garrity* interviews with his agency and POST, Hoover admitted to hitting his daughter.

On September 1, 2016, Darin Hoover waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Jeremy Jones, attorney for Darin Hoover, introduced himself and turned the time over to Darin Hoover.

Darin Hoover addressed the Council. He stated this is the first and last time he ever wants to be before the Council. He takes full responsibility for his actions on the day of the incident. He explained it was an emotionally charged incident and he neglected to step away and deescalate the situation as he should have. He looks forward to hopefully getting back into law enforcement which is something he loves and holds very near and dear.

**Motion:** *Chief Marlon Stratton motioned to accept the recommended 3 month suspension of Darin Hoover's peace officer certification.*

**Second:** *Chief Spencer Austin seconded the motion.*

**Vote:** *The motion passed with 15 in favor and 1 opposed (Mayor Mileski). (Director Rollin Cook and Victoria McFarland recused themselves.)*

## **STEVEN KLINE**

Offence – Theft / Wrongful Appropriation

Category – B

Recommended Discipline – 3 year suspension

Status – Terminated 8/5/14  
Agency – Beaver County Sheriff's Office

On July 15, 2014, Steven Kline was investigated by an outside police agency for an allegation Kline sold Beaver County Sheriff's Office ammunition to a local pawn shop. The investigation disclosed that on July 15, 2014, Kline went to a local pawn shop and sold 26 boxes of .40 caliber ammunition and 13 boxes of .223 caliber ammunition. Kline was paid \$320 in cash for the transaction. Kline's employment was terminated. On March 15, 2015, Kline pled guilty to wrongful appropriation, a class B misdemeanor. During a *Garrity* interview with POST, Kline admitted selling ammunition, which belonged to BCSO, to the pawn shop on at least two occasions.

Kline failed to respond to the notice of agency action. On August 23, 2016, an order of default was signed by the administrative law judge and mailed to Kline on September 7, 2016.

Mayor Toby Mileski asked if it was correct that POST conducted the *Garrity* interview in August of 2014. Attorney Yockey answered that was correct.

Sheriff Noel recused himself in this case, but wanted to point out that Mr. Kline has had other instances with POST prior to this and he felt the information needed to be clarified.

**Motion:** *Sheriff Dekker motioned to not accept the recommendation and recommended to revoke Steven Kline's peace officer certification.*

Discussion: Attorney Yockey clarified that the prior incident was investigated by POST, but no action was taken. Commissioner Gibson asked if there was a federal firearms violation for selling ammunition. Attorney Yockey answered not in this case. POST did not proceed on that.

**Second:** *Mayor Toby Mileski seconded the original motion.*

**Vote:** *The motion passed with all in favor. (Sheriff Cameron Noel recused himself)*

## **RICHARD MAES**

Offence – Driving under the influence  
Category – D  
Recommended Discipline – 18 month suspension  
Status – Terminated 8/24/15  
Agency – Utah Department of Corrections

On December 9, 2014, Richard Maes, a law enforcement officer with the Utah Department of Corrections (UDC), was investigated by an outside police agency for driving under the influence of alcohol (DUI). The investigation disclosed Maes was involved in a single vehicle motorcycle accident. Witnesses told the investigating officer they smelled an odor of alcohol on Maes. A warrant was obtained for Maes's blood test results which showed a BAC of .255. Maes was subsequently charged with DUI and pled guilty to an amended charge of impaired driving, a class B misdemeanor. Maes was investigated by his agency and resigned on August 24, 2015. During a *Garrity* interview with POST, Maes said he did not contest the allegation because he did not remember what happened.

On September 8, 2016, Maes waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Attorney Jeremy Jones addressed the Council. He stated the traumatic brain injury Richard Maes sustained in his accident makes travel, especially long distances, difficult for him. Richard Maes asked Attorney Jones to appear in his stead. Mr. Maes wanted to convey to the Council that he appreciates law enforcement. He is apologetic people spent time on the initial investigation, and the subsequent POST investigation. Mr. Maes



does not remember anything leading up to the crash and therefore is unable to offer any excuses. Mr. Maes expressed his desire to return to law enforcement.

Mr. Jones asked the Council to consider going below POST's recommendation of an 18 month suspension based on the unique nature of what happened. Mr. Maes has not touched alcohol since this accident and has changed his behavior. Mr. Jones asked the Council to consider the last downward deviation they made, which he believes was in 2014 for Jason Adams. The case recommendation was four years and the Council decided on three years. Mr. Jones feels that was a fairly significant accident and the Council did in fact reduce the disciplinary recommendation. Mr. Jones is asking for the same consideration for Mr. Maes.

