

POST COUNCIL MEETING

June 7, 2017

Public Safety Education and Training Center, Sandy, UT

MINUTES

On June 7, 2017, a regularly scheduled POST Council meeting was held at 10:00 a.m. at the Public Safety Education and Training Center in Sandy, Utah. Chairman Wade Carpenter conducted and welcomed those in attendance.

The following POST Council members were in attendance:

Chief Wade Carpenter, Chairman, Park City Police Department
Sheriff James O. Tracy, Utah County Sheriff's Office
Nate Mutter (Proxy for Chief Spencer Austin, JD. Representing Utah Attorney General)
Christie Moren, At Large
Frank Budd, PhD. At Large
Matthew Checketts, PhD. At Large
Sheriff Cameron Noel, Beaver County Sheriff's Office
London Stromberg (Proxy for Executive Director Rollin Cook, Utah Department of Corrections)
Colonel Mike Rapich, Superintendent, Utah Highway Patrol
Bruce Bayley, PhD. Weber State University
Chief Kim Hawkes, North Park Police Department
Mayor Toby Mileski, Pleasantview City
John Crowley, UPOA Representative
Victoria McFarland, JD. At Large

The following were excused and/or absent:

Chief Marlon Stratton, St. George City Police Department
Sheriff Robert Dekker, Millard County Sheriff's Office
Commissioner Kerry Gibson, Weber County
Chief Spencer Austin, JD. Representing Utah Attorney General
Executive Director Rollin Cook, Utah Department of Corrections

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
Alex Garcia, POST Investigations Bureau Chief
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
Claire Hermanson, POST Technician

Sarah Larsen, POST Technician

Others present:

Chris Smith
Sid Groll
Doug Cook
Kirk Christensen
Nate Carlisle
Ben Winslow
JC Jensen
Rick Wilkey
R. Fred Ross
Jason Petersen
Dan Riley
Lamont Smith
Jean Noel
Douglas Anderson
Steve Ball
Justin young

WELCOME AND INTRODUCTIONS

The meeting was called to order at 10:01 a.m. Chairman Wade Carpenter welcomed those in attendance and excused Vice-Chair Robert Dekker, Chief Marlon Stratton and Commissioner Kerry Gibson. 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 March 30, 2017, were reviewed and the following motion was made:

Motion: ***Mayor Toby Mileski motioned to approve the minutes of March 30, 2017.***

Second: ***Sheriff James Tracy seconded the motion.***

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

INVESTIGATIONS QUARTERLY REPORT

Captain Kelly Sparks gave the following report for the Investigations Bureau from March 1, 2017 to June 1, 2017: Investigations received 48 complaints, opened 29 cases, conducted 0 administrative hearings and closed 6 cases with no action. The Investigations Bureau has received 3 voluntary relinquishments for the following reasons: Sexual Conduct with a 16 or 17 year-old, retaliation against a witness and lying under Garrity and sexual assault. POST reviewed 201 background investigations for applicants attending an academy, dispatch training or going through a reactivation/waiver process. There are currently 41 active investigations and 56 open cases. For comparison, last year at this time POST had 101 open cases. Captain Sparks thanked the POST investigators for the hard work they have done. For the last six to seven months, POST has not had a lieutenant over investigations. Everyone has stepped up and taken on some new assignments.

Director Stephenson thanked Captain Sparks for stepping up to the plate. He stated that for the last seven months Captain Sparks not only kept his duties but he also assumed the duties of the investigations lieutenant.

Captain Sparks has done a fantastic job and has implemented a process to keep the cases moving. Director Stephenson went on to introduce the new Investigations Bureau Chief, Lieutenant Alex Garcia.

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. Lt. Breur explained the administrative audits are a good opportunity to get face time with the academy directors. The second audit conducted was with the Bridgerland Applied Technology Center Academy (BATC). There were no exceptions to the administrative audit. Lt. Breur informed the Council that during the audits, they insure the satellite academies as are using the current curriculum that is approved by the POST Council and ask for feedback.

TRAINING QUARTERLY REPORT

Lt. Wade Breur reported the following for basic training from March 1, 2017 to May 31, 2017:

LEO session 325, March 8, 2017 – April 20, 2017. The session started with 33 cadets and certified 33 Law Enforcement Officers.

LEO session 326, March 1, 2017 – May 11, 2017. The session started with 30 cadets and 27 were certified as Law Enforcement Officers. There were three departures for the following reasons: two academic - subject specific exam (LEO entrance exam) and one medical - academy injury.

SFO session 327, February 21, 2017 – March 28, 2017. The session started with 16 cadets and 15 were certified as Special Functions Officers. One departure for the following reason: cancel enrollment - cadet decision.

LEO session 327, March 29, 2017 - June 8, 2017. The session started with 27 cadets and 25 are expected to graduate tomorrow. Two departures for the following reasons: one failure of EVO, one failure of firearms.

LEO session 328, May 24, 2017 - August 3, 2017. The session started with 29 cadets and is scheduled to graduate August 3, 2017.

Lt. Wade Breur informed the council that session 329 started last Monday with 23 cadets in the SFO block. That number is expected to go up to 35 cadets in the LEO block in five weeks. Lt. Breur feels POST is meeting the needs of law enforcement.

Lt. Wade Breur reported the following for in-service training, from March 1, 2017 to May 31, 2017: POST has offered 43 In-service classes for a total of 540 hours, training 596 officers and dispatchers.

Lt. Breur reported that POST is now requiring agencies to turn in their annual training hours by the end of June when the training year ends. In years past, POST allowed those hours to be turned in by the end of July. Lt. Breur asked that this information be passed on to those involved in entering the training hours for their agency. POST is also trying to get the word out through the records management system.

2017-2018 CURRICULUM UPDATE

Lt. Wade Breur presented the 2017/2018 proposed Special Function Officer (SFO) course curriculum update to the Council (**see attachment A**).

Proposed SFO Curriculum Update

FND 1030 Introduction to the Criminal Justice System – Remove, the course objectives are covered sufficiently in FND 1010 Introduction to Homeland Security and FND 1050 Introduction to the Utah Court Systems.

CORE 1080 Healthy Lifestyles – Reduce from four hours to three hours. Course material is sufficiently covered in three hours of instruction instead of four.

DT 1010-1150 New SFO Defensive Tactics Program proposal. Nearly a two year project of creating a foundational DT program building on concepts, principles and critical thinking which can be applied to dynamic scenario training and testing simulating real world encounters. This program places emphasis on critical thinking and de-escalation without sacrificing officer safety.

Lt. Wade Breur informed the Council the proposal is to remove 20 hours from the law enforcement training block and bring those hours in to the special functions officer block. This new defensive tactics program will give all officers a strong foundation in defensive tactics.

