

Foreword

The following transcript was generated using a voice to text app no audio or video recording of this meeting was recorded by the interviewer. When requesting assistance to edit the raw transcript to add speaker titles and fix errors, (so it could be sent to the Mayor), this transcript was leaked to outside parties and is now being used as reference in litigation. For the benefit of all parties and transparency the full transcript is being released so the full context of the conversation can be understood. Due to the leak regrettably no further meetings between the interviewer and chief will occur to review the findings.

I do believe that the American Fork Police Department was on a path toward accountability before the lawsuit and the lawsuit while still bringing accountability altered that trajectory. I was hopeful that these findings would've been released voluntarily by the department if allowed the time and ability to do so. I commend the chief for his honesty and transparency during this meeting and I would hope that other departments would have the same courage to do so. It seems to be a practice for our governmental agencies to forsake their constitutional oaths in order to escape liability from the very citizens they have sworn that oath to. It is not easy to admit fault especially when that fault is attached to consequences but the truth no matter how ugly should be held high and witnessed, not buried.

No outside parties should contact the city or police department with insults or threats. At this point let the lawyers and legal system work its course.

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OPENING AND STOP-SIGN INCIDENT

Interviewer: So, let's test. Is it okay? Awesome.

Chief: I've almost concluded my review of the things that we did on this case. I know we're looking at some outside reviews, too. The honest truth is, we didn't do this perfectly.

There's really nothing in law enforcement that we do perfectly, and there are several issues that I think weren't handled well or were handled outside of policy. Those are all things that I'm looking to address.

There are things that need to change as a result. In fact, some of those we've already put into place as far as department training goes. We've done some search-and-seizure training and gone over case law precedent as it relates to search warrants, especially: What's our authority to detain under case law? Beyond that, what's our authority to detain in handcuffs? What's our

authority to detain and search, which is a level higher?

Then, of course, to detain and transport does turn into a de facto arrest. There are very limited circumstances where it can remain a detention. It is possible, but I don't really know—or believe—that necessarily applied in our instance.

There are things that we need to improve, and we've already started taking those steps. A lot of that will come in the way of training as well. I don't know if you have a list of individual things from these cases that you want to go through. I'd like to jot them down. I may not have an answer for you today, but I'd like to meet back up, and then I can give you my answers, if that's possible.

Interviewer: Okay, let's go through the four incidents. Those are the incidents that I'm most familiar with. The first one is the police report for the stop-sign incident where Tyler Shaw was pulled over for the stop sign. Have you had a chance to review that footage in the video?

Chief: Yes.

Interviewer: What did you find?

Chief: There are some issues. Officer Richardson—I understand that he thought he knew what the statute said, but he didn't. Looking specifically at the stop, I want to talk about reasonable suspicion and then also the stop-sign violation.

It's hard to justify any type of stop-sign violation there. State code talks about stopping at a stop line or stop sign. It also talks about stopping at a point nearest the stop sign where you can still see traffic flowing back and forth, which you could argue also puts it a little past the stop sign.

Interviewer: I do want to add a correction. In the Utah code, it does not say anywhere “nearest to the stop sign,” but it does say “before the intersection.” There are three places where someone needs to stop if there is a stop sign. Number one is at a well-marked stop line. If there is no well-marked stop line, then it is before the crosswalk. If there is no crosswalk, then it is before the intersection.

The stop sign itself doesn't indicate the location where the stop needs to occur; the type of road does. Do we agree on that?

Chief: Yes. I'm sorry, I don't have the exact language. What I'm saying is, the stop sign really doesn't matter. You're able to stop at a sign or at a place where you can see the intersection and clearly see traffic that's coming forward.

In this case, I know he cited a stop-sign violation. I do not believe there was a stop-sign violation. We've since gone over the statute with him and said, “Officer Richardson, this is

exactly what the statute says.” He didn't remember it correctly.

I do not believe he was intentionally lying or fabricating, but he clearly misremembered, and it was clearly not a stop-sign violation.

Chief: I would argue, however, that he did at least have reasonable suspicion to make the stop. He should have based his stop on that reasonable suspicion to begin with and not tried to drum up some kind of other offense.

Interviewer: What was the reasonable suspicion that you believe he had?

Chief: Again, I'm going to write this down because I've got my findings, but I don't have them in front of me. I'm not going to misspeak or be misquoted. I'm going to write that down as one of your questions: What established what I felt was reasonable suspicion for the stop? When we meet again, I'm going to have an answer for you. I just want to have my stuff in front of me.

Interviewer: Of course. I don't want to pressure you into anything. This isn't me trying to do some sort of gotcha; it's just trying to get answers that are well communicated. I don't want you to feel forced to answer something you don't know or can't communicate well.

Chief: Absolutely. I've written that down, and I will make sure that when we meet again, I'll have my findings. We'll address that specifically, and I'll give you my explanation as to why I felt there was reasonable suspicion.

Interviewer: My second question on that particular one was: Why wasn't that detention unlawfully extended? Does that question make sense?

Chief: It would depend on whether it was or wasn't.

Interviewer: Why wasn't it—or how did that not qualify as an unlawfully extended stop?

Chief: Okay, an unlawfully extended detention. You're saying you believe it was an unlawful extension of a detention, and why would it have been considered lawful? Is that it? Again, I can get you more on that.

Interviewer: That's completely fine.

Chief: I'll get you my findings, and we'll go through that in detail.

Interviewer: That's totally fine. That is the first one handled.

DOG SEARCH AND MISSIONARY INCIDENT

Interviewer: The second one is the dog search and the missionary. Are you familiar with what that would be?

Chief: Yes, I'm familiar with the case.

Interviewer: What does "furry tail" mean. I heard the term.

Chief: I don't know what that means.

Interviewer: In the body camera, you can hear Officer Hawkins use the term "furry tail." We don't know what that lingo means, so I'm curious what it means.

Chief: I can find out exactly what he meant by that. That's no problem.

Interviewer: The next question would be: Where did the term "This is American Fork. We do things differently here" come from? Have you watched that?

Chief: We have a ton of body camera footage. I don't expect anyone to watch—

Interviewer: I've seen just about all of it.

Chief: Okay, but you watched specifically that, and what Officer Hawkins was trying to explain to this individual? Did you watch that body camera—our body camera?

Chief: Again, I'll get you more of an exact answer. I'm going to bring in my findings because I don't want to misspeak or be misquoted, but I do feel that's something that was taken out of context.

That could be applied to a million different things. Let's talk about the state of California for just a second. I think the general public would likely agree that we in Utah probably enforce more laws and have a greater level of enforcement compared to some states, such as California. There may be some things they don't prosecute down there, or things they don't handle because they're so busy.

That's not a big deal if I come in and say, "Here in Utah, though, we do take that seriously. We will prosecute this, or we will make a stop for this, or we'll do X, Y, and Z. We do things differently here." I personally don't see the issue there.

