



POLICE DEPARTMENT

MEMORANDUM

To: Jeff Payne
Police Officer III
Investigations 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
Termination of Employment**

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 terminate your employment effective at the close of business today (October 10, 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 conduct toward Alexandra Wubbels, a nurse employed by the University of Utah Hospital (the "Hospital"). Specifically, it is alleged that, on July 26, 2017, in the course of your attempt to perform a blood draw at the Hospital on an unconscious driver who had been involved in a fatal car accident, you violated policy and behaved in an inconsiderate manner toward Ms. Wubbels.

Findings:

Police Reports, Body Camera Footage, and Telephone Records

The following information was derived from official police reports authored by you, Police Officer _____, and Lieutenant James Tracy; relevant footage obtained from Department-issued body cameras worn by you, Ofc. _____, and Lt. Tracy; and your telephone records.

At 17:40 on July 26, 2017, you were dispatched to the Hospital at the request of the Logan Police Department to conduct a blood draw on a semi-truck driver (the "Truck Driver") who had been involved in a fatal traffic accident. The driver of the other vehicle involved in the accident was fleeing from law enforcement, struck the semi-truck, and was killed in the collision.



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Upon arriving at the Hospital, you learned the Truck Driver had been moved to the Burn Unit. As such, you went to the Burn Unit and spoke with Ms. Wubbels, the Charge Nurse. You asked Ms. Wubbels to allow you to obtain a blood sample from the Truck Driver to determine if he had any chemical substances in his system at the time of the fatal traffic accident. Ms. Wubbels responded by telling you she needed to contact Hospital administration to determine whether the requested blood draw was permissible under the circumstances.

Following your initial conversation with Ms. Wubbels, you called Lt. Tracy, the Watch Commander on duty, to advise him of the situation. Lt. Tracy told you to inform Ms. Wubbels of the exigent circumstances and implied consent law; to let him speak with Ms. Wubbels if she continued to deny you access to the Truck Driver; and to arrest her if she ultimately refused to comply with your request to perform the blood draw. After you concluded your telephone call with Lt. Tracy, Ms. Wubbels returned, told you "it would be a few minutes" until she could obtain information from Hospital administration, and asked you to wait in the waiting room.

After sitting in the waiting room for approximately 90 minutes and receiving no additional information, you asked to speak with Ms. Wubbels. Ms. Wubbels appeared and told you she had spoken with her supervisors and would not allow you to conduct the blood draw. You then explained the exigent circumstances and implied consent law, to which Ms. Wubbels replied she would be violating Hospital policy if she allowed you to perform the blood draw without a warrant (which you did not have). Ms. Wubbels also apologized for the length of your wait.

You responded by saying "no, you're not" (in reference to Ms. Wubbels' apology) and began walking away. Ms. Wubbels followed you and asked for your business card. Because you didn't have a business card on your person, you told Ms. Wubbels if she wanted one she needed to accompany you to your car. When you and Ms. Wubbels entered the Hospital elevator at around 19:34, you called Lt. Tracy and handed your cell phone to Ms. Wubbels so she could speak directly with him. While walking to your car, you heard Ms. Wubbels explain Hospital policy to Lt. Tracy and, based on her reaction to Lt. Tracy's statements, you believed he responded by advising her of the law, telling her she was interfering with an investigation, and informing her that he would instruct you to arrest her if she refused to allow you to perform the blood draw. Because you sensed the situation "was possibly going to get worse," you also activated your body camera at this time. While on the phone with Lt. Tracy, Ms. Wubbels also simultaneously called a Hospital employee named " ", told him Lt. Tracy was threatening her with arrest, and asked " " to send Hospital security officers to meet her at the Ambulance Bay, where your car was located.

Ms. Wubbels then handed your phone to you and walked back towards the Emergency Room. Lt. Tracy was still on the line and advised you to arrest Ms. Wubbels for interfering with a police investigation if she continued to deny your request to conduct the blood draw. You followed Ms. Wubbels (who was still on the phone) into the Emergency Room, where she asked another Hospital employee to call security. In response, you pointed at Ms. Wubbels (who still had her back to you) and said "I'm going to arrest her." You also asked Lt. Tracy to send backup to assist you.