POST has been working with a defensive tactics curriculum committee that is made up of state, county and local law enforcement officers. The committee has decided on the direction being proposed to the Council for the defensive tactics program. The core of the defensive tactics program will focus on de-escalation and proper use of force.

POST is seeking the Council's permission to take the next five to six months to train the defensive tactics instructors on the new curriculum. In January of 2018, the curriculum would go into effect for all the satellite academies.

Lt. Breur asked the Council if there were any questions or concerns on the proposed change to the defensive tactics curriculum. Sheriff Noel asked how many days this would add to the SFO block. Lt. Breur answered for a 10 hour day, this would add two days to the SFO block. Lt. Breur added that the Law Enforcement Officer (LEO) block would be reduced by 20 hours. Lt. Breur informed the Council that in the next year or so, POST may be asking the Council for more training hours especially focusing on use of force.

Director Stephenson added he can't remember the last time hours were added to the curriculum. Lt. Breur has been instructed to scrutinize how much time is being spent in the class room. There are times when we can identify excess time that is not being used. Director Stephenson asked the Council to be prepared for a request to add additional hours to the curriculum. The future increase of hours will focus on use of force, de-escalation, resiliency and wellness for officers as well as implicit bias training. He stated he understands it may be a burden to agencies to not have their officer for a couple of extra days. He feels it is for the betterment of the profession.

Frank Budd asked about the proposed curriculum not being implemented by the satellite academies until January of 2018. Frank Budd noted the cadets at POST will be trained one way and the cadets in the satellite academies slightly differently. Lt. Breur answered that the first defensive tactics instructor class is scheduled

to occur in July. He feels the bulk of instructors on the Wasatch front will be trained in July. He understands POST will need to go to St. George, the Basin and Cache County as well to make sure the instructors that are teaching at those programs are trained. The defensive tactics group will need the next five to six months to make sure the entire state has been updated with the new curriculum. There will be some lag time between academies. Lt. Breur feels for a change like this, everyone needs to be up to speed before they are required to teach the curriculum.

Frank Budd noted that there will be some potential officers from the satellite academies that don't have the most up to date training. Lt. Breur answered there is that potential. Director Stephenson said to keep in mind that it takes longer for the satellite academies to get through their curriculum. Some of the satellite academies have already started their last classes of the year. It would not be possible to implement the changes for them.

INV 1050 Victimology – Reduce from four hours to two hours. *Course material is sufficiently covered in two hours. Some of the current course objectives are covered in the investigations block creating overlap.*

INV 1030 Crime Scene Protection and Search – Reduce from 12 hours to 10 hours. *INV 1030 and 1040 are consistently taught together. After review, it was determined the objectives are sufficiently covered in a ten hour training day, thus justifying reducing the allocated time.*

INV 1040 Collection and Preservation of Evidence – See above

Proposed LEO Curriculum Update

Lt. Wade Breur presented the 2017/2018 proposed Law Enforcement Officer (LEO) course curriculum update to the Council (**see attachment B**).

DT 2010 – 2040 Old Defensive Tactics courses removed, including Impact Weapon and replaced with new DT 2010 – 2030. *LEO block to focus on weapon retention, continued ground tactics and new Street Encounter training. Street Encounter training will replace impact weapon training, including Redman/Fist-suit drills.*

Lt. Breur discussed removing impact weapon training from the LEO block of instruction. Some concern about removing impact weapon training from the curriculum was discussed by the Council. After lengthy discussion, Chairman Carpenter said there are several other sections to cover. He asked that the Council move through the other sections and then decide if they would like to take this to a vote and motion (for additional details on discussion, refer to the audio recording of the council meeting).

PTRL 2030 Critical Incident Casualty Care – Add six hours of training to incorporate the national standard Law Enforcement First Responder (LEFR) curriculum to the academy.

Agencies will have the option of completing necessary paperwork and paying the necessary processing fee to receive a certification which is valid for four years.

LEFR “teaches public safety first responders (police, law enforcement officers, firefighters, and other first responders) the basic medical care interventions that will help save an injured responder's life until EMS practitioners can safely enter a tactical scene.”

Source: naemt.org

INTX 2030 DUI and Field Sobriety Testing – Reduce from 16 hours to 15 hours. *The objectives for this course are sufficiently covered in 15 hours of instruction instead of 16.*

Sheriff Noel asked where POST is heading in regards to training with the new .05 as far as teaching the cadets field sobriety. Lt. Breur answered that once the law goes into effect, by state statute and administrative rule, it is the Highway Patrol's alcohol unit's responsibility to update and deliver training consistent with the statute. The Highway Patrol will make necessary curriculum changes and POST will automatically adopt them. Lt. Breur asked Colonel Rapich when that law will go into effect if signed by the Governor. Colonel Rapich answered it goes into effect, as stated in the current statute, December 30, 2018.

Additional Curriculum Discussion

Sheriff Tracy asked if there was an objective covering the use of Narcan under, *Recognizing and Handling Drugs and Narcotics*. Lt. Breur answered there currently is not, POST does need to add that as an objective update. Director Stephenson stated that we also need to look at this for canines. He read a case back east where a canine was impacted by smelling fentanyl.

Lt. Breur brought up a proposed change to a qualification in the handgun course training. The question was brought up in one of the satellite academy audits. If officers are training to take more time at distance, especially with a hand gun, why are we requiring officers to shoot a certain number of rounds in the same amount of time as when up close? We want to make sure we are not training officers to rush their shots. A test was conducted with two classes. It was determined that cadets didn't take any more or less time if the amount of time was doubled. The test was conducted for eight seconds and again with no limit. The cadets scored the same for both tests. For the qualification, POST would like to propose a change from four seconds at the 25 yard line to eight seconds. Lt. Breur asked the Council if they would like to have these types of proposed changes brought before them. Chairman Carpenter feels it is valuable so when the officers come back the agency understands what the changes are. He feels it also helps their firearms instructors to understand why they are making these changes.

Chief Kim Hawkes feels the POST Council board is a limited representative body. He feels if a change is going to be made; the information should go out to the firearms instructors so they can mirror that as they put their training together. Lt. Breur agreed and stated POST likes to do that on the front end by bringing the training groups together and getting their feedback. That is how this proposal was generated and is being brought before the Council for ratification or feedback.

Lt. Breur asked for a vote of approval from the Council for the curriculum changes. He stated POST is prepared to implement what guidance the Council gives in conjunction with the other changes. Director Stephenson stated that POST needs guidance today. The curriculum proposal needs to be approved today by statute.

Colonel Rapich stated he is comfortable with the changes. He feels the Council could possibly give an approval with the latitude to add a couple more hours to capture the totality of use of force issues.

