

# POST COUNCIL MEETING

June 11, 2014

*Public Safety Education and Training Center, Sandy, UT*

## MINUTES

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On June 11, 2014, a regularly scheduled POST Council meeting was held at 10:00 a.m. at the Public Safety Education and Training Center in Sandy, Utah. Chairman Terry Keefe conducted and welcomed those in attendance.

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

Chief Terry Keefe, Chairman, Layton City Police Department  
Sheriff Lamont Smith, Vice-Chairman, Kane County Sheriff's Office  
Sheriff Dave Edmunds, Summit County Sheriff's Office  
Christie Moren, At Large  
Dr. Frank Budd, At Large  
Executive Director Rollin Cook, Utah Department of Corrections  
Leo Lucy, Attorney General's Office  
Colonel Danny Fuhr, Superintendent, Utah Highway Patrol  
Sheriff James O. Tracy, Utah County Sheriff's Office  
Dr. Bruce Bayley, Weber State University  
Commissioner Kerry Gibson, Weber County Commissioner  
Dr. Matthew Checketts, At Large

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

John Crowley, UPOA Representative  
Chief Wade Carpenter, Park City Police Department  
Chief Chris Burbank, Salt Lake City Police Department  
Chief Marlon Stratton, St. George City Police Department

### **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  
Shaunna McCleve, Administrative Secretary  
Al Acosta, POST Investigations Bureau Chief  
Rex Dana, POST Investigations  
Rich Fordham, POST Investigations  
Brad Macfarlane, POST Investigations  
Robert Bench, POST Investigations  
Mary Kaye Lucas, POST Investigations  
Wade Breur, POST Basic Training Bureau Chief  
John Jacobs, Training Manager  
Erin Nixon, Investigation Secretary

### **Others present:**

Spencer Turley  
Ben Winslow  
Tennille Young  
Jonathan Tesch  
Chad Bettridge  
Chris Rhea  
Wes Morger  
Nate Nelson  
T. J. Brewer  
Austin Brewer  
Ken Matthews  
Jim Hudspen  
Mike McFall  
Dave Eldredge

### **WELCOME AND INTRODUCTIONS**

The meeting was called to order at 10:00am. Chairman Terry Keefe welcomed those in attendance.

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

The POST Council minutes of March 27, 2014, were reviewed and the following motion was made:

***Motion:***        ***Dr. Frank Budd motioned to approve the minutes of March 27, 2014.***

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

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

### **OPEN MEETING TRAINING**

Attorney Kevin Bolander presented the yearly open meeting training to the POST Council. He highlighted three areas; requirements before the meeting, requirements during the meeting and requirements after the meeting. He stated a social gathering does not constitute a meeting, but items pending before the Council should not be discussed.

Before a meeting, notice must be given on the public notice website and the notice must be displayed at POST headquarters. This notice should have the time, place and agenda items for the meeting—an exception would be for an emergency meeting. Electronic meetings are required to have an administrative rule, which the Department of Public Safety is currently drafting. Recordings and minutes of the meetings are public record except the portions that are closed. Access to recordings of a closed meeting requires a court order.

### **POST POLICY UPDATE**

Deputy Director Sparks reported the following POST policy changes that occurred in the last year:

Policy 1260 – Investigative Procedures for Employee Violations of 53-6-211

This new addition to the POST policy establishes an administrative and investigative review process in the event a certified officer who is a POST employee is accused of a violation of UCA 53-6-211.

Policy 2030 – Admittance to POST sponsored basic training programs

1. Increases, from six months to one year, the amount of time an application to attend training shall be considered valid.
2. Establishes a procedure for verifying the information on an application for training and collecting a signature to accompany the electronic application.
3. Each applicant will be required to complete a “hard copy” application information verification form and affix their signature during the first few days of the training program.
4. Clarifies the waiting periods for certain criminal violations to be consistent with the POST Council disciplinary guidelines.
5. Defines and clarifies aspects of the misuse of prescription drugs which may be considered during the background review for applicants.
6. Establishes guidelines for imposing waiting periods for the misuse of prescription drugs.

