



POLICE DEPARTMENT

**MEMORANDUM**

To: James Tracy  
Lieutenant  
Operations Division, Salt Lake City Police Department

From: Mike Brown  
Chief of Police  
Salt Lake City Police Department

A handwritten signature in blue ink that reads "Mike Brown".

Date: October 10, 2017

Re: **Notice of Decision – Internal Affairs Case # C17-0062**  
**Demotion to Police Officer III**

Pursuant to Salt Lake City Policy 3.05.03 (Discipline and Appeal Guidelines), the purpose of this memorandum is to inform you of my decision to demote you from the rank of Lieutenant to the rank of Police Officer III effective October 11, 2017. I am taking this action for the reasons outlined as follows:

**Allegations:**

On July 27, 2017, a complaint was filed with the Department's Internal Affairs Unit regarding your role in an incident which culminated in the arrest of Alexandra Wubbels, a nurse employed by the University of Utah Hospital (the "Hospital"), by Detective Jeff Payne. Specifically, it is alleged that, on July 26, 2017, while serving as Watch Commander, you ordered Det. Payne to arrest Ms. Wubbels for refusing to allow him to perform a blood draw at the Hospital without fully understanding the nature of the situation and, as such, violated policy.

**Findings:**

Police Reports and Body Camera Footage

The following information was derived from official police reports authored by you and Detective Payne and relevant footage obtained from Department-issued body cameras worn by you and Det. Payne.

*Your Police Report*

The Department became involved in this incident at the request of the Logan Police Department ("Logan PD"). There was a fatal traffic accident involving a driver who fled from the Utah Highway Patrol ("UHP") and "ran headlong into a truck." The driver fleeing UHP was killed and



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the driver of the truck ("Truck Driver") was flown to the University of Utah Medical Center ("Hospital"). Logan PD requested the Department's assistance in drawing a blood sample from the Truck Driver. You agreed and had Dispatch call out someone from the blood draw team, and the person who was called out was Det. Payne.

Det. Payne later called you and informed you "that the hospital did not want to allow him to draw the blood, as it was against their policy and [HIPAA] without a warrant." You advised Det. Payne "that we were legally within our rights to get a sample and if they continued to insist that they could talk to me." The conversation ended and because you did not hear from Det. Payne, you "assumed that the problem had corrected itself."

After some time, you received a call from Det. Payne who asked that you speak with Charge Nurse Alexandra Wubbels. She informed you that Hospital policy and HIPAA guidelines prevented them from allowing Det. Payne to obtain the Truck Driver's blood sample without a warrant. You told her "that with the exigency and the fact that it was a fatal accident, and that my information was that the person was a truck driver that I had implied consent and could get the sample." When she told you that the Hospital still required a warrant, you "told her that it was my intention to order [Det. Payne] to get the sample and if she attempted to interfere, she would be arrested." She informed you that she would call Hospital security to prevent Det. Payne from conducting a blood draw. You then traveled to the Hospital.

When you arrived, you observed that Det. Payne had arrested Ms. Wubbels. You noted in your report that the circumstances you had envisioned during your previous discussions with Det. Payne and Ms. Wubbels were different from what you learned when you arrived. You had believed that Det. Payne and Ms. Wubbels were in close proximity to the Truck Driver, but then learned that he was in the Burn Unit, which was on another floor. You also learned that the Hospital "pulls blood and tests it automatically, and that the Accident Investigators often just get a warrant to access the record on the [H]ospital's blood draw."

Based on this additional information, and the fact that time had passed since the original request for the blood draw had been made, you determined that Ms. Wubbels should be released from custody and this matter should be referred to detectives to determine if charges against Ms. Wubbels would be appropriate.

Finally, you note in your report that you had several conversations with Hospital administrators, including the CEO. You indicated that "[n]one of these conversations were productive in my opinion."

*Det. Payne's Police Report*

Det. Payne's report states that when he called you to inform you that the Hospital was denying his request for a blood draw, you told him to explain to Ms. Wubbels "exigent circumstances and the implied consent law" and that if she still would not allow him to conduct a blood draw, that he was to arrest Ms. Wubbels. Det. Payne also wrote that if Ms. Wubbels continued to refuse his attempts to conduct a blood draw he would have you speak with her.