Now, if Officer Hawkins is saying, "Everyone else follows the Constitution and respects constitutional rights, but we do things differently here," that's an issue. I think the context is important. Again, I will get you my findings and an actual transcription of what was said.

We've made some mistakes. I've already openly admitted that, and I'll admit that. But that one, I

truly feel, was taken out of context and was unfair.

Interviewer: This phrase was used twice. It was used once to Benjamin Schneider and once to Christopher—or Christian. Christian. The phrase used for Christian was, “This is Utah County. We do things differently here.”

Chief: I would tell you that part of that is even true compared to Salt Lake County. We have two very different county attorneys. Salt Lake's is referred to as a district attorney. We have very different philosophies when it comes to enforcing some offenses and how those get prosecuted.

Again, what's the context it's being used in? I will get an actual transcription of that. In fact, I'm going to write down “context on that statement,” because that's important.

If we're referring to something we try to do well and saying, “We do things differently here,” that's very different from saying, “You can bribe us. You can pay us twenty, and we'll let you off. We do things differently here.” That's very different.

I am a little frustrated. I feel this specific thing has been generally unfair to us and taken out of context. But I will get you a transcription, and we'll go through that. I've got that written down.

Interviewer: The next one would be his statement: “My plan was just to scare them a little bit and let them go.” Also from Officer Hawkins.

Chief: Okay. That's one I'm going to wait to go over with you until we meet again.

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Chief: We will go over that. Does that work?

Interviewer: Okay. Like I said, I'm not trying to press you. I do want answers, and sometimes the answer isn't going to be something I like. It is what it is.

Chief: Maybe I'll speak a little bit to that right now. [Unclear introductory phrase.] I'm speaking generally, not necessarily specific to this.

We as officers have a wide array of discretion, which is good if used lawfully and in good faith. Let's say I get called out for a criminal violation. In my opinion, of the different things that could happen, probably the least favorable thing to that individual—to a suspect, we'll call them—is for him to be charged.

If I can go out, and this isn't an ongoing problem, I really don't want to cite this individual because I think I can handle it differently. I think it's reasonable at times for us to say, “I'm going to help him understand the severity of this a little bit and make sure he knows that if he does this

again, this is what's going to happen. But then I will let him off.”

The verbiage is not great as far as “scaring him a little,” but there are times we will go out and help somebody understand the gravity of the situation and make it appear very serious to them—or as serious as it is. Then we will use our discretion and cut them loose.

Chief: In our view, a lot of times that's extending some form of mercy, leniency, or grace by not citing. We could cite; we could try to drum something up as far as the charge goes. But we're just telling you, “This is super serious. These are the things that could happen. We're not saying they will happen, but they could happen. Don't do it again.”

I will say that generally. When we meet again, I will go over this incident specifically.

Interviewer: And then also the articulable suspicion for pulling them over on that incident as well.

Chief: Okay. Let's get that in there.

Interviewer: I know the reason was—and there's no video evidence of this—that they claimed they saw Christian attempting to enter their vehicle. But I don't believe Christian was doing anything unlawful.

Chief: Christian was attempting to enter his vehicle?

Interviewer: Sorry, Benjamin Schneider's, according to the police report. That was what caused the stop, but I don't believe Christian was doing anything illegal. Then the question is: What was the cause for Benjamin Schneider at that point?

Chief: Okay. Sounds great. I've got that written down.

Interviewer: Then, the continued detention for a dog sniff.

Chief: Again, I'm going to bring you findings. We can do an open-air sniff on any vehicle, obviously, as long as we're not unlawfully extending the scope of the stop—or not the scope, but the time. You're going to get me on semantics here.

Interviewer: No, I'm not trying to.

Chief: I can't prolong the stop just for a canine sniff unless I have something more. I know they also did field sobriety tests, so I will look at times.

My understanding was that the canine sniff was done at the same time they were doing field sobriety tests. If the actual deployment of the dog prior to indication was done at the same time, and in less time than the field sobriety tests, then that would not have prolonged the stop. I will

get you actual times on that.

Chief: You're right: short of having something additional, we can't extend the time of a stop beyond what we would normally spend just to be able to deploy a dog. But the understanding also has to be present that if it wasn't prolonged—if there were other things prolonging it aside from the sniff—then that would have been lawful.

Interviewer: Regarding that, I do have a request for the department. There might be another section that has it, but currently this is the section for canine narcotics. I would like something in there stating that a stop cannot be extended for a canine sniff unless there's probable cause or reasonable articulable suspicion. That is what the law is, but it's just not in the policy.

Chief: I'm not saying we can't do that, so I will look into it. We clearly don't have every single piece of court precedent in department policy. That would take our manual from six hundred pages to who knows how many. But I'm not saying I'm opposed to that. I'm going to write that down.

Interviewer: With the reports I've received, that has been a concern with several citizens.

Chief: Again, I get that. What I would look for from you is specific cases. I'm not discounting citizens' concerns. Bring me something; otherwise, I can't do anything about it. If the people talking about that can bring you actual case numbers that I can look at, that would be incredibly helpful.

Interviewer: I've actually asked them to do so. I don't know whether they have or haven't. Some were quite a while ago, so it's just his word versus her word.

Chief: Gotcha.

Interviewer: Another issue on that one is Officer Hawkins stating, "I didn't see anything with Tyler. I believe he's good to drive," or something along those lines. That was before the test, before the detention, before everything.

The question becomes: What was the probable cause? What was the articulable suspicion to do that? They said they smelled alcohol on the other gentleman, which wouldn't give articulable suspicion—

Chief: That's not a nexus. It's got to be individualized. Just because someone else has the odor of an alcoholic beverage on their breath doesn't justify it. It's got to be individualized. You're right. I've got that written down.

PROCESS-SERVER INCIDENT, STALKING, AND TARGETED RESIDENTIAL PICKETING

Interviewer: That one's settled. The next incident was with the process server. Are you familiar with that?

Chief: I am.

Interviewer: Let's go straight to the code. In the Utah state code, there is an exception for stalking. The exceptions are stated under subsection six, but under 6(b) is the one I believe would be most particular to this situation.

Chief: You're familiar with the stalking code as well, I'm assuming? We talk about a course of conduct, which is two or more events. I understand this, absolutely. If I have a course of conduct that's already five events, and now we have four because of a process server, we still have more than enough events to justify a course of conduct.

Interviewer: What would be the events that you had in that situation, at that point?

Chief: In my opinion, there are several, but this is a good question. I'm going to write this down, and then I'm going to bring those to you when we meet again. Then we can go through those.

Interviewer: What constituted the course of conduct? Because at that point, we only have those two incidents.

Chief: Have you read our police reports on this one or just looked at our body camera?

Interviewer: I have both.

Chief: Okay. We will go over that. That's no problem at all.

Interviewer: I believe the police reports may be citing Sandy Police Department, which would be a different individual. Those cases would not stack with this one, if that makes sense.