Policy 2090 to 2095 – Academy Assessments

1. Makes minor adjustments to the testing schedule.

Policy 2100 – 2110 Academic Probation and Academic Excellence

1. Clarifies the threshold for which a cadet may be placed on academic probation at 70%, and the threshold for academic excellence at 90%.

Policy 2210 – [Firearms] Qualification Requirements

1. Clarifies the number of remediation and re-testing opportunities available for a cadet who fails the initial firearms qualification.

Policy 9220 – Residence Dorm Policy

1. Clarifies procedures for checking into and out of the dormitories and cleans up some text and language errors in the policy.

## **QUARTERLY REPORT**

Lt. Acosta reported the following: Investigations received 50 complaints, opened 23 cases, conducted 1 administrative hearing and closed 3 cases with no action. Investigations has received 4 voluntary relinquishments and conducted 174 background investigations for applicants attending an academy. There are currently 69 active investigations.

Lt. Wade Breur reported the following: Two basic training classes started and graduated. Session #306 graduated in April with 38 law enforcement officers. Session #307 is scheduled to graduate 18 law enforcement officers. Session #308 began their law enforcement block June 11, 2014, with 32 cadets.

POST held 19 in-service training classes, totaling 468 hours. Three hundred and ninety-five officers and dispatchers attended.

## **SATELLITE AUDITS**

Lt. Wade Breur reported POST conducted satellite audits at Weber State University Academy and Bridgerland Applied Technology College Academy. There were no exceptions to the audits.

## **BASIC TRAINING CURRICULUM**

Lt. Wade Breur presented the 2014/2015 basic training curriculum to the Council. A series of mental health classes were created (see addendum A) and the National Incident Management System classes were moved from the Law Enforcement Officer (LEO) to the Special Function Officer (SFO) block increasing the SFO hours from 196 to 215 (see addendum B). The only change with the LEO block is the reduction of 10 hours by moving three courses to the SFO block (see addendum C).

Lt. Breur introduced the mental health curriculum and thanked Dr. Checketts and the POST Council sub-committee for their assistance with the curriculum development. It is recommended Crisis Intervention Team (CIT) certified officers teach this curriculum along with mental health providers. Dr. Checketts stated this is a good foundation for cadets. Chief Keefe thanked the committee that worked on this, but expressed disappointment the CIT certification training could not be incorporated into the academy. He understands the challenges of incorporating the CIT certification, but feels this is a good compromise. Chief Keefe would like all academies (including satellites) to use CIT certified instructors to deliver the training.

- Motion:** *Sheriff Dave Edmunds motioned to adopt the proposed 2014/2015 basic training curriculum changes and require all academies to use CIT certified officers and health professionals to teach the mental health training.*
- Second:** *Sheriff Lamont Smith seconded the motion.*
- Vote:** *The motion passed with all in favor.*

Lt. Breur advised the Council that Basic Correctional Officer (BCO) training does not require SFO training as a prerequisite; however, this has been done in practice. POST staff is going to analyze the BCO, SFO, and LEO to insure there is no redundancy in their respective curriculum.

## **CORRECTION TRAINING CURRICULLUM**

Major Spencer Turley presented the 2014/2015 correction training curriculum and asked the Council to excuse Director Christensen. He introduced a memo to the Council (see addendum D) highlighting the changes to the correction training curriculum. The format and structure of the BCO block has been updated to be consistent with the SFO and LEO blocks. As a result of the mental health training being incorporated to the SFO block, mental health training will be removed from the BCO block. Overall hours will decrease from 188 to 172. Sheriff Smith asked if this would decrease the BCO block by two days. Turley stated the BCO block was reduced, but the hours were absorbed in the SFO, so there will be no change to the number of days in the corrections academy. Director Stephenson complimented the Correction training staff for the good job they are doing.

