

# POST COUNCIL MEETING

June 2, 2016

*Public Safety Education and Training Center, Sandy, UT*

## MINUTES

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On June 2, 2016, a regularly scheduled POST Council meeting was held at 10:00 a.m. at the Public Safety Education and Training Center in Sandy, UT. Vice-Chairman Wade Carpenter conducted and welcomed those in attendance.

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

Chief Wade Carpenter, Vice-Chairman, Park City Police Department  
Chief Spencer Austin, Representing Utah Attorney General  
Christie Moren, At Large  
Frank Budd, At Large  
Mike Rapich (Proxy for Colonel Danny Fuhr, Superintendent, Utah Highway Patrol)  
Dr. Matthew Checketts, At Large  
John Crowley, UPOA Representative  
Chief Marlon Stratton, St. George City Police Department  
Sheriff Robert Dekker, Millard County Sheriff's Office  
Mayor Toby Mileski, Pleasant View City  
Chief Kim Hawkes, North Park Police Department  
Executive Director Rollin Cook, Utah Department of Corrections  
Bruce Bayley, Weber State University  
Victoria McFarland, At Large  
Sheriff Cameron Noel, Beaver County Sheriff's Office

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

Sheriff James O. Tracy, Chairman, Utah County Sheriff's Office  
Commissioner Kerry Gibson, Weber County Commissioner

**POST staff present:**

J. Scott Stephenson, Director  
Kelly Sparks, Deputy Director  
Atty. Kevin Bolander, DPS Legal Counsel representing POST, Asst. Attorney General  
Atty. Marcus Yockey, DPS Legal Counsel representing POST, Asst. Attorney General  
Julie Gomez, Administrative Secretary  
Al Acosta, POST Investigations Bureau Chief  
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  
Taylor Conti, POST Investigations Technician

**Others present:**

Ben Winslow  
Mike VanWagoner  
Nate Carlisle  
Lindsay Workman  
Jeremy Sharp  
Joe Doman  
Lori Sterrett  
Stephen Sterrett  
Kirk Christensen

**WELCOME AND INTRODUCTIONS**

The meeting was called to order at 10:04 a.m. Vice-Chairman Wade Carpenter welcomed those in attendance and excused Chairman James Tracy and Commissioner Kerry Gibson. He then turned the time over to Director Scott Stephenson to introduce a new staff member. Director Stephenson introduced POST investigator, Jeremy Barnes. Jeremy comes to us from Draper Police Department. POST now has five investigators to help deal with the backlog of investigations we have experienced.

**APPROVAL OF POST COUNCIL MINUTES**

The POST Council minutes of March 24, 2016, were reviewed and the following motion was made:

**Motion:** *Chief Spencer Austin motioned to approve the minutes of March 24, 2016.*  
**Second:** *Chief Marlon Stratton seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

**QUARTERLY REPORT**

Lt. Acosta gave the following report from March 18, 2016 to June 1, 2016: Investigations received 30 complaints, opened 14 investigations, conducted 0 administrative hearings and closed 7 cases with no action. The Investigation's Bureau has received 6 voluntary relinquishments for the following reasons: Custodial sexual misconduct, sex on duty, falsification of government records, criminal mischief, disorderly conduct, DUI, possession of controlled substance, and domestic violence in the presence of a child. POST reviewed 295 background investigations for applicants attending an academy, dispatch training or applying for a reactivation/waiver process. There are currently 101 open cases and 91 active investigations.

Lt. Wade Breur reported the following for the period of March 1, 2016 – May 31, 2016: There are currently two basic training classes in session. Session #318, started with 33 cadets and graduated April 21, 2016, certifying 31 law enforcement officers. Session #319, started with 25 cadets and graduated May 12, 2016, 23 received law enforcement certification. Session #320 is currently in the LEO block with 14 cadets, scheduled to graduate June 9, 2016.

POST hosted 42 in-service training classes for a total of 877 officers and dispatchers trained. The total hours of instruction were 812.

## **SATELLITE AUDITS**

Lt. Wade Breur reported POST conducted two satellite academy audits this quarter. Weber State University Academy (WSU) had no exceptions to the administrative audit. The second audit conducted was with the Bridgerland Applied Technology Center Academy (BATC). They currently have one class in session and there were no exceptions to the administrative audit.

## **2016-2017 POST CURRICULUM UPDATE**

Lt. Wade Breur presented the 2016/2017 basic training curriculum to the Council. POST is not recommending any changes be made to the Special Function Officer (SFO) block for 2016/2017 (**see attachment A**). Lt. Breur informed the Council he has been meeting with an executive group tasked with creating advanced training for sexual assault and domestic violence. Those in the executive committee include Donna Kelly from the Utah Prosecution Council, Major Brian Redd with SBI, and Ned Searl who is also with the Prosecution Council. They have identified some areas in the basic training curriculum that need to be bolstered. POST is currently recording the SFO block classes as an update. As they are being recorded, POST is able to review the courses to determine if the time we are allotting for each course is appropriate to the course objectives. There may be recommendations brought before the POST Council this fall as the recording project is completed.

Director Rollin Cook asked if there have been any indications on how the mental health classes that were updated last year were going. Lt. Breur stated this is the second full year we have been teaching CIT classes. Some of the feedback received is difficulty in locating current CIT trained officers to teach the mental health portion of that block. The curriculum is in line with what the CIT training philosophy currently presents.

POST has one change recommendation to the Law Enforcement Officer (LEO) block (**see attachment B**). This change came from the interaction with the sexual assault and domestic violence curriculum that was developed with the aforementioned executive group. The domestic violence/cohabitant abuse procedures class needs to have an additional hour added to allow for the introduction of the Lethality Assessment Procedure/Protocol. A pilot program is currently being conducted in four different areas of the State. Many law enforcement agencies have learned of the lethality assessment and have already implemented it into their protocols.

The lethality assessment provides the officer an opportunity to determine victim risk and provide assistance immediately on the phone when there is a high risk for lethality. The objectives have already been reviewed with Donna Kelly's team at the Prosecution Council training group and the Domestic Violence Coalition. It is the line officers across the state who will be using the Lethality Assessment, so it is important each new officer across the state receives the information in basic training. Anything that can be done to help a victim get out of a potentially lethal relationship is valuable to the basic training curriculum. No other recommendations were made for the LEO curriculum and a motion was proposed.

**Motion:** *Toby Mileski motioned to adopt the 2016/2017 basic training curriculum as proposed.*

**Second:** *John Crowley seconded the motion.*

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

## **CORRECTION TRAINING CURRICULLUM**

Kirk Christensen, Director of the Utah Department of Corrections Training Academy, presented the Correctional Officer Training (BCO) Curriculum to the Council. He proposed the following changes to the BCO block. The first change will be the addition of a course titled Effective and Professional Communication for LGBTI (lesbian, gay, bisexual, transgender, and intersex individuals) Offenders (**see attachment C**). The Utah Department of Corrections, like many other correctional facilities, has seen an increase in the number of LGBTI offenders who are incarcerated. Last month, the National Institute of Corrections provided technical assistance to the Department of Corrections on the subject. The proposal is to adopt the training that was provided by the National Institute of Corrections.

