

# POST COUNCIL MEETING

March 30, 2017

Dixie Center, 1835 S. Convention Center Drive, St. George, UT

## MINUTES

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On March 30, 2017, a regularly scheduled POST Council meeting was held at 1:00 p.m. at the Dixie Center in St. George, UT. Chairman James O. Tracy conducted and welcomed those in attendance.

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

Sheriff James O. Tracy, Chairman, Utah County Sheriff's Office  
Chief Wade Carpenter, Vice-Chairman, Park City Police Department  
Nate Mutter (Proxy for Chief Spencer Austin, JD. Representing Utah Attorney General)  
Bruce Bayley, PhD. Weber State University  
Frank Budd, PhD. At Large  
Matthew Checketts, PhD. At Large  
London Stromberg (Proxy for Executive Director Rollin Cook, Utah Department of Corrections)  
John Crowley, UPOA Representative  
Sheriff Robert Dekker, Millard County Sheriff's Office  
Commissioner Kerry Gibson, Weber County Commissioner  
Mayor Toby Mileski, Pleasant View City  
Christie Moren, At Large  
Colonel Mike Rapich, Superintendent, Utah Highway Patrol  
Chief Marlon Stratton, St. George City Police Department

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

Chief Kim Hawkes, North Park Police Department  
Victoria McFarland, JD. At Large  
Sheriff Cameron Noel, Beaver County Sheriff's Office

### **POST staff present:**

Scott Stephenson, Director  
Kelly Sparks, Deputy Director  
Kevin Bolander, JD. DPS Legal Counsel representing POST, Asst. Attorney General  
Marcus Yockey, JD. DPS Legal Counsel representing POST, Asst. Attorney General  
Julie Gomez, Administrative Secretary  
Brad Macfarlane, POST Investigations  
Robert Bench, POST Investigations  
Jaclyn Moore, POST Investigations  
Jeff Adams, POST Investigations  
Jeremy Barnes, POST Investigations  
Wade Breur, POST Basic Training Bureau Chief  
Christopher Fielding, POST Media Producer

**Others present:**

Nate Carlisle  
JC Jensen  
Scott West  
Melinda Russo  
Nicholas Riggs  
Mick Spiller  
Josh Caless  
Steve Rowland  
Kevin Pepper  
Darin Durfey  
Mike Brower  
Christian Winger  
Ken Carpenter

**WELCOME AND INTRODUCTIONS**

The meeting was called to order at 1:03 p.m. Chairman James Tracy welcomed those in attendance and excused board members Chief Kim Hawkes, Victoria McFarland and Sheriff Cameron Noel. He noted that London Stromberg would be sitting in proxy for Director Rollin Cook and Nate Mutter would be sitting in proxy for Chief Spencer Austin.

**APPROVAL OF POST COUNCIL MINUTES**

The POST Council minutes of December 5, 2016, were reviewed and the following motion was made:

***Motion: Mayor Toby Mileski motioned to accept the minutes of December 5, 2016.***  
***Second: John Crowley seconded the motion.***  
***Vote: The motion passed with all in favor.***

**ANNUAL AND QUARTERLY REPORTS**

Deputy Director Sparks reported that from December 1, 2016 – March 1, 2017 the investigations bureau has received 55 complaints and opened 26 investigations. One administrative hearing was conducted and 13 cases were closed with no action following an investigation. Six officers have signed a voluntary relinquishment. The allegations related to voluntary relinquishments were: disorderly conduct, impersonating a peace officer, sexual conduct on-duty and lying under Garrity, assault, domestic violence assault, distribution of controlled substance and falsifying government records. During the quarter, the investigations bureau reviewed 258 applications for basic training, 21 applications for waivers and reactivations, and 28 applications for dispatchers, for a total of 307 applicant background reviews. Currently there are 38 active investigations with a total of 57 open cases.

Deputy Director Sparks reported the following annual report for 2016:

Total Complaints Received	152
Investigations Opened	83
Administrative Hearings Conducted	5
Cases Closed With No Action Following Investigation	36

Voluntary Relinquishments Received	26
Cases Presented to the POST Council	60
Revocation Issued	12
Suspensions Issued	34
Letter of Caution	10
No Action	4
Peace Officer Application Reviews	847
Waiver and Reactivation Application Reviews	94
Dispatcher Application Reviews	145
Total Application Reviews	1086

Lt. Wade Breur presented the following quarterly reports for basic training and in-service.

**Training Section First Quarter Report – (December 1, 2016 – February 28, 2017)**

Session 324 LEO (October 5, 2016 - December 15, 2016). The session started with 36 cadets and 34 Law Enforcement Officers were certified.

Session 325 SFO (January 3, 2017 – February 7, 2017). The session started with 25 cadets and 22 Special Function Officers were certified. .

Session 325 LEO (February 8, 2017 – April 20, 2017). The session started with 33 cadets. There are 33 cadets currently enrolled.

Session 326 SFO (January 23, 2017 – February 28, 2017). The session started with 23 cadets and 21 Special Function Officers were certified.

Session 326 LEO (March 1, 2017 – May 11, 2017) There are currently 32 or 33 cadets in the session.