Christie Moren asked how many hours would need to be added to cover striking and movement with an impact weapon. Lt. Breur said about three hours would be needed, increasing the total number of defensive tactics hours in the LEO block from seven to ten. Christie Moren stated she feels strongly that there needs to be an introduction to impact weapon.

Motion: *Mayor Toby Mileski motioned to accept the proposed changes and add an additional three hours to the curriculum, raising the number of training hours from seven to ten.*
Second: *Colonel Rapich seconded the motion.*
Vote: *The motion passed with all in favor.*

Utah Department of Corrections Training Director Kirk Christensen presented the 2017/2018 proposed Basic Correctional Officer (BCO) course curriculum update to the Council (**see attachment C**).

Proposed BCO Curriculum Update

Deletions:

Removal of team building from the Orientation and Administrative section, 4 hours

Additions:

FND.3080: Mental Health Self Care for Correctional Officers, 2 hours

CORE.3180: Offender Manipulation, 2 hours

Changes:

CORE.3040: Inmate Classification, Update Objectives

CORE.3080: Safety and Emergencies, Update Objectives

Director Christensen stated that in regards to the defensive tactics changes proposed by POST, the Department of Corrections and the Department of Corrections training academy are in support of the change. If the proposed changes are approved in the SFO block, they will be removed from the BCO block. In the past, there have been multiple certifications and it gets confusing as to who is certified to teach which defensive tactics series. The proposed 20 hours added to the SFO block will reduce 24 hours from the BCO block.

Chairman Carpenter asked if POST will pick up the sections being removed from the BCO curriculum. Director Christensen answered yes. Corrections participated in developing the defensive tactics proposal. The DT test and practical will be covered in the SFO block.

Nate Mutter asked how much time is spent on edged weapon defense in the POST curriculum. Is it part of natural weapons? Director Christensen answered yes, it is called natural weapons.

Motion: ***Christie Moren motioned to accept the 2017/2018 basic correctional officer training curriculum as proposed.***

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

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

Director Stephenson asked the Council to clarify what they wanted in regards in the 2017/2018 LEO curriculum. Mayor Mileski answered that his motion was to add an additional three hours to the proposed curriculum, increasing the weapons training from seven hours to ten.

JUAB COUNTY SHERIFF'S OFFICE SPECIAL FUNCTIONS OFFICER ACADEMY PROPOSAL

Juab County Sheriff Doug Anderson addressed the Council. Sheriff Anderson proposed to the Council to consider allowing his agency to host and sponsor a satellite academy to help certify search and rescue members as special function officers so he can use them in a law enforcement capacity. He intends to arrange

instructors from his area to deliver the POST curriculum. He is willing to sponsor and fund the training at the sheriff's office and would be willing to invite adjoining counties to participate. Sheriff Anderson said that it is a critical need to address some unique needs within Juab County (i.e., special events, search and rescue, sand dunes and court security).

Chairman Carpenter stated that he felt it would be valuable for Director Stephenson to explain how this proposal would work.

Director Stephenson stated there was a similar request from Sevier County Sheriff Nathan Curtis years ago due to a need in that area for certified personnel. POST is willing to work with Sheriff Anderson and will not impact POST's budget. Sheriff Anderson is going to throw a lot of local resources at this proposal. This will be a temporary, one time SFO academy. The POST staff will support them, when they can, by teaching classes. POST will oversee the overall continuity of the training.

Sheriff Tracy asked if part time employees are allowed to attend POST basic training. Lt. Breur stated that the sheriff would need to hire that individual full time to attend the training at POST. Sheriff Tracy then asked if Sheriff Anderson would need to host another academy for his own purposes in the future. Director Stephenson answered that it would depend on the demand. Director Stephenson said that right now Sheriff Anderson has a large number of individuals who need training, hence the current request.

Motion: *Mayor Toby Mileski motioned to accept the proposal for the Juab County Special Functions Officer academy.*

Second: *Christie Moren seconded the motion.*

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

OPEN MEETING TRAINING

Attorney Kevin Bolander addressed the Council to provide the annual "Open and Public Meetings Act" training. He informed the Council that his objective would be to raise awareness of some of the issues with the Open and Public Meetings Act. He wants to raise awareness, given the public interest and the public scrutiny, about how our law enforcement officers are trained and interact with the community. It's important to make sure we are in compliance with the Open and Public Meetings Act. The public has a right to know how the government functions, how it operates and how it makes decisions. Attorney Bolander provided a handout for the Council to follow during his presentation (***see attachment D***).

Attorney Bolander discussed a new change in statute regarding the minutes. If there is a recording available online, that can satisfy the written minutes requirement. It is up to the discretion of the staff how they would like to approach that. Currently POST staff is posting both the recording and written minutes.

Sheriff Noel asked a follow up question regarding closed meetings. He asked why POST Council meetings are open meetings and referenced the reasons for a closed meeting provided in the handout (***see attachment D***). Attorney Bolander answered that the Notice of Agency Action that POST sends to law enforcement officers are by statute public documents. If this council feels they need to deliberate in closed session that is always an option. Sheriff Noel asked if that has ever happened. Director Stephenson answered that it is rare, but it has happened. Attorney Bolander stated POST drafts the notices in a manner that provides enough information to the Council so they can make a decision of what the appropriate sanction should be, without giving personal information about victims and witnesses and those kinds of issues.

Victoria McFarland stated she feels there could be times when a closed meeting would be appropriate. As far as closing a meeting due to investigative proceedings regarding allegations of criminal misconduct, although the Council might discuss some of the things that take place, all of the criminal stuff has been adjudicated by the time it gets to the Council. Director Stephenson replied that is not always the case. There is always that case that comes before the Council that has not yet been adjudicated. Victoria McFarland stated she feels that

would be a case to protect the potential criminal process that is going on. Ms. McFarland questioned when, generally speaking, the case comes before the Council, they are not allegations anymore. They are cases that have been plead on or closed. The timeframe to appeal has typically lapsed. Director Stephenson answered that is not always the case.

Attorney Bolander asked the Council to keep in mind that the Notice of Agency Action that goes out to the officers is a public document. The information contained in those parallel the same information this POST Council is getting. The allegations against the officers are public anyway. An example of a closed session would be dealing with someone with addiction, a substance abuse issue or when you're starting to get into the details of someone's medical information. That would probably be more appropriate in a closed setting verses a public setting.

Attorney Yockey asked Attorney Bolander to address who would stay and who would have to leave during a closed session. Attorney Bolander answered POST Council members would obviously stay. POST staff would need to stay due to the function of keeping minutes and recordings. Also, whoever is serving as legal counsel to the POST Council may stay. The public is excused during a closed session. The investigating officers from the POST staff are excluded as well. The media, as part of the public, would also be excluded from a closed session.

