



State of Utah

GARY HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Public Safety
Jess L. Anderson
Commissioner

December 19, 2018

Chief Chris Autry
Brigham Young University Police Department
P.O. Box 6210
Provo, Utah 84602

Dear Chief Autry,

Under the authority of Department of Public Safety (DPS) regulations and Utah Code Title 53, Chapter 6, Part 2, the Commissioner of the Department of Public Safety will issue a Notice of Agency Action to the Brigham Young University Police Department (BYU PD) to decertify the BYU PD if the items listed below are not satisfied by February 22, 2019.

Utah Administrative Code Rule 698-4-5(1) provides that “[c]ertification of a law enforcement agency of a private college or university may be denied or revoked for failure to meet the certification criteria set forth in this rule.” Utah Admin Code Rule 698-4-4(4) states that “[t]he law enforcement agency’s officers shall be subject to all the requirements of Title 53, Chapter 6, Part 2.” Utah Code § 53-6-211 lists grounds for suspension or revocation and reporting requirements.

1. BYU must permit and facilitate DPS access to all records, personnel and electronic data deemed necessary by DPS to conduct an investigation of BYU PD to assess:
 - a. Utah Bureau of Criminal Identification (BCI)/Utah Criminal Justice Information System (UCJIS) access and use by BYU personnel and compliance with Utah Code §53-10-108;
 - b. The powers, authority, and limitations of the Chief of BYU PD and BYU PD officers; and
 - c. The command structure of the BYU PD.
2. BYU PD must comply with all subpoenas issued pursuant to any Utah Peace Officer Standards and Training (POST) investigation by POST Investigations pursuant to Utah Code § 53-6-210 or 53-6-308, or a POST Administrative Law Judge (ALJ) pursuant Utah Code § 63G-4-205(2).

I am aware BYU is appealing the decision in *Salt Lake Tribune v. Utah State Records Committee*, however, as DPS Commissioner, I expect BYU PD to be subject to and comply with the Government Records Access and Management Act (GRAMA), Title 63G, Chapter 2 of the Utah Code.

You will be contacted shortly by DPS personnel to arrange for the investigation. **Do not destroy, tamper with, conceal, or alter any records, documents, recordings, email, text messages, or electronic data; interfere with or prevent anyone from fully and truthfully complying with DPS's requests; or engage in any other conduct that may hinder this investigation.**

Sincerely,

Jess L. Anderson
Commissioner