The course of instruction will cover common terms and current law regarding LGBTI offenders and effective communication with these offenders; it will not cover agency specific policy. The attempt is not to change anyone's belief regarding our LGBTI offenders, but more to suspend their beliefs, or their judgments, to be able to communicate effectively with these offenders. The training has been piloted during the last two BCO sessions within the Corrections training academy. It has been determined that two hours are adequate to cover the proposed topics. Adding this course will show compliance to section 115.31 of the prison rape elimination act. This act specifies training must include how to communicate effectively and professionally with inmates, including the LGBTI population. This information was recently presented at the curriculum meeting. In attendance at this meeting were many of the jail commanders as well as the satellite academies that deliver the BCO training. They felt this proposed course belonged in the Basic Correctional Officer block.

The second proposed change is to adjust the number of hours needed to teach the Gender Responsive Issues class. The subject matter experts feel that four hours is too long for this class. The proposed change is to reduce the number of hours from four to two.

**Motion:** *Mayor Mileski motioned to adopt the 2016/2017 basic correctional officer training curriculum as proposed.*

**Second:** *Bruce Bailey seconded the motion.*

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

## **POST SCREENING AND INVESTIGATIVE PROCESS**

Director Scott Stephenson addressed the Council to discuss the POST investigation process. The process starts with a complaint from an anonymous citizen, officers, administrators, or even the media (POST inputs the complaint into the complaint log). Based upon the information received, senior staff determines whether they feel there was a violation of federal or state law, a violation of Garrity, or sexual misconduct on duty. Once the decision to open a case has been made (whether there was a violation and whether we believe the investigator can discover clear and convincing evidence) there is ongoing review. Specifically, there is a monthly review with each individual investigator to make sure each case is on track to be completed and that we are conducting the necessary interviews and making adjustments.

Additionally, the senior staff is involved in every step of the investigative process. There may be a unique circumstance and the investigator may need guidance on which angle of approach, who to interview, or what violation should be looked at. Once everyone has been interviewed and the investigator feels they have found

all the facts, they will write an investigative report and send it to the investigation's lieutenant for review. The lieutenant reviews the report, makes sure all of the elements are met and the report is professional.

Once it has been reviewed by the lieutenant, it is then reviewed by the captain for the same type of scrutiny. Once it has passed the captain's approval, the Notice of Agency Action is drafted. Once the investigator drafts the notice, it is put up on a screen for senior staff and the other investigators. The notice is scrutinized and picked apart to ensure it meets the state statute and to determine what sanction should be recommended. At times, there may be a violation that POST does not include in the Notice of Agency Action. One specific reason for leaving a violation out is to not have the victim relive the situation. If there is a violation that is very obvious, and an additional charge is not needed, we will not have the victim relive that experience again.

If there is no consensus when the Notice is being reviewed, the information will be screened by the attorney for guidance. That can occur at any stage of the investigative process. When POST comes up with a recommended sanction, the violation is considered and the guidelines are heavily referenced. As POST formulates its recommendation, it also considers contemporary decisions the Council has made. Director Stephenson provided an example. Last March, we presented two cases with the same violation. POST staff felt one case was more egregious than the other, however, the Council decided to go with a higher sanction on the less egregious violation. That decision is going to affect future decisions based upon a similar set of circumstances. Director Stephenson asked the Council to keep in mind that the decisions that are made today are going to affect cases tomorrow.

Once the Notice has been reviewed by Director Stephenson and Mr. Yockey (POST attorney general representative) for final approval, the Notice is mailed via certified mail. Once the notice has been sent, the officer has 30 days to respond to the notice. If we have not received any word or response from the officer, we move for an Order of Default. That consists of meeting with an administrative law judge (ALJ) and presenting the facts of a case to determine if POST has met its burden of proof. If the ALJ decides POST has met its burden of proof the Order of Default is then issued and the case is presented to the Council. If POST receives a hearing waiver from the officer, the officer is stipulating to the facts of the case. Once POST receives the waiver, the case is presented to the Council.

If an officer exercises their due process right to a hearing, POST schedules a hearing with the ALJ. POST attempts to schedule the hearing within 30 days of receiving the request for hearing. Once the ALJ has ruled that POST has met its burden of proof (clear and convincing evidence), the case is presented to the Council for ratification or a change in sanction. After the Council makes a decision, a Final Order signed by the Council Chair and is issued. The Final Order advises the officer of their appeal rights; the officer can appeal directly to the Utah Appellate Court.

Director Stephenson then spoke about the guidelines. Council members often ask POST how they came to a specific sanction recommendation. Director Stephenson informed the Council that in 2010 we had a lot of changes to the statute. POST felt compelled to create a document that would establish a little more consistency. Currently, since the guidelines have been in place, the ratification rate is between 80 and 90 percent. Prior to that, the rate was in the 70th percentile,--there has been consistency since the implementation of the guidelines. The baselines and ranges are based upon past Council decisions. The baseline is the consistent average sanction the Council would issue for example on a Class B misdemeanor or a Class A misdemeanor. Within the range, we have tried to capture the outliers. The guidelines were presented and accepted by a vote of the Council in 2010. The guidelines have been modified and approved by the Council two times since 2010.

Some Council members may feel frustrated because they feel POST should be presenting more information that may not be contained in the Notice. POST cannot present additional information outside of what is in the notice that has been presented to you. If POST were to do so, POST would be violating the officer's due

process rights because the officer has not had the opportunity to provide a defense against the information. At times an officer will come before the council and volunteer additional information. The Council meeting is not designed to be a hearing or a forum to argue the facts. The facts have already been stipulated to when the officer signed a waiver or when the case was presented in a hearing.

The Council functions as a sentencing body, to either accept the recommendation or not. When an officer appears before the Council, it is an opportunity to highlight mitigating circumstances and reasons for a reduced sanction or no sanction. The decision to accept or reject the director's recommendation (which is based upon the Council approved guidelines) is completely up to the Council--the Council owns these guidelines. Additionally, the Council is not required to adhere to its guidelines. However, the POST director will never go outside those guidelines. POST will stay consistent with the baseline, unless there is something so compelling it warrants deviation from that baseline. Director Stephenson told the Council they would see a few cases today where this has been the circumstance.

Additionally, if an officer pleads guilty and POST does not feel there was a violation of state or federal law; POST is still compelled to present the case to the council. If POST didn't present the case, it would not be respecting the process.

Director Stephenson asked if there were any questions. Mayor Mileski asked how many decisions made by the Council have been appealed. Director Stephenson answered that he didn't have an exact number, but believes the number to be between three and five since he became the director nearly nine years ago.

Sheriff Noel stated that he is representing the Utah Sheriff's Association today. The Association feels that after the last two association meetings, there has been a concern regarding POST's investigation process. There are some sheriffs who feel POST is becoming too much of a government entity as far as Sheriff's running their own individual offices. The Sheriffs and the Chiefs are elected and appointed officials. Sheriff Noel mentioned that there are many offenses that he believes (in conjunction with other elected officials, sheriffs and chiefs) should be handled within their own agencies and departments.

Sometimes these complaints become a real challenge for the officer, especially if they are not guilty of the offense. It can make it difficult for the officer to do their job and continue on. Some of the concerns are, when those complaints are made, who makes the ultimate decision as to whether or not it should be investigated and where do you go with that information? Who do you contact about that?