POST Legal Counsel Kevin Bolander asked Mr. Yockey if POST would recommend an 18 month suspension when the BAC level is double the legal limit. Attorney Yockey answered that in the past, the recommendation has been 1 year for a standard DUI and if the BAC is double or there is an accident, POST will aggravate up to the 18 months.

**Motion:** ***Bruce Bailey motioned to accept the recommended 18 month suspension of Richard Mae's peace officer certification.***

**Second:** ***Victoria McFarland seconded the motion.***

**Vote:** ***The motion passed with all in favor. (Executive Director Rollin Cook recused himself)***

#### **AMBERDEE MILLER WILSON**

Offence – Vicious animal at large

Category – E

Recommended Discipline – Letter of Caution

Status – Received a note in performance plan

Agency – Utah Department of Corrections

On March 25, 2016, Amberdee Miller Wilson received a citation under a city ordinance for dogs attacking persons or animals. Wilson's dog escaped from the yard and entered the yard of a nearby neighbor. The dog started chasing chickens and bit one of them. The neighbor's 13-year-old son tried to scare the dog away, but the dog began acting aggressively toward him. The neighbor came out and chased the dog away. The chicken survived and was not seriously injured.

On April 25, 2016, Wilson pled guilty to a city ordinance violation of dogs attacking persons and animals, a class C misdemeanor. During Garrity interviews with her agency and POST, Wilson admitted her dog escaped from her back yard and bit a neighbor's chicken.

On August 15, 2016, Amberdee Miller-Wilson waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Amberdee Miller Wilson addressed the Council and apologized for her actions. She has taken action so this never happens in the future.

Mayor Mileski asked Ms. Miller Wilson how long she had lived in the house prior to this incident. Ms. Wilson answered she had lived there about three weeks.

Chief Carpenter asked Ms. Miller Wilson if she had any prior issues with this dog in the past. Ms. Wilson answered no.

**Motion:** ***Mayor Toby Mileski motioned to not accept the recommendation and recommended to take no action on Amberdee Miller-Wilson's peace officer certification.***

**Second:** ***Sheriff Cameron Noel seconded the motion.***

**Vote:** ***The motion passed with all in favor. (Director Rollin Cook recused himself)***

## **JEFFERY P. MOODY**

Offence – Assault with substantial bodily injury, a class A misdemeanor

Category – A

Recommended Discipline – Revocation

Status – Resigned 2/25/14

Agency – Salt Lake County Sheriff's Office

On November 27, 2013, Jeffery Moody was involved in a domestic dispute with his ex-wife and her boyfriend. Moody's ex-wife and her boyfriend went to Moody's apartment for a custody exchange of Moody's children. During the exchange, there was a confrontation between Moody's wife and Moody's ex-wife which became heated and physical. The boyfriend stepped toward the two females to separate them. Moody stepped in front of the boyfriend and hit him in the face with a closed fist, knocking the boyfriend to the ground. Moody then stood over the boyfriend, while he laid on the ground in the fetal position, and continued to hit the boyfriend with closed fists. According to witnesses, the boyfriend never made any aggressive or threatening moves toward anyone and never tried to fight back after Moody attacked him. The boyfriend suffered a broken nose, a laceration to his nose, and scrapes and bruises to his head and face. On December 16, 2013, charges were filed on Moody for assault, a class A misdemeanor.

On April 14, 2014, Moody pled guilty to assault, a class A misdemeanor.

Moody failed to respond to the notice of agency action. On August 16, 2016, an order of default was signed by the administrative law judge and mailed to Moody.

**Motion:** *Chief Kim Hawkes motioned to accept the recommended revocation of Jeffery Moody's peace officer certification.*

**Second:** *Mayor Toby Mileski seconded the motion.*

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

## **LISA NAEF**

Offence – Criminal Trespass

Category – E

Recommended Discipline – 3 month suspension

Status – 2 weeks off without pay

Agency – Box Elder County Sheriff's Office

On February 4, 2016, Lisa Naef was criminally investigated by her agency for an allegation of criminal trespass. Naef and her son were observed, by a deputy, riding a four-wheeler on a neighbor's property in violation of a no trespassing warning which had been issued to her son by a peace officer five months earlier. Naef was charged with criminal trespass and on March 4, 2016, Naef entered a plea of guilty to be held in abeyance.

During a *Garrity* interview by Naef's agency and POST, Naef admitted to riding the four-wheeler on the north fork of the easement road on February 4, 2016. Naef also admitted she was aware the north fork of the easement road was the neighbor's property and her son had been trespassed from the road in September 2015.

On 8/12/2016, Lisa Naef waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Lisa Naef addressed the Council and informed them she has worked as a correctional officer for Box Elder County Sheriff's Office for the past 14 years. She further explained the situation that led to the charge. She stated it was never her intent to commit a crime. As a mother, she was only trying to protect her son.