Mayor Mileski asked, if the closed meeting is not on the agenda, does that mean it can't be addressed. Attorney Bolander answered he doesn't think that the closed session needs to be added to the agenda in advance. The problem is you don't know if you necessarily are going to go into closed session. The requirements to go into closed session, is a two-thirds vote. As long as you have the vote to go into closed session and the minutes reflect the reason why you are going into closed session, you are not violating the Open Meeting Act.

Director Stephenson stated that in his time on other councils, he has seen only one time where they knew they were going into closed session to discuss a pending matter. That is very rare. Director Stephenson gave an example of a situation. The officer's criminal proceedings had not been adjudicated and they started exposing information that would probably hurt the individual. Director Stephenson explained we are trying to protect the officer as much as we can legally, and rightfully so. Closed session is used sparingly and it is good to have the training to inform us when it can be done.

DISCIPLINARY CASES

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

SHAUN BINGHAM

Offence – Use or possession of a controlled substance

Category – C

Recommended Discipline – 3 year suspension

Status – Resigned 12/9/16

Agency – Salt Lake County SO

On October 7, 2016, Shaun Bingham, was investigated by his agency for an allegation Bingham used marijuana. During a *Garrity* interview with his agency, Bingham admitted he used marijuana three or four times a week over a six to eight month period. Bingham said the last time he used marijuana was two days before the agency *Garrity* interview. Bingham resigned from his agency on December 9, 2016, before the administrative matter was concluded. Bingham also failed to show up to his scheduled POST *Garrity* interview.

Bingham failed to respond to the notice of agency action. On April 6, 2017, an order of default was signed by the administrative law judge and mailed to Bingham.

Attorney Marcus Yockey informed the Council that the recommended three year suspension was an upward deviation from the guidelines based on a previous letter of caution issued by the Council and the multiple violations. Christie Moren asked what the previous letter of caution was for. Attorney Yockey answered that unfortunately he did not have that information with him.

- Motion:** *Colonel Mike Rapich motioned to accept the recommended three year suspension of Shaun Bingham's peace officer certification.*
- Second:** *John Crowley seconded the motion.*
- Vote:** *The motion passed with all in favor.*

LETERRIO HENRY

Offence – Driving under the influence
Category – D
Recommended Discipline – 2 year suspension
Status – Terminated 2/15/17
Agency – Department of Corrections

On September 13, 2016, LeTerrio Henry, a correctional officer with the Utah Department of Corrections (UDC), was involved in a non-injury crash which was investigated by a local police agency. During the investigation, one of the officers noticed Henry had the odor of an alcoholic beverage on his breath, slurred speech, and “compromised” balance. During standardized field sobriety tests, Henry showed multiple signs of impairment. A preliminary breath test also indicated positive for alcohol. Henry was subsequently arrested for driving under the influence (DUI) of alcohol and transported to a nearby precinct. Henry submitted to an Intoxilyzer breath test, which indicated his breath alcohol content (BrAC) was .174. Henry was issued a citation and released from custody. Henry did not notify his agency of his arrest. When UDC became aware of the arrest his employment was terminated.

During a *Garrity* interview with POST, Henry initially claimed he only consumed four ounces of wine prior to driving his vehicle. After more direct questioning, Henry admitted he consumed twelve or more ounces of grain alcohol and four ounces of wine prior to operating his motor vehicle and becoming involved in the traffic crash. On March 30, 2017, Henry pled guilty to driving under the influence of alcohol, a class B misdemeanor.

On May 17, 2017, Henry waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Attorney Marcus Yockey informed the Council the recommended two year suspension was an upward deviation from the one year baseline based upon the aggravating circumstances: driving under the influence causing a vehicle accident and the high breath alcohol content.

- Motion:** *Frank Budd motioned to accept the recommended two year suspension of LeTerrio Henry's peace officer certification.*
- Second:** *Chief Kim Hawkes seconded the motion.*
- Vote:** *The motion passed with all in favor (London Stromberg recused himself).*

MARIANO LOPEZ

Offence – Intoxication

Category – F
Recommended Discipline – 3 month suspension
Status – N/A
Agency – Not Employed

On August 28, 2016, Mariano Lopez was hosting a party at his residence. Everyone at the party was very intoxicated. Lopez went to bed after consuming more than 12 beers and three to five shots of Tequila. Lopez then heard an argument outside his bedroom door. Lopez opened his bedroom door and saw his son-in-law and another person arguing. Lopez thought the argument was about to turn physical so he grabbed his son-in-law and told the other person to leave because the party was over. The son-in-law tried to get away from Lopez; the two lost their balance and fell through a bedroom door, damaging the door. The police arrived to find Lopez and his son-in-law standing face-to-face in a fighting posture. Lopez and the son-in-law were arrested and booked into jail for intoxication and assault.

On September 21, 2016, Lopez pled guilty to intoxication, a class C misdemeanor and the court dismissed the assault charge.

On May 26, 2016, Mariano Lopez 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: *Christie Moren motioned to accept the recommended three month suspension of Mariano Lopez's peace officer certification.*

Second: *Bruce Bayley seconded the motion.*

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

LONNIE MARTINEZ

Offence – Falsification of a government record
Category – D
Recommended Discipline – 1 year suspension
Status – Retired 12/31/16
Agency – Salt Lake County SO

On September 22, 2016, Lonnie Martinez documented he completed jail security checks (watch tours) every half hour in accordance with his agency's policy. Martinez documented the security checks in his daily shift log, which is maintained as an official jail record.

After receiving a prisoner complaint about not receiving treatment for an open wound, Martinez's supervisor looked into the documented security checks and discovered Martinez documented multiple security checks, which he never completed.

During *Garrity* interviews with his agency and POST, Martinez admitted he made false entries regarding the completed security checks on his daily shift log.

Martinez retired from his agency on December 31, 2016.

On May 30, 2017, Lonnie Martinez 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: *Sheriff James Tracy motioned to accept the recommended one year suspension of Lonnie Martinez's peace officer certification.*
Second: *London Stromberg seconded the motion.*
Vote: *The motion passed with all in favor.*

TYSON MOONEY

Offence – Aggravated assault, assault, domestic violence in the presence of a child, unlawful detention
Category – A
Recommended Discipline – Revocation
Status – Resigned 9/20/16
Agency – Salt Lake County Sheriff's Office

On July 20, 2016, Tyson Mooney was investigated by his agency for domestic violence related assault. Mooney's ex-wife reported that during their marriage from 2009 to 2015, Mooney hit her several times, pushed her into a closet, and would not let her leave the house on multiple occasions. She reported that their 4-year-old son was present during most of these incidents. Mooney's ex-wife also described an incident where Mooney threatened to kill an individual Mooney thought was video recording him.

