

POST COUNCIL MEETING

June 7, 2010

Public Safety Education and Training Center

Sandy, UT

MINUTES

On June 7, 2010, a regularly scheduled POST Council meeting was held at 11:00am at the Public Safety Education and Training Center, in Sandy, Utah. Chairman Bud Cox conducted.

The following POST Council members were in attendance:

Sheriff Bud Cox, Chairman, Davis County Sheriff's Office
Director Mike Larsen, Vice-Chairman, Orem DPS
Sheriff Lamont Smith, Kane County Sheriff's Office
Executive Director Tom Patterson, Department of Corrections
Chief Terry Keefe, Layton City P.D.
Chief Val Shupe, South Ogden City P.D.
Dr. Sterling R. Provost, At Large
Colonel Daniel Fuhr, Superintendent, Utah Highway Patrol
Councilman Robert D. Robertson, Murray City Council
John Crowley, UPOA President
Sheriff Lynn Nelson, Cache County Sheriff's Office
Vice-President Donna Dillingham-Evans, Dixie State College
Chief Ken Wallentine, Attorney General's Office (proxy for Attorney General Mark Shurtleff)
Commissioner LuWayne Walker, Juab County Commissioner

The following were excused and/or absent:

Attorney General Mark Shurtleff, Attorney General's Office (represented by Chief Ken Wallentine)
SAC Jim McTighe, FBI
Mayor Joe Ritchie, Roy City
Chief Chris Burbank, Salt Lake City P.D.

POST staff present:

Scott Stephenson, Director
Kelly Sparks, Deputy Director
Shaunna McCleve, Administrative Secretary
Bryant Green, POST Investigations (DOC)
Rich Fordham, POST Investigations
Paul Kotter, POST Investigations
Wade Breur, POST Basic Training Bureau Chief
Lana Taylor, DPS Legal Counsel representing POST, Asst. Attorney General
Al Acosta, POST Investigations Bureau Chief
John Jacobs, Training Manager
Chelsey Mason, Investigation Secretary

Others present:

Dave Attridge, Salt Lake Community College
Dennis Hutchinson, Department of Corrections Training
Frank Budd, Utah Chiefs of Police Association

Minutes approved on September 7, 2010



WELCOME AND INTRODUCTIONS

The meeting was called to order at 11:05am. Chairman Bud Cox welcomed those in attendance at POST Council.

APPROVAL OF POST COUNCIL MINUTES

The POST Council minutes of March 15, 2010, were reviewed and the following motion was made:

Motion: Sheriff Lynn Nelson motioned to approve the minutes of March 15, 2010.

Second: Robbie Robertson seconded the motion.

Vote: The motion passed with all in favor.

BASIC TRAINING CURRICULUM

Lieutenant Wade Breur purposed renumbering the defensive tactic (DT) course "Impact Weapon" to DT. 1110 in the law enforcement block. Chairman Cox asked for the type of impact weapon POST trains with. Lt. Breur stated the cadet will use his agency issued impact weapon when training at the academy. If the does not have an impact weapon issued by the agency, POST will provide them with a straight stick. Chairman Cox inquired if POST is training with spray irritants. Lt. Breur replied, in the basic training curriculum POST does not train in spray irritants or tasers. These options are discussed in the curriculum but it is up to the department to train their officers in this area, not all departments use spray irritants or tasers.

In the SFO portion of the academy the Ethics course has been renumbered and some hours have been reallocated. POST and CCJJ have worked together for two-years to create the "Community Relations" course. This course will replace "Cultural Diversity". POST has added an experimental course "Homeland Security".

-Approved curriculum attachment 1

Motion: Robbie Robertson motioned to accept the proposed changes to the POST Basic Training Curriculum.

Second: Sterling Provost seconded the motion.

Vote: The motion passed with all in favor.

CORRECTION TRAINING CURRICULUM

Director Dennis Hutchinson purposed to reduce "Instructor Concept" from 8 hours to 5. He also purposed increasing "Prison Rape Elimination Act" (PREA) from 2 to 3 hours and adding 4 hours for "Critical Incident Training (CIT). These changes will increase the academy by 2 hours. Chief Shupe asked if the Sheriff's Academy uses the same curriculum as Corrections Training Academy. Dir. Hutchinson replied they are required to use the same curriculum, they may add to the training but not take away.

Motion: Sheriff Lynn Nelson motioned to accept the proposed changes to the Corrections Training Curriculum.