- Motion:** *Colonel Daniel Fuhr motioned to adopt the proposed 2014/2015 basic correctional officer training curriculum changes.*
- Second:** *Bruce Bayley seconded the motion.*
- Vote:** *The motion passed with all in favor.*

## **DISCIPLINARY CASES**

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

### **BRANDON BEXELL**

Offence – Assault DV; Lying under Garrity

Category – A

Recommended Discipline – Revocation

Status – N/A

Agency – Not Employed

On February 7, 2013, Bexell (SFO) was arrested by a local police department for domestic violence involving his wife. During the POST investigation two other domestic violence incidents were discovered. POST conducted two *Garrity* interviews with Bexell in which he adamantly denied ever striking, hitting or kicking his wife. Bexell submitted to a polygraph examination and he showed deceptive when asked if he had ever hit his wife in anger with a closed fist. After the polygraph examination, POST conducted a third *Garrity* interview with Bexell. Bexell admitted that in 2010 he punched his wife only one time, in the arm, after she punched him in the mouth. Bexell also admitted that on February 5, 2012, he grabbed his wife by the foot, when she tried to kick him, but denied injuring her toes.

On March 19, 2013, the prosecuting attorney declined prosecution in this matter and the criminal charge of assault was dismissed. Brandon Bexell failed to respond to the notice of agency action. On March 18, 2014, an order of default was signed by the administrative law judge and mailed to Bexell.

**Motion:** *Dr. Matt Checketts motioned to accept the recommended revocation of Brandon Bexell's peace officer certification.*

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

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

### **Blake A. Day**

Offence – Possession of controlled substance, theft, retail theft, falsely obtaining/dispensing prescription drugs, impersonating a police officer, BCI violation

Category – A, B, C

Recommended Discipline – Revocation

Status – Resigned

Agency – Unified PD

On May 3, 2012, POST initiated an investigation into the allegation of Blake Day misusing Bureau of Criminal Identification (BCI) information. POST conducted a *Garrity* interview with Day during which Day admitted using BCI records to help his girlfriend locate information she requested.

During the investigation, POST discovered Day was being investigated by the Utah Department of Public Safety for impersonating a police officer and felony possession of a controlled substance. During a *Garrity* interview with POST, Day admitted to identifying himself as a police officer and providing police identification during a traffic stop. On June 28, 2012, Day resigned from the Unified Police Department and was not employed as a certified officer at the time of the traffic stop on November 8, 2012. Day later pled guilty to impersonating a police officer (class B misdemeanor) and falsely obtaining/dispensing a prescription (third degree felony).

POST also discovered Day had five additional criminal cases pending. The following is a list of convictions resulting from those criminal cases.

On May 31, 2013, Day was stopped and arrested for a retail theft at a wholesale store. On January 7, 2014, Day pled guilty to retail theft as provided by UCA § 76-6-602, a class A misdemeanor which was amended to a class B misdemeanor.

On July 2, 2013, Day was identified as a suspect in a retail theft; a warrant was subsequently issued for his arrest. He was arrested for the warrant on July 30, 2013. On November 21, 2013, Day pled guilty to theft as provided in UCA § 76-6-404, a class A misdemeanor amended to a class B misdemeanor.

On July 30, 2013, Day was detained for retail theft from a retail store. Day was found to be in possession of drug paraphernalia which tested positive for heroine. On November 21, 2013, Day pled guilty to possession or use of a controlled substance as provided in UCA § 58-37-8(2)(a)(i), a third degree felony.

On August 15, 2013, Day was arrested for a retail theft from a retail store. On November 4, 2013, Day pled guilty to retail theft as provided in UCA § 76-6-602, a class B misdemeanor.

On August 30, 2013, Day was found to be in possession of oxycodone. On October 9, 2013, Day pled guilty to the possession or use of a controlled substance as provided in UCA § 58-37-8(2)(a)(i), a third degree felony.

POST attempted multiple times to contact Day to interview him on these convictions. Day did not contact POST to schedule an interview.

As a result Blake Day failed to respond to the Notice of Agency Action. On May 21, 2014, an Order of Default was signed by the administrative law judge and mailed to Mr. Day.