Det. Payne's report notes the telephone conversation you had with Ms. Wubbels at Det. Payne's request. Det. Payne states that after your conversation with Ms. Wubbels, you told him "that if



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she refuses to allow me to get the blood sample that I was to arrest her for interfering with a police investigation.”

Det. Payne’s report later documents your arrival at the Hospital. He notes that you spoke with Ms. Wubbels and other Hospital staff. Det. Payne then writes

Lt Tracey [sic] then spoke to me and stated that he was able to ascertain that the hospital ER staff probably had obtained blood samples for testing when [the victim] was first brought into the ER. He said it would be possible for Logan PD to get a subpoena for the hospital records and get the blood test results that way. He also said that he had determined that Ms. Wubbels was following directions from her superiors and decided that maybe we would release her and not take her to jail tonight and possibly screen the case for any criminal charges.

*Body Camera Footage from you and Det. Payne*

Det. Payne’s body camera footage begins with Ms. Wubbels on two telephones, one of which was connected to you. She can be heard speaking to someone presumably with Hospital administration about the issue. She handed Det. Payne’s phone back to him and you had a discussion with him. As Det. Payne and Ms. Wubbels walked back into the ER, and while you remained on the phone with Det. Payne, he can be heard saying that he is going to arrest Ms. Wubbels. There appears to be a discussion between you and Det. Payne about sending backup officers because Det. Payne says “start sending them.” Det. Payne then hangs up.

Det. Payne then explains to a male Hospital employee named “ ” that he has been ordered by you to arrest Ms. Wubbels if he cannot obtain the Truck Driver’s blood. Det. Payne reiterates this position throughout the pre-arrest encounter.

After Ms. Wubbels was arrested and placed into Det. Payne’s vehicle, you appear on camera and Det. Payne informs you what happened. You are then observed speaking to Ms. Wubbels about why law enforcement seeks the Truck Driver’s blood sample and why Det. Payne arrested her.

During that discussion, you learn that the Hospital obtained blood samples from the Truck Driver when he arrived, and you state “If I knew that beforehand, I would have just had told Logan to come and get a warrant and access that blood that you guys have already drawn.”

Ms. Wubbels then tells you that she was just trying to clarify matters with the Hospital administration when she was arrested. You then say to Ms. Wubbels, “Why are you involved in this, you don’t have anything to do with it!” She responds, “Because I’m a charge nurse of the unit that he was admitted. And it’s my job is to help you understand . . . .”

You then are heard saying that a blood draw is not even required if Logan PD can obtain the Hospital’s blood sample via warrant.

You are then captured informing Hospital administrators “There’s a very bad habit up here of your policy interfering with my law. I am trying to conduct a criminal investigation set through the process and you guys are trying to prevent liability from coming onto the hospital. And I appreciate that, but sometimes they don’t meet.”



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You then have a discussion with Det. Payne where you explain that because Ms. Wubbels does not have a legal duty to take you to the Truck Driver, the situation may not rise to the level of an obstruction of justice or interfering charge. You further state that in your conversations with Lt. [redacted], you learned that the practice is for Departmental officers to obtain a warrant for the blood sample that was drawn by the hospital, which you concede you did not know at the time that you ordered Det. Payne to make the arrest. You then can be heard telling Det. Payne that the arrest was not warranted, and that the arrest was a ruse to scare her into allowing Det. Payne to conduct the blood draw by stating "I don't think this arrest is going to stick, I was hoping a threat would be enough, but she's so goddamned scared of her hoss . . ." You then tell Det. Payne that he should advise Logan PD to obtain a warrant for the blood sample.

When it was later suggested by the University of Utah Police Officer that he could assist Payne in finding the Truck Driver in the Hospital to obtain a blood draw, you reiterated that was not necessary and that Det. Payne would advise Logan PD to obtain a warrant for the blood that was already taken. You also reiterated that when you ordered Det. Payne to arrest Ms. Wubbels, you were not aware of the Department's practice of obtaining warrants to obtain blood samples taken by hospitals.

You are then heard advising Det. Payne to write his report before he leaves for home because "you know this is going to get the Admin's attention."