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Shortly thereafter, a male Hospital employee named _____ arrived in the Emergency Room. You informed _____ you had “exigent circumstances” for a blood draw on a patient “upstairs,” Ms. Wubbels was refusing to allow you to perform the draw, and he would “get to meet [Lt. Tracy] soon.” Additionally, you stated if Ms. Wubbels didn’t allow you to “go get the blood [you were] taking her to jail.” Ms. Wubbels (who was still on the phone) told _____ she had been instructed Hospital policy prohibited law enforcement from obtaining blood draws without a warrant, which you did not have. _____ then departed to go get a supervisor while Ms. Wubbels remained on the phone.

A few minutes later, a University of Utah Police Officer arrived and Ms. Wubbels asked him to “protect” her because you had threatened her with arrest due to her refusal to allow you to obtain the blood sample without a warrant. You told the University of Utah Police Officer that if “things still keep going the way they’re going” you would arrest Ms. Wubbels for interfering with a criminal investigation. Ms. Wubbels then stated she had been directed by four separate Hospital authorities (Risk Management, the House Privacy Officer, the House Supervisor, and her manager) that a warrant was required for the blood draw and she was simply doing what her “entire hospital” had instructed her to do. You responded by saying you were likewise “being told what to do by [your] boss” and were “going to do what [your boss] says.”

Ms. Wubbels (who was still holding her phone to her ear) next asked for time to try to “figure out” or “work out” the situation, since there appeared to be “no urgency.” You indicated the Truck Driver had been involved in a fatal car accident, was in critical condition, and the “implied consent law” allowed you to obtain a blood sample from him. Additionally, you pointed your finger at Ms. Wubbels and said she was preventing you from performing your duties, to which Ms. Wubbels reiterated she was simply attempting to follow the instructions given to her by multiple Hospital authorities. Ms. Wubbels also again emphasized she saw “nothing urgent,” and questioned why the situation had “gotten as elevated as it has.”

For his part, the University of Utah Police Officer informed Ms. Wubbels that, if she interfered with your investigation, she would be obstructing justice and he would not prevent you from arresting her. Ms. Wubbels (still on the phone) conveyed that information to the individual with whom she was speaking and, accompanied by you and _____, walked into another room. In the other room, _____ asked you “we’re not doing one thing or another until the [House Supervisor] gets here, yeah?” You agreed and said you had “more of [your] guys coming up.”

While in the other room, Ms. Wubbels asked if you had the authority to perform the blood draw without a warrant and you indicated “exigent circumstances” and “the implied consent law” allowed you to obtain the sample. You pointed at Ms. Wubbels and stated “she’s going to jail,” per Lt. Tracy’s instructions, for interfering with a criminal investigation. When a Hospital employee responded by noting they were also acting pursuant to directives from their leadership, you noted the “two leaderships” could “butt heads together later.” You also stated that, although “this is not the way [you] wanted [the situation] to go,” Lt. Tracy left you no choice but to leave with either “blood in vials or body in tow.”



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You then called Dispatch, told them you were in the Emergency Room, and inquired as to the whereabouts of your backup. While you were on the phone with Dispatch, Hospital security officers arrived and informed Ms. Wubbels (who was still on her phone) that the situation was a “police matter” and they couldn’t “get involved.” A minute or so later, Ofc. (who had been dispatched to assist you) also arrived in the Emergency Room. You told Ofc. that Lt. Tracy had instructed you Ms. Wubbels was “going to jail” if she did not allow you to perform a blood draw. Ms. Wubbels responded by telling Ofc. she was simply trying to do what she had “been told to do by the Hospital.”

When Ofc. asked you what the problem was, you told him the Hospital refused to “abide by the implied consent law or exigent circumstance” and instead wanted you to get a warrant. You also informed Ofc. that Lt. Tracy had previously spoken with Ms. Wubbels, let her know she would be arrested if she failed to comply, and that Lt. Tracy would speak with Ms. Wubbels in person when he performed the arrest check, implying that an arrest was a foregone conclusion.