**Motion:** *Dr. Frank Budd motioned to accept the recommended revocation of Blake Day's peace officer certification.*

**Second:** *Leo Lucy seconded the motion.*

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

#### **TIMOTHY BREWER**

Offence – Aggravated Assault, Assault on a Peace Officer

Category – A

Recommended Discipline – Revocation

Status – Resigned

Agency – Grand County SO

On July 11, 2013, Brewer unexpectedly observed his wife and father engaged in sexual conduct. Brewer began to strike his father several times causing substantial bodily injury. Brewer retrieved a handgun, returned to the bedroom brandished the hand gun. Brewer began striking his father with the gun.

Brewer's father was later taken to the hospital. Brewer went to the hospital and caused a disturbance demanding access to where his father was being treated. The hospital staff contacted the local police. When the police arrived, Brewer was escorted to his house a short distance away. While at his house, Brewer attempted to walk back to the hospital. One of the responding officers stood in front of Brewer to prevent Brewer from going back to the hospital. Brewer pushed through the officer's position, making contact with the officer. According the officer, he received a broken tooth as a result of the contact.

Brewer plead guilty to assault (class A misdemeanor) and assault against a peace officer (class A misdemeanor).

On May 14, 2013, Timothy Brewer 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 Timothy Brewer, addressed the Council. He informed the Council Mr. Brewer has been an officer for 12 years without blemishes on his record and feels his certification should not be revoked. He reminded the Council of a previous case of an officer striking an individual in handcuffs and was not disciplined. Mr. Brewer was faced with extreme and extraordinary circumstances and acted with as much restraint as humanly possible.

Timothy Brewer addressed the Council and stated he regrets his actions and apologized. He was honest during the investigation and feels during his years of service he has had pride and integrity.

Mr. Yockey clarified differences in the case attorney Nelson referenced. In the case Nelson referenced, the officer was never charged with a crime. However, in this case Mr. Brewer has been convicted of two Class A misdemeanors with violence.

The Council asked clarifying questions and the following motion was made.

**Motion:** *Christy Moren motioned to not accept the recommended revocation and recommended a 4 year suspension of Timothy Brewer's peace officer certification (7/23/13-7/23/17).*  
**Second:** *Leo Lucy seconded the motion.*  
**Vote:** *The motion passed with 6 in favor, 5 opposed.*

#### **Jonathan Tesch**

Offence – Sexual Conduct On-duty

Category – B

Recommended Discipline – 3 year suspension

Status – Resigned in lieu of termination

Agency – Weber County SO

On or about August 6, 2013, Johnathan Tesch engaged in sexual conduct while on duty. Tesch subsequently admitted the sexual conduct to his agency and an internal investigation was initiated. Tesch admitted in Garrity interviews with WCSO and POST, he engaged in sexual conduct on duty. Tesch resigned from WCSO on August 30, 2013.

On June 3, 2014, Jonathan Tesch waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Jonathan Tesch addressed the Council and stated he has dedicated half his life to law enforcement. He has accomplished many things in his career and asked the Council to take that into consideration.

Kerry Gibson stated for the record he would like it noted he does not know Mr. Tesch although they are both associated with Weber County.

**Motion:** *Sheriff Dave Edmunds motioned to accept the recommended three year suspension of Johathan Tesch's peace officer certification (8/30/13-8/30/16).*  
**Second:** *Dr. Matt Checketts seconded the motion.*

**Sub-Motion:** *Commissioner Kerry Gibson motioned not to accept POST's recommendation and recommended an 18 month suspension of Jonathan Tesch's peace officer certification.*

**Second:** *Christie Moren seconded the motion.*

**Vote:** *Motion failed with 2 for and 8 opposed.*

**Vote:** *Council returned to the original motion to vote. The motion passed with all in favor.*

*(Colonel Daniel Fuhr recused himself)*

### **RODNEY HODSON**

Offence – Assault

Category – C

Recommended Discipline – 2 year suspension

Status – Terminated

Agency – Sanpete County SO

On June 25, 2013, Rodney Hodson slapped a female patient's face. Hodson, who was employed part-time as an emergency medical technician, responded to the patient's residence for a medical emergency. The patient was non-compliant and was using abrasive language. Hodson became offended at the language and slapped the patient on the face. The patient was restrained on a medical gurney at the time of the assault. During an interview with POST, Hodson admitted to slapping the female patient's face while she was restrained on a gurney; he entered into a plea in abeyance by pleading guilty to assault, a class B misdemeanor.