Session 327 SFO (February 21, 2017 – March 28, 2017). The session started with 16 cadets enrolled. There are 16 cadets currently enrolled.

Lt. Breur informed the Council that during the month of April, POST will have one week with four classes in session at the same time. This has not occurred since 2008.

**In-Service Training**

From December 1, 2016, until February 28, 2017, POST has offered 34 In-service classes training 796 officers, for a total of 554 hours of training.

Lt. Wade Breur gave the basic training annual report for 2016. He stated 145 in-service training programs were conducted on 14 different topics. There were 3056 officers and dispatchers who attended the in-service courses. Lt. Breur noted for comparison, in 2014, 78 in-service programs were conducted on 15 different topics. The number of topics were similar, but only 1801 officers were trained during the year. In 2015, there

were 114 in-service training programs on 17 different topics for a total of 2230 officers trained. From 2014 to 2016, POST nearly doubled the amount of officers attending in-service training classes.

In 2016, POST held seven basic training academy sessions and 200 individuals were certified as law enforcement officers. For comparison, in 2014, 166 law enforcement officers were certified. In 2015, 148 law enforcement officers were certified at POST. POST added a class in the fall of 2016 and another class was added to the POST schedule during the first half of 2017. POST is prepared to add an additional class in the fall, if necessary, to meet the law enforcement training demand. The total number of new peace officer certifications issued by POST, including all satellite training programs is: 498 Special Function Officers, 293 Correctional Officers, and 408 Law Enforcement Officers. The attrition rate for the academy at POST in 2016 was 5.6%.

Chief Wade Carpenter asked how many hours is the entire Law Enforcement Officer (LEO) block. Lt. Breur replied that the combined total number for both the Special Functions Officer block and the Law Enforcement Officer block is 586 [587] hours, which is about 16 weeks of training.

## **SATELLITE AUDITS**

Lt. Wade Breur reported POST conducted three administrative academy audits this quarter. The first audit was on Uintah Basin Applied Technology Academy (UBATC). They are currently conducting their second academy since starting up again in 2016. Their new part time director is Chief Deputy Travis Tucker from Duchesne County Sheriff's Office. UBATC is one of two academies in the state offering a day time academy. There were no exceptions to their audit.

The second audit conducted was with the Salt Lake City Police Department Academy. Lt. Eddie Cameron is their new training lieutenant. On average, they hold one academy per year. During this audit, POST received feedback regarding the handgun qualification. From this feedback, POST formulated a study to gather data regarding qualification times at various distances. A change in the handgun qualification may be presented to the Council in the June POST Council meeting. There were no exceptions to report during the administrative audit.

The final audit conducted was with the Utah Department of Corrections Academy (UDC). Kirk Christensen is the training director. The UDC academy is currently meeting with POST defensive tactics instructors, along with several other defensive tactics instructors throughout the state. The goal is to combine the Correctional Defensive Tactics (CDT) curriculum with what is taught in the special functions and law enforcement curriculum. We hope to have an update to present to the Council in the next POST Council meeting. There were no exceptions to this audit.

## **DISCIPLINARY CASES**

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

### **KYLE ANDREW**

Offence – Hunting in a prohibited area

Category –E

Recommended Discipline – Letter of caution

Status – Still employed

Agency – Unified Police Department

On November 15, 2016, Kyle Andrew and his 11 year-old son were investigated by a federal law enforcement agency for hunting in a prohibited area, which was posted by a sign. Andrew and his son shot two swans and two ducks in the area. When confronted by the investigating officer, Andrew said he did not realize he was in an area where hunting was prohibited. Andrew was issued a citation for hunting in a prohibited area.

On November 16, 2016, Andrew notified POST and his agency of the situation. On November 17, 2016, Andrew paid a fine in the amount of \$230.

During a *Garrity* interview with POST, Andrew admitted to hunting in an area where hunting was prohibited. Andrew said he did not observe a sign prior to entering the area and had no intent to violate the law.

On March 20, 2017, Kyle Andrew waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Mayor Mileski asked Attorney Yockey if he had a map of the area where Kyle Andrew was hunting. Attorney Yockey replied he did not have a map with him. Attorney Yockey explained in this case, Kyle Andrew waived to the facts, admitting the area was in fact prohibited. Those facts are presented to you in that matter.

Chairman Tracy reminded the Council they each had a copy of the POST Council disciplinary guidelines in their packet.

**Motion:** *Mayor Mileski motioned to accept the recommended letter of caution.*  
**Second:** *Sheriff Dekker seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **WILLIAM AREVALO**

Offence – Child Abuse

Category – A

Recommended Discipline – 3 year suspension

Status – Terminated 11/11/15

Agency – Beaver County Sheriff's Office

On November 3, 2015, William Arevalo and his wife were arguing with their 17 year-old daughter (Arevalo's step-daughter) in the living room of their home. During the argument Arevalo grabbed his step-daughter on or about the neck and pushed her backwards. The step-daughter bumped into a nearby couch and then fell to the floor in a seated position. The following day the step-daughter reported the incident to a school counselor and notification was made to law enforcement. The criminal investigation determined Arevalo committed child abuse and he was booked in a county jail. On January 11, 2016, Arevalo pled guilty to child abuse and his plea was held in abeyance by the court. In a *Garrity* interview with POST, Arevalo admitted he shoved his step-daughter, but denied it constituted a violation of law. Arevalo explained he did not believe he was guilty but he entered into the plea in abeyance at his attorney's counsel. Arevalo's employment was terminated by his agency.