During a *Garrity* interview with his agency, Mooney admitted to physically preventing his ex-wife from leaving their home without a legitimate or lawful reason. Mooney admitted to pushing his ex-wife into a wall during an argument. Mooney admitted some of these instances had taken place in front of their son. Mooney admitted to brandishing a firearm during a confrontation with an individual Mooney thought was recording him.

Tyson Mooney failed to respond to the notice of agency action. On May 19, 2017, an order of default was signed by the administrative law judge and mailed to Mooney.

Motion: *John Crowley motioned to accept the recommended revocation of Lonnie Martinez's peace officer certification.*
Second: *London Stromberg seconded the motion.*
Vote: *The motion passed with all in favor.*

DANIEL WINSOR RILEY

Offence – Falsifying Government Record
Category – D
Recommended Discipline – 1 year suspension
Status – Still Employed
Agency – Utah Transit Authority PD

On or about February 11, 2014, Daniel Riley knowingly lied on an employment background packet he submitted to the Utah Transit Authority Police Department. Riley marked "no" where the application asked if he had ever participated in any supervised rehabilitation program. Riley also failed to disclose he had a prescription drug use history.

During *Garrity* interviews with POST and his agency, Riley admitted he lied on the employment background packet because he was desperate for a job and he believed the drug treatment information would prevent him from getting hired.

On May 16, 2017, Daniel Riley waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Attorney Yockey informed the Council there was a letter of support from his agency.

Daniel Riley addressed the Council and with the Council's permission he presented a letter from his wife. Mr. Riley apologized to the Council and to the UTA for his actions and explained the reasons he left the information off his application about attending a rehabilitation center and being in recovery for prescription drugs. He explained that it was his belief that he was being rejected for specific law enforcement jobs after potential employers learned about his participation in a drug rehabilitation program. He stated that even though he thought this matter had been resolved before he was hired, he still lives with this decision he made and is now suffering the consequences of that decision. He will forever regret that decision and has learned from it.

Sheriff Noel asked if there is a timeframe on the application that a candidate must wait when they are using some kind of narcotic or illegal drug. If so, would Mr. Riley have reached that timeframe? Attorney Yockey clarified that the application referred to was for UTA not POST. On Mr. Riley's POST application he did disclose that, but not on UTA's end. Christie Moren asked if it was Mr. Riley's understanding from his chief that this was going to be okay and hiring was going to move forward, regardless of the false information on the application. Mr. Riley answered yes, the former chief of the UTA was aware of this and still agreed to move forward with the recruitment. Christie Moren asked Mr. Riley if it was correct that the chief was aware he failed to put the information on the UTA application but that it was on the POST application. Mr. Riley answered yes.

Mayor Mileski asked Director Stephenson a clarifying question about the timeline. Director Stephenson answered that Mr. Riley never attended the academy at POST. He was formerly with the Secret Service and was eligible to waive his certification with POST. Colonel Rapich asked to clarify that the former chief was fully aware of the discrepancy between his POST application and his UTA application. The chief was aware of him attending the program and moved forward anyway.

Colonel Rapich asked if there was any information in the POST investigation that disclosed the chief was not aware of the discrepancy. Attorney Yockey answered, according to the information POST has, the chief was aware of the discrepancy.

Attorney Yockey provided a timeline to help clarify. Mr. Riley applied to POST and provided the information on his POST application. Mr. Riley submitted a few applications to various agencies including UTA. On his application to UTA, he answered "no" to the question of whether or not he had been entered into a drug rehabilitation program. At that time UTA discovered there was information that was included on his POST application, but not on his UTA application. At that time, UTA police department discussed it and determined they would still hire Mr. Riley.

Christie Moren asked Mr. Riley how long he has worked for UTA. Mr. Riley answered since May 2014. Victoria McFarland asked if there was anything to substantiate that the chief knew of the discrepancy and still decided to hire Mr. Riley. POST Investigator Jaclyn Moore said the chief was made aware of Mr. Riley's false application by the UTA background investigator, according to the UTA background investigator. After interviewing the former chief, he does not remember being made aware of the discrepancy, but he does remember an issue about substance abuse. Nate Mutter asked how this matter came up three years later. Attorney Yockey answered POST received an anonymous tip/call in regards to this matter.

Chairman Carpenter asked for a motion to table this case until later in the meeting.

Motion: Chief Kim Hawkes motioned to table this case until later in today's meeting
Second: Mayor Toby Mileski seconded the motion.

**Daniel Riley's disciplinary case was tabled to the end of disciplinary cases.*

Motion: Mayor Toby Mileski motioned to take a five minute break.
Second: Bruce Bayley seconded the motion.

After a short break, the meeting was called to order at 12:15 pm.

CHRISTOPHER SMITH

Offence – Sexual Conduct on Duty

Category – B

Recommended Discipline – 4 year suspension

Status – Resigned 11/8/16

Agency – Hurricane City Police/ Department of Natural Resources

On October 26, 2016, Christopher Smith was investigated by his agency for engaging in sexual conduct while on duty. The investigation disclosed the following instances of sexual conduct on duty: On August 1, 2016, Smith and a female co-worker had sexual intercourse in an unmarked law enforcement vehicle in a public place while Smith was traveling to Salt Lake City for training.

On August 26, 2016, Smith had sexual intercourse with the same female co-worker in a private residence after Smith completed a security detail and before he signed off-duty.

Between September 4, 2016, and September 12, 2016, Smith left his assigned area during his regular on-duty hours and engaged in sexual intercourse on two additional occasions with the female co-worker at a residence where she was house-sitting.

Between the months of August and September 2016, Smith and the female co-worker had sexual intercourse on at least one occasion in her personal vehicle. This occurred immediately after Smith and the co-worker ended their duty shift, and while the vehicle was parked in a secure parking lot the agency uses to park law enforcement vehicles.

During *Garrity* interviews with his agency and POST, Smith admitted to engaging in sexual conduct while on duty on all of the above occasions.

On May 23, 2017, Christopher Smith waived his right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Attorney Yockey informed the Council the recommended four year suspension was an upward deviation from the three year baseline based on multiple instances of sex on duty.

Christopher Smith addressed the Council and apologized for his actions. He is ashamed of himself for what he has done and knows he has let a lot of people down including his department, co-workers, family and friends. Even more than that, he has tarnished the family name and a family legacy that has taken many years of dedication and hard work to build in the law enforcement family. He takes full responsibility and accountability for his actions and behavior. Mr. Smith stated he has cooperated fully with this investigation. He has dedicated over eight years of his life serving the community and enforcing the law. He asked for the Council's leniency and mercy with their decision so that he may be able to get back to doing what he loves and repair the damages that he has caused.