Director Stephenson answered that once POST receives the complaint, it is screened by senior staff. Senior staff consists of Captain Sparks, himself and Lt. Acosta. They decide whether the information they have been provided needs further follow up or if additional information is needed to decide whether or not to open a case. It is also reviewed to determine whether there has been a violation of the statute, state or federal law, sexual misconduct on duty or lying under Garrity. Once POST opens a case, proper notifications are made—a letter is sent to the officer's administration and another to the officer letting them know there is a POST investigation. If POST does not open a case, it is usually the director or Lt. Acosta who will contact the administrator and let them know we have received a complaint and will not be opening an investigation.

Director Stephenson informed the Council that he encourages the investigators to contact the administrators throughout the investigative process. When the investigation is complete POST contacts the administrator informing them of the recommendation, this is to make them aware of what will be presented to the Council. It is not to receive influence on what the recommendation should be. There may be a misconception with a few administrators, that what they tell POST influences the recommendation. This process gives the administrator a voice. As outlined in our own statute, an administrator can submit a letter to the Council on behalf of the officer, in support of or against POST's recommendation. In other words, it is an opportunity for the administrator to have their voice heard before this body.

Attorney Bolander informed the Council that the Administrative Procedural Act recognizes the sanction/discipline as a formal action; the Council should always be aware of this when dealing with the guidelines. The significance of the sanction process being labeled formal requires any appeals be presented to the Utah Court of Appeals. The Council is essentially the court of record that the Court of Appeals will be reviewing. Therefore, Council members should express articulable reasons for not agreeing with a particular sanction; especially if the Council member is recommending a sanction that will exceed the Council approved guidelines. It would be really helpful to have on record the reasoning for deviating outside of the guidelines just in case the sanction is appealed.

Victoria McFarland asked Director Stephenson to explain how the timeline for the POST investigation creates an overlap with an agency's IA investigation and with an outside agency pursuing any potential criminal charges. Director Stephenson stated that per our administrative rule, if we come across additional violations of law, we are required to report that to the proper jurisdiction. POST does independent investigations that could parallel a criminal investigation. If POST views this set of circumstances as potentially disruptive or interfering with criminal investigation, POST holds off and waits for the criminal adjudicative process to unfold. For the most part, POST prefers the IA to be completed because the IA investigators do a lot of the leg work and provide witnesses that POST does not then have to seek out, but POST will seek out witnesses if necessary.

McFarland further asked about the timing of each investigation (e.g., criminal and internal investigations) and whether they are completed prior to the conclusion of a POST investigation. Director Stephenson explained that POST, by statute, does not have to wait for criminal adjudication or the IA to be completed. If it is advantageous to avoid conflict, then POST will delay its investigation. However, POST will proceed with its investigation when it is clear cut or the evidence is obvious. If there are some challenges in moving forward with a given case, then POST will not move forward until everything else is complete. It's a case by case determination.

## **OPEN MEETING TRAINING**

Attorney Kevin Bolander addressed the Council to provide the annual "Open and Public Meetings Act" training. He informed the Council this training is required by law and the chair of every council, committee or board in the state is to be trained--the AG's office provides the training. Bolander stated his goal with the training is to highlight some of the important issues he would like the Council to keep in mind, specifically three areas. These areas are: what needs to happen before, during and after the Council meeting. He provided a handout for the Council to follow during his presentation, (***see attachment D***).

Chief Carpenter asked what happens if there is a violation of the open meetings act and what court would have jurisdiction. Bolander answered that it would go to district court.

Sheriff Noel asked for clarification regarding closed meetings and why the POST Council meeting is not a closed meeting. Bolander replied that POST Council is doing more than just the sanctioning of peace officers such as providing advice regarding peace officer curriculum. An entirely closed public meeting should not exist when matters of public interest are discussed. All meetings have to be open to the public. The public body may have a meeting closed for the majority of the meeting, but always commences and concludes the meeting open to the public. Part of the issue, is that if the Council wishes to deliberate in private, it is certainly within this council's right to close the meeting, however, the votes on the sanctions have to be in public.

Victoria McFarland had a follow up comment. She stated that Director Stephenson indicated that for due process reasons, this Council is only given certain documents. Those documents are the Notice of Agency Action and either the waiver or order of default. In reviewing past minutes, there was a concern about why the Council members aren't given the full investigative files. Ms. McFarland stated that it was her understanding

that the Council is not a fact finding body and it is limited to the documents that are provided. Kevin Bolander stated the documents that are given to the Council to review are the same documents that would typically be provided to someone making a records request. The investigative files themselves are not public. Bolander concurred that the POST Council is not a fact finding body. POST provides the relevant facts of the case to the Council.

Ms. McFarland noted that the POST Council does not engage in investigative proceedings regarding allegations of misconduct. It is up to the investigators to determine what is presented to the Council. Bolander stated the findings are presented to the Council. Ms. McFarland stated that she was having a hard time understanding when the Council would close the meeting to engage in a discussion about investigative proceedings. Bolander stated that he doesn't remember ever closing a meeting for this particular reason. Bolander said he believes a meeting could be closed when discussing an officer's character, professional competence, or health.

Chief Carpenter stated that the Council did close a session about a year ago. The Council had a case that had not yet been criminally adjudicated. The Council went into executive session because it was the Council's position that if the information came forward, it could affect the adjudication process. Ms. McFarland asked if further investigative information was given to the Council during that executive session. Chief Carpenter answered that if he recalled correctly, it was put on hold until that information could be adjudicated and then it was brought back to POST Council for action. This was done so that information could not become part of the public record. Chief Carpenter added that case had elements of HIPPA that included ongoing medical treatment. The Open and Public Meetings Act training was concluded.

## **DISCIPLINARY CASES**

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

### **WILLIAM DREW JUDD**

Offence – Theft, a 3<sup>rd</sup> Degree Felony

Category – A

Recommended Discipline – Revocation

Status – N/A

Agency – Not Employed

On February 7, 2015, William Drew Judd was investigated for the theft of two generators. During an interview with a criminal investigator, Judd admitted he took the two generators, believing they both belonged to his employer; because his employer owed him over \$1000 in back pay. Judd claimed he was going to use the generators as collateral for the back pay. On February 19, 2015, charges were filed on Judd for theft, a 3rd degree felony, and burglary, a 3rd degree felony. On May 7, 2015, Judd pled guilty to theft, a 3rd felony, and the burglary charge was dismissed with prejudice.

Judd failed to respond to the notice of agency action. On May 24, 2016, an order of default was signed by the administrative law judge and mailed to Judd.

**Motion:** *Frank Budd motioned to accept the recommendation for revocation of William Judd's peace officer certification.*

**Second:** *Chief Kim Hawkes seconded the motion.*

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

### **JODY KOLZ**

Offence – Carrying concealed loaded weapon



Category – B

Recommended Discipline – 3 year suspension

Status – 40 hour suspension, letter in file, resigned 4/22/2016

Agency – Department of Corrections

On October 11, 2015, Jody Kolz went to a parking lot of a local business to confront his wife about marital issues. Kolz concealed his personal handgun, fully loaded, in his pant pocket when he went to talk to his wife. Kolz was a correctional officer and did not have peace officer authority while off duty. Kolz also did not have a concealed carry permit and was not authorized by his agency to carry a gun off-duty. Kolz did not display or threaten to use his handgun.

