

**MINUTES OF THE  
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**  
Wednesday, October 21, 2015 – 1:15 p.m. – Room 450 Capitol Building

**Members Present:**

Sen. Todd Weiler, Senate Chair  
Rep. Don L. Ipson, House Chair  
Sen. Luz Escamilla  
Sen. Daniel W. Thatcher  
Rep. Brad M. Daw  
Rep. Sandra Hollins  
Rep. Kay L. McIff  
Rep. Curtis Oda  
Rep. Paul Ray  
Rep. Edward H. Redd  
Rep. Marc K. Roberts  
Rep. Angela Romero

Rep. Earl D. Tanner  
Rep. Raymond P. Ward  
Rep. R. Curt Webb

**Members Absent:**

Pres. Wayne L. Niederhauser

**Staff Present:**

Mr. Nathan W. Brady, Policy Analyst  
Ms. Susan Creager Allred, Associate General  
Counsel  
Ms. Lori Rammell, Legislative Assistant

**Note:** A list of others present, a copy of related materials, and an audio recording of the meeting can be found at [www.le.utah.gov](http://www.le.utah.gov).

**1. Committee Business**

Chair Weiler called the meeting to order at 1:26 p.m.

**MOTION:** Rep. Ipson moved to approve the minutes of the August 19, 2015, meeting. The motion passed unanimously.

**2. College Credit for Public Safety Officers**

Sen. Karen Mayne distributed draft legislation "College Credit for Public Safety Officers" (2016FL-0043/006). She explained that the purpose of the draft legislation is to require certain institutions of higher education to award credit to a person who completes a law enforcement basic training course and passes the certification examination. She acknowledged that fewer people are going into law enforcement, and this legislation is meant to provide incentive for more individuals, including minorities and women, to enter the profession. Sen. Mayne responded to questions from the committee regarding transferability of credits offered as a result of this legislation.

Mr. Scott Stephenson, Director, Peace Officers Standards and Training, described the training that officers undergo as part of the Peace Officers Standards and Training (POST) program. Mr. Stephenson responded to questions from the committee regarding the similarity of the program to a regular college class.

Mr. Dave Buhler, Commissioner of Higher Education, Utah System of Higher Education, stated that he supports the intent behind the draft legislation and encourages peace officers to obtain education beyond POST. He expressed concern, however, that this would be the first time the Legislature has mandated that schools provide a specific number of college credits for other instruction. He suggested the possibility that institutions of higher education could begin offering similar classes to POST. He responded to questions from the committee by describing existing programs at the college level that offer credit to military veterans.

Mr. Brad Mortensen, Vice President for University Advancement, Weber State University, described the

criminal justice and police academy programs already offered at Weber State University, and added that the university already has more than 80 matriculation agreements. He stated that he did not see the need for legislation to resolve this issue.

**MOTION:** Sen. Thatcher moved to approve "College Credit for Public Safety Officers" as a committee bill. The motion was withdrawn.

### **3. Use of Force by Law Enforcement**

Mr. Brady outlined the tasks given to the committee by legislative management. He also outlined the options the committee has in regard to these items.

Mr. Ken Wallentine, Chief of Law Enforcement, Utah Attorney General's Office, addressed recent media reports regarding use of force by law enforcement and the importance of proper training to avoid unnecessary use of force by law enforcement officers. He suggested better training in tactical disengagement, including training simulators, not only for recruits in the police academy, but also for veteran officers. Mr. Wallentine responded to questions from the committee regarding recruiting qualified applicants for law enforcement positions, and training law enforcement officers to recognize and address their stress.

Mr. Stephenson said that POST is the first step in training officers in de-escalation tactics, including tolerance of diversity and conflict resolution. He also described training in defensive maneuvers, mental health and understanding human behavior, and crisis intervention. He said recruits are given 350 objectives, in over 580 hours, and presented with 35 different scenarios, after each of which they are critiqued and evaluated immediately. Mr. Stephenson responded to questions from the committee regarding periodic psychological assessment of officers and training to address stereotypes.

Officer Mike Rapich, Division Director, Utah Highway Patrol, described the scrutiny the Utah Highway Patrol (UHP) gives to each critical incident, as a result of available body camera footage of each interaction. He reported that regular audits are conducted of traffic stops, reporting, and other areas. He said UHP maintains a database that tracks for each officer the number of officer-involved accidents, complaints, and other incidents, to identify warning signs for individual officers. He said UHP applies an extensive process to find the right people to become highway patrol officers. Officer Rapich responded to questions regarding evaluation of feedback from the public.

Sheriff Jim Tracy, Utah County, immediate past president, Utah Sheriffs' Association, discussed the increasing number of situations where officers must deal with individuals who have mental health or substance abuse issues. He said these incidents are especially difficult for officers, who tend to have inadequate training in these areas. He responded to questions from the committee regarding the handling and tracking in sheriffs' departments of complaints against individual officers.

Chief Tom Ross, Bountiful Police Department, President, Utah Chiefs of Police Association, described his agency's process for handling complaints against officers. Chief Ross stated that additional scrutiny by an outsider of officer complaints would be unnecessary, as there is no one better qualified to resolve these issues than those who directly supervise the officer. He pointed out the collaboration between law enforcement agencies, the Utah League of Cities and Towns, and the Utah Association of Counties, resulting in a comprehensive questionnaire regarding agencies' use of force being distributed to law enforcement, the results of which will be available to the Legislature.

Mr. Paul Boyden, Executive Director, Statewide Association of Prosecutors, said that when a citizen comes

to the association with a complaint against a law enforcement officer, the citizen is referred to the applicable law enforcement agency's internal affairs office. He said that as most of these complaints do not involve criminal violations, the association does not have the investigative resources that the individual agencies do. He then described the association's responsibility in pursuing criminal cases where they have a reasonable likelihood of obtaining a conviction. He said that an officer-involved shooting requires three simultaneous investigations.

Mr. Stephenson described the additional administrative investigation of complaints that is conducted through POST. He also described the reporting process for use of force and the tracking of those incidents throughout the state.

Mr. Richard Ziebarth, Commission on Criminal and Juvenile Justice, presented "2014 Law Enforcement Transparency Report" and the legislation that requires reporting by law enforcement upon use of forcible entry. He outlined the questions contained in the questionnaire and the places where the report can be accessed. Mr. Ziebarth responded to questions from the committee regarding the effect of 2015 General Session H.B. 348, "Criminal Justice Programs and Amendments," or the Justice Reinvestment Initiative, in possibly decreasing the number of incidents involving forcible entry.

Ms. Sofia Nystrom, research consultant, Commission on Criminal and Juvenile Justice, described the organization of the transparency report and the results by group, including tactical, task force, and nontactical. She stated that the vast majority of warrants were related to drug crimes.

Mr. Steve Unger, retired Holladay resident, described an incident he was involved in recently that resulted in his temporary detention by law enforcement officers in Cottonwood Heights. He stated that he was innocent of any wrongdoing, despite an alleged report that he was obstructing traffic. He described what he stated was inconsiderate and unwarranted treatment by the responding officers. He said the charges against him were dropped last week.

Rep. Ray spoke in defense of law enforcement's handling of Mr. Unger's situation.

#### **4. Adjourn**

**MOTION:** Rep. Ray moved to adjourn the meeting. The motion passed unanimously with Sen. Escamilla and Sen. Thatcher absent for the vote.

Chair Weiler adjourned the meeting at 4:00 p.m.