Following the incident, she informed the sheriff one of the deputies responded to her home for a trespass complaint. She was placed on administrative leave until the investigation could be completed. She added that since the violation, prior to her selling her home, the neighbor and his wife came over and apologized for the incident. Ms. Naef asked the board to spare revoking or suspending her certification.

Mayor Mileski asked Ms. Naef a clarifying question as to where the trespass occurred. Ms. Naef described the access to her property as a single road, shared with a neighbor and after a short distance, splitting around a railroad car. One road was on the neighbor's property and one was on her property.

Sheriff Cameron Noel asked Ms. Naef if the neighbor filed a complaint against her and her son. Ms. Naef answered no. Sheriff Noel asked what the neighbor's intent was when calling the deputy. Ms. Naef answered there had been multiply instances with the neighbor and he didn't like her son. She further stated the neighbor did not like the sound of her son's dirt bike.

Commissioner Gibson asked if the violation on Ms. Naef's part was for riding back on the four-wheeler with her son to show her where this occurred. Mr. Yockey answered that POST is obligated to take action any time there is a conviction.

Victoria McFarland asked for clarifying information about the history going on between Ms. Naef and the neighbor. Ms. Naef answered that the history was between her husband, her kids and her neighbor. This was the first incident where she had been home. Ms. McFarland asked Ms. Naef if she was aware prior to the February incident the neighbor did not want her son on his side of the property. Ms. Naef answered yes. The deputy had come over when they had questions about the easement and she gave them a plat map. A month later, the neighbor came over and told her son to stay off of his property.

Chief Carpenter asked if there was any damage to the property. Ms. Naef answered just four-wheeler tracks from her son going around the rail car.

**Motion:** *Sheriff Robert Dekker motioned to recommend a letter of caution be given to Lisa Naef.*

**Second:** *Director Rollin Cook seconded the motion.*

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

*Chairman Tracy called for a five minute break. The meeting resumed at 2:57 p.m.*

## **BRANDON GEORGE OBORN**

Offence – Criminal mischief, Commission of domestic violence in the presence of a child

Category – C

Recommended Discipline – 1 year suspension

Status – Resigned 2/26/16

Agency – Tooele County Sheriff's Office

On February 2, 2016, Brandon Oborn, a law enforcement officer with the Tooele County Sheriff's Office, used an open hand to hit the driver's side mirror assembly on his estranged wife's van, causing it to break. Oborn and his wife were arguing after his wife came by to pick up their children. Oborn's three children were in the back seat of the van during the argument. Charges were submitted to the local prosecutor's office for screening. During a *Garrity* interview with his agency and POST, Oborn admitted to pushing the mirror assembly on his wife's van, causing it to break. Oborn paid to repair the damage.

On August 18, 2016, Oborn waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Chairman Tracy informed the Council there is a letter from Mr. Oborn's administration to review.

Attorney Yockey clarified that he previously stated the criminal charges were for criminal mischief and domestic violence in the presence of a child. The final disposition was for a criminal mischief guilty plea on July 11, 2016, for a class B misdemeanor, with criminal violence in the presence of a child dismissed without prejudice.

Nate Nelson, attorney for Brandon Oborn addressed the Council. He stated they agree with the POST recommendation of one year given the violation referenced property not a person.

Brandon Oborn addressed the Council and apologized for his actions which brought him before the Council. He recognized what he did and would like to get back to the profession that he loves so dearly.

Mayor Mileski asked about the manner the mirror was pushed or smacked. He clarified his question asking whether the mirror was pushed inwards, which would cause a person to have to reset it or if it was an act of spite or was it smacked the opposite way intentionally causing it to break. Attorney Yockey answered, based on POST's investigation, it was smacked inwards and it did cause the mirror to break. Attorney Yockey stated that smacked is not his term, he is just reiterating the term Mayor Mileski used.

Chief Hawkes asked when the suspension would begin. Director Stephenson answered the day of resignation.

Mayor Mileski stated he feels one year is too high for criminal mischief based on what Mr. Oborn was charged with. He would have liked to have seen a video showing how the mirror was pushed, hit, smacked or otherwise.

Chief Carpenter asked Mr. Oborn if it was his vehicle. Attorney Yockey answered that it was Mr. Oborn's estranged wife's vehicle. Attorney Nate Nelson stated the car was in both of their names; they were going through a divorce.

**Motion:** *Christie Moren motioned to not accept the recommendation and recommend a 9 month suspension of Brandon Oborn's peace officer certification.*

**Second:** *Commissioner Kerry Gibson seconded the motion.*

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

## **STACY SOUZA**

Offence – Child Abuse (Child discipline with potential of leaving a mark)

Category – F

Recommended Discipline – Letter of Caution

Status – No Action

Agency – Weber County Sheriff's Office

On January 15, 2015, Stacy Souza was investigated by a state social services agency for an allegation of child abuse. The investigation was initiated by a complaint Souza made to the state agency regarding her and her husband's discipline of their three young children. When the children were interviewed, they disclosed Souza and her husband spanked them in the past and may have left marks or bruises. There were no bruises or marks on the children at the time of the investigation. In February of 2012, the state social services agency closed their case, taking no action.