Jody Kolz failed to respond to the notice of agency action. On May 24, 2016, an order of default was signed by the administrative law judge and mailed to Jody Kolz.

**Motion:** *Chief Spencer Austin motioned to accept the recommended three year suspension of Jody Kolz's peace officer certification.*

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

**Vote:** *The motion passed with all in favor. (Executive Director Rollin Cook recused himself)*

### **CORY S. MADSEN**

Offence – Lying under *Garrity*

Category – A

Recommended Discipline – Revocation

Status – Terminated 8/10/15

Agency – Salina Police Department

On or about July 7, 2015, Cory Madsen was investigated by his agency for allegations of officer misconduct and inappropriate sexual relations with a city employee. The internal administrative investigation revealed a Facebook account with a fictitious name that was created and controlled by Madsen for the purpose of communicating with the city employee. On August 3, 2015, during a *Garrity* interview, Madsen was asked if he was familiar with the fictitious name assigned to the Facebook account, he replied no. He was then asked if he ever had control over a Facebook profile or Facebook messenger account assigned to someone by that fictitious name. Madsen said no again. Madsen was re-interviewed the next day by his agency regarding the statements he made in the previous *Garrity* interview. After being presented with evidence confirming the statements were false, Madsen said he understood why he was being terminated. In the POST *Garrity* interview, Madsen admitted to lying under *Garrity*.

On May 18, 2016, Cory Madsen 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 if since there were no criminal charges filed, was this an internal policy violation? Marcus Yockey stated that the investigation originally started as an inappropriate sexual relationship with a city employee, which would be a policy violation and he was questioned regarding that under *Garrity*.

**Motion:** *Mayor Toby Mileski motioned to accept the recommendation for revocation of Cody Madsen's peace officer certification.*

**Second:** *Bruce Bailey seconded the motion.*

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

**STEPHEN STERRETT**

Offence – Use of a controlled substance without a prescription

Category – B

Recommended Discipline – 1 ½ years suspension

Status – N/A

Agency – Not Employed

On or about June 1, 2015, Stephen Sterrett, an unemployed, certified peace officer who was serving a suspension from the Council, used his wife’s prescription hydrocodone to alleviate his back pain. POST was made aware of this information when Sterrett submitted an application to reactivate his certification. During the investigation, Sterrett provided a letter from his doctor. The doctor confirmed Sterrett was being treated for back pain and was prescribed hydrocodone in the past.

On May 23, 2016, Stephen Sterrett waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Stephen Sterrett addressed the Council. He stated that he took responsibility for the actions that led to a previous two year suspension. He used that time to make the corrections he needed to put his life back in order. He asked the Council to consider the circumstances and asked for leniency from the Council. Mayor Mileski asked if the sanctions would become active at the time of the offense or the time he applied to reactivate his POST certification. Director Stephenson said it would be up to the Council. Typically it begins the day of separation from employment. Kelly Sparks stated if an officer is unemployed, the suspension would start the date of the POST Council meeting. Marcus Yockey clarified that it all depends on the Council. It’s either from the date POST becomes aware of it, the day of the POST Council meeting, or the date of separation. There is some clarification to that in the POST disciplinary guidelines on page two. Mr. Yockey also noted that POST deviated from the baseline standard, which was a three year suspension down to a year and a half based on the fact that it was a one time use and for a legitimate medical purpose.

Victoria McFarland noted that from the timeline, it appears to be a onetime use and he would probably have been prescribed the medication had he gone to a doctor anyway. However, he was in the middle of a prior two year suspension when this conduct took place and he was on suspension for a DUI and substance abuse related offense. Ms. McFarland felt these were aggravating factors. She did feel he was honest and if not for his self reporting, this would have gone unnoticed. She felt that the date Mr. Sterrett applied to reactivate his certification, which was March 29, 2016, could be used as a gauge.

Mayor Mileski stated that before hearing Ms. McFarland’s comments he would have entertained a letter a caution. Based on that information, he made the following motion.

**Motion:** *Mayor Mileski motioned to not accept the recommended year and a half suspension and recommended a suspension of three months of Stephen Sterrett’s peace officer certification.*

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

**Vote:** *The motion passed with ten in favor and five opposed.*

**MICHAEL LEROY VANWAGONER**

Offence – Criminal Trespass, Entry on private land while hunting

Category – E

Recommended Discipline – 6 month suspension

Status – 12 month probation

Agency – Emery County Sheriff’s Office

On September 22 and 23, 2015, Michael VanWagoner entered private property without permission from the owner of the property while hunting. VanWagoner remained on the private property to track a wounded elk, previously shot on public land by a member of his group. VanWagoner admitted knowing the property was private land and said he made no attempt to contact the land owner for permission to be on the property. On February 3, 2016, VanWagoner entered a plea of guilty, to be held in abeyance, to a charge of criminal trespass, under Utah Code Ann. § 76-6-206, a class B misdemeanor.

On April 19, 2016, Michael VanWagoner waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Marcus Yockey informed the Council that there was a letter of support from Sheriff Funk to review. Director Stephenson addressed the Council. He informed the Council that he underlined an accusation in the letter that Sheriff Funk has made against POST staff stating that we did not contact him. Investigator Moore contacted Sheriff Funk two times and in April she let him know what we were thinking of. Director Stephenson feels there was a misunderstanding that Sheriff Funk felt his input would have some influence on the sanction or recommendation. That has never been the case. POST has contacted Mr. VanWagoner's captain two times.

Mayor Mileski asked the Director if he thinks the Sheriff felt the calls were made during the investigation and not after it was completed. Mayor Mileski asked if the Sheriff was called during the investigation. Director Stephenson said he was called during the investigation.

Sheriff Noel asked if there was any criminal intent with this case whatsoever that POST could find. Marcus Yockey stated that we have a conviction that was held in abeyance, a criminal conviction for criminal trespassing under 76-6-206, a class B misdemeanor. Mr. VanWagoner did know that the property was private and knew that he needed to make contact with an owner before entering the property.

Victoria McFarland stated that the statute requires that knowledge of person's entry or presence is unlawful. Mr. VanWagoner stipulated to such facts, it is part of what is required, that is what is reflected in the conviction. Ms. McFarland felt there was criminal intent and that it is bolstered by the fact that the ATVs were hidden at the time of the incident. That is indicative to her that he knew this was inappropriate and he took measures to prevent his activity from being discovered. Sheriff Noel disagreed. Sheriff Noel felt that if this would have happened and the elk would have dropped right where it was, we would never be here today. Sheriff Noel felt this was a person that was hunting and he tried to do the right thing. Sheriff Noel did not think there was any intent whatsoever. Sheriff Noel discussed this thoroughly with Mr. VanWagoner's sheriff and it was brought up at the Sheriff's Association meeting.

Director Stephenson reminded the Council that Mr. VanWagoner pled guilty. Whether we agree that there was criminal intent or not, there was a guilty plea received and it is therefore presented to the Council.