Ms. Wubbels then questioned why you insisted on behaving in an “awful and threatening manner,” said she was not trying to “impede” you, and calmly stated she was “just a nurse trying to protect the patients and do what [her] hospital has obligated [her] to do.” You responded you also wanted to “protect” the Truck Driver by obtaining his blood sample.

When Ofc. inquired as to why you hadn’t attempted to secure a warrant, you told him you had already spoken with the Logan Police Department and no probable cause existed to support the issuance of one. You again indicated to Ofc. that Lt. Tracy had told Ms. Wubbels she would be arrested if she refused to allow you to perform the blood draw. You also noted, in response to a question from Ofc. ; that you had never encountered this type of resistance to a blood draw and had “never gone this far” before. Additionally, you asked a Hospital employee to bring you a medical record request release form.

Ms. Wubbels (still on her phone) next asked if the Truck Driver was under arrest and you confirmed he was not. She then asked whether you had an electronic warrant, and you said you did not. A minute or so later, with her phone on speaker and a Hospital employee named Brad on the line, Ms. Wubbels provided you with a Hospital form (the “Form”) entitled “Obtaining blood samples for police enforcement from patients suspected to be under the influence of drugs and/or alcohol” and reviewed it with you. The Form, which Ms. Wubbels stated had been developed in collaboration with the Department, indicated law enforcement blood draws were only permissible in three situations: i) if an electronic warrant had been obtained; ii) if the patient consented; or iii) if the patient was under arrest. Ms. Wubbels also noted that, based on your statements and the fact the Truck Driver was unconscious and could not consent to the blood draw, none of the three situations identified in the Form existed.

You responded by asking Ms. Wubbels if it was her position that you were prohibited from obtaining the Truck Driver’s blood if you failed to fulfill any of the three conditions outlined on the Form. When asked why you were “blaming the messenger,” you stated Ms. Wubbels was the person who had “told [you] no.” You then reached for Ms. Wubbels’ phone with both



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hands and, when she backed away (still holding her phone), you said “no, we’re done, we’re done, you’re under arrest, you’re going [to jail], we’re done.” As Ms. Wubbels continued to back up, you moved toward her, grabbed her with both hands, spun her around, and forcefully stated “I said we’re done!”

According to your police report, you grasped Ms. Wubbels’ right wrist with your right hand, twisted her body so she was facing the Emergency Room doors, used your left hand to grasp her shoulder, and pushed her out through the doors. While physically pushing her outside, you again twice forcefully told a screaming Ms. Wubbels “I said we’re done!” Once outside, you held Ms. Wubbels (who still had the by-now-crumpled Form in her hand) against the wall and placed her in handcuffs.

Two Hospital employees followed you outside and informed you Hospital administration was “on the way.” You said Ms. Wubbels (who was still screaming) could wait in your car until they arrived. When one of the Hospital employees told you “this is completely unnecessary,” you said “you’re right” but reiterated Ms. Wubbels was under arrest, to which the employee asked why you chose to execute the arrest in the manner you did. Ms. Wubbels also asked why you were “so angry.” You told the Hospital employees you were “doing [your] job,” were “leaving now with [Ms. Wubbels],” and, if anyone “wants to prevent that, that’s your option [but Ofc.] will be taking them [to jail].” You then instructed a Hospital employee to remove his hand from Ms. Wubbels’ shoulder and walked her to your car. At one point on the short walk to your car, Ms. Wubbels asked you to “stop” because you were “hurting [her].” You responded by curtly instructing her to keep walking, and Ms. Wubbels expressed her belief that she had “no reason to walk.” After arriving at your car, you double-locked Ms. Wubbels’ handcuffs and had her sit in the front passenger seat.