Souza and her ex-husband were investigated by a local law enforcement agency for the same complaint of child abuse. The investigation determined Souza and her ex-husband had violated the law and they were both charged in the local justice court with child abuse, a class C misdemeanor.

On May 18, 2015, Souza plead guilty to the charge of child abuse and entered into a plea in abeyance with the court. There was no internal investigation by Souza's agency and she maintained her employment. In an interview with POST, Souza admitted to spanking her children in the past but denied injuring the children,

leaving a bruise or violating the law. Souza told POST she wanted a jury trial, but entered into the plea in abeyance at the recommendation of her attorney.

On August 24, 2016, Souza waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Frank Budd asked what a letter of caution would state in this matter. Attorney Yockey answered that a letter of caution is a general template that we send out with the order. It states that peace officers are held to a higher threshold. It could essentially be an aggravator if any future criminal violations are brought before the Council. Frank Budd asked if we are saying Ms. Souza doesn't have the right to discipline her children by spanking them. Attorney Yockey answered it is not POST's position to answer that question. POST brought this matter before the Council because there was a criminal conviction. POST doesn't necessarily believe, in this matter, that all of the elements of this offense have been met. The definition of physical injury in the child abuse statute requires some sort of laceration, bruise or something like that.

Christie Moren asked if she correctly understood that Ms. Souza was in some kind of therapy or treatment program, which encouraged her to self-report. Attorney Yockey answered that was correct. Ms. Souza was in some sort of therapy and the therapist recommended she disclose this to DCFS and to local law enforcement as part of that therapy. There have been no allegations of abuse on her part, this was all self disclosure.

Victoria McFarland asked Mr. Yockey if during the criminal investigation, they utilized the interviews that social services did with the children and explanations provided by Ms. Souza and her husband about the discipline. Attorney Yockey answered that was correct. Ms. McFarland asked if it was correct that there were discrepancies between what was being provided between the children's statements and the parents and any unobserved injuries. As for injuries, Attorney Yockey stated that POST could not fulfill all of the elements. POST could not show that physical injury had resulted. Ms. McFarland referenced what she believed to be a catch all provision that doesn't necessarily require a bruise, laceration or mark but any condition that would impair physical well being.

Chief Carpenter asked if it was court ordered therapy or treatment that Ms. Souza was going to. Sgt. Brad Macfarlane answered that the treatment was court ordered by the military while she was a reservist. She had made disclosures to commanding officers about some depression and suicidal tendencies.

Scott Stephenson stated that if he remembered correctly, Ms. Souza had a form of PTSD that she was experiencing. Sgt. Macfarlane replied that Ms. Souza had served in the military and had been deployed in 2011. As a result of her deployment, she had PTSD and some depression and other issues. As a result of those factors, the therapist thought it was important to have some intervention. Their way to deal with that was to make a referral to DCFS.

Commissioner Gibson wanted to follow up on Frank Budd's question. He asked if a letter of caution goes in Ms. Souza's file, will the letter be used as an aggravating factor in future allegations. Chairman Tracy answered that if there is any criminal conduct, the letter can be considered as an aggravating factor.

*Motion: Mayor Toby Mileski motioned to not accept the recommendation and recommended no action be taken on Stacy Souza's peace officer certification.*

*Second: Christie Moren seconded the motion.*

*Discussion: Dr. Matthew Checketts stated that he is therapist and would argue against the notion of taking no action because there was substantiation of child abuse. He feels from his professional option that would be correct.*

*Vote: The motion failed with 6 in favor (Moren, Crowley, Noel, Dekker, Moleski, Rapich) and 9 opposed. (Commissioner Gibson recused himself)*

*Discussion: Mayor Mileski noted that Social Services closed the case with no action taken. That was his determining factor. Victoria McFarland followed up by noting that having served as a state prosecutor for a number of years, at the misdemeanor level, there were a number of times when*

*DCFS closed cases that were unsubstantiated. Using the state prosecutor standards, probable cause and a reasonable likelihood of a success at trial, they disagreed at that determination and filed charges. That's not to say one side is more valid than the other. It's just a different perspective. It's not unheard of for DCFS or whatever the Social Services entity is to determine they are not going to take any action. When law enforcement or the prosecutor looks at it, they may determine otherwise.*