On January 3, 2017, Arevalo 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:** *Chief Wade Carpenter motioned to accept the recommended 3 year suspension of William Arevalo's peace officer certification.*  
**Second:** *Chief Marlon Stratton seconded the motion.*  
**Vote:** *The motion passed with 12 in favor and 1 opposed (Mileski).*

#### **TANNER ATWOOD-BOWEN**

Offence – Willfully falsifies any information to obtain certification

Category – C

Recommended Discipline – 2 year suspension  
Status – Terminated 2/3/17  
Agency – Utah Department of Corrections

On July 13, 2016, Tanner Atwood-Bowen submitted an application to attend the POST law enforcement officer training, which was scheduled to begin in October 2016. On the application, Atwood-Bowen disclosed he had been previously convicted of multiple offenses, including previous traffic offenses.

On August 12, 2016, Atwood-Bowen submitted an additional application to attend POST training. In the application, Atwood-Bowen denied ever being arrested or convicted of any previous criminal offenses, including his previous traffic offenses.

When POST investigated the discrepancy between the two applications, his initial application from 2013 was reviewed. POST discovered the 2013 application was absent of any disclosures regarding his previous criminal offenses. Atwood-Bowen failed to disclose his conviction for the offenses he had disclosed in his July 2016 application, which occurred before the 2013 application. POST also discovered during the academy session in 2013, Atwood-Bowen attended the ethics training course and failed to document any information in an addendum to the verification of application form.

During a POST *Garrity* interview, Atwood-Bowen said he had read all of the instructions on the application, and completed the applications, himself. Atwood-Bowen said he did not intend to be deceptive in the completion of his applications.

On March 7, 2017, a hearing was held before the administrative law judge. The ALJ subsequently issued findings of facts and conclusions of law stating Atwood-Bowen violated UCA 53-6-211 as outlined in the notice of agency action.

**Motion:** *Dr. Bruce Bayley made a motion to accept the recommend 2 year suspension of Tanner Atwood Bowen's peace officer certification.*  
**Second:** *Mayor Toby Mileski seconded the motion.*  
**Vote:** The motion passed with all in favor (London Stromberg recused himself).

## **RODERICK DIXON**

Offence – Official Misconduct  
Category – D  
Recommended Discipline – 1 year suspension  
Status – Resigned 8/1/15  
Agency – Layton Police Department

On March 21, 2015, Roderick Dixon, a sergeant with the Layton City Police Department was on-duty and in uniform when he discovered his girlfriend's vehicle at a local hotel. Dixon observed a note on the hotel front desk which indicated his girlfriend was in room 211. Dixon went to the room 211 and knocked on the door multiple times. Dixon heard movement inside the room, but no one opened the door. Dixon made contact with the hotel clerk and told him he needed to get into room 211. According to the clerk, Dixon told him it was for police business.

The clerk and Dixon knocked on the door and announced it was the police. Still no one answered the door. The clerk informed Dixon he had a master key and could open the door. Dixon could hear the male behind the closed door on the phone with 911.

Dixon told the clerk to open the door. As the clerk was getting ready to open the door, a male inside the room opened the door. The male was on the phone with police dispatch reporting he was being harassed by a

police officer. When the responding officer arrived, the male and Dixon's girlfriend declined to file a complaint. Dixon was demoted by his agency and assigned to administrative desk duty. Dixon subsequently retired on August 1, 2015.

Roderick Dixon failed to respond to the notice of agency action. On March 16, 2017, an order of default was signed by the administrative law judge and mailed to Dixon.

Mayor Toby Mileski asked if Mr. Dixon was charged with anything within his department. Attorney Yockey answered that Mr. Dixon was not charged criminally. Mayor Mileski asked if the reason this case falls under Category D is due to the conduct which involves harassment. Attorney Yockey answered that the substantiated allegation is official misconduct which is a class B misdemeanor. Attorney Yockey explained that Utah Code Ann. § 76-8-201 states the following: A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

Attorney Yockey explained because this was a class B misdemeanor, it falls under category D.

**Motion:** Sheriff Dekker motioned to recommend a 2 year suspension of Roderick Dixon's peace officer certification.

**Discussion:** Chairman Tracy asked Sheriff Dekker if he would like to explain why he made the motion for a 2 year suspension. Sheriff Dekker stated he felt this case was more serious. He felt Mr. Dixon went on and on and presented himself as a peace officer on official duty several times. Sheriff Dekker feels Mr. Dixon abused his authority. He feels, in his opinion, this went deeper than what a class B misdemeanor indicates and doesn't feel one year is enough. Attorney Yockey informed the Council that Mr. Dixon did own up to everything and did inform the two parties that they could file charges on him at that point.