Chief: Correct. They get individualized to a victim. Even if there had been a course of conduct up in Sandy, those events don't apply here unless there's some nexus between victims or something. I agree with you.

Interviewer: The next issue was with targeted residential picketing. The definition in the code I have here is: "Picketing means the stationing or posting of one or more individuals to apprise the public vocally, or by standing or marching with signs, banners, sound amplification devices, or other means, of an opinion or a message." How does posting a single sign fit this definition?

Chief: I've got that down as well.

Interviewer: In my honest opinion, this charge in particular falls flat on its face and should be

dismissed, but that's outside of my control.

Chief: Are there any other concerns you have with this incident?

Interviewer: As for the serving incident, there are a couple.

Chief: Again, I'll go through those with you. I'm writing all these down, so I'm just going to say "other concerns," and I will bring those in when we meet again and talk to you about some of my other concerns.

I think it's pretty apparent that we need additional training when it comes to process serving, civil paperwork, and the process there. That's something the department needs to take care of, because even between officers there's some confusion on what can be done, what can't be done, what needs to be done, and what should be done. That's just one of a couple that I have.

Interviewer: One question that keeps coming to mind is that I have a hard time thinking of anything more professional or business-oriented than serving papers. Just hearing that someone was arrested in the process raises concerns.

If the papers were served, like the police officer said they might do, and then they told Ben to leave, and he refused to leave because he wanted videotape evidence, that would dismiss a lot of the concerns residents have.

Chief: I understand what you're saying. Okay, cool.

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GOFUNDME INCIDENT AND SEIZURE OF A PHONE

Interviewer: The next incident is the GoFundMe incident.

Chief: This is the fourth case we're on, right?

Interviewer: This is the third stop. Yes, fourth—you're right. There's five incidents.

Chief: I think we only have four.

Interviewer: The GoFundMe and the raid are joined in the police report, but separate in my mind.

Chief: Gotcha. Okay.

Interviewer: The GoFundMe incident involved the arrest of Sheldon Norcross. In the police

report—my apologies, I was thinking we were going to be [unfinished thought]. We have Officer Adamson stating this in the police report.

Interviewer points to Highlighted section in Officer Adamson's Incident Report 26AF02066 Sheldon contact

"While explaining this information to Sheldon, he became semi-fidgety and was manipulating what appeared to be his phone inside his Jacket Pocket where his hands were. I was concerned he was attempting to lock or seal his phone to hinder the Investigation"

Interviewer and Chief read through the section out loud

Okay, So that that's not.

That is an issue.

And again, we'll talk about this when I, when I get finalized for you, but destroying evidence is different than a locked phone, right?

Chief: That is an issue. Again, we'll talk about this when I get findings for you, but destroying evidence is different from a locked phone. If we're destroying evidence, that's very different from someone locking his phone.

I've heard Lieutenant Adamson's explanation It differs from what's in his report, but what's written in his report would not be a justification for seizing the phone. I completely can see how that's an issue.

Interviewer: After the phone was seized—we talked about this a little in the meeting with the mayor—he then manipulated the device so it would not lock, knowing it was the wish and intention of the person he seized it from to lock it.

Maybe there's some sort of case precedent. I would disagree with it, but if there's case precedent, there's case precedent.

SEARCH WARRANT, BODY CAMERAS, AND THE AIRBNB

Chief: Gotcha. I've got that written down. Are there other concerns you have with the GoFundMe incident? Then we'll move on to the raid. There are a few other concerns I have, but again, we'll go over those when we meet back up. I'm going to write that down as well.

Interviewer: Okay, on the search warrant. One of the body camera videos that has not been

released, which I believe would be a public concern, is the video evidence of Officer Adamson going to the Airbnb and doing his investigation.

Chief: We haven't held any video back. There are some redactions. Are you talking about redacted footage?

Interviewer: This footage is not released at all. There is no footage available to the public of Adamson going to the Airbnb and conversing and investigating with the owner.

Chief: Which means—and I'm not saying this is right—that there is not video of it. Every video we've had from this incident has been released with redactions. If something hasn't been released, it means it just does not exist. We just do not have a video of him conversing with the Airbnb homeowner.

Interviewer: And that is against policy. That raises even more concerns, because we're supposed to record everything with a very limited list of restrictions. Those are if the person we're recording requests it and they have evidence that would be important, which we wouldn't be able to get while recording; when the investigation is over; or when consulting with an officer.

Interviewer Referencing Printed Policy 421.5.1

With that last one in particular, what does “consulting” mean to our department?

Chief: As a chief, I would consider consulting to be any instance where I'm talking about the case and what I've got, and what actions I'm going to take. That's what I consider a consultation: specific to the case and anything as far as trying to figure out what we have and how we're going to move forward.

Interviewer: If that is our definition of consulting, then there are additional concerns about when body cameras were muted. When Hawkins pulled over Ben, he muted his body camera when none of those circumstances were happening, and then forgot to record again later on.

There are other similar incidents. This isn't as big of a deal, but when an officer is moving from one location to another, what is the purpose of muting? In my opinion, I would update the code to say that whenever an officer mutes their body camera, they need to state the reason why.

Chief: I'm pretty sure that's already—

Interviewer: It's not.

Chief: Okay.

Interviewer: That is in the Salt Lake City code, but it is not in our code or policies. “A member

should document any instance where he or she should have activated his or her body-worn camera”—and when it says activated, I also believe that means reactivating—“but fails to do so,” and then the reason for the failure.

Chief: That's an actual state code, not a department policy. Is that what you're talking about?

Interviewer: More or less. Have you seen the video of the Orem officer?

Chief: I have not seen that one.

Interviewer: When the Orem officer went to the bathroom, he said, “I'm muting my body camera because I'm going to use the bathroom.” He narrated to his body camera the reason why, then turned it off, used the bathroom, came back out, and turned it back on.

It would be something like, “I am muting my body camera because I want to consult with Officer Paul regarding this,” and then mute it.

I still don't like muting, even in that case. In my opinion, if redaction needs to happen, it should happen on the cutting-room floor, where it can be re-obtained if necessary. When an officer mutes their body camera, it's gone forever.

Chief: Yes, and we had multiple instances where officers also failed to reactivate them once they had been muted. It makes it look bad, too, because you have some officers who didn't mute and some who did. It creates issues. There are some issues there, absolutely.

I will find out exactly what that conversation or interaction with the Airbnb homeowner entailed and why there's not a recording of it.

Interviewer: Another thing: I assume Officer Adamson was at the Airbnb from when he arrived until the raid started. Would that assumption be correct?

Chief: I don't know. I should make sure I'm understanding: You're wondering if he was at the Airbnb the entire time, basically from the contact with the homeowner to the time the warrant was executed?

Interviewer: Correct.

Chief: I don't know, but I can find out.

Interviewer: In policy 608, in this highlighted portion, when doing these raids, a plan is started. Any officer who's not there for that plan, without approval from the supervisor, is not supposed to participate in the raid.