**Motion:** **Director Cook motioned to accept the original recommended letter of caution be given to Stacy Souza.**

**Second:** **Bruce Bailey seconded the motion.**

**Vote:** **The motion passed with 13 in favor and 2 opposed (Mileski, Moren). (Commissioner Gibson recused himself)**

## **JASON SPARKS**

Offence – Assault – DV, domestic violence in the presence of a child

Category – D

Recommended Discipline – 2 year suspension

Status – Retired 1/22/16

Agency – Tooele County Sheriff's Office

On July 15, 2014, Jason Sparks went to his estranged wife's residence to speak to their six-year-old daughter. His estranged wife denied the request and a verbal argument ensued. During the argument Sparks' estranged wife stepped out onto the porch. Sparks began to open the storm door and as he did, his estranged wife stepped toward the door and it hit her in the hip causing a bruise. Sparks' estranged wife told investigators Sparks also pulled her out of the door during the argument and pushed her around the porch. Sparks was investigated by a law enforcement agency for assault.

The investigation determined Sparks committed assault, with two children present. Charges were screened on Sparks, a warrant was issued from the local justice court and on August 27, 2014, Sparks was booked in a local county jail. An internal administrative investigation was conducted by his agency; however, Sparks retired on January 22, 2016, before the investigation was completed.

On June 21, 2016, Sparks entered a guilty plea which was to be held in abeyance to assault as provided in Utah Code Ann. § 76-5-102, a class B misdemeanor, and commission of domestic violence in the presence of a child as provided in Utah Code Ann. § 76-5-102, a class B misdemeanor.

On September 16, 2016, Sparks waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Jeremy Jones, attorney for Jason Sparks addressed the Council and turned the time over to Mr. Sparks.

Mr. Sparks addressed the Council and apologized for having to come before the Council. He stated this was an argument between himself and his estranged wife at the time. He explained the situation that led to the charge. He stated it was not his intent to strike his estranged wife with the door, it was an accident. He expressed his desire for wanting to get back into law enforcement.

Mayor Mileski asked if there were any other issues with POST in Mr. Sparks 20 years in law enforcement. Attorney Yockey answered no.

Victoria McFarland asked if after the estranged wife gave her initial statement to the police, did anyone ever contact her for follow-up. Sgt. Brad Macfarlane answered that POST made multiple attempts to contact her

and finally was able to reach her to set up a time to conduct additional interviews. However, she failed to respond to multiple requests at that point.

Sheriff Noel asked Mr. Sparks why he pled guilty if there wasn't any intent. Mr. Sparks answered that in the code for assault there are three steps of intent. He stated that he caused bodily harm; he recklessly, accidentally opened the door. Because he had already retired and resigned, he felt like he would do a plea in abeyance to make those charges go away.

Attorney Jeremy Jones addressed the Council. He understands that it is difficult when there are criminal charges with a guilty plea. However, he would ask the Council to consider the facts on this one. He doesn't believe there was any intent for Mr. Sparks to hurt his estranged wife. There was a minor bruise. He would like the Council to consider moving for whatever they deem appropriate. He personally feels a year, eighteen months or some sort of reduction in consideration of the facts that are sympathetic for his client.

**Motion:** *Chief Marlon Stratton motioned to not accept the recommendation and recommended a 1 year suspension of Jason Sparks' peace officer certification.*

**Second:** *Commissioner Kerry Gibson seconded the motion.*

**Vote:** *The motion passed with 13 in favor and 1 opposed (Victoria McFarland). (Chief Spencer Austin and Colonel Mike Rapich recused themselves)*

## **AUSTIN STUBBLEFIELD**

Offence – Class A Misdemeanor Assault

Category – A

Recommended Discipline – Revocation

Status – Resigned 10/13/14

Agency – Grand County Sheriff's Office

On September 20, 2014, Austin Stubblefield, a law enforcement officer with the Grand County Sheriff's Office, was at home with his wife, where they each consumed some alcohol. Stubblefield's wife went to lie down and Stubblefield entered the master bedroom to speak with her. An argument ensued which turned physical. According to Stubblefield's wife Stubblefield pushed her. Stubblefield's wife struck him with her hand and his laptop computer.

Stubblefield's wife struck him several times with a flat iron. Stubblefield felt he was going to lose consciousness if he was struck again and punched his wife in the right side of her face with his left fist. According to Stubblefield, his wife fell to the floor and struck her head on the door frame. Stubblefield's wife was treated at a local hospital. Hospital personnel reported the incident to local police. Stubblefield's wife sustained a broken nose, fractured right orbital socket, several lacerations to her right ear requiring stitches, a chipped front tooth, and a concussion.

On February 3, 2015, Stubblefield pled guilty to assault, a Class A misdemeanor.