Victoria McFarland asked Sheriff Noel how he viewed the facts that Mr. VanWagoner admitted that he knew the property was private and admitted that he hid the ATV to avoid being caught. Sheriff Noel answered that he felt if Mr. VanWagoner understood he could go to the property owner without getting punished, he would have done that.

Kevin Bolander stated that as it is presented right now, the peace officer has admitted to engaging in conduct that is a state offense. The question is, are there mitigating circumstances that convince the Council to reduce the POST recommended sanction or increase it. The question is what is the right sanction. The conduct is not up for debate. That has been adjudicated already. What sanction does this Council feel comfortable with?

Christie Moren noted that the facts in Sheriff Funk's letter seem to be completely opposite of the facts presented in this case. She asked if there was any follow up based on the information that was submitted. Marcus Yockey stated there has been no follow up based on the information provided by the sheriff.

Director Cook stated that when he reads the Sheriff's letter, he feels the Sheriff took this case very personal. Director Cook has a lot of respect for Sheriff Funk, Sheriff Noel and the other Sheriff's in our state. He feels the system works. What frustrates him with the letter from Sheriff Funk is that it attacks this Council. The Council is a neutral, objective group that has to make a decision on this particular case. Director Cook said he had to take out all of the personal attacks in the letter and then he felt it works. Administrators have the ability to submit a letter that allows them to give additional information that can be weighed. Director Cook feels this officer deserves a letter of caution in his eyes, however he agrees with Ms. McFarland.

Mr. VanWagoner addressed the Council. He took responsibility and admitted he made huge mistakes. He explained the situation and why he didn't contact the land owner. He asked the recommendation of six months be reduced and explained his wife's medical issues mentioned in Sheriff Funk's letter.

Director Stephenson stated that from POST's perspective, it is refreshing to have Mr. VanWagoner be so honest. That does not always occur. These are unfortunate events.

Mike Rapich expressed his thoughts on this case. He felt this case should be brought before this body. There is a property owner, who is trying to exercise their property rights. Law enforcement officers have the responsibility to uphold those rights and not to violate them. Rapich stated that he felt the intent of this law is mostly in regards to conducting hunting on private property. Mr. VanWagoner was trying to accomplish another ethical act, which was retrieving a wounded animal. He made a well intentioned mistake. There was a violation, but there is a mitigating factor. There is the fact that Mr. VanWagoner wasn't attempting to hunt on the private property, but he did violate the property owner's rights.

Sheriff Dekker noted that with Mr. VanWagoner being on probation, he can't promote. He has lost almost a dollar an hour for one year. Sheriff Dekker feels like Mr. VanWagoner has paid the price.

John Crowley stated that he works in a rural area and they run into this quite a bit. Trespassing while hunting is designed for someone who enters someone's property with the intent to hunt, not the intent to recover an animal. There is a mix here. You can be charged with trespassing while hunting if you shoot an animal that then runs onto someone's land. If you don't go after the animal, you can be charged with wanton destruction of wildlife. It is a tossup.

**Motion:** *Executive Director Rollin Cook motioned to not accept the recommended 6 month suspension and recommended a letter of caution be issued.*  
**Second:** *Sheriff Cameron Noel seconded the motion.*  
**Vote:** *The motion passed with all in favor.*

## **SHAWN WALTON**

Offence – Unlawful sale, offer for sale, or furnishing alcohol to a minor

Category – B

Recommended Discipline – 4 year suspension

Status – Resigned 10/21/15

Agency – Layton City Police Department

On October 13, 2015, Shawn Walton was investigated by his agency for the allegation of supplying alcohol to a minor. The investigation disclosed that on September 18, 2014, Walton furnished alcohol for a party at his residence. An 18 year old drank the alcohol that was available for the party and became intoxicated. On or about December 26, 2014, Walton and the same 18 year old went on a vacation together to Nevada. Walton purchased alcohol, handed the 18 year old the sack containing the alcohol, the 18 year old took a bottle out, and drank from it. The 18 year old consumed additional alcohol throughout the rest of the vacation in front of Walton. On October 21, 2015, Walton resigned from his agency prior to being interviewed by

the department.

On May 11, 2016, Shawn Walton 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:** *Mayor Mileski motioned to accept the recommended four year suspension of Shawn Walton's peace officer certification.*

**Second:** *Chief Marlon Stratton seconded the motion.*

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

## **LINDSAY M. WORKMAN**

Offence – Intoxication

Category – F

Recommended Discipline – Letter of Caution

Status – Corrective action / continued counseling

Agency – Cache County Sheriff's Office

On February 22, 2014, Lindsay Workman, a correctional officer with the Cache County Sheriff's Office, was intoxicated in her home. Police arrived and found Workman asleep or passed out on her couch. The police officer woke Workman, she advised the officer she was okay, she refused medical treatment and no action was taken.

On May 11, 2014, Workman was again investigated by a local police agency for being intoxicated in her home. Medical personnel and police responded and found Workman asleep or passed out on the couch. Workman was transported to a local hospital and kept overnight for observation.

On June 27, 2014, the city prosecutor filed two charges of intoxication on Workman. One charge of intoxication for the incident on February 22, 2014, and one charge of intoxication for the incident on May 11, 2014. On August 12, 2014, Workman pled guilty to one charge of intoxication in relation to the May 11, 2014, incident. The other charge of intoxication was dismissed. POST determined through its independent investigation that the elements of the offense had not been completely satisfied, but brought this matter before the Council as a result of the conviction.

On May 26, 2016, Workman waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Lindsay Workman addressed the Council. She stated that she has been with the Cache County Sheriff's Office for about six years. She explained that at the time of the incident, she had just gotten out of a bitter divorce and there was a disagreement about custody. She was trying to find balance between work and family life. Lindsay stated that she did struggle for a few months with alcohol. She was very forthcoming with her department about the issues she was going through. She was charged with one count of intoxication and it was the advice of her lawyer that she should plead guilty. She satisfied the terms of the court with community service and probation program counseling and was successful in completing that. She also took classes on her own behalf to help her get through this.

Mayor Mileski stated that he was curious why there was an intoxication charge when she was in her own home the entire time. Marcus Yockey replied that POST did not feel it was a violation of law. As mentioned by Director Stephenson, if there is a conviction, POST is obligated to bring the matter before the Council. A guilty plea is defined as a conviction in our statute. It can include anything from a diversion agreement to an expunged matter. As previously stated by Director Stephenson, POST will never go outside the recommended guidelines. The lowest POST could recommend would be a letter of caution.

Chief Carpenter asked if Lindsay was a danger to herself, her family, her children or anyone else. Attorney Yockey answered that based on POST's investigation; it could not be determined that she was a danger to herself or anyone else.

Chief Austin asked if any part the POST investigation determined that she had unreasonably disturbed other persons while this was on going. Attorney Yockey replied that Lindsay did not unreasonably disturb anyone.

**Motion:** *Mayor Mileski motioned to not accept the letter of caution recommendation and recommended a letter of no action be issued.*

**Second:** *Chief Austin seconded the motion.*

**Discussion:** Matthew Checketts asked Lindsay how long her sons stayed in custody at DCFS. Lindsay replied that it was for two days so they could be released to family. Marcus Yockey stated for clarification that Lindsay's sons were with someone else at the time the second offense occurred. When the children returned home, because Lindsay was no longer present in her house, they were released to DCFS.

