

POST COUNCIL MEETING

September 12, 2011

*Public Safety Education and Training Center
Sandy, UT*

MINUTES

On September 12, 2011, 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 Mike Larsen conducted and welcomed those in attendance.

The following POST Council members were in attendance:

Director Mike Larsen, Chairman, Orem DPS
Chief Terry Keefe, Vice-Chairman, Layton City P.D.
Sheriff Lamont Smith, Kane County Sheriff's Office
Executive Director Tom Patterson, Department of Corrections
Asst. SAC Kenneth Porter, FBI (proxy for SAC Dave Johnson)
Vice-President Donna Dillingham-Evans, Dixie State College
Commissioner Kerry Gibson, Weber County Commissioner
Dr. Sterling R. Provost, At Large
Robert D. Robertson, At Large
Mayor Melissa Johnson, West Jordan City
Sheriff James O. Tracy, Utah County Sheriff's Office
Chief Chris Burbank, Salt Lake City P.D.
Colonel Daniel Fuhr, Superintendent, Utah Highway Patrol
Executive Officer Craig Gibson, Attorney General's Office (proxy for Attorney General Mark Shurtleff)

The following were excused and/or absent:

SAC Dave Johnson, FBI (proxy by Kenneth Porter)
Chief Val Shupe, South Ogden City P.D.
John Crowley, UPOA President
Attorney General Mark Shurtleff, Attorney General's Office (proxy by Craig Gibson)
Sheriff David Edmunds, Summit County Sheriff's Office

POST staff present:

Scott Stephenson, Director
Kelly Sparks, Deputy Director
Shaunna McCleve, Administrative Secretary
Bryant Green, POST Investigations (DOC)
Rich Fordham, POST Investigations
Alex Garcia, POST Investigations
Brad Zeeman, POST Investigations
Wade Breur, POST Basic Training Bureau Chief
Lana Taylor, DPS Legal Counsel representing POST, Asst. Attorney General
Al Acosta, POST Investigations Bureau Chief
John Jacobs, Training Manager
Erin Nixon, Investigation Secretary
Chris Fielding, Media Specialist

Others present:

Jack Rickards, Weber State Academy
Nate Carlisle, Salt Lake Tribune
Geri Miller-Fox, Corrections Academy
Beau Babka
Dave Attridge, Salt Lake Community College Academy
Casey J. Phelps, DOC
Mark Howard, DOC
R. Fred Ross, Salt Lake City PD
Pat Reavy, Deseret News

WELCOME AND INTRODUCTIONS

The meeting was called to order at 10:00 a.m. Chairman Mike Larsen welcomed those in attendance at POST Council.

APPROVAL OF POST COUNCIL MINUTES

The POST Council minutes of June 13, 2011, were reviewed and the following motion was made:

Motion: ***Robbie Robertson motioned to approve the minutes of June 13, 2011.***
Second: ***Executive Director Tom Patterson seconded the motion.***
Vote: ***The motion passed with all in favor.***

SATELLITE AUDITS

Lt. Wade Breur reported on the Salt Lake Community College Academy and the Utah Department of Corrections Academy audit.

The Salt Lake Community College audit identified one class missed being drug tested, which is an exception. Director Attridge informed Lt. Breur there was a miscommunication with the drug testing company. There were no other exceptions with this audit.

The Utah Department of Corrections Academy audit identified a few minor exceptions with defensive tactics. Sgt. Poret will coordinate with the academy instructors to correct the identified exceptions. Lt. Breur has discussed the exceptions with Director Miller-Fox and she has assured him the deficiencies will be fixed.

POST TECHNOLOGY UPDATE

Manager John Jacobs reported a new online reporting system has been used this year for the reporting of in-service training hours. Ninety percent of all agencies participated in reporting in-service training hours with the new system. This system has improved the accuracy and efficiency of the in-service training hour report.

POST is in the process of revising the on-line POST application. POST is currently in a proof of concept process with the development company. This company will provide a web portal where a person can go on-line and complete the application. The electronic application will automatically go into POST's records and will not have to be printed.

REPORT ON K-9 BALLISTIC VEST ACCOUNT

Director Stephenson informed the Council a bill was passed last legislative session allowing DPS to create an account that could collect money for K-9 ballistic vest. There has been one golf tournament raising approximately three-thousand dollars and currently, with other donations, the account has accrued thirty-six hundred dollars. POST is in the process of writing administrative rule to establish protocol of dissemination

of these funds.

DISCIPLINARY ACTIONS:

Director Stephenson presented the following cases to the POST Council and reported, in addition to the following disciplinary cases, four officer's relinquished their peace officer certification.

BEAU BABKA

Offence – Misuse of Public Money

Category – A

Recommended Discipline- 4 year suspension

Status – Resigned 1/14/2011

Director Stephenson gave a brief synopsis on the Babka case.