**Rescinded Motion:** Sheriff Dekker rescinded his motion.

**Motion:** *Sheriff Dekker motioned to accept the recommended 1 year suspension of Roderick Dixon's peace officer certification.*

**Second:** *Colonel Rapich seconded the motion.*

**Discussion:** Mayor Mileski asked if there were any complaints from hotel guests that Mr. Dixon was out of line or screaming and yelling. Attorney Yockey answered there were no complaints other than the party that was on the phone calling about the harassment. Mayor Mileski stated he feels one year is a little on the high side.

**Vote:** *The motion passed with 12 in favor and 1 opposed (Mileski)*

## **WILLIAM BRUCE FRANCOM**

Offence – Obstruction of justice, taking protected wildlife while trespassing

Category - B

Recommended Discipline – 3 year suspension

Status – Terminated 11/7/15

Agency – Utah Department of Corrections

On August 17, 2015, William Bruce Francom shot at a buck deer he knew was on private land. Francom intentionally waited until it was dark and covertly went onto the private land with his uncle to look for the deer. Francom was observed trespassing and reported to law enforcement. When officers made contact with Francom, he lied and told officers he and his uncle had been walking the dirt road, looking for a lost cell phone and were never on private land. On September 22, 2015, in a subsequent criminal interview, Francom

admitted he lied to officers. Francom admitted he went onto private land to look for a deer he thought he had shot earlier in the day. Francom was terminated from UDC on November 7, 2015. Charges were filed on Francom and on December 23, 2015, Francom pled guilty to, taking protected wildlife while trespassing and the charge of obstruction of justice was dismissed.

During a POST *Garrity* interview, Francom admitted he lied to officers because he did not want to get in trouble and was worried he might lose his job. Francom also said he lied because he did not want his uncle to be charged with a crime. Francom admitted to shooting an arrow at a deer he knew was on private land and admitted he intentionally waited until it was dark to sneak onto the private land to look for the deer.

On December 2, 2016, William Bruce Francom 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:** *Chief Wade Carpenter motioned to accept the recommended 3 year suspension of William Bruce Francom's peace officer certification.*

**Second:** *Toby Mileski seconded the motion.*

**Vote:** The motion passed with all in favor (London Stromberg recused himself).

### **MARCUS LAMBERT**

Offence – Sexual conduct on duty, *Garrity* violation, illegal use or possession of controlled substance

Category – A

Recommended Discipline – Revocation

Status – Resigned 5/7/14

Agency – Sanpete County Sheriff's Office

On May 5, 2014, Lambert was investigated by his agency for engaging in sexual conduct while on duty. Between February 2010 and March 2014, Lambert was involved in a sexual relationship with a local woman. During this time, Lambert secretly met with the woman approximately 20 times while he was on duty. According to the woman, she and Lambert engaged in kissing, hugging, and touching of the breasts and/or genitals at each meeting.

Lambert said he could not remember exactly what they did during each meeting. One of these meetings consisted of Lambert having sex with the woman in his department vehicle, while on duty, and in a public place. One of these meetings consisted of Lambert leaving his department vehicle unattended prior to the end of his shift, getting in the woman's car, and going to the woman's residence where they had sex. When asked about the on-duty sexual conduct, Lambert failed to respond truthfully after having been issued a *Garrity* warning during interviews with both his agency and POST. Additionally, Lambert admitted to unlawfully taking a prescription pain medication that was not prescribed to him on multiple occasions. Lambert resigned from his agency after being asked to submit to a polygraph examination. Lambert failed to respond to multiple requests from POST for a follow-up interview.

Lambert failed to respond to the notice of agency action. On December 27, 2016, an order of default was signed by the administrative law judge and mailed to Lambert.

**Motion:** *Mayor Toby Mileski motioned to accept the recommended revocation of Marcus Lambert's peace officer certification.*

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

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

### **SATEKI MOSAATI NAU**

Offence – Distribution of a controlled substance and use of a controlled substance without a valid prescription

Category – A



Recommended Discipline – Revocation  
Status – Terminated 4/21/16  
Agency – Salt Lake County Sheriff's Office

On April 9, 2016, Sateki Mosaati Nau was investigated by his agency for distribution of a controlled substance inside a jail. The investigation disclosed that sometime during the months of January 2016 through March 2016, Nau met with two different individuals on two separate occasions outside of the jail, to obtain drugs for two inmates. During a *Miranda* interview, Nau disclosed he met with two different individuals outside the jail, obtained drugs and then delivered them to inmates inside the jail. Nau also admitted to using some of the drugs he was given by one of the outside parties. On December 9, 2016, Nau pled guilty to a charge of distribution of a controlled substance, a second degree felony.

On January 30, 2017, Sateki Mosaati Nau 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:** *Frank Budd motioned to accept the recommended revocation of Sateki Mosaati Nau's peace officer certification.*  
**Second:** *Bruce Bayley seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

#### **KENNETH CHASE PARKER**

Offence – Theft  
Category – D  
Recommended Discipline – 2 1/2 year suspension  
Status – Resigned 7/12/16  
Agency – Roy Police Department

On March 22, 2016, Kenneth Chase Parker was on duty and responded to a report of a burglary at a convenience store. While at the store, Parker was seen on surveillance and his body camera taking a \$50 bill out of an arcade machine at the store and then putting it in his pocket. After another officer realized the money was missing and questioned Parker about it, Parker said he did not know where the money was. Parker put the money back in the machine. During an internal administrative *Garrity* interview Parker admitted to putting the \$50 bill in his pocket and contemplated stealing it. On July 12, 2016, Parker resigned from his agency.