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

Vice-Chairman Carpenter turned the time over to Director Stephenson to address the Council.

Director Stephenson stated that he would like to share some remarks regarding the meeting today. He agreed with Sheriff Noel that it is an uncomfortable process. People make decisions and we have to hold them accountable. The Council did a fantastic job today. However uncomfortable the process may be, it is right. Director Stephenson appreciates the discussions. That is what this meeting is about. These are human beings that we are dealing with. There are lives to consider.

Director Stephenson informed the Council that he would like to make himself available regarding the investigation process he presented to the Council today. He can address the sheriff's and chief's associations, discuss any concerns they have regarding the process and educate them on how POST makes decisions and how POST comes up with recommendations.

## **SCHEDULE NEXT MEETING**

Next meeting will be held in conjunction with the Sheriff's Conference in St. George, September 21, 2016, at 1:00 p.m. with the location to be determined.

## **ADJOURN**

Meeting adjourned at 12:01 p.m.

# ATTACHMENT A

**SPECIAL FUNCTION OFFICER  
COURSE OF INSTRUCTION 2016-2017**

<b>Course ID</b>	<b>Name of Class</b>	<b>Class Hours</b>	<b>Block Total</b>
ETH.1010	Ethical Standards	2	13
ETH.1020	Leadership and Professionalism	2	
ETH.1030	Ethical Decision Making	2	
ETH.1040	Community Relations	5	
ETH.1050	POST Certification and Investigations	2	
FND.1010	Introduction to Homeland Security	2	14
FND.1020	Introduction to U.S. and State Constitutions	2	
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 I	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.1090	Healthy Lifestyles – Stress Management	2	
LAW.1010	Laws of Arrest	4	44
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	3	
LAW.1070	Crimes Against Persons II	4	
LAW.1080	Crimes Against Property I	3	
LAW.1090	Crimes Against Property II	4	
LAW.1100	Crimes Against Family	1	
LAW.1110	Crimes Against Administration of Government	1	
LAW.1120	Crimes Against Public Order and Decency	2	
LAW.1130	Controlled Substance Law	2	
LAW.1140	Alcohol Beverage Control Act	2	
LAW.1150	Juvenile Law	4	



**SPECIAL FUNCTION OFFICER  
COURSE OF INSTRUCTION 2016-2017**

<b>Course ID</b>	<b>Name of Class</b>	<b>Class Hours</b>	<b>Block Total</b>
MHT.1010	Understanding Human Behavior and Mental Illness	3	16
MHT.1020	Introduction to the Crisis Intervention Team (C.I.T)	3	
MHT.1030	Response to the Mental Health Crisis	8	
MHT.1040	Management and Recognition of Excited Delirium/Agitated Chaotic Event	2	
DT.1010	Approaching Subjects and Position of Interview	1	20
DT.1020	Natural Weapons	3	
DT.1030	Low Profile Terry Frisk/Pat Down and Take Downs	2	
DT.1040	Standing Search, Cuffing, Take Downs	4	
DT.1050	Kneeling Search, Cuffing, Take Downs	2	
DT.1060	Prone Search and Cuffing	4	
DT.1070	Weaponless Defense Techniques I	3	
DT.1080	Escort and Transport Position	1	
PTRL.1010	Gang Awareness	2	26
PTRL.1020	Conflict Resolution	12	
PTRL.1030	Written Scenario Training	4	
PTRL.1040	Introduction to the Incident Command System	3	
PTRL.1050	National Incident Management System	3	
PTRL.1060	Law Enforcement Encounters with Citizen Dogs	2	
INV.1010	Basic Interview and Interrogations	4	24
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	2
		<b>183</b>	<b>183</b>

**Summary**

<b>Category</b>	<b>Hours</b>
Course Curriculum	183
Physical Training	20
Orientation & Administration	4
Intermediate Testing & Review	4
Special Function Officer Certification Testing	2
Physical Fitness Testing	2
Defensive Tactics Practical Testing	4
<b>Total</b>	<b>219</b>

**No recommended changes for 2016-2017**

# ATTACHMENT B

**LAW ENFORCEMENT OFFICER**  
**COURSE OF INSTRUCTION 2015-2016**

Course ID	Name of Class	Class Hours	Block Total
FND.2010	Introduction to Emergency Vehicle Operations	6	12
FND.2020	Introduction to Firearms Handling	4	
FND.2030	Introduction to Scenario Training	2	
CORE.2010	Report Writing II	4	10
CORE.2020	Court Demeanor and Testifying	4	
CORE.2030	Career Development	2	
LAW.2010	Civil Disputes	2	11
LAW.2020	Traffic Law	7	
LAW.2030	Driver License Law and Hearings	2	
DT.2010	Weaponless Defense Techniques -- Part II	16	32
DT.2020	Weapon Protection and Retention	4	
DT.2030	Ground Tactics	6	
DT.2040	Impact Weapon	6	
PTRL.2010	Patrol Concepts	2	92
PTRL.2020	Immediate Response Tactics	8	
PTRL.2030	Critical Incident Casualty Care	2	
PTRL.2040	Mental Preparation Skills	4	
PTRL.2050	Pedestrian / Vehicle Stop and Approach	4	
PTRL.2060	Vehicle Searches	4	
PTRL.2070	Building Searches	12	
PTRL.2080	Crimes In Progress	2	
PTRL.2090	Hostage/Barricaded Subjects	2	
PTRL.2100	Off Duty Response	2	
PTRL.2110	Introduction to K-9	4	
PTRL.2120	Basic Bomb Recognition	2	
PTRL.2130	Scenario Training	32	
PTRL.2140	Radar/Lidar Certification	12	
INV.2010	Sex Crimes Investigation	8	4041
INV.2020	Dead Body Investigations	4	
INV.2030	Follow-Up Investigations	2	
INV.2040	Child Abuse and Neglect	2	
INV.2050	Traffic Accident Investigation	16	
INV.2060	Domestic Violence/Cohabitant Abuse Procedures	5	
INV.2070	Identity Theft-Fraudulent Documents	4	
INTX.2010	Recognizing and Handling Drugs and Narcotics	6	29
INTX.2020	Intoxilyzer Operation and Certification	7	
INTX.2030	DUI & Standardized Field Sobriety Testing	16	

## LAW ENFORCEMENT OFFICER COURSE OF INSTRUCTION 2015-2016

FA.2010	Handgun Handling & Safe Operation	4	52
FA.2020	Firearms Range/Day Shooting	32	
FA.2030	Firearms Range/Night Shooting	16	
EVO.2010	Emergency Vehicle Operation Practical/Simulator	40	40
		<b>319</b>	<b>319</b>

### Summary

Category	Hours
Course Curriculum	319
Physical Training	28
Administration & Orientation	5
Intermediate Testing and Review	4
Law Enforcement Certification Testing	2
Physical Fitness Testing	2
Defensive Tactics Practical Testing	4
Graduation/Spouse Orientation	4
<b>TOTAL</b>	<b><del>367</del> 368</b>

INV 2060 Domestic Violence/Cohabitant Abuse Procedures – One hour added to accommodate the Lethality Assessment Procedure/Protocol.