On your body camera footage, you are observed explaining to Ms. Wubbels that she is not going to be arrested. You acknowledge that the incident will likely be discussed between both Hospital and Department administrations and that reports will document the incident.

A phone is then handed to you where you speak to the Chief Operating Officer of the Hospital. You appear to get into a disagreement over what the law allows you to do in the process of obtaining a blood sample, you state that you have found a way to work around "the roadblocks" that the Hospital put up, and you inform the COO that Ms. Wubbels would be released from custody.

Internal Affairs Investigative Interviews

*Your Internal Affairs Interview*

[redacted] *Garrity Protected* [redacted]

[redacted]



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*Garrity Protected*

[Redacted text block]

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*Garrity Protected*

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*Garrity Protected*

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*Garrity Protected*

*Det. Payne's Interview*

*Garrity Protected*

*Ms. Wubbels Internal Affairs Interview*

On September 12, 2017, Internal Affairs investigators interviewed Ms. Wubbels in connection with this matter. To the extent she provided pertinent information in her interview that is not set forth above, it is summarized below.

Ms. Wubbels told investigators her first interaction with you was over the telephone when Det. Payne called you and then handed his phone to her. She said that she identified herself to you when she took his phone. She recalls you telling her that if she did not allow Det. Payne to draw the blood, you would have him arrest her.

Ms. Wubbels also said that her next interaction with you occurred after she had been arrested by Det. Payne when you showed up on scene. She said that rather than attempting to understand the situation, you minimized her concerns, intimidated her, and lectured her on your understanding of the law. She perceived that you would not let her out of Det. Payne's car, would not let her talk, and would not let officers remove the handcuffs. Her impression was that you hovered over her with your arms outstretched and were blaming her for the incident. She stated that she perceived you to be the catalyst in this incident because you enabled Det. Payne to arrest her. Finally, Ms. Wubbels believes you are ultimately responsible for this incident.

**Response:**

A Pre-Determination Hearing was held on September 28, 2017 at 10:00 to give you an opportunity to respond to the above allegations and findings. During that hearing, you provided the following additional information:

*Garrity Protected*



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*Garrity Protected*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





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*Garrity Protected*

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*Garrity Protected*

[REDACTED]

**Impact:**

Based on the above, I conclude the allegations against you are **SUSTAINED**. Specifically, your immediate and impulsive decision to order Det. Payne to arrest Ms. Wubbels without first taking the time to fully inform and apprise yourself of all of the relevant facts and circumstances has adversely affected public respect and confidence in the Department and brought significant disrepute on both you as a Lieutenant and superior officer and on the Department as a whole. You demonstrated poor professional judgment (especially for a law enforcement professional with 22 years of experience), which calls into question your ability to effectively serve the public and the Department in a manner that inspires the requisite trust, respect, and confidence. Furthermore, your conduct, including both giving Det. Payne the order to arrest Ms. Wubbels and your subsequent telephone discussions with Hospital administrators, was discourteous and damages the positive working relationships the Department has worked hard to establish with the Hospital and other health care providers. Finally, your order to arrest Ms. Wubbels runs contrary to the Department's well-established policy of issuing citations for misdemeanors.

Your actions constitute a violation of the following policies and expectations related to the performance of your job duties:



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Department Policy **II-150 (Conduct Unbecoming)** states, in pertinent part:

*Conduct unbecoming by a police employee is any conduct that has a tendency to adversely affect the operations or efficiency of the Department or any conduct that has a tendency to adversely affect public respect and confidence in the Department or any employee. Conduct unbecoming also includes any conduct that brings the Department or any employee into disrepute or brings discredit upon the Department or any employee.*

Department **Policy II-170 (Courtesy in Public Contacts)** states, in pertinent part:

Personal Contacts

*Employees will treat all persons with respect. Employees are expected to be courteous and dignified at all times as the circumstances allow. The personal prejudices or attitudes of the employees must not influence their decision to take police action other than is justified or expected within the constraints of discretion. Employees will not use degrading, profane, abusive or defamatory language when in contact with the public or in public view.*

Telephone Courtesy

*Employees shall maintain a courteous and professional telephone demeanor.*

Department Policy **III-030 (Arrests – Misdemeanor Citations)**, reads in part:

