



# POST Investigations Bulletin

State of Utah

## Department of Public Safety Peace Officer Standards and Training

June 2009

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One of the duties of the Utah Council on Peace Officer Standards and Training is to establish and enforce rules of conduct for certified peace officers throughout the state. During the disciplinary action portion of each POST Council Meeting, the Council reviews and rules on cases investigated by the POST Investigations Bureau. These decisions help define acceptable and unacceptable conduct for Utah peace officers.

Please note that the actions taken by the POST Council are not binding precedent. The POST Council makes every effort to be consistent in its decisions, but each case is considered on its own individual facts and circumstances. The *POST Investigations Bulletin* is published to provide insight into the Council's position on various types of officer misconduct.

On June 4, 2009, POST Council convened and considered 15 cases of officer discipline. POST Council accepted the recommended discipline on 13 cases; POST council requested more severe sanctions on two cases.

### Case #1

**False Application:** Cadets A, B, and C were all attending a satellite academy program. One of the first topics taught to the Cadet class was Professionalism and Ethics. A few days after this class, Cadets A, B, and C all reported to the POST satellite director that they had not disclosed drug usage on their applications. The drug usage was within the time period that would have made them ineligible to attend POST. Cadets A, B, and C were dismissed from the academy. They were all given denial of training letters for a two-year period of time.

### Case #2

**DUI:** Officer D worked as a correctional officer. Officer D had just gone to bed after consuming alcohol. Officer D received a call from his sister reporting she needed his help and asked him to come pick her up. Officer D put on his department issued jacket and responded to the location. When Officer D arrived at the location, there were several officers from the city police department. Officer D parked his car and approached the officers on foot. The sister of officer D had been cited for underage drinking. Officers from the city department noticed officer D was swaying, used a wide stance, and had slurred speech. They had not actually seen him driving the vehicle. The officers questioned Officer D about his alcohol consumption. Officer D admitted to drinking and then driving to the location to pick up his sister. Officer D was given a portable breath test; the results indicated a level of .153. The city officers had Officer D contact another relative to pick up himself and his sister. Officer D signed a consent agreement for a two-year suspension of his correctional officer certification. The POST council ratified the conditions of the consent agreement.

### Case #3

**Forcible Sex Abuse:** Officer E worked as a police officer for a city police department. A female teenager had reported to her boyfriend and school councilors she had been sexually abused by Officer E for four-years; she was 17-years old at the time of reporting the abuse. The councilor reported the abuse to local authorities. Detectives interviewed the victim and attempted to interview Officer E. Officer E told the detectives via telephone the victim was telling the truth and he was going to go home and harm himself. Officer E went to his home and barricaded himself for several hours. Officer E eventually surrendered to authorities. Officer E was charged and pled guilty to several felony counts of forcible sex abuse. Officer E was issued a Felony Revocation Letter from the POST Director.

### Case #4

**On Duty Sexual Misconduct:** Deputy F worked for a county sheriff's office. Agency administrators became concerned when they discovered Deputy F had an unusually high phone bill for his department issued phone. Agency investigators learned a frequently used number belonged to a female that went to the same gym as Deputy F. Agency Investigators observed Deputy F with this female, who was not his wife, on an unauthorized ride-along in his patrol vehicle. Investigators interviewed both the female and Deputy F. Both admitted to having sexual affairs while Deputy F was on and off Duty. Deputy F signed a consent agreement for a three-year suspension of his peace officer certification. The POST Council ratified the conditions of the consent agreement.

### Case #5

**Off Duty Sexual Misconduct:** Deputy G was employed as a law enforcement officer for a county sheriff. A complainant came forward and reported to the sheriff's office that Deputy G was involved in a sexual relationship with his wife. The complainant stated the relationship had been ongoing and he believed it occurred while Deputy G was on duty. Deputy G was questioned under Garrity about the relationship with the complainant's wife. Deputy G admitted to having an ongoing sexual relationship with the woman, but denied having sexual relations on duty. There was no evidence to support an on duty sexual relationship. Deputy G signed a consent agreement for a one-year suspension of his peace officer certification. The POST Council ratified the conditions of the consent agreement.

### Case #6

**DUI:** Deputy H worked as a law enforcement officer for a sheriff's department. Deputy H was stopped by a state trooper for speeding. The trooper detected an odor of alcohol on the breath of Deputy H. Deputy H was asked to perform field sobriety tests. At the conclusion of the tests, the trooper gathered sufficient evidence to arrest Deputy H for DUI. Deputy H tested .137 on the intoxilyzer. Deputy H signed a consent agreement for a two-year suspension of his peace officer certification. The POST Council ratified the conditions of the consent agreement.

### Case #7

**Sexual Misconduct and Lying under Garrity:** Officer I worked as a law enforcement officer for a city agency. Several teenagers reported inappropriate activity in a vehicle at a local park. Police officers responded to the park and found Officer I and a female, who was not his wife, sitting in a vehicle talking. Officer I identified himself as a police officer from an adjoining jurisdiction. Officer I and the female denied they were engaged in inappropriate activity at the park. The encounter was reported to Officer I's agency. Officer I and the female were interviewed by agency investigators. Officer I was questioned after receiving a Garrity warning. Officer I denied ever engaging in a sexual relationship with the female.. Several hours after the interview, Officer I called the chief of police and admitted that he had lied to investigators and that he was having an ongoing sexual relationship with the woman. However he claimed nothing occurred at the city park or while he was on duty. Officer I signed a consent agreement for a four-year suspension of his peace officer certification. The POST Council ratified the conditions of the consent agreement.

### **Case #8**

**Custodial Sexual Misconduct, Tampering with Evidence:** Deputy J work as a tracker for a drug court program and was employed by a sheriff's office. Deputy J engaged in sexual activity with several probationers on several occasions. The same probationers requested Deputy J assist them in defrauding a drug screen because they knew their urinalysis test would show positive results. Deputy J replaced the probationers' urine samples with her own urine on seven separate occasions. Deputy J was charged and pled guilty to four felony charges for custodial sexual misconduct and tampering with evidence. Deputy J was issued a Felony Revocation Letter from the POST Director.

### **Case# 9**

**Child Pornography:** Deputy K worked as a correctional officer for a county sheriff's office. Investigators from the State Attorney General's office were conducting investigations on several individuals for downloading child pornography. Deputy K was identified as a suspect and was believed to have downloaded child pornography on his home computer. Attorney General Investigators and agency investigators interviewed Deputy K. Deputy K admitted having a problem with pornography and admitted he had downloaded numerous pornographic images of children. Deputy K signed a consent agreement for revocation of his peace officer certification. The POST Council ratified the conditions of the consent agreement.

### **Case# 10**

**Drug use and providing false information on POST Application:** Cadet L was attending a satellite POST academy. Cadet L had completed the special functions officer portion and was enrolled in the law enforcement officer portion of the academy. Cadet L was randomly selected to participate in a drug test. The test results indicated Cadet L had marijuana in his system. Cadet L was questioned about the positive results. Cadet L admitted to the academy supervisor that he did smoke marijuana the night before the random drug test. Cadet L admitted to POST investigators he had used marijuana within the two years preceding his application to POST and did not report this on his application. Cadet L signed a consent agreement for revocation of his special function officer certification. The POST Council ratified the conditions of the consent agreement.