On March 24, 2014, Rodney Hodson 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:** *Sheriff Lamont Smith motioned to accept the recommended two year suspension of Rodney Hodson's peace officer certification (8/27/13-8/27/15).*

**Second:** *Leo Lucy seconded the motion.*

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

### **JAMIE L. OLSEN**

Offence – Assault and Public Intoxication

Category – C

Recommended Discipline – 2 year suspension

Status – Not Employed

Agency – N/A

On April 28, 2013, Jamie Olsen was arrested for assaulting a man in a bar. Witnesses stated Olsen came into the bar and, using his right arm which was in a cast, immediately struck a male patron on top of his head. The man sustained a laceration to his head and was transported to a local hospital. During questioning by police, Olsen admitted to striking the man. Olsen was charged criminally with assault and public intoxication and entered a guilty plea to both charges to be held in abeyance.

Olsen failed to respond to the notice of agency action. On April 22, 2014, an order of default was signed by the administrative law judge and mailed to Olsen.



**Motion:** *Dr. Bruce Bayley motioned to accept the recommended two year suspension of Jamie Olsen's peace officer certification.*  
**Second:** *Colonel Daniel Fuhr seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

### **TRACY JENSEN**

Offence – Falsify or Alter Government Record  
Category – D  
Recommended Discipline – 18 month suspension  
Status – Resigned  
Agency – Syracuse City PD

On February, 6, 2013, Tracy Jensen crashed a Syracuse Police Department (SPD) motorcycle he was not authorized to ride. The following day, Jensen filed a worker's compensation claim which stated Jensen slipped and fell on ice injuring his back. An internal affairs investigation was opened when it was discovered Jensen had crashed the motorcycle, failed to report it, and falsified his worker's compensation form. Jensen resigned from SPD before the internal investigation was complete. SPD referred the investigation to the local county attorney's office for possible criminal charges.

During the criminal investigation, Jensen claimed he slipped and fell on ice earlier in his shift prior to crashing the motorcycle. Jensen was vague about the time and location of the fall but claimed it was during a traffic stop. The investigator was unable to corroborate Jensen's story after searching police dash camera video from the evening. In a subsequent interview, Jensen admitted the fall occurred on a traffic stop at a different location; a stop that was recorded but did not document the fall. Jensen was charged with falsifying a government record and entered a guilty plea to the class B misdemeanor.

On May 8, 2014, Jensen 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:** *Dr. Frank Budd motioned to accept the recommended 18 month suspension of Tracy Jensen's peace officer certification.*  
**Second:** *Dr. Bruce Bayley seconded the motion.*

**Sub-Motion:** *Sheriff Dave Edmunds motioned to take the letter submitted by the Syracuse police chief into consideration and recommended a 2 year suspension of Tracy Jensen's peace officer certification (2/20/13-2/20/15).*

**Second:** *Sheriff Lamont Smith seconded the motion.*  
**Vote:** *The sub-motion passed with all in favor.*

### **JASON CHATTERTON GOLIGHTLY**

Offence – Driving under the Influence, Driving on a Suspended License, Open Container in a Motor Vehicle  
Category – D/E  
Recommended Discipline – 18 month suspension  
Status – Not Employed  
Agency – N/A

On September 16, 2012, Jason Golightly was stopped for a window tint violation. During the traffic stop, it was discovered Golightly had consumed alcohol and had an unsealed bottle of liquor in the passenger

compartment of the vehicle. Golightly performed the standardized field sobriety tests, which indicated no signs of impairment. Golightly submitted to a portable breath test, which indicated his breath alcohol content was above .08. Golightly was arrested for open container and transported to the county jail, where he submitted to an intoxilyzer test. The intoxilyzer test indicated Golightly had a breath alcohol content of .082. Golightly was booked into jail for open container. The charge of driving under the influence was later added by the county attorney. On October 16, 2012, Golightly pled no contest to driving under the influence, a class B misdemeanor; the charge of open container was dismissed.