Chief: I am happy to look into this. I think a question would be: What is the definition of an operation? This really applies a lot to our SWAT deployments, forcible-entry warrants, no-knock warrants, and things like that. I don't know that this would necessarily apply to every single search warrant. We do quite a few search warrants, so I'll look into the definition.

Interviewer: Was there an operation briefing for this incident?

Chief: Again, what's a briefing? I will look into this, and I will get you an answer.

Interviewer: The search warrant was issued for Legos. The department was well aware that Ben's purpose for being in Utah was to investigate stolen Legos. In the search warrant itself—the affidavit submitted to the judge—there was no evidence provided that there were stolen Legos from Utah, or that Ben had stolen Legos. Any discussion of stolen Legos would be easily dismissed by any officer's knowledge of the case.

Chief: I will say that the search warrant affidavit presents one of the biggest places where we screwed up. I've got some information to share with you right now, but I'm talking about what it should be, not what's here, because what's here is different.

What this affidavit was meant to be was an affidavit to search for a person pursuant to an arrest. This didn't really have anything to do with Legos. We weren't going in to look for Legos. We didn't even search the residence for Legos.

What happened here is a new officer wrote this affidavit. We have a clear directive in policy that search warrant affidavits have to be reviewed by a supervisor in our department. In this case, due to a myriad of whatever—the officers want to say that one was busy here, one was busy there—this did not get reviewed by a supervisor.

It looks like you're going to show me something.

Interviewer: It's more than just a supervisor as well. Keep talking while I find this, because you were making some valid points.

Chief: Basically, what I'm getting at is we failed here. In my opinion, we should have never even put Legos in this affidavit. What we're looking for is an individual named Benjamin Paul Schneider. That is the person we're looking for. Here's the probable cause as to why we feel we've got enough for an arrest, and here's the probable cause as to why we feel he's inside the residence at this time.

I know they heard the homeowner mention something about Legos, but in my opinion that never should have made it into this affidavit.

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Chief: What it makes it look like to the public is that we executed a shoddy search warrant for Legos. Although that's what it portrays, that's not what we were trying to do, which means we failed here. There are several issues surrounding how the affidavit was completed and submitted. There are problems.

Interviewer supplies a print out of policy 608.4.2 Operations Planning and Deconfliction with a highlighted portion stating:

“Officers will present the risk assessment form and other relevant documents, such as copies of search warrants, affidavits and arrest warrants, to the Chief of Police and designee.”

Interviewer: Under this section I have marked and highlighted, it says that search warrants, search warrant affidavits, and arrest warrants are submitted to the chief of police or designee. You have a designee for these things, but this search warrant was also supposed to be submitted to you as well, according to our code, to my understanding.

Chief: I wouldn't qualify this as something similar to a major SWAT operation where we're doing deconfliction, risk assessments, and whatnot.

To give you an idea, let's say we have a bunch of individuals inside a residence dealing firearms, and there's also a drug component. At that point we'll do a risk assessment and deconfliction. Depending on what that risk assessment says, that makes it to me, as well as the affidavits and anything else that happens. Then we have a discussion: How are we going to serve this warrant? What's our approach? How are we going to do a briefing? What kind of deconfliction are we going to do? What are the resources? It's more.

We don't require that on a small search warrant, whether that's a vehicle or something like this, where there's a knock-and-announce residential warrant. That doesn't meet the threshold for a major operation like this. Perhaps the policy needs to be shored up.

Interviewer: I've seen risk assessments with fewer officers—with three officers—and in those cases I found it was justified. They had risk assessments attached and these things. There's also evidence in the body camera that there was some sort of risk assessment and a list of individuals they expected to be at the Airbnb, which is part of that planning and deconfliction in policy 608.

A lot of what you're stating would fall under these other operations, but they would still follow those same procedures.

Chief: Then we need to update this, because the honest truth is, I do not review every search warrant affidavit we have. That's not operationally feasible.

Interviewer: It might be my misunderstanding, but my read-through and study of it is what I found. Please re-review that and see whether you agree with it or whether it needs to be rephrased.

Chief: Absolutely.

ENTRY, CAMERAS, AND USE OF FORCE

Interviewer: Another issue in the search incident is that they did not knock on the door when they arrived, and they had a knock-and-announce warrant.

Chief: Yes, you're right. Even if the door's propped open, you still announce. You clearly can see people inside; they know you're there. "Stop. Police. We have a search warrant," and then whatever, right?

Just because the door's open does not allow you, on a knock-and-announce warrant, to just enter the premises. There's no debating that. Yes, that's an issue I've identified as well.

Interviewer: Another issue is that when they entered the Airbnb, they turned over a camera.

Chief: I wasn't aware of that one.

Interviewer: It was a GoPro sitting on a desk, and it was turned over once they entered.

Chief: Can you see that it was on purpose, like they grabbed it and turned it over?

Interviewer: You can see it on Ben's video. I'm sure if you find the exact officer and body camera, you can see it happening. I don't know if you have a good shot of it in the body camera, but you get a great shot of it on Ben's GoPro.

Chief: I'll take a look at that. I'll follow up on that, too.

Interviewer: When Ben was attempting to record and had his phone, Officer Adamson grabbed his arm and twisted it. Would that be considered a use of force?

Chief: A use of force is anytime someone doesn't submit to handcuffing. If we tell people, "Turn around, put your hands behind your back," or I'm touching someone's arm and bringing it back, if they're allowing themselves to be cuffed, then no.

We've got definitions in our force policy, but essentially, the minute it's not something they're doing of their own accord, it generally is a use of force.

Interviewer: When these warrants are being carried out, it's part of police policy that any use of force needs to be submitted, and there was no submittal. In fact, in the report from Officer Richardson, which is where you would probably see this, you see him state, "This took place without incident."

Chief: Again, I will answer to this, but this is very subjective. What is "incident"? If I go out to Walmart and there's a theft—I'm going to give you an example when you're ready.

interviewer searching through documents for a report

Interviewer: I'm very much listening.

Chief: I'll wait until you're done, so I have your undivided attention..... Let's say I'm at Walmart and I've got complete probable cause to arrest somebody for theft. I go up to a woman and say, "This is a felony. You've got priors. I'm taking you to jail. Put your hands behind your back." She says, "Hold on just a second," and I have to grab her arm and bring it behind her.

Even if I would probably do a use-of-force report on that, if she's pulling away and doing things, I still generally would see that as, "We took her into custody without incident," meaning there's no injury, no shootings, and I didn't use any of my less-lethal devices. That's a very subjective term to hang someone up on.

Interviewer: But the policy in and of itself is not subjective. It's pretty objective. I think in warrant service, in either policy 608 or 609, if any use of force is used, it is supposed to be reported.

Chief: Yes. Anytime we have a use of force, we're supposed to do a use-of-force report. That actually goes to a use-of-force and pursuit review board in our Police department.