# ATTACHMENT C



## State of Utah

GARY R. HERBERT  
*Governor*

SPENCER J. COX  
*Lieutenant Governor*

# Utah Department of Corrections Training Bureau

ROLLIN COOK  
*Executive Director*

MIKE HADDON  
*Deputy Director*

KIRK CHRISTENSEN  
*Bureau Director*

TO: POST Council

From: Kirk Christensen  
Training Director, Utah Department of Corrections

Date: June 1, 2016

RE: Proposal for Corrections Curriculum Changes FY17

The Utah Department of Corrections Training Academy operates a Correctional Officer certification program under the direction of Peace Officer Standards and Training Council for state, county, and private correctional officers. All corrections officers are required to complete: (1) The Special Function Officer Block (SFO) – this block is developed and controlled by POST and (2) The Basic Correctional Officer Block (BCO) – this block is developed and controlled by the Corrections Training Academy. Additionally, state correctional officers are required to complete the Advanced Correctional Officer Block (ACO), which is job specific and developed and controlled by the Corrections Training Academy.

### **Basic Correctional Officer Block:**

Based on an assessment of the Basic Correctional Officer Block, the Corrections Academy is requesting the following additions, deletions and minor changes to curriculum. The total hours for the Basic Correctional Officer Block will remain the same as last fiscal year – 172 hours.

### **Deletions:**

None for FY2016

### **Additions:**

FND.3070: Effective and Professional Communication for LGBTI, 2 hours.

### **Changes:**

CORE.3030: Gender Responsive Issues. Reduce from 4 hours to 2 hours.

### **Attachments:**

1. Curriculum for FND.3070
2. Proposed BCO Course Listing for FY2017

Utah Department of Corrections  
Training Academy  
Basic Correctional Officer Course  
Administration Module

Effective and Professional Communication for LGBTI  
FND.3070

## COURSE GOAL

This course is not intended to change anyone's beliefs about LGBTI persons; rather, it is designed to provide cadets with information that will assist them in understanding their responsibilities for effective and professional communication with offenders.

## COURSE DIRECTION

The instructor will present this course using power points, videos and scenario instruction.

## LEARNING OBJECTIVES

### Common Terms *FND.3070.101*

The cadet will identify common terms associated with LGBTI offenders, including

- ◆ **LGBTI:** An acronym for a group of sexual minorities including lesbian, gay, bisexual, transgender, and intersex individuals.
- ◆ **Sexual Orientation:** Refers to each person's capacity for profound emotional, affection and sexual attraction to, and intimate relations with, individuals of a different sex or the same sex or more than one sex.
- ◆ **Gender Identity:** Refers to each person's deeply felt internal and individual experience of gender, which may or may not correspond with the gender assigned at birth.
- ◆ **Lesbian:** A female-identified person who is attracted romantically, physically, or emotionally to another female-identified person.
- ◆ **Gay:** A male-identified person who is attracted romantically, physically, or emotionally to another male-identified person.
- ◆ **Bisexual:** A person who is attracted romantically, physically, or emotionally to both men and women.
- ◆ **Transgender:** A person who is a member of a gender other than that expected based on gender assigned at birth.
- ◆ **Intersex:** An umbrella term that describes people born with intersex conditions. There are over 30 different conditions that cause intersex people to have physical differences inside and/or outside their bodies, making their sex neither purely male nor female.

**Utah Department of Corrections  
Training Academy  
Basic Correctional Officer Course  
Administration Module**

**Effective and Professional Communication for LGBTI  
FND.3070**

**Legal Governance *FND.3070.102***

The cadet will identify legal implications associated with LGBTI offenders, including;

- ◆ **SB 296:** Antidiscrimination and Religious Freedom (Effective 05/12/2015) The law protects everyone in Utah from discrimination based on sexual orientation and gender identity, including whether someone is lesbian, gay, bisexual, straight, transgender, or gender non-conforming. It also prohibits discrimination because of someone's perceived sexual orientation or gender identity;
- ◆ **76-3-203.3** – Penalty for hate crimes – Civil rights violations;
- ◆ **Prison Rape Elimination Act:** Correctional agencies have a responsibility to protect all offenders from sexual abuse at the hands of other offenders, as well as staff. PREA includes standards that require staff to receive training on how to effectively and professionally communicate with LGBTI and gender non-conforming offenders;
  - *The LGBTI and non-conforming population was included as a specific group in PREA standards due to the consistently high rate of victimization identified in BJS studies.*
- ◆ **Eighth Amendment:** A correctional officer may be held liable under the U.S. Constitution's Eighth Amendment and its "Cruel and Unusual Punishment" clause if there is a finding that he or she was deliberately indifferent to a substantial risk of serious harm to an offender.;
- ◆ **Federal Civil Right Laws:** Protections for sexual orientation and gender are included in federal civil rights laws.

**High Risk Concerns for LGBTI *FND.3070.103***

The cadet will identify areas where LGBTI offenders are at a high risk of:

- ◆ Depression, anxiety, and substance use disorders.
- ◆ Engaging in self-injurious behaviors
- ◆ Assault
- ◆ Sexual Assault
- ◆ Suicide



**Utah Department of Corrections  
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**Effective and Professional Communication for LGBTI  
FND.3070**

**Effective Communication *FND.3070.104***

The cadet will identify the following elements of effective communication:

- ◆ Effective listening
- ◆ Non-Verbal communication
- ◆ Managing stress
- ◆ Emotional awareness

**Communication Strategies *FND.3070.105***

The cadet will understand the use of various communication strategies, which include;

- ◆ Avoiding stereotypes
- ◆ Providing explanations
- ◆ Maintaining confidentiality
- ◆ Listening empathetically
- ◆ Asking open-ended questions
- ◆ Use of proper pronouns
  - If you are unsure about what pronoun to use in a circumstance, gender neutral language should be used.

The cadet will identify the benefits of using effective communication in a correctional setting to include;

- ◆ Increase safety for all offenders and staff
- ◆ Encourages offenders to report abuse and safety concerns
- ◆ Defuses potentially violent situations

**Utah Department of Corrections  
Training Academy  
Basic Correctional Officer Course  
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**Effective and Professional Communication for LGBTI  
FND.3070**

**Culture of Respect and Safety *FND.3070.106***

The cadet will understand what “A Culture of Respect” means.

- ◆ Respect is a positive feeling of esteem or deference for a person and includes specific actions and conduct that reflects back that esteem.
- ◆ A “Culture of Respect” means we acknowledge others as human beings and treat them humanely and with basic dignity.

The cadet will understand what “A Culture of Safety” means.

- ◆ Staff attitudes and actions influence offender behavior and their perceptions of how safe the facility is. Staff should always behave in a professional, consistent, and respectful manner when interacting with offenders.

The cadet will understand how department policy or rules guide decisions for each facility, and that policies generally focus on:

- ◆ Being respectful and humane
- ◆ Staff behaviors with offenders
- ◆ May specify prohibited abuse of offenders through language, kinds of communication, and behavior.
- ◆ To comply with PREA standards, should contain:
  - Zero tolerance for sexual harassment and sexual abuse of offenders”

**Professional Behavior vs. Unprofessional Behavior *FND.3070.107***

The cadet will be able to identify key elements of professional as it relates to offenders.