On December 1, 2012, Golightly was stopped for speeding. During the course of the traffic stop, it was discovered that Golightly's driver license was suspended. Golightly was issued a citation for speeding and driving on a suspended driver license. On January 22, 2013, Golightly pled guilty to driving on a suspended driver license, a class B misdemeanor.

On June 3, 2014, Jason C. Golightly 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:** *Sheriff James Tracy motioned to accept the recommended 18 month suspension of Jason Golightly's peace officer certification (9/16/12-3/16/14).*  
**Second:** *Executive Director Rollin Cook seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **LARRY CARVER**

Offence – BCI Violation  
Category – E  
Recommended Discipline – 1 year suspension  
Status – Terminated  
Agency – Syracuse PD

Between September 6, 2013, and September 12, 2013, Larry Carver accessed Bureau of Criminal Identification (BCI) records for personal reasons. During the department internal investigation, Carver admitted he accessed BCI records, while off-duty, to acquire the marital status of two female police cadets. Criminal charges are pending. Carver was terminated on October 1, 2013.

On June 3, 2014, Carver 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:** *Colonel Daniel Fuhr motioned to accept the recommended one year suspension of Larry Carver's peace officer certification (10/1/13-10/1/14).*  
**Second:** *Sheriff James Tracy seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **ROBERT W. WALLIS**

Offence – Electronic Communication Harassment, Disorderly Conduct  
Category – D & C  
Recommended Discipline – 1 year suspension  
Status – Resigned  
Agency – Utah Department of Corrections

On May 12, 2012, Robert W. Wallis, engaged in a texting conversation with the ex-husband of his wife. During the texting, Wallis threatened to physically assault the ex-husband if he ever came to Wallis' property. Wallis also threatened to shoot the ex-husband in the head if Wallis was in the mood. The ex-husband reported the threats to a local police department who conducted an investigation. During an interview with Wallis the threats were corroborated. Wallis was charged with disorderly conduct and electronic communications harassment. On July 12, 2012, Wallis entered a plea of Guilty to a charge of disorderly conduct. The electronic communications harassment charge was dismissed. On March 22, 2013, POST conducted a *Garrity* interview with Wallis. Wallis admitted he engaged in the text messaging with the ex-husband during which Wallis threatened to physically assault and shoot the ex-husband.

On 9/22/2013, Officer Robert Wallis 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:** *Leo Lucy motioned to accept the recommended one year suspension of Robert Wallis' peace officer certification.*  
**Second:** *Dr. Bruce Bayley seconded the motion.*  
**Vote:** *The motion passed with all in favor.* (Executive Director Cook recused himself)

#### **WESLEY MORGER**

Offence – Taking Protected Wildlife  
Category – E  
Recommended Discipline – Letter of Caution  
Status – N/A  
Agency – Utah Department of Corrections

On January 17, 2014, Wesley Morger was ice fishing. Morger caught and kept five fish, exceeding the legal limit of four fish. Morger stated he was catching fish in quick succession and did not realize he had kept one too many fish. Morger was issued a citation by a local peace officer for exceeding the daily bag and possession limit for fish, a class B misdemeanor. Morger plead guilty to an amended charge of disorderly conduct, an infraction.

On April 30, 2014, Wesley Morger 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. Morger addressed the Council and apologized for his action. He gave the details of his action and took responsibility.