On August 24, 2016, Austin Stubblefield waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Nate Nelson, attorney for Austin Stubblefield addressed the Council. He stated that Mr. Stubblefield and his wife were intoxicated based on the alcoholic beverages they had consumed. They were both physical with each other. Based on that, Austin was provoked and was reacting to that provocation. On behalf of his client, Nelson, asked the Council to consider something other than revocation.

Chief Carpenter asked if it was alleged that Mr. Stubblefield struck his wife one time to cause all of her injuries. Attorney Yockey answered yes, as far as our POST investigation, the allegation is just the one strike. Chief

Carpenter asked if one strike is consistent with the injuries. Attorney Yockey answered that he would not be able to speak to that.

Mayor Mileski asked if it was correct that Mr. Stubblefield's wife struck first. Attorney Yockey answered that is correct. That is what our POST investigation has determined. Mayor Mileski asked for clarification on the flat iron. A Council member noted that a flat iron is for hair. Mayor Mileski stated that he didn't like having to read any of this, but felt there may have been an element of self-defense, even though it's not right.

**Motion:** *Director Rollin Cook motioned to accept the recommended revocation of Austin Stubblefield's peace officer certification.*

**Second:** *John Crowley seconded the motion.*

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

## **GREG TURNBOW**

Offence – Unlawful possession or use of a controlled substance without a prescription, lying under Garrity  
Category – A

Recommended Discipline – Revocation

Status – Resigned in lieu of termination 2/10/16

Agency – Springville Police Department

On January 21, 2016, an internal administrative investigation was conducted on Greg Turnbow for unlawful use of a controlled substance without a valid prescription. In the investigation Turnbow admitted to using his wife's prescribed Xanax and Percocet for several months. The investigation also identified that Turnbow admitted to his wife he had taken her prescribed Xanax and Lortab. On April 21, 2016, POST conducted a *Garrity* interview with Turnbow. Turnbow admitted using his wife's prescribed Xanax, but denied using any of his wife's prescribed Percocet or Lortab. POST obtained documentation that contradicted his statement concerning the use of his wife's Percocet and Lortab.

On June 27, 2016, Turnbow was called in for a second *Garrity* interview at POST. Turnbow was presented with the evidence documenting his conflicting statements. Turnbow still denied using any of his wife's prescribed Percocet or Lortab. On July 26, 2016, Turnbow participated in a polygraph examination. During the examination, Turnbow was asked if he had ever used a non-prescribed Lortab pill. Turnbow said no. Turnbow showed a significant reaction to that question which is an indication of deception. The POST investigation concluded Turnbow lied under *Garrity* regarding the use of his wife's prescribed Lortab medication and unlawfully used a controlled substance without a valid prescription.

On February 10, 2016, Turnbow resigned from Springville Police Department. Charges were not screened with the county attorney's office.

On 8/25/2016, Greg Turnbow waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Greg Turnbow addressed the Council. He prayed that he could give the Council some additional facts to consider, but would accept whatever recommendation is given. He stated he never took his wife's Lortab or Percocet. He entered a rehab program called Steps, a sixty day program in St. George. Once he knew there was a problem, he went there on his own and used the resources he had available to him. Although he didn't take his wife's Lortab or Percocet, he stipulated to his wife that he did in order to maintain the marriage. Mr. Turnbow went on to explain his situation. He explained that while in rehab he was diagnosed with PTSD. The counselors at Steps felt the PTSD was undoubtedly from his 8 ½ years he worked in sex crimes.

Mayor Mileski asked if this case was a result of self reporting. Attorney Yockey answered he didn't self report to POST, but yes he did self report to his agency.



Sheriff Noel asked Mr. Turnbow if he completed his treatments. Mr. Turnbow answered yes. Sheriff Noel asked how long the treatment was. Mr. Turnbow answered that it was a sixty day program and he left in 57 days. Sheriff Noel asked Mr. Turnbow if he is an addict. Mr. Turnbow answered that he is an addict. Sheriff Noel asked if Mr. Turnbow still attends his meetings. Mr. Turnbow answered yes and stated that he isn't on any medications at all.

**Motion:** *Colonel Mike Rapich motioned to accept the recommended revocation of Greg Turnbow's peace officer certification.*

*The motion failed for lack of a second.*

**Motion:** *Mayor Toby Mileski motioned to recommend a 3 year suspension of Greg Turnbow's peace officer certification.*

**Second:** *Sheriff Cameron Noel seconded the motion.*

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

### **SONJIA VASQUEZ**

Offence – Assault against a peace officer, interference with arresting officer, and disorderly conduct

Category – A

Recommended Discipline – 4 year suspension

Status – Terminated 9/28/15

Agency – Utah Department of Corrections

On July 16, 2015, Sonjia Vasquez was approached by National Park Rangers about a child abuse complaint. Vasquez became upset about the allegation, began using profanity and physically resisted the rangers' attempts to handcuff her. Vasquez was handcuffed and placed in the back of a patrol vehicle. At one point, Vasquez stuck her head and shoulders out the window of the patrol vehicle and began shouting. While rangers attempted to get her back in the vehicle Vasquez kicked one of the rangers in the chest. Vasquez also slammed her head against the plexi-glass partition inside the patrol vehicle, causing a laceration to her forehead. Vasquez was treated at a hospital and then taken to jail.