Interviewer: Was there a report and review of that?

Chief: I'll find out. We call that a fact report, so let me see if that was done. I'm going to be very honest and transparent with you: This is very on the fence as to whether it would qualify as a force incident or not.

I'm going to talk about his shoulder for a second. Had he complained of shoulder pain then, or even the next day, and said, "Just so you guys know, you dislocated my shoulder," that's enough for us to say, "Regardless, we're going to do a force incident report. We're going to have our board review this because of what's being alleged."

We didn't hear about the shoulder incident until he released his video. It's also frustrating because he straight-up lied about his shoulder being dislocated by us. That's frustrating when you put an X-ray up of a dislocated shoulder that's not your X-ray and also not of the correct shoulder. That's an intentional attempt to mislead and fabricate facts as to what actually

happened, and that's frustrating.

If we're going to call a spade a spade, let's do it—whether it's good or bad on our end, or good or bad on your end. But that was a complete lie.

Not knowing what his allegation would be as far as doing something with his shoulder, just what Quinn Adamson—sorry, I call him Quinn did in that body camera alone, that's on the fence as to whether I would consider it a force incident.

Chief: Had we determined that it met the threshold of a force incident, absolutely, a use-of-force report should have been done. Then it's reviewed by a board here at the police department. If it wasn't considered a force incident, it's documented in the police report, and there's not actually a facts report completed.

Interviewer: In this incident, you then see him grab the phone. I believe it was recording, and then he stopped the recording, which is an issue with the First Amendment.

Chief: You're saying he grabbed the phone Schneider had, and then ended the recording?

Interviewer: I believe so. I would have to rewatch the body camera because I'm a little foggy on the exact details, but that's what I remember.

Chief: Agreed. That happened. I agree with you, for sure. I'll find out as well.

HANDCUFFING, TRANSPORT, AND THE MINOR'S CAR

Interviewer: For officer safety, all the individuals present were put in handcuffs, set aside, and the warrant was carried out. I don't see an issue with that, because that's pretty much standard for any warrant. The issue is what took place afterward: All the individuals, while still handcuffed, were transported to vehicles.

Chief: I'm going to jump back. You say you may not have an issue with that, but I still think that's a consideration. The Supreme Court has essentially given us categorical authority to detain on scene. Although the bar is not high to meet it, we don't have categorical authority to just put everyone in handcuffs at the scene of a search warrant.

Maybe you don't have issues with that, but that's a consideration. It's not an automatic thing we get to do.

Interviewer: I didn't know that.

Chief: There's got to be something there. It doesn't have to be a lot; the bar is not high. But there's got to be something.

4:58 PM

Chief: Again, an example: I go in to serve a search warrant on a residence for forged writings. Someone's been forging checks, and I come across a ninety-year-old female inside the house who really poses no threat. She's not part of the warrant. We should not be handcuffing her. There's got to be more than just the warrant. That categorical authority does not exist.

I understand you may not have issues with that. It's still a consideration on our end and something we're doing training on, to make sure our guys know it's not a carte blanche thing.

Interviewer: I agree with you, then.

Chief: That detention mixed with transport, in almost every case—not all cases—is going to turn into an arrest. There are a few exceptions, but they're very limited. They're tied to operational needs and a bunch of other things.

Basically, in almost every case, if we're away from the scene and I arrest—sorry, detain—and transport back, that's going to turn into an arrest. If I'm on scene and transport someone somewhere else, it's likely going to turn into an arrest.

What these officers would have needed, just speaking frankly, is individualized probable cause for all five individuals that they were involved in this. Some of them seem to think they had it on some. This is something we're still fleshing out. I have concerns.

That's why we need to slow down. We've got time on scene to figure some stuff out while we've got a detention effected. At that point, we can build probable cause if we need to, if it exists. But there are issues there.

Interviewer: Even if you believe, you need to identify everyone, that's another issue: Why didn't they identify everyone? They arrested a minor, and that creates additional issues.

Chief: Their detention would have been okay up to the point they realized this individual was a minor. Short of anything else, at that point it's, "We've verified he's a minor. Handcuffs off. We're calling parents, and then we'll figure things out from there." An issue—a big issue.

Interviewer: Just to hammer home policy 609, dealing with warrant service, our policy states that when no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released. I do want to reiterate that is our policy.

The minor in this incident requested that his car be locked and stated it was unlocked. The officers said, essentially—I believe it was Officer Richardson—"That's going to be a problem for you to deal with tomorrow." Is that a policy? Is that something that should have happened?

Chief: No, I don't—well, okay, “should have” versus—

Interviewer: I can see that opening up the city to liability. If someone broke into that car, who would be liable? Would it be him, who tried but was unable to lock his car, or the police department for refusing that request? Does my concern make sense?

Chief: For sure. I'm going to break it down to what we should have or could have done and what I would have liked to see done.

I don't feel like we have any legal obligation to go and lock a car. If we were the reason it became unlocked—if the car was locked and, for whatever reason, we unlocked it, let's say we had a search warrant on the car—at that point, yes. We interfered with the original state, and we should have put it back the way it was. Whereas, if we didn't have anything to do with his car, I don't think we have any legal requirement to do that.

However, what I would have liked to see: How hard is it for me to say, “Yeah, dude, I got you. It's no problem. I'll go take care of it for you”? How hard is that? How hard is it just to be a decent human being?

I don't feel like it opens anything up to us because it was in its original state and we didn't interfere with that, but I don't agree with that response. It's like, “Dude, it will take you twenty seconds, maybe fifteen seconds, to just be a good human being. You're supposed to be providing service. Just go lock the freaking car.”

Maybe there was something I don't know that the officer did. Maybe he was worried some accusation would come up from handling property he didn't need to handle. Maybe there was something there, but we should be service-oriented people.

Interviewer: I agree with that. Even if there isn't liability, but especially if there's liability, just do the kind thing.

Chief: I agree.

Interviewer: That's something we need to see more in the world, I feel.

Chief: I totally agree with that.

RELEASE OF UNREDACTED FOOTAGE

Interviewer: I don't know what you can and can't state in this. This is going to be a harder question: What caused the release of the unredacted footage?

Chief: It's public records, so this is exactly what happened. We compiled all our redacted footage and put it into a Dropbox folder when we did our initial news release. I'm being very forthcoming with you on this.

We also had others. We had gone to the AG's office, the FBI, POST, and obviously the county attorney's office because they're the prosecuting entity. We had asked them to look at this through a criminal lens to see if there were any other charges they thought existed because of the mail-carrier stuff that was in place and things like that.

I also asked, "Independently, will you take a look at this and come back to me if you have any issues with the operations or conduct of the officers?"

We did our initial release, then were working on a second release. That's aside from the point. Our evidence technician was helping compile all the unredacted video in a folder to share with our federal agencies. I don't know how, and it was a complete mistake, but somehow she attached all that video to the Dropbox folder that was already live—the one everybody had access to.