**Motion:** *Christie Moren motioned to accept the recommended letter of caution to Wesley Morger.*  
**Second:** *Sheriff Dave Edmunds seconded the motion.*  
**Vote:** *The motion passed with all in favor.* (Executive Director Cook recused himself)

#### **LAWRENCE G. MCCANDLESS**

Offence – Electronic Communications Harassment  
Category – E  
Recommended Discipline – Letter of Caution  
Status – N/A  
Agency – Utah State Hospital PD

On December 21, 2013, McCandless went to the home of his ex-mother-in-law in an attempt to pick up his six year old daughter for his visitation day. McCandless had received a text message from his ex-mother-in-law stating his daughter was sick and he could not have her. McCandless knocked on the door of the residence, noted that it was obvious someone was inside and not answering the door. McCandless, returned to his car and tried to contact his ex-mother-in-law by phone, but she did not answer. McCandless stated he made the comment "You fucking phony" as he was hanging up the phone and did not realize the remark was recorded on her voice message.

The ex-mother-in-law signed a complaint against McCandless and he was charged criminally with electronic communication harassment, a class B misdemeanor. McCandless appeared in court and entered a plea of no contest to a reduced charge of electronic communication harassment, an infraction.

On June 2, 2014, Lawrence McCandless 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:** *Sheriff Lamont Smith motioned to accept the recommended letter of caution to Lawrence McCandless.*  
**Second:** *Sheriff Dave Edmunds seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **CHRISTOPHER A. RHEA**

Offence – Unlawful Taking of Protected Wildlife  
Category – E  
Recommended Discipline – Letter of Caution  
Status – N/A  
Agency – Division of Wildlife Resources

On September 30, 2013, Christopher Rhea was hunting buck mule deer during the designated muzzleloader hunt while off duty. Rhea accidentally shot and killed a doe after mistaking it for a buck. Rhea immediately contacted his supervisor and reported the incident. The Division of Wildlife Resources conducted an investigation which corroborated Rhea's report. The case was referred to the county attorney. Rhea entered a guilty plea, to be held in abeyance, to the charge of unlawful taking of protected wildlife, a class B misdemeanor.

POST considered the fact that Rhea immediately self reported the incident, a mitigating factor in its recommendation of a letter of caution.

On May 5, 2014, Christopher Rhea 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. Rhea addressed the Council and said this was an accident on his part. Chairman Keefe asked if his agency took action and Mr. Rhea said they did not.

**Motion:** *Sheriff Lamont Smith motioned to accept the recommended letter of caution to Lawrence McCandless.*  
**Second:** *Sheriff James Tracy seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**TRACEY L. WELLS**

Offence – Unfit for Duty

Category – G

Recommended Discipline – Indefinite Suspension

Status – Terminated

Agency – Layton City PD

On or about January 12, 2013, Layton City Police Department (LCPD) investigated Wells for several department policy violations. During the internal investigation, Wells' close friend committed suicide. Wells provided documentation from her attending physician establishing she was suffering from Posttraumatic Stress Disorder (PTSD). LCPD sent Wells to an independent physician who determined Wells was not fit for duty as a peace officer. After the fitness for duty evaluation, Wells was granted twelve weeks of FMLA leave and an additional four weeks of unpaid leave. Wells failed to return to work at the end of the leave and moved out of state. Wells was subsequently terminated from the Layton Police Department on June 18, 2013.

On May 21, 2014, Tracey Wells 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 and stated Tracey Wells would agree with the indefinite suspension pending a successful fit for duty evaluation.

**Motion:** *Colonel Daniel Fuhr motioned to accept the recommended indefinite suspension of Tracey Wells' peace officer certification until she submits a successful fitness for duty evaluation to POST.*

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

**Vote:** *The motion passed with all in favor. (Chairman Terry Keefe recused himself)*

**SCHEDULE NEXT MEETING**

Next meeting will be held in conjunction with the Sheriff's Conference in St. George, September 24, 2014.

**ADJOURN FOR LUNCH**

Sheriff Lamont Smith motioned to adjourn.

Sheriff James Tracy seconded the motion.

Meeting adjourned at 12:11pm.