*Whenever possible, officers will use a misdemeanor citation in lieu of arrest. It is departmental policy to issue a citation to all persons charged with a misdemeanor or infraction instead of arresting them unless the person is under 18 years of age or there is positive reason to make an arrest.*

The Department's **Law Enforcement Code of Ethics** states, in pertinent part:

*A police officer will use responsibly the discretion vested in the position and exercise it within the law. The principle of reasonableness will guide the officer's determinations and the officer will consider all surrounding circumstances in determining whether any legal action shall be taken."*

*Consistent and wise use of discretion, based on professional policing competence, will do much to preserve good relationships and retain the confidence of the public. There can be difficulty in choosing between conflicting courses of action. It is important to remember that a timely word of advice rather than arrest - which may be corrected in appropriate circumstances - can be a more effective means of achieving a desired end.*

Salt Lake City Policy **3.05.01 Standards of Conduct** states, in pertinent part:

*I. General expectations for all city employees:*

- a. Employees will dedicate themselves to the highest ideals of professionalism, honor, and integrity in order to merit the trust, respect, and confidence of the public they serve.*
- f. Employees will conduct themselves in a manner that will not disrupt the workplace, undermine the authority of management, impair close working*



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*relationships, offend the public or otherwise impede the effective operation of city government.*

- g. All city employees will demonstrate the highest level of courteous and respectful behavior in all dealings with coworkers, supervisors, direct reports and the public.*

**II. Inappropriate behavior includes but is not limited to the following:**

- g. Actions that discredit the name, reputation or public mission or interest of the city regardless of whether the employee is convicted, pleads guilty or is otherwise subject to a legal judgment.*
- o. Engaging in abusive, inappropriately loud, combative, aggressive, or threatening language or behavior.*

**History/Prior Discipline:** In the previous five (5) years, you have received no Category 1 discipline.

**Basis for Decision:**

After reviewing all of the relevant information (which included reading the September 13, 2017 Memorandum from Captain Brian Purvis to you; reading the official police reports on this incident authored by you, Ofc. [redacted] and Det. Payne; watching footage of this incident obtained from Department-issued body cameras worn by you, Ofc. [redacted]; and Det. Payne; watching Hospital security camera footage contained in the Internal Affairs case file; listening to audio recordings of Internal Affairs interviews conducted in connection with this incident, including interviews with you, Ofc. [redacted]; Det. Payne, and Ms. Wubbels; listening to audio recordings of the pre-determination hearings held for you and Det. Payne; and reading the Investigation Report authored by the Police Civilian Review Board), I have decided to demote you to the rank of Police Officer III effective October 11, 2017.

My decision is based on the following primary factors:

Lt. Tracy, your lack of judgment and leadership in this matter is unacceptable, and as a result, I no longer believe that you can retain a leadership position in the Department.

In your Pre-Determination Hearing, you [redacted] *Garrity Protected*

[redacted] However, even taking all of that into account, it does not excuse your actions. You exhibited poor leadership and exercised a significant lack of discretion and judgment (especially for a Watch Commander) which has caused significant negative repercussions for the Department.

Here are the facts that were known to you when you ordered Det. Payne to arrest Ms. Wubbels:

(1) Ms. Wubbels was a nurse who was at work, from which you should have reasonably inferred that she was caring for patients;

(2) there was clearly a disagreement between Det. Payne and Hospital administration about Det. Payne's ability to conduct a blood draw on the patient;



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(3) Ms. Wubbels told you on the telephone that [redacted] *Garrity Protected*

(4) nearly two hours had passed since Det. Payne was dispatched, from which you should have reasonably inferred that there was no urgency to the situation;

(5) you perceived [redacted] *Garrity Protected*

(6) you ordered the arrest and, only after giving the order, decided to go to the scene [redacted] *Garrity Protected*

In light of those facts known to you at the time, it was completely unreasonable for you to order an arrest of Ms. Wubbels before you arrived on scene. [redacted] *Garrity Protected*

[redacted]

Additionally, the situation was not urgent and did not require an immediate blood draw between the time you issued your order and the time you arrived on scene (around 20 minutes). [redacted] *Garrity Protected*