On March 23, 2016, an outside agency investigated Parker for theft. On September 29, 2016, the County Attorney filed a class B misdemeanor theft charge on Parker. On October 13, 2016, Parker entered a plea of No Contest to the theft charge.

Kenneth Chase Parker failed to respond to the notice of agency action. On February 13, 2017, an order of default was signed by the administrative law judge and mailed to Parker.

**Motion:** *Christie Moren motioned to accept the recommended 2 1/2 year suspension of Kenneth Chase Parker's peace officer certification.*  
**Second:** *John Crowley seconded the motion.*  
**Vote:** *The motion passed with all in favor. (Commissioner Gibson recused himself)*

#### **DANNY PLATIS**

Offence – Criminal Trespass  
Category – F

Recommended Discipline – Letter of caution  
Status – Retired 9/16/16  
Agency – Utah Department of Corrections

On May 21, 2016, Danny Platis, a law enforcement officer with the Utah Department of Corrections was investigated by local police agency for criminal trespass and disorderly conduct. The investigation disclosed that on May 21, 2016, Platis' sister was walking her dog when she became involved in verbal dispute with a neighbor. When Platis' sister told him about it, Platis got in his personal vehicle and drove to the neighbor's residence, a few houses away to speak with the neighbor.

When Platis arrived, he walked onto the neighbor's driveway and asked a child if he could speak with the neighbor. Platis was confronted by the neighbor and the neighbor's husband who exited their home and told Platis to leave their property. The neighbor's husband had a handgun in his hand and according to witnesses, the neighbor was yelling and cursing. Platis got back in his vehicle, returned to his residence and called the local police. The neighbor also called the police. The police responded and conducted an investigation. At the conclusion of the investigation, Platis was issued a citation for trespassing and disorderly conduct.

On July 28, 2016, Platis pled guilty and entered into a plea in abeyance with the local justice court to criminal trespass, an infraction. During *Garrity* interviews with his agency and POST, Platis denied any criminal conduct. Platis explained the reason he entered into the plea in abeyance for the trespassing was Platis did not want to risk losing the case at trial. Platis maintained his innocence during the POST *Garrity* interview. Platis retired September 16, 2016, prior to his agency taking any disciplinary action.

On February 14, 2017, Platis waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Mayor Mileski stated he couldn't help but think that Mr. Platis did not do anything wrong. Mayor Mileski feels Mr. Platis made a mistake accepting the plea in abeyance, which we see time and time again here.

**Motion:** *Mayor Mileski motioned to not accept the recommended letter of caution and recommended no action be taken on Danny Platis' peace officer certification.*  
**Second:** *Chief Carpenter seconded the motion.*

Discussion: Chief Stratton asked if the trespassing charge stemmed from Mr. Platis walking up the driveway. Attorney Yockey said that was correct. Chief Stratton asked to clarify if there were no fencing or signs posted and if Mr. Platis was just walking up the driveway to the front of the home. Attorney Yockey answered that was correct. Christie Moren asked if there had been prior interaction or warning. Attorney Yockey answered not that POST was able to show. Chief Carpenter asked if one must enter or remain unlawfully in order to be charged with trespassing. Attorney Yockey answered that is correct. The way the statute is written, an individual would have to enter on the property at which point they would have to be notified they were trespassing. If they failed to leave, then it would be trespassing.

Chief Stratton asked if it was correct that when Mr. Platis was notified, he did in fact leave. Attorney Yockey answered that was correct. The reason POST brings this case to the Council, is because there was a criminal charge. For a category F, the lowest recommendation POST is able to give is the letter of caution. It is up to the POST Council to determine the facts as presented and determine what sanction is best.

**Vote:** *The motion passed with all in favor (London Stromberg recused himself).*

**NICHOLAS RIGGS**  
Offence – Intoxication  
Category – F

Recommended Discipline – 3 month suspension  
Status – Paid administrative leave, retained employment  
Agency – Unified Police Department

On July 18, 2015, Nicholas Riggs spent the evening with his fiancé and the fiancé's cousin. Riggs consumed "some beers" at his fiancé's apartment. The group then went to a concert, where Riggs consumed "several drinks." Riggs said he had beers, mixed drinks, and shots while at the concert, but could not remember how many. The group then went to a local bar, where Riggs consumed one mixed drink and one shot. The group went back to the fiancé's apartment complex. Due to his high level of intoxication, Riggs went to the wrong apartment and tried to enter. Riggs rang the doorbell, pounded on the door, and yelled for someone to let him in. The apartment tenant answered the door and Riggs tried to force his way into the apartment. The tenant pushed Riggs back, closed the door, and called police. The police arrived, found Riggs sitting on the steps of the apartment and took him into custody. Riggs was issued a citation for intoxication and released to the custody of his fiancé.

On July 20, 2015, charges were filed on Riggs for one count of intoxication, a class C misdemeanor. On October 1, 2015, Riggs entered into a 90 day diversion agreement and on January 4, 2016, charges were dismissed.