Immediately thereafter, at 20:00, you received a telephone call from Lt. Tracy, who had arrived at the Hospital and was looking for you. Lt. Tracy met you at your car, where he first spoke with Ms. Wubbels in person and then with another Hospital employee on the phone while you stood by. When Lt. Tracy concluded his conversations, he informed you Ms. Wubbels may not have an affirmative duty to take you to the Truck Driver; the Hospital had likely already obtained a blood sample when the Truck Driver was first admitted and, as such, the Logan Police Department could obtain the hospital records and get the blood test results that way; and he believed arresting Ms. Wubbels for obstruction of justice probably wouldn’t “stick” given the circumstances. Lt. Tracy also asked you to call the Logan Police Department to make them aware of the situation. You responded by telling Lt. Tracy you had already spoken to the Logan Police Department twice, they (i.e. the Logan Police Department) weren’t upset by your inability to obtain the blood sample, and that the Logan Police Department had in fact already asked you to obtain a release form from the Hospital to assist them in obtaining the Truck’s Driver’s medical records at a later time. As a result, Lt. Tracy told you he had decided to release Ms. Wubbels.

Later, while talking with Lt. Tracy, you wondered aloud how your involvement in this incident might affect your outside employment with Gold Cross. When Lt. Tracy asked if your Gold



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Cross job involved working with the Hospital, you confirmed you transport patients to the Hospital for Gold Cross. Lt. Tracy said he thought the Hospital was “not going to be very happy with you,” to which you stated that, going forward, you would “bring them all the transients and take good patients elsewhere.”

Finally, when you informed Lt. Tracy you had physically “drug” Ms. Wubbels out of the Emergency Room, he requested you write your police report that evening, as he believed this incident would get the “attention” of Department Administration.

Investigative Interviews

Your Internal Affairs Interview:

Garrity Protected [REDACTED]

[REDACTED]

[REDACTED]



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Ofc. Internal Affairs Interview:

Garrity Protected [Redacted text]

[Redacted text]

[Redacted text]

[Redacted text]

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.

At approximately 18:00, you approached Ms. Wubbels (who was sitting at the front desk of the Burn Unit) and informed her you were at the Hospital to obtain a blood sample from a patient in the Unit. Ms. Wubbels noticed your badge, gun, and embroidered name on your shirt; perceived you to be a police officer (although you did not identify yourself as such); and asked you to stand by while she clarified Hospital policy pertaining to blood draws requested by law enforcement.



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Ms. Wubbels told investigators she had never previously been involved in a situation where a police officer had requested to draw blood from a patient and, as a result, paged Risk Management and texted her supervisor, _____, to obtain further information. After a few minutes passed with no definitive response from Risk Management or _____, Ms. Wubbels asked you to wait in the waiting room. Risk Management subsequently contacted Ms. Wubbels and instructed her to call the Hospital HIPAA officer, which she did. Because Ms. Wubbels was serving as the Charge Nurse that day and her shift was ending at 19:00, after contacting the Hospital HIPAA officer, she turned her attention back to the Unit's patients and specifically focused on preparing her shift report.

Just before 19:00, Risk Management, _____, and the Hospital HIPAA officer all informed Ms. Wubbels that, unless the patient was under arrest or consented to the draw, you would need a warrant to obtain the requested blood sample. Since her shift was nearly over, Ms. Wubbels next attended to her remaining job duties (which took about 15 minutes). In the course of completing these duties, she was informed that you seemed irritated at having not received an update and were inquiring as to her whereabouts.

When Ms. Wubbels entered the waiting room, you were sitting in a chair by the outpatient clinic. She approached and told you that, absent custody or consent, a warrant was required in order for you to perform the requested blood draw. Ms. Wubbels also apologized, to which you responded by saying something along the lines of "you're not sorry" and angrily began walking away. Because you had not previously provided her with a business card and she found the situation awkward and unusual, Ms. Wubbels asked for your name and a card. After checking, you stated you did not have a card on your person and invited Ms. Wubbels to accompany you to your car if she wanted one.