On September 2, 2015, Vasquez appeared in federal court on a charge of interfering by resisting, a class B misdemeanor, and given a \$500 dollar fine. During *Garrity* interviews with her agency and POST, Vasquez disclosed she had been under a great amount of stress which caused her to act in the way she did. Vasquez also disclosed she did not pack enough prescription anxiety medication to get her through the vacation and had run out a week before the incident.

On September 8, 2016, Sonjia Vasquez waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Attorney Nate Nelson addressed the Council on behalf of Sonjia Vasques. He stated that as counsel for POST noted, one of the considerations in deviating from the baseline of revocation was the mental health issues that Sonjia was experiencing as a result of her not having her anxiety medications. Mr. Nelson believes that had Ms. Vasquez had her medications, her mental state would have been such and this incident would not have happened at all. Mr. Nelson asked the Council to reduce the recommendation to 3 years under these facts, as opposed to 4 years.

Sheriff Dekker asked if Ms. Vasquez knew she had this illness, why did she not make any attempt to get her medication or did she just forget. Attorney Nelson answered that he thinks Ms. Vasques was just on a camping trip and out in the woods and she didn't get the medications that she needed. That was the first mistake, no doubt. Mr. Nelson is not saying that she shouldn't receive a sanction for the incident.

Mayor Mileski asked how long Ms. Vasquez had worked for the Department of Corrections. Attorney Yockey answered 10 years.

**Motion:** *Sheriff Robert Dekker motioned to accept the recommended 4 year suspension of Sonjia Vasquez' peace officer certification.*

**Second:** *Chief Marlon Stratton seconded the motion.*

**Vote:** *The motion passed with all in favor. (Victoria McFarland and Executive Director Cook recused themselves)*

## **CURRICULUM DISCUSSION**

Chairman Tracy addressed the Council. In the essence of time, Director Stephenson asked him to inform the Council that there would not be a discussion on the curriculum, but a proposal.

Director Stephenson addressed the Council regarding the VirTra system and diversity training. The last POST class had recruits go to the Attorney General's (AG) office and participate in simulator training. The recruits had exposure to four scenarios. Director Stephenson thanked the AG's office, specifically Ken Wallentine for being so accommodating and working with our schedule. Director Stephenson asked for a sub committee to look at the simulator training. He stated it doesn't have to be VirTra. It can be any system but specifically simulator training and its place in the curriculum. When talking about hands on scenario training, Director Stephenson admitted he is more biased toward scenario training. Having taught a lot of simulator training and also participating in it, he has his opinions. He feels a subcommittee would be very appropriate to address some of his concerns and observations and then provide a formal recommendation to the Council. He asked the Council to keep in mind that the academy is 587 hours and every minute is used. There are logistics needing to be discussed and also the content of the overall desired outcome by exposing the recruits to simulator training.

Director Stephenson stated this would include some research. He has done limited research himself. Through the research he has found that most of it is related to medical simulator usage. There is very little law enforcement articles, at least empirically, that he could find. Certainly Ken Wallentine could speak more eloquently to that. The request for the sub-committee is for maybe two or three members from the Council to work with POST as we migrate or decide to go in another direction with simulator training.

Chief Spencer Austin recommended that Ken Wallentine be a part of the sub-committee even though he is not a member of the POST Council. Director Stephenson stated he is not opposed to that; he would invite that.

Chief Carpenter stated that it is his understanding that the VirTra system currently exists and we have the ability to utilize that as does POST. He is basing this on the fact that his agency has used this system several times. The system was used for his last two in service classes and they ran forty some odd officers through.

Director Stephenson addressed some of his own concerns. One primary concern is the lack of foundation. The trained officer has a foundation to draw from as they are exposed to these scenarios, a recruit does not. Keep in mind that the recruits loved it. This is the generation of technology and games and the recruits loved that break in the traditional monotony of scenario training. There were a couple of recruits that made a very valid observation; it built confidence going into scenario training. The lack of foundation to draw from is a primary concern. The simulator does limit what you have at your disposal and what you can do given an encounter on a simulator machine. With scenario training hands on, there is a little more variety and the ability to take for example, find cover and concealment.