During the POST investigation, POST also became aware that Nicholas Riggs' POST certifications were previously suspended for three months for a BCI violation in June 2012.

On January 11, 2017, the administrative law judge (ALJ) ruled on a motion for summary judgment. The ALJ subsequently issued findings of facts and conclusions of law stating Riggs violated UCA 53-6-211(d) as outlined in Count II of the notice of agency action.

Nicholas Riggs addressed the Council and thanked them for giving him their time. He took responsibility for his actions and stated they should not have occurred. His actions were a wakeup call and he realized he had been abusing alcohol and drinking to excess while off duty. He wanted to make it clear that he had never been intoxicated while on duty as a police officer. After the incident he voluntarily sought treatment for his alcohol abuse through Alcoholics Anonymous as well as went to counseling. He is continuing to see a counselor and has become an active member of the LDS church. He has remarried and tries to spend as much time as possible with his wife and seven children.

Mr. Riggs went on to say that he has been sober for the past 20 months and continues to stay sober one day at a time. He is still employed and in good standing with Unified Police Department. Since 2016, he has received two officer of the month awards from the department. He received maximum, major discipline from his department, receiving 176 hours off without pay. He received reassignment from motors and went back to patrol. He had to park his patrol vehicle for a period of one year at the office while off duty. He accepted the discipline without challenging it. He realized he made a serious mistake and was truly embarrassed by his conduct. He asked the Council to consider reducing the three month suspension to perhaps a letter of caution. He asked for leniency so that he may be able to serve the citizens of Utah.

Chief Carpenter asked Mr. Riggs if the 176 hours from department was paid or unpaid. Mr. Riggs answered it was 176 hours of being off without being paid. Mayor Mileski stated he feels that Mr. Riggs was a danger to himself and he has since fixed that danger. Mayor Mileski would like to recognize that by offering Mr. Riggs a letter of caution verses the recommended three month suspension.

**Motion:** *Mayor Mileski motioned to not accept the recommended 3 month suspension and recommended a letter of caution be given to Nicholas Riggs.*

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

Discussion: London Stromberg asked Mr. Riggs if there was any attempt to apologize to the person he barged into the residence of. Mr. Riggs answered there was and he spoke with his counsel and was advised to not go back there. As far as Mr. Riggs knows, internal affairs (IA) have sent out letters to contact the individual, and it's his understanding that IA has not been able to get in contact with him.

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

**MELINDA RUSSO**

Offence – Intoxication

Category – F

Recommended Discipline – Letter of Caution

Status – Resigned 11/4/16

Agency – Utah State Parks

On February 27, 2015, Melinda Russo was criminally investigated for intoxication. The investigation disclosed Russo and her husband were consuming alcoholic beverages in their home. An argument ensued and Russo walked away from her home to calm down after her husband had thrown her phone at the television. Russo was recovering from leg surgery and had a hard time walking. Russo fell while trying to cross some rocky ground and was unable to get back up. Russo called her husband to tell him she had fallen, but her phone disconnected before she could tell him where she was. Russo's husband called police to assist in finding her. Prior to police arriving, Russo's husband found her and relayed the information to dispatch. Russo was taken to a friend's house to be cared for, but was later cited for intoxication.

On March 18, 2015, Russo entered a No Contest plea to be held in abeyance to the intoxication charge and on April 5, 2016, the charge was dismissed with prejudice after satisfying the terms of the plea in abeyance.

On January 13, 2017, Melinda Russo waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Melinda Russo addressed the Council and thanked them for their time. She informed the Council she loves what she does and she is very sorry. She is grateful for the recommendation from the investigator.

Sheriff Tracy informed the Council there was a letter of support from Ms. Russo's agency.

Motion:            Chief Marlon Stratton motioned to accept the recommended letter of caution.

Second:           Christie Moren seconded the motion.

Discussion: Mayor Mileski asked Ms. Russo if it was correct that there was no breathalyzer test issued. Ms. Russo answered no there wasn't. Mayor Mileski asked if POST verified that Ms. Russo had recent leg surgery. Attorney Yockey answered that information was based on testimony. Mayor Mileski asked if Ms. Russo was on private property at the time. Ms. Russo answered that it was public property. She was living at Deer Creek State Park and that was part of the park. Mayor Mileski asked Chief Stratton to amend his motion from a letter of caution to no action.

***Amended Motion: Chief Marlon Stratton motioned to recommend no action be taken on Melinda Russo's peace officer certification.***

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

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

**DAN SORENSEN**

Offence – Intoxication, disorderly conduct  
Category – F  
Recommended Discipline – 1 year suspension  
Status – Terminated 10/22/15  
Agency – Utah Department of Corrections

On June 6, 2015, Dan Sorensen, a correctional officer with the Utah Department of Corrections (UDC), was investigated by an outside police agency for intoxication, assault and disorderly conduct. The investigation disclosed, Sorensen became involved in a confrontation with a large group of male juveniles and young adults, who were making noise in the parking lot of the carwash across the street from Sorensen's house. Sorensen began to argue with the group and according to one of the males, made sexual comments about the male's mother and sister.