While in the Hospital elevator enroute to your car, Ms. Wubbels said she perceived you to be agitated and, as a result, began to question in her mind why she was continuing to engage with you. During the elevator ride, Ms. Wubbels indicated you placed a call on your phone, spoke with someone (although she did not pay attention to what specifically was said), and then abruptly handed your phone to her and directed her to speak. Ms. Wubbels told you she had nothing to say but nevertheless took the phone and identified herself to the individual on the line, who responded by informing Ms. Wubbels that, if she did not allow you to draw the blood, he would have you arrest her. Upon hearing this, Ms. Wubbels handed the phone back to you and, while walking to the Ambulance Bay (where your car was located), she called _____ . When Ms. Wubbels told _____ that she had been threatened with arrest, _____ directed her to go into the Emergency Room and call Hospital security.

With respect to the arrest itself, Ms. Wubbels stated you aggressively lunged at her and she backed away because she was frightened.

Finally, Ms. Wubbels emphasized she was not trying to make your job difficult or disrespect your authority, which was why she apologized to you in the waiting room. She also noted you never asked to speak with any Hospital supervisor at any point during this incident.



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Response:

A Pre-Determination Hearing was held on September 25, 2017 at 13:00 to give you an opportunity to respond to the above allegations and findings. During that hearing, you provided the following additional information:

Garrity Protected

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



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Garrity Protected

[Redacted text block]

Impact:

Based on the above, I conclude the allegations against you are **SUSTAINED**. Specifically, your conduct toward Ms. Wubbels in this incident was inappropriate, unreasonable, unwarranted, discourteous, disrespectful, and has brought significant disrepute on both you as a Police Officer and on the Department as a whole. You demonstrated extremely poor professional judgment (especially for an officer with 27 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, in addition to seriously undermining public trust in both you as an individual officer and the Department in general, you have also potentially adversely affected the Department's relationship with the Hospital and other health care providers.

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

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 – Personal Contacts**) states, in pertinent part:

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.



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Department Policy **III-030 (Arrests – Misdemeanor Citations)** states, in pertinent 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.

Department Policy **III-680.4 (Reports – Situations Requiring a Report)** states, in pertinent part:

A report must be made: [w]hen any person is physically detained with restraint devices or subjected to the use of physical force, as defined in section III-310 Force, Use of, the incident requires a General Offense report and Use of Force Detail field.

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

Performance of the Duties of a Police Officer

All citizens will be treated equally with courtesy, consideration and dignity. Officers will never allow personal feelings, animosities or friendships to influence official conduct. Laws will be enforced appropriately and courteously and, in carrying out their responsibilities, officers will strive to obtain maximum cooperation from the public. They will conduct themselves in appearance and deportment in such a manner as to inspire confidence and respect of the position of public trust they hold.

Discretion

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.

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 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.*



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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:

On May 13, 2013, you received a Written Reprimand for violating the City's anti-discrimination and anti-harassment policy.

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 Lt. Tracy; watching footage of this incident obtained from Department-issued body cameras worn by you, Ofc. [redacted], and Lt. Tracy; 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], Lt. Tracy, and Ms. Wubbels; listening to audio recordings of the pre-determination hearings held for you and Lt. Tracy; and reading the Investigation Report authored by the Police Civilian Review Board), I have decided to terminate your employment effective at the close of business today (October 10, 2017).

My decision is based on the following primary factors:

In examining your conduct, I am deeply troubled by your lack of sound professional judgment and your discourteous, disrespectful, and unwarranted behavior, which unnecessarily escalated a situation that could and should have been resolved in a manner far different from the course of action you chose to pursue.

First, during your Internal Affairs interview, you *Garrity Protected*

[redacted]

In short, well before Ms. Wubbels first told you Hospital policy prohibited her from allowing you to perform the blood draw without a warrant, *Garrity Protected*

[redacted]



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Moreover, during your Internal Affairs interview, you *Garrity Protected*

Garrity Protected. As such, when Ms. Wubbels returned approximately one hour later, told you she had spoken with her supervisors and would not allow you to procure the blood sample without a warrant, and apologized for the length of your wait, you responded by saying “no, you’re not” (in reference to Ms. Wubbels’ apology) and began walking away.