All of a sudden, all this unredacted video is getting dumped out, and people are pulling it like crazy. It took us a little bit before we realized what had happened. At that point, we made it so it couldn't go out. We can't release the minors and things.

Then we did our third iteration, where we did a more conservative redaction. We only redacted things that were going to bring significant liability issues to the city, and then released everything else.

That's what happened. We weren't hacked. It wasn't intentional. It was a complete accident that came down to placing a folder in the wrong folder that had already been shared with the public.

Interviewer: Due to the public scrutiny, were we planning on releasing some of the redacted footage, especially that with Josh Johnson? Does that question make sense?

Chief: Yes, we have now.

Interviewer: But before the full release, before the unredacted footage, were we planning on releasing that, especially upon the request of Ben Schneider?

Chief: Yes, because we had started to get appeals to our GRAMA requests. We were already starting the process of working through these appeals when that happened. We were already looking at this through the appeal lens. To answer your question, we were already working down that path, and then this happened.

Interviewer: That's good to hear.

Chief: State law is very detailed as far as what we can and can't do when it comes to government records. There's not a lot of play. Either we can redact it and should, or we can't redact it.

Interviewer: In my opinion, on the original release, just blur Josh Johnson for his privacy, if that's what's required. It was of substantial importance for Ben Schneider and, in the end, for the public.

Chief: That's true. People think we're in cahoots with Johnson. I've never interacted with him before this. We don't work for the church. We don't do any of that. I don't have any allegiance to Johnson that doesn't fall within my authority and expectations as a police officer upholding state laws.

We probably do look at things a little more heavily through a victim lens, whether it's him or anybody else. Our genuine concern for anyone who's a victim of stalking is whether anything we do could potentially enable someone else to do more, whether it's voyeurism, stalking, domestic violence, or whatever it may be.

If there are places where we're on the fence or have some discretion, in general we will lean toward the side of the victim, because that's our job. You can make the argument that it's in society's interest to have the information, and I understand all that. I understand where you're coming from, for sure.

To the extent the law allows us to, and we do it constitutionally correctly, we do try to protect our victims the best we can. We're trying to help.

5:09 PM

VICTIM STATUS, RIGHTS, AND SLOWING DOWN

Interviewer: But in this case, and in other cases, in order to protect the victim, you created another. That's where we're going to get issues. If you're protecting the victim but creating an even greater victim, now you've turned yourself into the bad guy. Who's going to protect that victim from you? Does that concern make sense?

Chief: Your concern and your perspective make sense, and I respect that. I disagree that we turned someone else into [a victim].

Interviewer: I do.

Chief: I do disagree with that, and that's cool.

Interviewer: All right.

Chief: I understand what you're saying, and I respect that, one hundred percent. I do not feel, and I still do not feel, that Ben Schneider was a victim in this case. I'm not talking about the general Legos case or the stuff that happened out of Oregon. I'm talking specifically about our four cases.

I do not believe Ben Schneider is in any place to consider himself a victim. That's my feeling, aside from some of the things—obviously, some of the concerns we have here—that we've already addressed.

Interviewer: Do you believe his First Amendment, Fourth Amendment, and Fifth Amendment rights were infringed?

Chief: Again, let's talk about that when we meet up again. You brought up some issues with turning off cameras. That's an issue. I think there are concerns there, maybe not as many as you have, but I've got that written down. Let's talk about it when we meet again.

Interviewer: In my opinion, if you are infringing on any of those rights, they become a victim. I understand where you're coming from, because I'm not some cheerleader for Ben saying he's a perfect angel. No, he's a provocateur. He tries to get reactions a bit.

He is not what I believe the police thought he was at the time, which is one of those YouTubers who goes into a fast-food restaurant and creates a chaotic scene.

Chief: I don't think we—well, at least that wasn't my opinion initially, either. Sorry, I cut you off.

Interviewer: When he comes in with a journalistic intent, it becomes, for you guys especially, a gray zone: When do we infringe on his First Amendment rights? Clearly he is a journalist. This has been viewed and is of interest to the public, and that has now been proven after the fact for you guys.

With that being known, it's not that he can't do anything wrong, but he does have a higher First Amendment interest. From what I can see, Ben never trespassed on Josh Johnson's property. I don't know about Sandy. They haven't released their body cameras, which is annoying, because from the little I've heard, they need to be scrutinized probably as much as you guys for tackling some innocent kid.

Chief: I just want to mention, even from a journalistic perspective, his First Amendment rights aren't any more important than anyone else's. All of them have equal importance.

You can still come at something with a journalistic approach and still meet criminal statutes. I know you've asked, and we'll go over whatever I feel is there, but you can still meet criminal statutes. First Amendment rights don't take precedence over what our criminal statutes are.

Interviewer: That's not correct. It becomes weighing these rights versus those rights.

Chief: Let me put it this way: First Amendment rights do not suffice as an excuse to break the law. They just don't. That's what I'm trying to say. You can come at it with a photojournalistic angle, whatever, but it still doesn't give you the right to assault—which he didn't—or to kidnap, trespass, or speed.

We still have a responsibility when we feel there's probable cause that those elements have been met. We have to take action. If we don't, we get the other side of society coming in and saying, "You guys don't do [unclear word]."

I agree with what you're saying, but if he's met—if anyone has met—the elements of a criminal statute, we would take action.

Interviewer: When it comes to a First Amendment concern like that and those other things, like assaulting, it becomes a weighing. Let's say I kidnap you and put you in this room because I want to talk with you, and I believe it's my First Amendment right: You're the government, so I get to talk with you. I just kidnapped you.

Although it is my First Amendment right, you have a right not to be kidnapped. That's when it transfers into, "That's a crime," because in attempting to exercise my rights, I'm taking away from yours.

But when that doesn't happen, there is weight in what you're saying, and that's generally not the police officer's duty to divvy out. It needs to be taken more slowly and cautiously, I feel.

Chief: If we had slowed down in a lot of this, we probably would have avoided several of the issues we've discussed. As a new department, our average time on patrol right now is between one and two years. That's something we're continually trying to teach our officers: If you have time on your side, you have time on your side. Slow down. Let's approach this rationally and figure out what we have and what we don't have.

Sometimes we don't have a choice, but when we speed things up and don't have to, it often creates issues for us. I agree.

Interviewer: Is there anything else you would want covered or want to ask me?

REQUESTED CHANGES AND OUTSIDE REVIEW

Chief: I do have a question for you. Thank you for coming in. I appreciate that we can have a respectful dialogue. Is it Daniel Sroka?

Interviewer: Sroka. Everyone mispronounces my last name.

Chief: Sorry. People who've written it have used Danny or Daniel. What do you usually—

Interviewer: Usually Daniel, but I'm happy with Danny.

Chief: From Daniel Sroka's perspective, what are you wanting to see come from everything we've talked about? That's a huge question, but what are you wanting to see?

