



# POST Investigations Bulletin

State of Utah

## Department of Public Safety Peace Officer Standards and Training

March 2010

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One of the duties of the Utah Council on Peace Officer Standards and Training is to establish and enforce rules of conduct for certified peace officers throughout the state. During each POST Council Meeting, the Council reviews cases investigated by the POST Investigations Bureau and rules on the suspension or revocation of these peace officers. The decisions the council makes help to define acceptable and unacceptable conduct for Utah peace officers.

Please note that the actions taken by the POST Council are not binding precedent. The POST Council makes every effort to be consistent in its decisions, but each case is considered on its own individual facts and circumstances. The *POST Investigations Bulletin* is published to provide insight into the Council's position on various types of officer misconduct.

On March 15, 2010, POST Council convened and considered 10 cases of officer discipline. POST Council accepted the discipline recommended by the POST Investigations Bureau on 8 of the cases and returned two for additional investigation or increased sanction.

### Case #1

**Custodial Sexual Misconduct:** Officer A was employed as a law enforcement officer by a city police department. Officer A transported a suicidal female to a local emergency room for mental evaluation. Officer A parked his vehicle in the hospital parking lot and began kissing and touching the female's body. A short time later the female was admitted into the hospital, later she told one of her friends that she was sexually assaulted by Officer A. A criminal investigation was conducted which resulted in Officer A being arrested for forcible sexual assault. Officer A pled guilty to two counts of custodial sexual misconduct, both 3<sup>rd</sup> degree felonies. Officer A was issued a Felony Letter revoking his peace officer certification.

### Case #2

**Felony Domestic Violence, Felony Burglary, Felony Stalking:** Officer B was employed as a correctional officer. Officer B was investigated by a city police department for Domestic Violence and Intoxication and was subsequently arrested and booked into jail. POST investigators later discovered that Officer B was charged with Felony Burglary, Felony Stalking and Felony Domestic Violence. Officer B pled guilty to the burglary and stalking charges and the domestic violence charge was dismissed. Officer B was issued a Felony Letter revoking his peace officer certification.

### Case #3

**Enticing a Minor over the Internet, Dealing Harmful Material to a Minor:** Officer C was employed as a law enforcement officer by a city police department. Officers from another agency, while conducting an investigation for the Internet Crimes Against Children Taskforce, identified Officer C soliciting children over the internet. Officer C was eventually arrested and booked into jail for 6 counts of Dealing Harmful

Material to a Minor, all 3<sup>rd</sup> degree felonies and 1 count of enticing a minor over the internet, a class B misdemeanor. Officer C signed a consent agreement for revocation of his peace officer certification. POST Council ratified the condition of the consent agreement.

#### **Case #4**

**Custodial Sexual Misconduct, Lying Under Garrity:** Officer D was employed as a correctional officer. Officer D's agency conducted an IA investigation after allegations of sexual misconduct with an inmate were reported. The IA investigation determined that Officer D did have inappropriate physical contact with an inmate. During the department IA investigation, Officer D lied to investigators after receiving a Garrity admonition. Officer D agreed to sign a consent agreement for the revocation of her correctional officer certification. POST Council ratified the conditions of the consent agreement.

#### **Case #5**

**Sexual Misconduct on duty:** Deputy E was employed as a law enforcement officer for a Sheriff's Office. A complaint was made against Officer E alleging he had an extra-marital relationship with complainant's wife, while complainant was deployed with the military. POST conducted an investigation and Deputy E admitted to engaging in on-duty sexual relations with complainant's wife. Deputy E also admitted that he had on-duty sexual relations with his current wife, when he was previously married to another woman. Deputy E agreed to sign a consent agreement for the revocation of his peace officer certification. POST Council ratified the conditions of the consent agreement.

#### **Case #6**

**Custodial Sexual Misconduct:** Officer F was employed as a correctional officer with a Sheriff's office. Officer F's agency conducted an IA investigation after allegations of sexual misconduct were reported. The IA investigation determined that Officer F did have a sexual relationship with a female after her release from jail but while still on supervised felony probation by AP&P. POST conducted an administrative hearing. The Administrative Law Judge (ALJ) recommended a four-year suspension of Officer F's peace officer certification. POST Council ratified the recommendation of the ALJ.

#### **Case #7**

**Lying Under Garrity:** Officer G was employed as a law enforcement officer with a city police department. Officer G's agency conducted an IA investigation after allegations of sexual misconduct were reported. The IA investigation determined that Officer G did not have a sexual relationship but determined that Officer G did lie after receiving the Garrity admonition regarding specific questions. POST conducted an investigation and determined that Officer G did lie to his agency IA investigators. Officer G agreed to sign a consent agreement for a three year suspension of his peace officer certification.