

UNIVERSITY POLICE  
BRIGHAM YOUNG UNIVERSITY  
2120 JKB  
PROVO, UTAH 84602-6201  
(801) 422-2222 / FAX: (801) 378-0935



January 7, 2019

Commissioner Jess Anderson  
Utah Department of Public Safety  
4501 South 2700 West, Box 141775  
Salt Lake City, Utah 84114-1775

Dear Commissioner Anderson,

I appreciated you taking two hours out of your busy schedule to meet with me on January 3, 2019. I was surprised when you handed me the letter dated three weeks earlier on December 19, 2018 requesting to investigate our use of criminal history records and databases, under your authority as commissioner of DPS. It had been over two years since a commissioner of the Department of Public Safety was willing to meet in person with the chief of University Police to talk about these important issues. Your requests are exactly what Chief Stott asked for when he and I met with former Commissioner Squires on September 1, 2016 to ask the DPS to audit our department. It is my understanding that a different government organization began an entirely separate process that directly affected these issues. I'm excited to finally receive guidance directly from the DPS to assess our practices.

Your letter is the first time a state official with police powers and authority has said he expects University Police to comply with GRAMA. The specific direction we have received from the Utah Division of Archives and Records Service is that we were not subject to GRAMA. I have learned that our lawyers have spoken with DPS lawyers and explained that University Police welcomes an additional requirement under the rule you cited in your letter requiring us to comply with GRAMA. The issue of whether a law enforcement agency established by a private college or university should be subject to GRAMA is also actively being reviewed by the state legislature. University Police has been working with DPS lawyers and with legislators to change the law so GRAMA does apply to University Police in the future since we have state law enforcement authority, even though we are not a governmental entity.

On behalf of the Brigham Young University Police Department, I am pleased to facilitate access to all records, personnel and electronic data your investigators deem necessary to conduct an investigation to assess:

1. Utah BCI and UCJIS access and use by BYU personnel and compliance with Utah Code provisions about access and use of criminal history and data;
2. The powers, authority, and limitations of the Chief of University Police and University Police officers; and
3. The command structure of University Police.

I'm supportive of DPS making a rule, or the legislature changing the statute, so that University Police is subject to GRAMA. University Police doesn't get the funding or retirement benefits that government police entities do, but we take seriously our police chain of command through you, and we will follow your expectation that University Police comply with GRAMA.

I look forward to meeting together soon to collaborate with you, a member of the Attorney General's office, the governor's general counsel, POST, and BYU representatives to best facilitate how to complete the actions as you have requested and proceed toward the option we discussed about having DPS process GRAMA requests that University Police receives.

As we move ahead and consult your employees in the structuring of our department and setting up new protocols for records handling, we look forward to fostering a reciprocally open and trusted relationship of cooperation and assistance. Thank you for working to help University Police develop into the best department possible.

Respectfully,

Chris Autry  
BYU Police Chief

Cc: Lt. Steven Messick  
BYU Vice President Jan Scharman

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February 4, 2019

Commissioner Jess Anderson  
Utah Department of Public Safety  
4501 South 2700 West, Box 141775  
Salt Lake City, Utah 84114-1775

Dear Commissioner Anderson,

I wanted to follow up on the letter I sent you on January 7, 2019. As Chief of University Police, I take seriously our duties and obligations as officers, especially the requirements about certification under POST and the rules established by DPS.

I apologize that I didn't respond to your second point in my earlier letter. University Police will take all necessary steps to be in compliance with all subpoenas about any future allegations of misconduct by University Police officers issued by any POST investigation by POST Investigations or a POST ALJ under the Utah Code, unless we are prevented from doing so by court order. We will also comply with any ALJ rulings and the results of any POST councils.

We are unable to respond to subpoenas issued in connection with the prior investigation into the conduct of one of our former officers because, beginning in July 2016, Secrecy Orders have been entered at the request of the State of Utah in a case that governs the subject matter of your request for records. These Secrecy Orders entered at the request of the State of Utah remain in place.

Thank you again for patiently working with us through these issues and for your commitment to developing a mutually open and trusted relationship of cooperation, understanding, and assistance. If you have any concerns related to University Police or our compliance with any POST requirements or DPS rules, please reach out to me.

Respectfully,

Chris Autry  
University Police Chief

Cc: Lt. Steven Messick  
BYU Vice President Jan Scharman