In response, Ms. Wubbels followed you and asked for your business card, which you *Garrity Protected*. At that point, while in the Hospital elevator enroute to your car, you elected to call Lt. Tracy. However, at no point during your telephone conversation with Lt. Tracy did you inform him of your previous communications with the Logan Police Department *Garrity Protected*.

Indeed, the first time you divulged to Lt. Tracy that you had spoken with the Logan Police Department was after you arrested Ms. Wubbels and he had arrived at the Hospital to discuss the matter with you in person. During that discussion, you only revealed you had spoken with the Logan Police Department when Lt. Tracy instructed you to call them to make them aware of the circumstances. Only at that point did you inform Lt. Tracy that you had already spoken with the Logan Police Department twice, learned they were not upset by your inability to obtain the blood sample, and in fact had been asked to get a medical record request release form from the Hospital to assist them in getting the relevant medical information at a later time. Simply put, you inexcusably failed to provide Lt. Tracy with critical information at the outset that might have helped him better understand and contextualize the situation.

Second, although you stated in both your Internal Affairs interview and your Pre-Determination Hearing that *Garrity Protected* the fact remains that you unjustifiably neglected to apprise Lt. Tracy of all the pertinent facts. Specifically, you did not tell Lt. Tracy (either before or after he ordered you to take Ms. Wubbels into custody if she refused to comply with your request to perform the blood draw) of the important information conveyed to you by the Logan Police Department. Had you described all of the circumstances to Lt. Tracy, it may have altered his perception of events and resulted in him changing his directive. In short, by failing to inform Lt. Tracy that the Logan Police Department *Garrity Protected*

Third, the body camera footage reveals that, during the approximately 25-minute period prior to your physically taking Ms. Wubbels into custody, she repeatedly and calmly tried to explain that she was not trying to impede you but rather was attempting to comply with instructions given to her by her “entire hospital.” For example, Ms. Wubbels pointed out she was “just a nurse trying to protect the patients and do what [her] hospital has obligated [her] to do” and specifically noted four separate Hospital authorities (Risk Management, the House Privacy



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Officer, the House Supervisor, and her manager) had advised her a warrant was required for the blood draw. As such, Ms. Wubbels asked for time to try to “figure out” or “work out” the situation (which she did not perceive to be urgent, *Garrity Protected* and questioned why the interaction had “gotten as elevated” as it had.

Importantly, although Ms. Wubbels reiterated numerous times that she was simply trying to act in accordance with directives given to her by her supervisors and was on the phone with Hospital administration for nearly the entire duration of the incident, you neither asked to speak directly with anyone in Hospital administration nor contacted Lt. Tracy to seek further input from him as to how to proceed in light of Ms. Wubbels’ representations.¹ Instead, you inexplicably continued to engage exclusively with Ms. Wubbels. Similarly, when Ms. Wubbels provided you with a copy of the Form and stated it had been developed in collaboration with the Department, you failed to meaningfully review the document and instead responded by asking if it was her position that you were prohibited from obtaining the Truck Driver’s blood if you failed to fulfill any of the three conditions outlined on the Form.

Given the circumstances, your decision to persist in solely communicating with Ms. Wubbels as opposed to asking to speak to one of her supervisors (who you clearly understood were directing her actions) and immediate disregard of the Form (without even inquiring as to its possible validity) constitutes a failure to responsibly exercise your discretion as a police officer and demonstrates exceedingly poor professional judgment. Additionally, in examining your actions and the rationale behind them, it is clear you unreasonably and unacceptably chose to make Ms. Wubbels the target of your unwarranted frustration and ire. For example, immediately before arresting Ms. Wubbels, you responded to asking over the phone why you were “blaming the messenger” by saying Ms. Wubbels was the person who had “told [you] no.” Simply stated, for whatever reason - the length of your wait, Ms. Wubbels’ request for your business card, the Hospital’s refusal to permit you to conduct the blood draw without a warrant, or other factors - you inappropriately acted out against Ms. Wubbels.