Sorensen also made comments to another male about a family member who had committed suicide. A physical altercation ensued. Sorensen and one of the males then called 911. During the investigation, Sorensen told the investigating officer he had consumed two shots of an alcoholic beverage prior to the incident.

Sorensen was charged with assault, disorderly conduct, and intoxication. On October 6, 2015, Sorensen entered a plea of guilty to a charge intoxication, under Utah Code Ann. § 76-9-109, an infraction. The assault and disorderly conduct charges were dismissed.

During *Garrity* interviews with POST and his agency, Sorensen denied any criminal conduct. Sorensen admitted he consumed alcohol, denied being intoxicated, and said he only pled guilty to intoxication at the advice of his attorney. Sorensen was terminated by his agency on October 22, 2015. During the POST investigation, POST also became aware Sorensen was issued a letter of caution for intoxication by the POST council in 2010.

On March 13, 2017, Sorensen 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:** *Bruce Bayley motioned to accept the recommended 1 year suspension of Dan Sorensen's peace officer certification.*

**Second:** *Sheriff Dekker seconded the motion.*

**Vote:** *The motion passed with all in favor (London Stromberg recused himself).*

## **JAY STRAUSSER**

Offence – Sex on duty, electronic communication harassment, trespassing, and violation of a stalking injunction  
Category – A  
Recommended Discipline – Revocation  
Status – Resigned 10/1/15  
Agency – Washington County Sheriff's Office

On September 28, 2015, Jay Strausser was investigated by his agency for policy violations. During a *Garrity* interview, Strausser admitted to having sex with a female court employee at the courthouse where Strausser worked as a court security deputy. Strausser resigned from his agency on October 1, 2015.

On February 7, 2016, Strausser went to his ex-wife's residence uninvited and refused to leave. Strausser also sent his ex-wife multiple unwanted text messages and called her multiple times. Strausser was arrested and booked in the local jail for electronic communication harassment - domestic violence and trespassing.

On February 10, 2015, Strausser's ex-wife acquired a stalking injunction against Strausser. Between February 20, 2016, and March 29, 2016, Strausser violated the stalking injunction multiple times. On July 12, 2016, Strausser pled guilty to four counts of violating the stalking injunction.

Strausser failed to respond to the notice of agency action. On December 15, 2016, an order of default was signed by the administrative law judge and mailed to Strausser.

**Motion:** *Mayor Mileski motioned to accept the recommended revocation of Jay Strausser's peace officer certification.*  
**Second:** *Commissioner Gibson seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

### **ROBIN RANDOLPH TAYLOR**

Offence – BCI Violation  
Category – E  
Recommended Discipline – 1 year suspension  
Status – Resigned 8/5/14  
Agency – Morgan County Sheriff's Office

February 14, 2014, Robin Randolph Taylor was investigated for an allegation that was later determined to be unfounded. During the investigation it was discovered Taylor made multiple Bureau of Criminal Identification (BCI) inquiries which did not appear to be for legitimate law enforcement purposes. During a *Garrity* interview with POST, Taylor admitted he accessed BCI records, on five different dates, without a legitimate law enforcement purpose. Taylor explained he made all of these inquiries because he was going through a "rough patch" in his marriage.

On, March 9, 2017, Robin Taylor waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Mayor Mileski asked Attorney Yockey a clarifying question about why the recommendation is one year for a category E offence. Attorney Yockey explained that it is due to the multiple violations. There were multiple inquiries done within the Bureau of Criminal Identification system. Nate Mutter asked what kind of inquiries they were and what information Mr. Taylor was seeking. Attorney Yockey explained that it was during a time when Mr. Taylor was having difficulties with his marriage. He was looking for addresses of individuals he suspected were sleeping with his wife. This was most likely through the driver license system. Those records are protected under 53-10-108. Anything that is accessed through UCJIS, even if it may be public on the outside, is protected. Chairman Tracy added that constitutes a record accessed without a law enforcement purpose.

Christie Moren asked if this was over an extended period of time or all in one day. Attorney Yockey answered it was over an extended period of time.

**Motion:** *Mayor Mileski motioned to accept the recommended 1 year suspension of Robin Randolph Taylor's peace officer certification.*  
**Second:** *John Crowley seconded the motion.*  
**Vote:** *The motion passed with 12 in favor and 1 opposed (Dekker).*

### **SCOTT MICHAEL WEST**

Offence – Driving under the influence  
Category – D  
14

Recommended Discipline – 9 month suspension  
Status – Terminated 9/28/16  
Agency – Utah Department of Corrections

On June 26, 2016, Scott Michael West accidentally took two doses of his prescription medications approximately three hours apart. The medications were prescribed to West to treat anxiety and depression. While West was driving to work, several motorists called 911 and reported West was driving erratically. West traveled approximately 17 miles from the location his vehicle was first reported as reckless, to the time he was stopped by officers. Officers observed, "Obvious signs of impairment." West performed standardized field sobriety tests and was subsequently arrested for driving under the influence. West submitted to a blood test, which later showed positive for Alprazolam and Citalopram.

On July 1, 2016, charges of driving under the influence and a traffic violation were filed on West. On November 3, 2016, the charges were amended and new charges of reckless driving and three traffic violations were filed. On November 16, 2016, West pled guilty to reckless driving, a class B misdemeanor, and all of the traffic violations were dismissed with prejudice.