[redacted] *Garrity Protected* the scene at the Hospital was relatively stable until Det. Payne acted to arrest Ms. Wubbels. Nearly two hours had elapsed from the call out for a blood draw technician to the time you ordered the arrest, and during that time, you did not know of any information that indicated a blood draw had to occur right then and there. You knew that Ms. Wubbels and Hospital employees were attempting to discuss the situation with Det. Payne and you. In fact, when you spoke to Ms. Wubbels on the telephone, she informed you [redacted] *Garrity Protected* [redacted]. You could have used that time as an opportunity to seek out the advice of the Department's attorney or an attorney from the District Attorney's office. Once you made the decision to go to the Hospital, you could have used your physical presence as an opportunity to engage Hospital administration in a discussion to find a way to resolve the disagreement. Instead, your order to arrest, carried to its logical outcome by Det. Payne, created chaos and unnecessarily escalated the situation.

While you stated in your Internal Affairs interview and Pre-Determination Hearing [redacted] *Garrity Protected*



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*Garrity Protected*

I recognize that Det. Payne withheld critical information from you which might have changed your actions that day. Specifically, he did not inform you that the Logan Police Department *Garrity Protected*. That information is a mitigating factor here, but it also highlights why more leadership was required from you that day. For the reasons expressed above, I expect our Watch Commanders to use their discretion wisely and ask whether the contemplated actions are reasonable and necessary in light of the circumstances known to them. In this instance, the contemplated action—intentionally ordering the arrest of a nurse in a hospital *Garrity Protected*—was both unreasonable and unnecessary. The lack of leadership, failure to responsibly exercise the discretion vested in you as a Watch Commander, and poor professional judgment you displayed in this incident severely undermines my faith and confidence in your ability to retain a supervisory role in the Department.

Additionally, Watch Commanders are representatives of Department Administration, and it is imperative that when they interact with members of the public, they do so with professionalism and respect, even if that professionalism and respect is not reciprocated. I was disappointed in the manner and tone with which you spoke to Ms. Wubbels and Hospital administration. You did not exhibit the requisite courtesy and respect we expect from our Watch Commanders.

Finally, although I am mindful of and have considered your service record, the fact remains that your overall employment history, including your lack of recent discipline, is outweighed by your complete lack of judgment in this incident and the attendant consequences that have befallen the Department as a result of your actions. You have spent nine years as a Lieutenant with the Department, and served as a Watch Commander for a majority of those years. I am troubled that an officer with your experience would fail to exercise sound discretion and good judgment in this matter.

Your actions in this matter, which were the catalyst that led to the arrest of Ms. Wubbels, have, among other things, adversely affected public respect and confidence in the Department and you, and brought the Department and you into significant disrepute. Substantial damage has been done to the Department's relationships with nurses, the Hospital and, equally as important, the public we serve. Because of your actions, these groups have lost trust and confidence in the Department's ability to serve them with dignity and respect. It will take considerable time and resources to rebuild that trust.

In my judgment, it is beyond dispute that your conduct violated all of the policies listed above; undermined public respect and confidence in the Department and you; significantly adversely affected the operations and efficiency of the Department; and negatively affected the Department's morale and effectiveness. Based on the strong and compelling evidence as set forth above, I have lost faith and confidence in your ability to continue to serve as a supervisor in the Salt Lake City Police Department and therefore am demoting you to the rank of Police Officer III effective October 11, 2017.



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In accordance with Chapter VI (Disciplinary Appeals) of the Salt Lake City Civil Service Commission Rules and Regulations, you may request an appeal of this action within five (5) business days of the date of this letter. A request for appeal must be in writing, addressed to the Salt Lake City Civil Service Commission, and filed with the City Recorder (whose office is located at 451 South State Street, Room 415, Salt Lake City, UT 84111) prior to the expiration of the deadline. In addition, an employee filing an appeal must provide all of the information requested on the "Request for Appeal Hearing Before the Salt Lake City Civil Service Commission" form (which is available online at [www.slccgov.com](http://www.slccgov.com) or at the City Recorder's Office).

Served By: \_\_\_\_\_

Date/Time: \_\_\_\_\_

cc: Jennifer Sykes, HR Consultant  
Internal Affairs File  
Personnel File