Interviewer: In the beginning, when this first came out, I would have wanted a third-party investigation,

Chief: which still might happen, actually,

Interviewer: so that's good to hear. In my opinion, essentially, there have been a lot of third-party investigations from lawyers and people with a lot of knowledge, if you want to lean on those. I've leaned on them a lot in my review.

So, a third-party investigation. I would like an update to the camera policy so an officer states why he mutes his body camera, and so much less muting. The officers are muting, and often there's nothing going on. If you forget to turn your camera back on, it creates an issue.

Chief: It sure does.

Interviewer: I would like some sort of reporting to have a second arm, whether that's through the mayor or somebody else, to have insight into some of these things. I know in Salt Lake City, whenever they mute their body camera, they state the reason. That's consolidated into a report and goes to the city council for review, specifically for muting. That's their policy, done through the Salt Lake code, I believe.

I hope you were sent that by the city recorder—the document or code from Salt Lake—as something to review.

Chief: I'll double-check. I think so, but let me double-check.

Interviewer: I would like officers to double-review the charge and the code before doing it, especially in residential picketing. Do you believe, based on the phrasing in the code, that Ben Schneider is guilty of targeted residential picketing? I'm trying to figure out how to phrase this.

Chief: When we come back and discuss this, I will answer that question. I promise. You said “double”—I forgot the word you used.

Interviewer: Double-check, double-review. Two officers would be better, but even one officer

double-checking, just to make sure the common sense of the code is being used and it's not being twisted to fulfill an officer's intentions. I feel that happened with the residential picketing code.

With stalking, I disagree with what the officers came to, because at the time of his arrest, he was trying to serve papers. On the second case, there is a [unclear phrase about weighing First Amendment rights against the criminal code], because they were practicing First Amendment rights at the time that was intervened upon. There was no contact with Josh Johnson.

It's debatable. I guess that would have to be left with a prosecutor, but a lot of these things are questionable, especially the serving. I can't think of a more official, business-related act than attempting to serve papers. In fact, when courts put in stalking injunctions and things along those lines, there's often a specific clause that they are still allowed to deliver court papers. That's the issue I have there.

Honestly, those would be the main things. I know it doesn't seem like a lot.

5:20 PM

Interviewer: To me, it's just so simple. Update the body camera policy so we're following it more strictly, and so there are reasons and transparency behind why a camera is muted. There are reasons, but they should be rare—very rare.

Chief: Yes, very rare. I like what you said: Let's maybe rely more on the redaction side of things. If it's recorded, it's there. We can find it out. But if it's not there, it's never going to be there. I'm with you on that, one hundred percent.

Anything else you'd like to see come as a result of everything we've discussed here and will discuss when we meet again?

Interviewer: I would have to see what the third-party investigation says. There are people saying this officer needs to be fired or this officer demoted. I don't know enough about policies and things to have a direct opinion saying, "This is what we need to do."

One side note I'd like to say—and I don't know if you will and this is, based on my opinion, and you can go to the third party to see whether they come to the same opinion: A request to the prosecutor to dismiss the charges, just because of what I believe.

From this conversation, it sounds like we have differing opinions, especially on the stalking charge. But on residential picketing, I can't get my head around it.

Chief: We'll look at that and talk. No problem. Anything else I can do? We'll meet up again, and I'll go through everything. I've taken notes. We'll go through every single thing.

Even if we don't agree on something, I don't want you to leave without something being answered. Anything else right now, or between now and then, that I can help you with, or help allay any concerns? Anything else I can do right now?

OFFICER KITCHEN'S SCHOOL ASSIGNMENT

Interviewer: Officer Kitchen being an SRO is going to make his life more difficult. The reason I say that is that middle schoolers are vicious. They're going to know about it, find out about it, spread it, and make his life miserable.

For both their best interest and his best interest, I wouldn't put him in that situation. In my mind, there's debate over whether he should or shouldn't be an officer, but I'll leave that to the professionals to decide.

Just common sense to me, looking at it: Either it's going to put so much pressure on him that he's going to quit without us wanting him to, or it's going to explode and something will come out of it. Does that concern make sense?

Chief: It does. I'll talk a little about this. I know it doesn't have much to do with what we're talking about, but after the incident first happened, one of the first things I did was go straight to Principal Johnson, the principal of the junior high.

We try to put really good officers in our schools. That's not a place where we tuck away officers we don't want around. Our relationship with the principals in the schools in our city is excellent.

I said, "Where are you at on this? Do you want to see a change? I'm basically here for you guys." He said, "We love Bronson Kitchen. The students love Bronson Kitchen. We've had more kids sign up for his LEO classes this next year than we've ever had. We do not want a change. We want him to stay here."

That carries a lot of weight with me, especially with Principal Johnson. He's an incredible guy. Truthfully, had he come back and said, "We need a change," we would have made one.

Interviewer: If that's the decision we're coming to, I would at least leave that door open to him, saying there are concerns this might happen. To make everyone's life easier, if we do see that happening, please communicate.

Chief: He knows. We've actually been checking in. According to Principal Johnson—and I can't attest to this because I'm not at the school—the kids love Bronson, and there are no issues and have been no issues.

The other thing is, I have not heard from a single parent of current students at the junior high

regarding Bronson Kitchen. I'm not saying those concerns don't exist; they could. I personally have not heard from a single parent.

I get where you're coming from. Our relationship with those students is very valuable. They're our future. If there's something detrimental, we will make a change. With Bronson, we've told him, "You messed up. You're disciplined. Here are the things. Just so you know, if this happens again, there's going to be some serious issues."

He doesn't have an employment right to just be up at the junior high. He's got to be doing his job, and doing it well. When that changes—which I don't think it will, but if it does—we'll make a change.

I don't know if that helps provide some context and background, but the biggest weight regarding opinion that I carry from this is actually from school administration.

Interviewer: It does. I understand that, and I agree with it, honestly. The big thing is to look into it, and it sounds like you're doing that.

Chief: Yes.

"LAWFUL BUT AWFUL"

Interviewer: Another term I've heard while talking with people is "lawful but awful." Do you know the term?

Chief: I've heard that before. Generally, it plays into: Just because we can do something doesn't mean we always should do it. There may be a use of force that's technically lawful and technically meets department policy, but could we have handled it better? Yes. Could we have done something so it didn't get to that point? Yes.

That's what I see it as: Just because we can do something doesn't mean we always should do it that way. I've heard that term before.

Interviewer: That adds some context. It's something I heard, and it sounds like it could be twisted in two different ways.

Chief: From the law enforcement side, you'll probably hear that from administrators more than anything: "Technically, you're within policy, but dude, you shouldn't have done that. You should have done something else or something different, or you shouldn't have escalated it to that level. We're going to do some training as a result."

OFFICER DEPARTURES IN 2025

Interviewer: This one is completely off topic, more just morbid curiosity. Did something happen in 2025? I noticed a lot of officers left the department in 2025. I don't know whether that was just happenstance.