On February 24, 2017, Scott West waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Scott West addressed the Council. He thanked his department, supervisor, director and co-workers for all the support he received through this situation.

Mayor Mileski asked if the medications taken were on the list of scheduled drugs. Chairman Tracy answered they are prescription drugs. Mayor Mileski stated he has a hard time recommending any suspension on this case. He can't help but think the reason Mr. West was taking these drugs is because of the job he has been doing.

Mr. West offered to explain to the Council why he was on the medication. He explained that he had gone through a recent separation with his fiancé. His dad had a stroke and his fiancé's little boy was killed in an accident. Mayor Mileski stated he looked at the guidelines and the lowest discipline is three months. He personally has no problem with issuing a letter of caution. Mayor Mileski doesn't feel there was any malice or ill intent to anybody or even himself.

Motion: Mayor Mileski motioned to not accept the recommended 9 month suspension and recommended a letter of caution be given to Mr. West.

**Sub-Motion: Colonel Rapich motioned to accept the recommended 9 month suspension of Scott West's peace officer certification.**

**Second: Mayor Mileski seconded the sub-motion.**

Discussion: Mayor Mileski asked for a clarification on the date the suspension would begin. Director Stephenson answered that the suspension would start the date of termination from his agency (9/28/16). Chairman Tracy asked Mayor Mileski if that information changed his accepting of the amended motion (sub-motion). Mayor Mileski answered yes. Mayor Mileski asked Colonel Rapich if he would consider a motion for a six month suspension. Colonel Rapich answered that although it was a prescription medication, he feels there needs to be responsibility and culpability when handling them.

Scott West offered more information on why he had overdosed on the medication. He had gone hiking that weekend and hiked farther than he should have. He ended up getting air lifted out. He explained he should have called in sick to work and taken the weekend off. He feels a few minutes of lack of judgment has changed his life and his parents' life.

Mayor Mileski rescinded his response to not accept the sub-motion and stated his previous second to the sub-motion for a nine month suspension stands.

Dr. Matthew Checketts added that we need to be sympathetic to mental health issues. When dealing with a prescription drug, as identified on the label, caution needs to be used when driving. Addressing mental health issues does not necessarily require taking a medication and then getting behind the wheel.

**Vote:** ***The motion passed with 11 in favor and 1 opposed (Mileski). (London Stromberg recused himself)***

### **CHRISTIAN WININGER**

Offence – Disorderly Conduct

Category – F

Recommended Discipline – 3 month suspension

Status – Terminated 2/9/16

Agency – Salt Lake County Sheriff's Office

On November 23, 2015, Christian Winger was involved in a verbal altercation with his wife in the parking lot of a local retail store. The verbal altercation escalated when Winger became upset over a comment his wife made about sexual acts with her boyfriend. Winger started shouting at his wife and kicked her truck at least once. Winger left a boot print on the truck, but no damage.

On December 28, 2015, charges were filed against Winger for domestic violence related criminal mischief and unlawful detention. On January 25, 2016, both charges against Winger were dismissed.

Winger was terminated from his agency on February 9, 2016. During *Garrity* interviews with his agency and POST, Winger admitted to kicking his wife's truck after she made a lewd comment. The POST investigation determined Winger committed disorderly conduct, but did not sustain the allegations of criminal mischief or unlawful detention.

On February 14, 2017, Christian Winger 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. Winger addressed the Council and thanked them for their time. He explained that this was a very difficult time for him. At the time, he had just found information about his former wife's numerous affairs. He stated he is very sorry for his behavior. He takes full responsibility for his actions as well as the embarrassment this caused himself and his department.

**Motion:** ***Mayor Toby Mileski motioned to accept the recommended 3 month suspension of Christian Winger's peace officer certification.***

**Second:** ***London Stromberg seconded the motion.***

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

### **ELECTION OF NEW VICE-CHAIR**

Chairman Tracy reminded the Council that chair and vice-chair are two year positions. He then turned the time over to Director Stephenson. Director Stephenson thanked Chairman Tracy for the good job he has done over the past two years. He stated Chairman Tracy has done an exceptional job of keeping track of the motions and statements that are made. Chairman Tracy has conducted himself in a very professional manner. Historically, the vice-chair steps into the chair role and the Council votes for a new vice-chair. Director Stephenson explained the vice-chair position would be opened up for nominations. A motion would then be needed to close the nominations so the Council could vote. The votes would be made on a paper ballot that would then be counted.



Chairman Tracy opened the nominations for POST Council Vice-Chairman.

**Nomination:** *Chief Wade Carpenter nominated Sheriff Robert Dekker for Vice-Chairman.*

**Motion:** *Mayor Toby Mileski motioned to close the nominations.*

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

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

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

### **SCHEDULE NEXT MEETING**

Next meeting will be held on June 7, 2017 at 10:00 a.m. The location will be Peace Officer Standards and Training in Sandy, UT.

### **ADJOURN**

Mayor Mileski motioned to adjourn.

Christie Moren seconded the motion.

Meeting adjourned at 2:31pm.