Second: Chief Val Shupe seconded the motion.

Vote: The motion passed with all in favor.



PRESENTATION OF THE CHANGES TO UTAH CODE 53-6-211

Director Stephenson reviewed the history of House Bill 187 which amended 53-6-211. Attorney Lana Taylor presented training on the new statute and proposed administrative rules governing disciplinary cases handled by Peace Officer Standards and Training (POST) and the POST Council.

Atty. Taylor outlined the process for reporting, investigating, and adjudicating cases. If sufficient evidence exists, POST will send a "Notice of Agency Action" to the officer. The officer will have 30 days to respond. If an officer fails to respond an Administrative Law Judge (ALJ) may issue a default order against the officer. If the officer responds they may sign a consent agreement or request an administrative hearing. Signed consent agreements will be referred to the Council. If after hearing the case, the ALJ finds clear and convincing evidence that an officer committed a violation; the ALJ's findings will be submitted to the Council. If the ALJ finds there is insufficient evidence, the matter will be dismissed. The Council will determine the proper level of sanction against an officer's certification based upon the POST disciplinary guidelines.

The Council discussed the new procedures. Atty. Taylor informed the Council the facts of the case would be presented, the Council would then rule on the sanction to be taken against the officer's certification. Only parties involved with the case will be allowed to testify before the Council. The Chief Administrator will not be allowed to testify before the Council; however, they will have the opportunity to submit a written response to the Council outlining their opinion. Director Stephenson informed the Council, they will have more information at their disposal when reviewing cases. A Council member asked if the ALJ findings are final. Atty. Taylor stated the findings of fact and conclusions of law issued by an ALJ are final. Sanctions issued by the Council will run concurrently if an officer committed multiple violations that were part of a single incident; sanctions for separate incidents will run consecutively. After the Council has approved a sanction, the chairperson will issue a final order within 30 days. After the final order is issued, the officer has 30 days to file a petition with the Utah Court of Appeals.

Executive Director Patterson commented he was concerned about the lack of information provided to the Council regarding change to the POST investigation statute during the legislative session. He felt the Council should have been kept apprised of the proposed changes to the bill. Executive Director Patterson asked if POST should conduct emergency meetings to discuss changes that have bearing on POST functions/processes.

Director Stephenson solicited guidance in handling future situations during the legislative process. He informed the Council information was sent to the Chief and Sheriff Associations in August of 2009, but failed to send the information to the Council. During the session the bill was discussed in detail at the Law Enforcement Legislative (LELC) and an email was sent to the Council in the first part of February. Frank Budd informed the Council he chaired the LELC this last year and the bill was sent out to members several times. Director Larsen believes the Council should give more direction to the POST staff to avoid future complications.

~Break at 12:50

~Resumed at 1:10

POST COUNCIL DISCIPLINARY GUIDELINES

Director Stephenson presented the new proposed POST Council Disciplinary Guidelines. The new guidelines give the Council more latitude. He reviewed each category with the Council. Sheriff Nelson asked if the Council members need to list mitigating and aggravating circumstances if the sanction moves away from the baseline. Dir. Stephenson stated yes, but moving away from the baseline is allowed. Sheriff Nelson inquired if POST will continue making disciplinary recommendations, since the ALJ will no longer recommend specific sanctions. Dir. Stephenson stated POST will make disciplinary recommendations once the ALJ has ruled POST has met its burden of proof. Director Larsen asked if lying during a departmental investigation constitutes a sanctionable offense if the officer has not received a Garrity admonition. Dir. Stephenson stated it may be an aggravating circumstance, but not a separate violation.



Motion: *Sheriff Lynn Nelson motioned to accept the new Guidelines, but changing the title to: POST Council Disciplinary Sanction Guidelines.*

Second: *Chief Val Shupe seconded the motion.*

Vote: *Motion passed with all in favor.*

ADDITIONAL DISCUSSION OF UTAH CODE 53-6-211

With the statute changes POST needs to update Administrative Rule 728-409. Proposed amendments to the rule were distributed. Chief Keefe and VP Dillingham-Evans had concerns with page 8, 11-C; which requires a citizen to sign a written complaint when reporting officer misconduct. They feel this could discourage citizens from filing complaints and should not be required. Director Stephenson stated the wording could be changed to read "may" sign a written complaint. Chief Keefe and VP Dillingham-Evans concurred with changing "will" to "may". Lt. Acosta informed the Council, POST logs all complaints that are reported and will refer the complaint back to an agency for investigation, before opening a case.