Mayor Mileski asked a clarifying question about whether Mr. Smith was being compensated at the end of his shift since he hadn't signed off. Attorney Yockey answered, Mr. Smith was still being compensated. POST administrative rules define what constitutes "on duty". POST did the investigation and determined that the individual was either being compensated or satisfied the definition of sex while on duty whether it be in a law enforcement vehicle, in a public place or in a law enforcement facility.

Sheriff Cameron Noel stated he does not condone this behavior in any way, shape or form as an administrator, a member of the POST Council or police officer in the state of Utah. However, he stated this is not a criminal offense. He believes this is a department offense. This is something he has always believed, even before he became a member of the POST Council, this is something that should be handled within the department. He feels four years is a strict recommendation for this officer. He does not feel that a four year suspension of this officer's certification is correct. Attorney Yockey clarified this is not provided in administrative rule that was adopted by POST. This is in statute under 53-6-211(1)(f). The Utah State Legislature determined it would be something the POST Council could take action on. This is not something that is done arbitrarily by POST.

Director Stephenson informed the Council statute 53-6-211(1)(f) states: (1)The council has authority to suspend or revoke the certification of a peace officer, if the peace officer: (f) engages in sexual conduct while on duty; or (g) is certified as a law enforcement officer, as defined in 53-13-103, and is unable to possess a firearm under state or federal law.

Attorney Bolander stated the point to be made is our administrative rule defines what sexual conduct is, but it is a suspendable offense under statute.

Frank Budd asked if the coworker is also a certified peace officer. Attorney Yockey answered yes. Frank Budd asked if the Council has seen that person or will they see that person. Attorney Yockey answered he believes POST has issued a Notice of Agency Action on that individual.

Chairman Carpenter asked about the recommended upward deviation away from the baseline. Attorney Yockey stated the POST recommendation was a four year suspension. The three year baseline is taken from what the POST Council has done in previous councils based on this conduct. The reason the baseline was increased one year, was based on the multiple instances.

Chairman Carpenter asked if there were multiple partners or if this was with the same individual. Attorney Yockey answered that POST investigation showed that it was with the same individual.

John Crowley asked if either of the individuals were married. Attorney Yockey answered not to each other. Officer Smith was married at the time, but the other individual was not.

Mayor Mileski asked if the upward deviation was due to the number of incidences. Attorney Yockey answered, in this case, because it was not just one offense it was multiple times, POST determined the one year upward deviation would be sufficient.

Motion: Sheriff Cameron Noel motioned to reduce the recommendation and recommended a one year suspension of Christopher Smith's peace officer certification.

Second: Mayor Mileski seconded the motion for the sake of discussion.

Discussion: Mayor Mileski asked Sheriff Noel to explain why he recommends one year. Sheriff Noel answered that this is the first incident this officer has had. Sheriff Noel asked if it was correct that if it was just one event, it would have been one year. Attorney Yockey answered no and referred the Council to the guidelines. Sheriff Noel noted the range starts at 1 ½ years. Attorney Yockey informed the Council that in the POST disciplinary guidelines there is a table that shows the baseline of what the Council has done in the past. What the Council has typically done in the past for actions similar to the nature of sexual conduct on duty is three years. Based on that, POST added an additional year for the multiple offenses that occurred on multiple days as provided in the facts.

Amended Motion: Sheriff Cameron Noel motioned to recommend a one and one half year suspension of Christopher Smith's peace officer certification. Motion failed due to a lack of a Second.

Discussion: Colonel Rapich stated that he feels the Council needs to stay consistent. The baseline for the POST Council's position has been three years in the past and he feels that is probably where it should be.

Sheriff Noel asked to clarify the past recommendations for these types of offenses and if the officer was suspended for three years. Director Stephenson answered yes, for a single incident. Attorney Yockey clarified that was for a single occurrence of sexual conduct on duty. The POST Council's previous decisions have been consistent with a three year baseline. Sheriff Noel asked if that was because of the code. Attorney Yockey answered yes, the statute is Utah Code Annotated 53-6-211(1)(f).

Amended Motion: *Sheriff Cameron Noel motioned to recommend a three year suspension of Christopher Smith's peace officer certification.*

Second: *Mayor Mileski seconded the motion.*

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

AMBER KAY STEELE

Offence – Domestic violence related assault, intoxication, violation of a release agreement after an arrest of domestic violence, obstruction of justice

Category – A

Recommended Discipline – Revocation

Status – Terminated 10/25/16

Agency – St. George Police Department

On September 20, 2016, Amber Kay Steele, was investigated for domestic violence related assault and intoxication. Steele consumed three shots of whiskey at her residence. She and a boyfriend with whom she cohabitated, left the residence and went to a local restaurant for dinner. While at the restaurant, Steele was served an additional five shots of an alcoholic beverage. Steele was involved in an argument with her boyfriend while at the restaurant which continued into the parking lot. Steele pushed her boyfriend in the chest at least four times, in rapid succession, during the argument.

The investigating officer observed that Steele's pupils were dilated and her eyes were red and glossy. The officer arrested Steele for domestic violence related assault and intoxication. At the jail, the arresting officer served Steele with a copy of the jail release agreement which included a no-contact order.

During the early morning hours of September 21, 2016, Steele was released from the county jail and she returned to her residence in violation of the jail release-no contact order. While at her residence another argument ensued between Steele and her boyfriend. Law enforcement responded to the scene.

Officers arrested Steele for violation of the jail release agreement-no contact order and transported her back to the county jail. Charges for domestic violence related assault and intoxication were filed on Steele. Steele entered a plea of guilty to be held in abeyance to the charge of domestic violence related assault, a class B misdemeanor, and intoxication, a class C misdemeanor. A charge of a violation of a jail release agreement-no contact order was later dismissed with prejudice.

On November 22, 2016, Steele was contacted by an outside agency and informed they were looking for her boyfriend who was a fugitive from justice. The outside agency informed Steele they had just observed the wanted fugitive inside her residence, through a window. Steele denied that the fugitive was inside her residence and initially refused to allow officers to search the residence. Steele eventually consented to a search of her residence. The fugitive was located and arrested inside Steele's residence. Steele was also arrested for obstruction of justice and both individuals were transported to the county jail. A charge of obstruction of justice was filed on Steele. Steele entered a plea of guilty to be held in abeyance to the charge of obstruction of justice, a 3rd degree felony.

On April 7, 2017, Amber Kay Steele waived her right to a hearing before an administrative law judge and stipulated to the facts as contained in the notice of agency action.