Chief: Who left? Do you have a list? I can [tell you about them]. We had really good officers in 2025.

Interviewer: Anderson.

Chief: Russell is such a good guy. He retired. He finally hit his time.

Interviewer: That's what it looked like from the timing.

Chief: He's awesome. He was our community engagement officer. He was great.

Interviewer: Joshua Christensen.

Chief: Same. He hit his twenty years. Super awesome guy, lifelong He's awesome.

Interviewer: Stuart Fore

Chief: Such a good guy. He retired. He's working at a county sheriff's office in Mississippi right now. Such a good guy. He retired, though.

Interviewer: Zachary Goodale.

Chief: He resigned, and that essentially was a forced resignation. Again, we have standards and policies here. If you continually don't meet those, you're going to get to a point where you don't work here anymore.

Interviewer: Austin Lund.

Chief: Such a good guy. He's one of my close friends. He's working in Spanish Fork right now. His family moved to Spanish Fork.

Interviewer: [Name uncertain; transcribed as "Kyrion Merit"].

Chief: She didn't actually make it out of FTO. We have a three-month FTO process—a field training process—and we had some recurring issues, so we let her go.

Interviewer: Carlos

Chief: He was actually recruited by ICE, so he resigned from [our agency] and works for ICE now.

Interviewer: Jacob Thacker.

Chief: He left to work for the county. That's something he always wanted.

Interviewer: Sounds like 2025 was just a hard year with—

Chief: Traditionally, we haven't had officers reach twenty years because a lot of times they've left before. We're finally [unfinished thought], and there's a lot of history there. We had several officers retire, and we lost some good guys.

Interviewer: I noticed a lot of 2025s when I was looking through this. Did something happen, or was it because a lot of them were the more senior officers as well?

Chief: Retirement. As much as we try to get them to stay, I get it. When you're done, you're done. They're good people.

Interviewer: It's a stressful job. I can't imagine.

Chief: Yes, it can be.

BLACKBURN, THE GREENLAND CASE, AND THE THORPS

Interviewer: Another personal concern came up in my investigations. Darkburn—did I mistake his name? One second: Blackburn. My apologies.

Chief: Yes. What do you want to know?

Interviewer: He had two incidents: one in 2020 with Cody Greenland, and another with the Thorps. These are major incidents.

5:38 PM

Interviewer: Why wasn't he fired at that time?

Chief: Again, I'm being forthcoming with you, so you're not recording me, right? The main instigator of that 2020 Greenland case was an officer named Derek Cannon. There were some issues. Essentially, he was forced to resign, and that was one of the reasons.

Derek should not have done what he did. That was so bad. But for the other officers, there wasn't any excessive use of force found by the agency.

I know this sounds like a cop-out: I was not the chief at the time. I've got my own opinions about

that case. They didn't matter at the time because I wasn't the chief.

I will say that with the Thorps as well. There were some issues found to have been justified, when that is not necessarily my opinion. I wasn't the chief at the time. I took over in October 2021. I get it, and I agree.

But he was retained until stuff came out about everything that happened in Idaho, and then he was forced to resign.

Interviewer: That incident in Idaho happened in September 2021, and his employment continued for several months after that. Six months, something like that? I'm not going to do the exact math. When did we find out about it? Was he immediately put on administrative leave?

I just want to know the timeline. From the reports I saw, it was released or reported pretty quickly in September.

Chief: This is public record, actually. I remember this pretty vividly. I was down at a city meeting. He called me and said, "I need to talk about something." I scooted over to the kitchen, and he started telling me what he was being accused of.

He had been contacted by a detective and didn't handle it well. At that point, we got involved. We immediately, the same day, put him on administrative leave. Then we started an internal affairs investigation.

Based on our interview and investigation, he never admitted to anything, but it was clear to us something had happened and he wasn't being truthful. Shortly after, he resigned. I don't know why it took so long from the inception of the case to the detective talking to Blackburn, but as soon as we found out, it was administrative leave, and shortly after, he was gone.

Interviewer: Reading that report made me sick.

Chief: We eventually arrested him on his warrant. That was interesting, but that's horrible. It sounds like it's been adjudicated and he's in prison. We do not tolerate that stuff, so he was gone right away.

Interviewer: I believe he might be coming up for parole. If that does happen, I know we haven't pressed charges in Utah yet. I don't know if that was just because Idaho swooped in and did it, so we didn't do our investigation. I would not be against Utah doing its own investigation if he gets out on parole, because it's just so [unfinished thought].

Chief: There was an investigation done. I'm going to slaughter this: It was Iron County or maybe Duchesne. One of those counties did an investigation. They did CJC interviews.

For whatever reason—I'm not the county attorney—they felt like they didn't—well, I'm not even going to say that. For whatever reason, they didn't file. I think they had probable cause based on the CJC interviews and what was disclosed, but they did what they did. I don't know why.

It doesn't mean they couldn't. I don't know what [unclear wording about whether the statute of limitations has run]. There's not a statute of limitations on some of that stuff, so they could pick it back up. But I don't know why they didn't charge on that.

Interviewer: I don't know either. It might be because they knew Idaho was going to do something and didn't want to cross with them, but it just was that horrible.

Chief: What other questions? Do you have any other questions or concerns for me, or any of the other cases?

Interviewer: I don't. This is great.

Chief: Probably two weeks—is that okay? I'll have Sarah get back with you. We'll get all this done, then meet up again and roll through everything.

HOMEOWNER CONTACTS, THE ROUNDY CASE, AND CLOSING

Interviewer: One other request: Have it in the policy, and make sure officers understand, that if a homeowner requests an officer leave and they do not have an exception, probable cause, or a warrant—not even probable cause, because usually if you have probable cause and you're dealing with a home, you have to get a warrant—they leave. Then they get their warrant and move on from there.

Two of these incidents happened when officers were attempting to contact a homeowner who didn't want to be contacted.

Chief: We're talking about the Roundy case. How we handled that was not okay. There were so many different things we could have done, but you're right. The minute I go up, knock, announce myself, and they say, "Go away," that means I go away until I have a warrant or some other exception exists.

We've done training on that. You shouldn't be pounding on the door and doing all that stuff. That's a case we did training on right afterward, but I agree. There are so many ways we could have handled that. Just leave, and let's do a summons. They can just mail them a summons. We don't have to give a citation. Sometimes we cause a lot more work for ourselves than just doing it that way.

Interviewer: That's the thing. I keep pushing the Constitution, but just make sure officers understand what they're swearing an oath to and what that means. They need to be held

accountable to that document. It's a concern for everyone when they aren't.

Chief: For sure. All right. Dan, thank you. I'm serious. We'll go from there.

Interviewer: I'll send an email with you and the mayor, just saying we had this meeting. Is that okay?

Chief: For sure. Whatever he does on his end, absolutely. That's totally fine.

6:37 PM

END OF SOURCE