The Council also discussed page 8, 11-D; which requires a peace officer to seeking to file a complaint on another peace officer submit written documentation detailing the incident and requested the word "must" be changed to "may". Sheriff Nelson asked if POST would initiate an investigation on anything other than a referral from an agency. Director Stephenson stated POST would refer the case back to the agency before taking any action.

VP Dillingham-Evans would like to remove the section on page 8, B-9; which states an investigation will be initiated when the division receives information against a peace officer from a law enforcement agency or political subdivision. Atty. Taylor stated that Section A set the procedure and B outlines the steps.

VP Dillingham-Evans requested clarification on pg. 8 B-7; which states an investigation will be initiated when the division receives information against a peace officer from media reports. Dir. Stephenson informed the Council the POST staff occasionally discovers officer misconduct through media sources this section allows POST to conduct a preliminary investigation on the allegation.

VP Dillingham-Evans asked if an undeliverable Notice of Agency Action is considered a non-response. Atty. Taylor replied an ALJ would have to be satisfied POST was sending the document to the correct address and making every effort to get the document to the officer. The Administrative Procedures Act only requires the document to be mailed-POST goes further by mailing it certified mail.

Chief Keefe asked if an ALJ dismisses a case and new evidence is found, can POST then reopen the case or would that be double jeopardy. Atty. Taylor stated double jeopardy would not apply if there is new evidence to substantiate the same allegation because of different facts.

Robbie Robertson asked about the process to move the rule forward. Atty. Taylor replied POST would like the Council's recommendations and approval to move forward with the rule making process. The administrative rule will need to be filed with the Division of Administrative Rules and go through a procedural process. The rule in affect currently mirrors the old POST statute. POST would like to file these changes as an emergency rule so investigators can proceed with investigations under the new rule.

Motion: *Robbie Robertson motioned to accept the amended POST Administrative Rule with the changes discussed by the council; pg. 8, 11-C (will) to may, pg. 8, 11-D (must) to may.*

Second: *John Crowley seconded the motion.*

Vote: *Motion passed with all in favor.*



Chairman Cox inquired if POST Investigations has been in a holding pattern since the new statute went into effect and how cases would move forward from this date. Atty. Taylor stated the new statute does not provide for any retroactive effect, cases will now move forward under the new statute.

NEXT POST COUNCIL MEETING

The next POST Council meeting will be at Public Safety Education and Training Building in Sandy, September 7, 2010, at 10:00am.

ADJOURNMENT

Chief Val Shupe motioned to adjourn.

John Cowley seconded the motion.

Meeting adjourned at 2:00 p.m.



ATTACHMENT



**LAW ENFORCEMENT OFFICER
PROPOSED COURSE OF INSTRUCTION 2010-2011**

Course ID	Name Of Class	Class Hours	Block Total
FND.1070	Introduction to Emergency Vehicle Operations	6	12
FND.1080	Introduction to Firearms Handling	4	
FND.1090	Introduction to Scenario Training	2	
CORE.1011	Report Writing II	4	8
CORE.1090	Court Demeanor and Testifying	4	
LAW.1140	Civil Disputes	2	11
LAW.1150	Traffic Law	7	
LAW.1160	Driver License Law and Hearings	2	
DT.1051	Weaponless Defense Techniques – Part II	16	32
DT.1080	Kneeling Search/Cuffing/Take Downs	2	
DT.1090	Weapon Protection and Retention	4	
DT.1100	Ground Tactics	4	
DT. 1110	Impact Weapon	6	
PTRL.1030	Patrol Concepts	2	100
PTRL.1040	Critical Incident Response	8	
PTRL.1050	Mental Conditioning For Combat	4	
PTRL.1060	Pedestrian / Vehicle Stop And Approach	4	
PTRL.1070	Vehicle Searches	4	
PTRL.1080	Building Searches	12	
PTRL.1090	Crimes In Progress	2	
PTRL.1100	Hostage/Barricaded Subjects	2	
PTRL.1110	Off Duty Response	2	
PTRL.1120	Introduction to K-9	4	
PTRL.1130	Basic Bomb Recognition	2	
PTRL.1140	Introduction To Incident Command System	3	
PTRL.1150	National Incident Management System	3	
PTRL. 1160	Introduction to Crisis Intervention (CIT)	4	
PTRL.1165	Reality Based Application Scenario's	32	
PTRL.2010	Radar/Lidar Certification	12	
INV.1060	Sex Crimes Investigation	8	40
INV.1070	Dead Body Investigations	4	
INV.1080	Follow-Up Investigations	2	
INV.1090	Child Abuse and Neglect	2	
INV.1100	Traffic Accident Investigation	16	
INV.1110	Domestic Violence/Cohabitant Abuse Procedures	4	
INV.1120	Identify Theft-Fraudulent Documents	4	
INTX.1020	Recognizing and Handling Drugs and Narcotics	6	29
INTX.2010	Intoxilyzer Operation and Certification	7	
INTX.2020	DUI & Standardized Field Sobriety Testing	16	