Motion: *John Crowley motioned to accept the recommended revocation of Amber Kay Steele's peace officer certification.*
Second: *Mayor Toby Mileski seconded the motion.*
Vote: *The motion passed with all in favor.*

Jonathan Garth Tesch

Offence – Driving under the influence of alcohol, open container, alcohol restricted driver
Category – D
Recommended Discipline – 2 ½ year suspension
Status – N/A
Agency – Not Employed

On February 14, 2016, Jonathan Tesch was stopped by police for failure to operate in a single lane and the front passenger door opening while the vehicle was in motion. The officer detected the odor of an alcoholic beverage coming from Tesch. Tesch performed standardized field sobriety tests. The officer arrested Tesch for driving under the influence of alcohol and having an open container of alcohol in his vehicle. Tesch submitted to an Intoxilyzer test, which indicated Tesch had a breath alcohol content of .111.

On May 17, 2016, Tesch pled guilty to the amended charge of impaired driving, a class B misdemeanor.

On June 26, 2016, officers responded to Tesch's residence on reports of a possible domestic violence incident. Officers arrived and observed Tesch and his wife exiting their vehicle in their driveway, with Tesch exiting the driver door of the vehicle. An officer detected the odor of an alcoholic beverage coming from Tesch. Tesch performed standardized field sobriety tests, and officers determined Tesch's level of impairment did not rise to the level of driving under the influence. Officers learned Tesch had an alcohol restricted driver license. Tesch submitted to a portable breath test, which indicated positive for alcohol. The portable breath test indicated .111. Officers determined no domestic violence violation had occurred. Tesch was arrested and booked into the county jail for an alcohol restricted driver violation.

On December 13, 2016, Tesch pled guilty to the amended charge of, intoxication in or about a vehicle, under a local municipal code, a class B misdemeanor.

Attorney Marcus Yockey informed the Council that the recommended two and one half year suspension was an upward deviation from one year baseline. This is based on the fact that Mr. Tesch was on suspension at the time of the offense and also due to the multiple violations.

Chief Hawkes asked to clarify that Mr. Tesch had a previous violation in which he was suspended. Attorney Yockey answered yes he had a three year suspension for sexual conduct while on duty. He was on suspension at the time these violations occurred.

Motion: *Mayor Toby Mileski motioned to accept the recommended two and one half year suspension of Jonathan Tesch's certification.*

Discussion: John Crowley asked if Mr. Tesch was currently on suspension and if so, when would this suspension begin. Attorney Yockey answered Mr. Tesch is off suspension now. He is currently not employed so his suspension would start today.

Second: *John Crowley seconded the motion.*
Vote: *The motion passed with all in favor.*

**Daniel Riley's disciplinary case resumed.*

Attorney Yockey reminded the Council the facts in Daniel Riley's case had been previously read. There was some clarification needed on the timeline to make sure the Council understood the facts as clearly as possible and preserve the record and make sure it is complete. For clarification points in regards to this matter, POST believes from their investigation, the former chief knew Mr. Riley had falsified his UTA application prior to offering Mr. Riley a job. The UTA background investigator confirmed this information. As a second point of clarification, Mr. Riley's drug use history was not for illicit drugs, they were prescription drugs.

Chairman Carpenter asked how the chief was made aware of that fact. Attorney Yockey answered that based on POST's investigation, the background investigator had informed the chief of the information. There were a few meetings that occurred, including an employment meeting that allowed the individual to be hired. Chairman Carpenter asked if there was a Brady-Giglio issue. Attorney Yockey answered that he would not be able to opine on that as he is not a prosecutor.

Victoria McFarland thanked Attorney Yockey for clarifying. She feels that is very important. The fact that Mr. Riley is here today, is remorseful and has accepted responsibility, those are all positives. She also thinks it is accurate that the former chief gave Mr. Riley the impression that this was going to be okay and he continued about his business. Victoria McFarland stated the issue she is having is that Mr. Riley applied for POST, he filled out other applications and felt like he wasn't getting interviews because of this history and then he made a conscience decision to lie about it and omit it. Ms. McFarland stated she has mixed feelings about the suspension time recommended. The broader question is when is a lie okay? Is it when the chief condones it? She thinks the Council should be thoughtful and careful about what they do going forward. Without that, the Council could be looking at similar cases down the road with administrators who are no longer with the employing organization.

Attorney Yockey offered more clarifying information on the timeline. From POST's investigation, it is believed the chief knew Mr. Riley had falsified his UTA application prior to the polygraph interview.

Victoria McFarland asked if POST had an application that did disclose the information. Attorney Yockey answered that was correct. Victoria McFarland added there were other applications to other entities that, she assumed, did contain the disclosure and Mr. Riley wasn't getting offers and that is what led us to this situation.

Mr. Riley stated that he remembered applying for the POST waiver. He saw that question and he had that same thought. He wondered if this was going to jeopardize anything. He disclosed it on the application. When he was able to successfully get the waiver, he was surprised it was a non-issue. He continued to apply to other law enforcement entities and non law enforcement departments and companies and it became an issue again. His family was struggling at the time and when he was filling out the UTA application, it was at a particularly desperate time. That is why he left it off.

Chairman Carpenter asked if Mr. Riley disclosed this to the chief prior to the polygraph. Mr. Riley answered yes, prior and before he was hired. Chairman Carpenter asked how that came about. Mr. Riley said the background investigator called him in and said because of the medical release, he was able to find out Mr. Riley had stayed in a treatment center. The background investigator asked him why he didn't disclose it. During that meeting, the chief at the time came into the room and the background investigator told the chief what they had been talking about. The chief made mention that he should have put it on there. The chief said they liked him and still thought he could do great work. Mr. Riley was told they were going to continue on with his recruitment and then he left the office.

Sheriff Tracy asked Mr. Riley if at the time he filled out the application if he was working as a law enforcement officer in any capacity. Mr. Riley answered no. Sheriff Tracy went on to ask if Mr. Riley corrected the application before he was hired. Mr. Riley answered that it was discussed with the chief before he was hired.

Sheriff Noel asked if a letter of caution was considered discipline. Attorney Yockey answered yes.

Motion: *Christie Moren motioned to amend the recommendation and recommended a letter of caution be given to Daniel Riley.*
Second: *Sheriff James Tracy seconded the motion.*
Vote: *The motion passed with 12 in favor and 1 opposed (Victoria McFarland).*

RECOGNITION

Director Stephenson recognized Sheriff James Tracy for a job well done as the POST Council Chairman. Sheriff Tracy has been on the Council for almost eight years and has served as the chair for the past two years. Sheriff Tracy has done a good job at maintaining the quorum and keeping things moving forward. Director Stephenson said he has worked with Sheriff Tracy on a personal level and he is a class act. Director Stephenson thanked Sheriff Tracy for all that he has done for the law enforcement community as well as POST.