- ◆ Treating everyone, staff and offenders alike, with respect
- ◆ Speaking without judging, blaming, or being demeaning
- ◆ Listening to others with an objective ear and trying to understand their point of view
- ◆ Avoiding gossip, name calling, and offensive or “off-color” humor
- ◆ Taking responsibility for one’s own behavior.

The cadet will identify example of unprofessional behavior to include:

- ◆ Threatening, intimidating, or bullying others
- ◆ Making sarcastic or critical remarks
- ◆ Unnecessarily or inappropriately sharing someone else’s personal information

**UTAH DEPARTMENT OF CORRECTIONS BASIC CORRECTIONAL OFFICER**

Utah Department of Corrections  
Training Academy  
Basic Correctional Officer Course  
Administration Module

Effective and Professional Communication for LGBTI  
FND.3070

- ◆ Gossiping or spreading rumors
- ◆ Using inappropriate language or humor that demeans others

**ASSESSMENTS**

- ❖ The concepts presented in this course will be assessed through quizzes and certification exams. The final objectives will be assessed during scenario training when a report is prepared by the cadet.

**PREREQUISITES**

- ❖ None

# BASIC CORRECTIONS OFFICER

## COURSE OF INSTRUCTION 2016-2017

Course ID	Name of Class	Class Hours	Block Total
LAW.3010	Corrections Law and Offenders Rights (CLOR)	8	18
LAW.3020	Prison Rape Elimination Act (PREA)	3	
LAW.3030	Reasonable Force	4	
LAW.3040	Court Demeanor and Testifying	3	
FND.3010	Decision Making and Problem Solving	4	23
FND.3020	Conversations with Leadership	2	
FND.3030	Correctional Ethics and Professionalism	3	
FND.3040	Staff/Offender Interactions	6	
FND.3050	Suicide Prevention	4	
FND.3060	Generational Perspectives	2	
FND.3070	Professional and Effective Communication for LGBTI	2	
CORE.3010	Offender Supervision Strategies	4	40
CORE.3020	Inmate Discipline	1	
CORE.3030	Gender Responsive Issues	2	
CORE.3040	Inmate Classification	1	
CORE.3050	Forced Cell Entry Classroom	2	
CORE.3060	Critical Response Classroom	2	
CORE.3070	Chemical Agents Classroom	2	
CORE.3080	Safety and Emergencies	2	
CORE.3090	Survival Mindset	3	
CORE.3100	Search Techniques	4	
CORE.3110	Riots and Disturbances	2	
CORE.3120	Institutional Security	2	
CORE.3130	Grievance Process	1	
CORE.3140	Transportation of Prisoners	4	
CORE.3150	Prison and Street Gangs	4	
CORE.3160	Hostage Taking and Negotiations	2	
CORE.3170	Explosives and Incendiary Materials	2	
CDT.3010	Correctional Defensive Tactics	12	24
CDT.3020	Correctional Defensive Tactics/Edged Weapons	8	
CDT.3030	In-Custody Restraint Application	4	
PRACT.3010	Search Practical	4	24
PRACT.3020	Forced Cell Entry Practical	6	
PRACT.3030	Critical Response Practical	6	
PRACT.3040	Head Counts Practical	3	
PRACT.3050	Chemical Agent Practical	5	

# BASIC CORRECTIONS OFFICER

COURSE OF INSTRUCTION 2016-2017

## Summary

Category		Hours
Course Curriculum		129
Physical Training (PT)		16
Orientation & Administration		12
<ul style="list-style-type: none"><li>• Facility Tours</li><li>• Scenario Report Writing</li><li>• Team Building</li><li>• Peer Reviews</li><li>• Concept review and remediation</li></ul>		
Testing		4
<ul style="list-style-type: none"><li>• 2 Intermediate Tests</li><li>• Chemical Agents Test</li><li>• Defensive Tactics Test</li></ul>		
Basic Corrections Officer Certification Testing		2
Physical Fitness Testing		2
Defensive Tactics Practical Testing		3
Graduation		4
	<b>Total</b>	<b>172</b>

Intermediate Test 1

Intermediate Test 2

# ATTACHMENT D

# OPEN & PUBLIC MEETINGS ACT

## U.C.A. § 52-4-101 *et. seq.*

### Definitions

Any meeting of a public body or specified body must be open to the public.

- Includes executive sessions or workshops

A Public Body is any state administrative, advisory, executive, or legislative body of the state which:

- is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- consists of two or more persons;
- spends, distributes, or is supported by tax money; and
- has authority to make decisions about the public's business.

A specified body is a non-public body with 3 or more members that includes at least one member of the legislature officially appointed to the body by the President of the Senate, Speaker of the House of Representatives, or governor.

Meeting means convening of a public body with a quorum, either in-person or electronic means, to discuss or act on a matter under its authority

- does not include chance or social gatherings
- electronic participation needs authorizing administrative rule

### Notice

Public notice of the meeting must be given at least 24 hours before the meeting.

- The public notice must be specific enough to notify the public about the topics to be considered at the meeting and must include the agenda, date, time and place.
- Chair may allow discussion of a topic raised by the public
- Cannot take final action on any item not properly noticed on agenda

Emergency meetings can be held by majority vote of the public body to consider matters of an "emergency or urgent nature".

- Must provide the best public notice practicable
- Minutes must state the unforeseen circumstances that made the meeting necessary

Notice must be provided by:

- posting written notice at the principal office of the public body; and
- placing a notice on the Utah Public Notice Website.

### Closed Meetings

A meeting may be closed by a two-thirds vote of the body for the following reasons:

- discussing an individual's character, professional competence, or physical or mental health;
- strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property;

- discussions regarding security personnel, devices or systems;
- investigative proceedings regarding allegations of criminal misconduct;
- deliberations, not including any information gathering activities, of a public body in a judicial process (e.g., decision-making process) (*Dairy Product Services, Inc. v. Wellsville*, 13 P.3d 581 (Utah 2000)).

In a closed meeting, a public body may not:

- discuss another topic besides the topics for which a closed meeting is permitted.
- interview a person applying to fill an elected position;
- discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5; or
- discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence;

### **Recordings and Minutes**

The entire meeting must be recorded and written minutes must be made that include:

- the date, time, and place of the meeting;
- the names of all members present or absent;
- all matters proposed, discussed, or decided;
- individual votes on each matter;
- the name and substance of the information given by individuals at the hearing after being recognized by the presiding officer;
- a copy of any information presented in a public meeting; and
- any additional information requested by a member.

Minutes include closed portions of meetings unless discussion was for private information about a person or security measures.

The minutes must be approved by the body and made available to the public.

- 30 days for pending minutes
- 3 days for approved minutes
- 3 days for audio recording

A court can void any action taken in violation of the Act however a violation can sometimes be cured in a subsequent meeting by following the law.

- A violation of the law may result in the payment of attorney's fees and court costs which are incurred to enforce the law.

A member of a public body who knowingly or intentionally violates the law or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.