**LAW ENFORCEMENT OFFICER
PROPOSED COURSE OF INSTRUCTION 2010-2011**

FA.1010	Handgun Handling & Safe Operation	4	52
FA.1020	Firearms Range/Day Shooting	32	
FA.1030	Firearms Range/Night Shooting	16	
EVO.1010	Emergency Vehicle Operation Practical/Simulator	40	40
		324	324

Summary

Category	Old Hours	New Hours	+/-
Curriculum	324	324	-
Physical Training	18	18	-
Administration	13	13	-
Quiz & Review	8	8	-
Certification Testing	7	7	-
Physical Testing	3	3	-
Practical Testing	4	4	-
Instructor Concept Review	2	2	-
Experimental Courses	0	0	0
TOTAL	379	379	0

Notes: Impact weapon renumbered from FORC. 1010 to DT. 1110.



SPECIAL FUNCTION OFFICER
PROPOSED COURSE OF INSTRUCTION 2010-2011

Course ID	Name Of Class	Class hours	Block Total
ETH.1010	Law Enforcement Code of Ethics	1	12
ETH.1020	Leadership	1	
ETH.1030	Officer Discretion	1	
ETH.1040	Professionalism	1	
ETH.1050	POST Certification and Investigations	1	
ETH.1060	Ethical and Moral Standards	1	
ETH.1070	Officer Gratuities	1	
ETH.1080	Community Relations	5	
FND.1020	Introduction to U.S. and State Constitutions	2	12
FND.1030	Introduction to Criminal Justice System	2	
FND.1040	Introduction to Utah Criminal Code	2	
FND.1050	Introduction to Utah Court Systems	2	
FND.1060	Introduction to Defensive Tactics	4	
CORE.1010	Report Writing	4	24
CORE.1020	Radio Communications	2	
CORE.1030	Media Relations	1	
CORE.1040	BCI/AFIS	1	
CORE.1050	Hazardous Materials Response	2	
CORE.1060	Emergency Medical Response	2	
CORE.1070	First Aid/CPR	7	
CORE.1080	Healthy Lifestyles – Physical Fitness	3	
CORE.1081	Healthy Lifestyles – Stress Management	2	
LAW.1010	Laws of Arrest	4	43
LAW.1020	Laws of Search and Seizure	6	
LAW.1030	Laws of Evidence	4	
LAW.1040	Laws of Reasonable Force	2	
LAW.1050	Liability of Peace Officers	2	
LAW.1060	Crimes Against Persons I	4	
LAW.1061	Crimes Against Persons II	2	
LAW.1070	Crimes Against Property I	3	
LAW.1071	Crimes Against Property II	4	
LAW.1080	Crimes Against Family	1	
LAW.1090	Crimes Against Administration of Government	1	
LAW.1100	Crimes Against Public Order and Decency	2	
LAW.1110	Controlled Substance Law	2	
LAW.1120	Alcohol Law	2	
LAW.1130	Juvenile Law	4	



SPECIAL FUNCTION OFFICER
PROPOSED COURSE OF INSTRUCTION 2010-2011

Course ID	Name Of Class	Class Hours	Block Total
DT.1010	Approaching Subjects and Position of Interview	1	18
DT.1020	Prone Searching and Cuffing	3	
DT.1030	Standing Search, Cuffing, Take Downs	4	
DT.1040	Low Profile Search, Cuffing, Take Downs	3	
DT.1050	Weaponless Defense Techniques I	4	
DT.1060	Escort and Transport Position	1	
DT.1070	Sudden and In-Custody Deaths	2	
PTRL.1010	Gang Awareness	2	22
PTRL.1020	Conflict Resolution	12	
PTRL.1160	Reality Based Application Scenario's	8	
INV.1010	Basic Interview and Interrogations	4	26
INV.1020	Preliminary Investigations	4	
INV.1030	Crime Scene Protection and Search	6	
INV.1040	Collection and Preservation of Evidence	6	
INV.1050	Victimology	4	
INTX.1010	Drug Recognition & Familiarization	2	
		157	157