SCHEDULE NEXT MEETING

Next meeting will be held September 20, 2017, at 1:00 p.m. in St. George. Location to be determined.

ADJOURN FOR LUNCH

Christie Moren motioned to adjourn.
Meeting adjourned at 12:52 pm.

Attachment

A

PROPOSED SPECIAL FUNCTION OFFICER
COURSE OF INSTRUCTION 2017-2018

Course ID	Name of Class	Class Hours	Block Total
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 2	
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	

PROPOSED SPECIAL FUNCTION OFFICER
COURSE OF INSTRUCTION 2017-2018

Course ID	Name of Class	Class Hours	Block Total
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 47
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	
DT.1010	Position of Interview / Principles of Movement	2	
DT.1020	Initial Ground Positions / Principles of Movement	5	
DT.1030	Low Profile Terry Frisk	1	
DT.1040	Standing Search, Cuffing	2	
DT.1050	Prone Search and Cuffing	2	
DT.1060	Segmenting Controls	1	
DT.1070	Escort and Transport Position	1	
DT.1080	Natural Weapons	4	
DT.1090	Threat Assessment and Take Downs	6	
DT.1100	Startle Response to an Attack	5	
DT.1110	Scenario: Street Encounter One	2	
DT.1120	Ground Tactics	10	
DT.1130	Officer Response to Weapons (Ground)	2	
DT.1140	Ground Tactics with Natural Weapons	2	
DT.1150	Scenario: Street Encounter Two	2	
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	24-20
INV.1020	Preliminary Investigations	4	
INV.1030	Crime Scene Protection and Search	6 5	
INV.1040	Collection and Preservation of Evidence	6 5	
INV.1050	Victimology	4 2	
INTX.1010	Drug Recognition & Familiarization	2	2
	Course Curriculum Total	183 203	183 203

PROPOSED SPECIAL FUNCTION OFFICER
COURSE OF INSTRUCTION 2017-2018

Summary

Category		Hours
Course Curriculum		183 203
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
	Total	219 239

Proposed Curriculum Update

FND 1030 Introduction to the Criminal Justice System – Remove, the course objectives are covered sufficiently in FND 1010 Introduction to Homeland Security and FND 1050 Introduction to Utah Court Systems.

CORE 1080 Healthy Lifestyles – Course material is sufficiently covered in three hours of instruction instead of four.

DT 1010 – 1150 New SFO Defensive Tactics Program proposal. Nearly a two year project of creating a foundational DT program building on concepts, principles and critical thinking which can be applied to dynamic scenario training and testing simulating real world encounters. This program places emphasis on critical thinking and de-escalation without sacrificing officer safety.

INV 1050 Victimology – Course material is sufficiently covered in two hours. Some of the course objectives are covered in the investigations block creating overlap.

INV 1030 Crime Scene Protection and Search – INV 1030 and 1040 are consistently taught together. After review, it was determined the objectives are sufficiently covered in a ten hour training day, thus justifying reducing the allocated time.

INV 1040 Collection and Preservation of Evidence – See above

Summary

The Special Function Officer course of instruction will increase by 20 hours.

Attachment

B

PROPOSED LAW ENFORCEMENT OFFICER
COURSE OF INSTRUCTION 2017-2018

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	32-7
DT.2020	Weapon Protection and Retention	4	
DT.2030	Ground Tactics	6	
DT.2040	Impact Weapon	6	
DT.2010	Weapon Retention	2	
DT.2020	Ground Tactics with Natural Weapons/Weapon Transitions	2	
DT.2030	Scenario: Street Encounter Three	3	
PTRL.2010	Patrol Concepts	2	92-98
PTRL.2020	Immediate Response Tactics	8	
PTRL.2030	Critical Incident Casualty Care Law Enforcement First Responder (LEFR)	2-8	
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	41
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	29-28
INTX.2020	Intoxilyzer Operation and Certification	7	
INTX.2030	DUI & Standardized Field Sobriety Testing	16 15	

PROPOSED LAW ENFORCEMENT OFFICER COURSE OF INSTRUCTION 2017-2018

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
	Course Curriculum Total	319 299	319 299

Summary

Category	Hours
Course Curriculum	319 299
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
TOTAL	368 348

Proposed Curriculum Update

DT 2010 – 2040 Old Defensive Tactics courses removed including Impact Weapon from program and replacing with new DT 2010 – 2030. LEO block to focus on weapon retention, continued ground tactics and new Street Encounter training. Street Encounter training will be replacing impact weapon training (AKA Redman/Fist-suit) focusing on all aspects of force options and officer protection.

PTRL 2030 Critical Incident Casualty Care – Add six hours of training to incorporate the national standard Law Enforcement First Responder (LEFR) curriculum to the academy. Agencies will have the option of completing necessary paperwork and paying the necessary processing fee to receive a certification valid for four years.*

* LEFR “teaches public safety first responders (police, law enforcement officers, firefighters, and other first responders) the basic medical care interventions that will help save an injured responder’s life until EMS practitioners can safely enter a tactical scene.”
Source: naemt.org

INTX 2030 DUI and Field Sobriety Testing – The objectives for this course are sufficiently covered in 15 hours of instruction instead of 16.

PROPOSED LAW ENFORCEMENT OFFICER

COURSE OF INSTRUCTION 2017-2018

**Handgun qualification proposal change – Currently, a cadet is required to fire two rounds in four seconds from the 25 yard line. The proposal is to increase this time to 8 seconds as a greater distance equals more time necessary to take a shot.

Summary

The Law Enforcement Officer course of instruction has been reduced by 20 hours.

**Should a change to a certification course come before the council for approval?

Attachment C

BASIC CORRECTIONS OFFICER
COURSE OF INSTRUCTION 2017-2018
PROPOSED

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	25
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	
FND.3080	Mental Health Self Care for Correctional Officers	2	
CORE.3010	Offender Supervision Strategies	4	42
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	
CORE.3180	Offender Manipulation	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 2017-2018
PROPOSED

Summary

Category	Hours
Course Curriculum	129 133
Physical Training (PT)	16
Orientation & Administration	12
<ul style="list-style-type: none"> • Facility Tours • Scenario Report Writing • Team Building • Peer Reviews • Concept review and remediation 	8
Testing	4
<ul style="list-style-type: none"> • 2 Intermediate Tests • Chemical Agents Test • Defensive Tactics Test 	
Basic Corrections Officer Certification Testing	2
Physical Fitness Testing	2
Defensive Tactics Practical Testing	3
Graduation	4
Total	172

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 to 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.

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 in meeting is an option

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 deployment of 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;
- an 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 (and posting to website)
- 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.