Beau Babka addressed the Council and apologized for his actions. He asked for mercy from the Council and requested his suspension be eighteen months, retroactive from January.

Director Stephenson informed the Council, per state statute, POST could consider this violation a felony and would warrant a revocation. POST has mitigated the case to a four-year suspension due to the low monetary value of the misused public money. This will still afford Babka the opportunity to get back into law enforcement, but he will be required to complete the basic training academy.

Chief Burbank stated the Council needs to be careful with mitigating this case too much because of the leadership positions Babka has held.

Motion: *Executive Director Tom Patterson motioned to accept the recommended 4 year suspension of Beau Babka's peace officer certification (1/14/2011 – 1/14/2015).*

Second: *Colonel Daniel Fuhr seconded the motion.*

Vote: *The motion passed with 9 in favor and 3 against.*

MICHAEL LABATO

Offence – Assault

Category – B & C

Recommended Discipline- Revocation

Status – Resigned 6/21/2010

Motion: *Chief Terry Keefe motioned to accept the recommendation for revocation of Michael Labato's peace officer certification.*

Second: *Sheriff Lamont Smith seconded the motion.*

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

IAN F. SALTER

Offence – Falsely Obtaining/Dispensing Prescription Medication

Category – A

Recommended Discipline- Revocation

Status – Terminated 8/26/2010

Motion: *Sterling Provost motioned to accept the recommendation for revocation of Ian Salter's peace officer certification.*

Second: *Robbie Robertson seconded the motion.*

Vote: *The motion passed with all in favor. Executive Director Patterson recused himself.*

ROBERT CHRIS TRANI

Offence – Possession/Use of a Controlled Substance

Category – A

Recommended Discipline- Revocation

Status – Resigned 3/1/2011

Motion: *Sheriff James Tracy motioned to accept the recommendation for revocation of Robert Trani's peace officer certification.*

Second: *Sterling Provost seconded the motion.*

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

BLAINE PACE

Offence – Lewdness Involving a Child

Category – B

Recommended Discipline- 3 year suspension

Status – Resigned 6/15/2010

Motion: *Robbie Robertson motioned to accept the recommended 3 year suspension of Blaine Pace's peace officer certification (6/15/2010-6/15/2013).*

Second: *Chief Terry Keefe seconded the motion.*

Vote: *The motion passed with all in favor. Executive Director Patterson recused himself.*

ENOS G. SLIVERS

Offence – DUI

Category – D

Recommended Discipline- 1 year suspension

Status – Resigned 9/5/2010

Executive Director Patterson asked if Slivers has been working with another agency after resigning from Salt Lake City PD. Director Stephenson replied, not that he was aware of.

Motion: *Colonel Daniel Fuhr motioned to accept the recommended 1 year suspension of Enos Slivers' peace officer certification (9/5/2010-9/5/2011).*

Second: *Sheriff Lamont Smith seconded the motion.*

Vote: *The motion passed with all in favor. Chief Chris Burbank recused himself.*

MICHAEL R. JONES

Offence – Disorderly Conduct

Category – E

Recommended Discipline- 6 month suspension

Status – Admin Leave/Resigned 6/13/2011

Chief Keefe expressed a concern about the recommendation because of Jones position as a chief administrator. Therefore, Jones should be held to a higher standard. Director Stephenson replied Jones plead guilty to an infraction and POST felt like a 6 month suspension was fair and consistent.

Motion: Chief Chris Burbank motioned to reject the recommended 6 month suspension and suspend Michael Jones' peace officer certification for 1 year (6/13/2011-6/13/2012).
Second: Sterling Provost seconded the motion.
Vote: The motion passed with 11 in favor and 1 against.

CASEY PHELPS

Offence – Electronic Communication Harassment
Category – E
Recommended Discipline- Letter of Caution
Status – Still Employed

Motion: Sheriff Lamont Smith motioned to accept the recommended Letter of Caution for Casey Phelps.
Second: Sterling Provost seconded the motion.
Vote: The motion passed with all in favor. Executive Director Patterson recused himself.

Chairman Larsen asked if there was any other business to be discussed. Director Stephenson stated he would like to inform the Council of a new Emergency Vehicle Operation (EVO) program POST is implementing. POST is taking EVO training around the State to assist outlying departments. The details of this new program are going to be available at the Utah Sheriff's Conference next week.

NEXT POST COUNCIL MEETING

The next POST Council meeting will be at Public Safety Education and Training Building in Sandy, December 5, 2011, at 10:00 a.m.

ADJOURNMENT

Sheriff Lamont Smith motioned to adjourn.
Sterling Provost seconded the motion.
The POST Council meeting adjourned at 10:42 a.m.