POST Experimental Courses

EXP 1020	Homeland Security	4
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Summary

Category	Old Hours	New Hours	+/-
Course Work	157	157	-
Physical Training	16	16	-
Administration	4	4	-
Quiz & Review	8	8	-
Certification Testing	4	4	-
Physical Testing	3	3	-
Practical Testing	4	4	-
Instructor Concept Review	4	4	-
	200	200	200

Notes:

The Ethics block was revised and renamed from a foundation block (FND) to the ethics block(ETH) .

The Community Relations course replaces the Cultural Diversity course in the ethics block of training.



ETHICS ~ COMMUNITY RELATIONS

ETH.1080

COURSE GOAL

The cadet will develop an understanding of the concept of ethics and leadership as it relates to the law enforcement profession. The cadet will realize how vital leadership, ethics and professionalism are in a peace officer's life both on and off duty.

COURSE DIRECTION

This "Ethics" course is a series of classes categorized into a common theme of leadership, ethics, and professionalism. The ethics course should be taught near the beginning of the academy. These concepts will be reinforced throughout the academy and during scenario training.

LEARNING OBJECTIVES

COMMUNITY RELATIONS ETH.1080.101

- ◆ The cadet will state the importance of open mindedness when dealing with all people
 - Empathy –the ability to put yourself in someone else's shoes
 - Treat family like friends and friends like family
- ◆ The cadet will describe how personal perceptions values and beliefs impact their thinking
 - May cause conflict with other's values and beliefs
- ◆ The cadet will state why it is important for a law enforcement officer to be able to understand others and where they are coming from in relation to :
 - Age
 - Race
 - Gender
 - Religion
 - Other things that make us different
- ◆ The cadet will list various problems that may arise when law enforcement officers are not able to, or simply do not, adapt to others
- ◆ The Cadet will list ways they may challenge their personal perceptions and biases of others.

SOCIAL GROUP MEMBERSHIP PROFILE ETH.1080.102

- ◆ The cadet will identify their personal social group membership profile.
- ◆ The cadet will define "agent" and "target" as it relates to social group membership

UTAH PEACE OFFICER STANDARDS AND TRAINING



ETHICS ~ COMMUNITY RELATIONS

ETH.1080

- Agent – where the characteristic gives you power or privilege
- Target – where the characteristic puts you in a position of oppression, discrimination or less power or privilege
- ◆ The cadet will identify areas where they consider themselves agents and areas where they consider themselves targets
- ◆ The cadet will be able to identify how their membership in a particular group influences their thinking

PERCEPTIONS AND VIEWS ETH.1080.103

- ◆ The cadet will identify 5 culturally learned behaviors of people they like to be around
- ◆ The cadet will identify 5 culturally learned behaviors of people they do not like to be around
- ◆ The cadet will discuss these behaviors in relation to:
 - Why they do not like some behaviors
 - Why they do like some behaviors
 - Where they learned to like or dislike them
 - Who or what were the significant teachers in their life who taught them about these behaviors
 - How they react when individuals participate in these behaviors
- ◆ The cadet will discuss the possibility of changing their preferences in behaviors
- ◆ The cadet will discuss why it is difficult to deal with people who are, or act differently

CHALLENGING PERCEPTIONS AND BIASES ETH.1080.104

- ◆ The cadet will participate in a group discussion and class presentation considering how they as individuals, and as law enforcement officers, can challenge their perceptions of others who are different

IMPROVING COMMUNITY INVOLVEMENT ETH.1080.105

- ◆ The cadet will complete an out of class assignment comparing how their local agency and at least one other agency in the United States gets involved within the community
 - The cadet will evaluate how their local agency might improve its community involvement
 - The cadet will complete a written report on this subject



ETHICS ~ COMMUNITY RELATIONS

ETH.1080

- The cadet will prepare a short oral presentation on their findings and recommendations

ASSESSMENTS

- ❖ The concepts presented in this course will be assessed through weekly and certification exams. Objectives will be included in scenario training to reinforce concepts taught.

PREREQUISITES

- ❖ None