Director Stephenson stated he is concerned about logistics. Right now it is about 12-15 minutes from the academy to the AG's office. That is thirty minutes. Some of you may think that is no big deal. When you are fighting for every minute to train, that does add up. Director Stephenson stated that if we decide to go in that direction, he will need to ask for additional time to the curriculum; specifically 20 hours. Director Stephenson addressed his other concern. That concern is that recruits are exposed to this simulation training at varying places in the academy and experience. You have some that will go to the simulator training in week three and then other recruits will go in week five or other times throughout the academy. It is more ideal to be able to measure the results if we can get every recruit in front of a simulator at the same time, at the same stage in the curriculum. Those are some of the issues that he would like to address with the committee. He would like someone on the committee who is unbiased about simulator training and could provide some input and feedback as we move forward so we can present something to the Council in December.

Chairman Tracy asked if Director Stephenson would ask for a grant or some other way to cover the costs. Director Stephenson answered that he can't afford a VirTra system. He is not seeking to buy a VirTra system and does not have the funding to do so. Currently, we have the AG's simulator at our disposal.

Chief Austin asked if the Council could hear from Ken Wallentine since he runs the system for the AG's office.

Ken Wallentine addressed the Council to share his perspective on the system. He stated that Director Stephenson is right, the research out there, with the respect to the effectiveness of simulator training, is primarily in other areas, not law enforcement. He stated that he has not seen the movie Sully, but someone who recently came through the simulator training told him he should see it because it teaches the value of simulator training. Mr. Wallentine stated that he has been on a plane where there was a crisis and spoke to the captain afterwards. The captain told him he was able to land that plane with most people on the plane not being aware there was a fairly serious emergency. He was able to do this because he had done this several times before in a simulator center that Delta Airlines runs.

Mr. Wallentine stated there is some data out there and he feels it is important to take a look at it. With respect to the logistics, he gets it. It is a challenge with the AG's office being about four miles away from the POST academy. That means that Director Stephenson's staff has to schedule people at intervals. If some other instructor isn't available or if there is a traffic crash on I-15, that may knock out their schedule for the day. There are some contingences there that are concerns to be looked at.

Mr. Wallentine stated that from his perspective, they have bent over backwards and will do everything they can in the future to accommodate not just the academy. He feels there is a very valid issue here with foundation. He doesn't believe that is insurmountable. This simulator offers about 85 to 90 scenarios, most of which have varying outcomes. Before the cadets were brought in to be exposed to scenarios, they sat down with the POST staff for several hours in carefully selecting scenarios. It is a very heavily scheduled piece of equipment right now. One thing that Director Stephenson didn't bring up, he doesn't just serve the police academy in Salt Lake, there are also the satellite academies.

Chief Carpenter asked if Mr. Wallentine is able meet the needs of the requests he is getting. Director Stephenson answered that Ken has told him that any time the academy needs training, they will get it. Mr. Wallentine stated they have put priority on the academy. That is largely because he gets it. He was a bureau chief three years ago and he does understand when Scott stands up and says he has scheduling issues. There is probably not a greater headache for the Lt. over basic training than scheduling a POST academy class. Mr. Wallentine stated they have yet to turn an agency down.

Chairman Tracy asked Director Stephenson how big he sees the sub-committee. Director Stephenson answered that including Ken Wallentine, he would like maybe two more people from the Council.

Bruce Bailey asked if Director Stephenson would be open to a pilot program to see if there is any benefit to the outcomes. Director Stephenson answered that before this Council approves additional time, a pilot program needs to be appropriately evaluated.

Chairman Tracy asked the Council for volunteers to be on the sub-committee.

**Sub-Committee Members: Ken Wallentine, John Crowley, Sheriff Robert Dekker, Chief Wade Carpenter and Scott Stephenson**

Director Stephenson addressed the Council regarding diversity training. He stated that right now we have five hours of community relations. There are three hours in the class and two hours of presentations. We would like to use two hours for additional diversity training instead of presentations. If the Council decides to support this pilot program, it will focus on complicit bias and cognitive dissidence and try to get into why we make decisions and why are we conflicted. Chief King in conjunction with Dianne McAdams-Jones will present this class.

**Motion: Executive Director Cook motioned to accept the recommended diversity training pilot program.**

**Second: Frank Budd seconded the motion.**

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

Director Stephenson stated that regarding the VirTra system, he plans on having a proposal this next December meeting. For the diversity piece, he would like to go for a couple of classes. He will most likely come before the Council with a proposal in June when the curriculum is approved.

Ken Wallentine invited the Council members to come either as individuals or a group to see the VirTra system in person to have a learning experience. Chairman Tracy stated that there is also a simulator training system in Provo for the southern central areas if that is closer. Chairman Tracy stated there is also one up north at the Swanson Center.

**SCHEDULE NEXT MEETING**

Next meeting will be held at POST on December 5, 2016 at 10:00 a.m.

**Adjourn**

Meeting adjourned at 4:00 pm.