Indeed, in reviewing the body camera footage, I am struck and dismayed by the discourtesy, disrespect, and lack of consideration you displayed toward Ms. Wubbels. For example, after you initially followed Ms. Wubbels back into the Emergency Room and while she was on the phone with her back to you, you pointed at her and announced “I’m going to arrest her.” Shortly thereafter, you told (in front of Ms. Wubbels) that if Ms. Wubbels didn’t allow you to “go get the blood [you were] taking her to jail.” Upon the arrival of the University of Utah Police Officer shortly thereafter, you informed him and Ms. Wubbels of your intent to arrest her for interfering with an investigation. A few minutes later, in the presence of Ms. Wubbels and other Hospital employees, you again pointed at Ms. Wubbels and stated “she’s going to jail” for interfering with a criminal investigation. You then emphasized you had no choice but

¹ At one point, : asked you “we’re not doing one thing or another until the [House Supervisor] gets here, yeah?” Although you appear to have agreed with request to refrain from taking further action until Hospital administration arrived, you ultimately selected a different course of action.



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to leave with either "blood in vials or body in tow." When Ofc. [redacted] subsequently arrived in the Emergency Room, you promptly told him (again in front of Ms. Wubbels) that she was "going to jail" if she did not allow you to perform the blood draw, to which Ms. Wubbels responded by saying she was simply trying to do what she had "been told to do by the Hospital" and asked why you insisted on behaving in an "awful and threatening" manner. Notably, when Ofc. [redacted] inquired as to why you hadn't attempted to secure a warrant, you told him you had spoken with the Logan Police Department and no probable cause existed to support the issuance of one; however, as with Lt. Tracy, you failed to tell Ofc. *Garrity Protected* [redacted]

In sum, it appears to me that, despite withholding all of the relevant information from Lt. Tracy, you quickly made the decision to regard his order as justification for performing a custodial arrest of Ms. Wubbels, who had already become the object of your irritation. The evidence strongly supports the conclusion that you viewed Ms. Wubbels as engaging in "contempt of cop" and chose to use Lt. Tracy's order as a shield to allow you to punish her if she persisted in "telling you no." Despite the multitude of other options available to you (issuing a misdemeanor citation, possibly screening charges, asking to speak with Hospital administration directly, inquiring with the Department as to the validity of the Form, or requesting Lt. Tracy's presence on scene and simply waiting until he arrived), you consciously and unreasonably chose a course of action in which the arrest of Ms. Wubbels became a foregone conclusion. As Ofc. [redacted] noted in his Internal Affairs interview, *Garrity Protected* [redacted]

[redacted] Additionally, it is telling that, while repeatedly threatening to arrest Ms. Wubbels for ostensibly interfering with an investigation, you asked a Hospital employee to bring you the medical record request release form sought by the Logan Police Department.

Fourth, with respect to the manner in which you conducted the arrest itself, you again demonstrated extremely poor professional judgment and a glaring lack of courtesy, dignity, and respect. Even if I were to regard as valid your contention [redacted] *Garrity Protected* [redacted] other means of accomplishing this objective were readily available to you. For example, instead of abruptly lunging at Ms. Wubbels while forcefully saying "no, we're done, we're done, you're under arrest, you're going [to jail], we're done," you could have simply asked her to place her hands behind her back or, alternatively, asked her to step into another room or outside into the Ambulance Bay so as not to take her into custody in the Emergency Room itself. Although you stated in your Pre-Determination Hearing [redacted] *Garrity Protected* [redacted]

Rather, in reviewing your body camera footage, I conclude the manner in which you chose to



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take Ms. Wubbels into physical custody (like your decision to arrest itself) was primarily motivated by anger and frustration, as evidenced by the fact you repeatedly forcefully told her "I said we're done!" as you physically took hold of her and pushed her outside.²

Finally, although I am mindful of and have considered your service record, the fact remains that your overall employment history, including your relative lack of recent discipline, is outweighed by the glaring absence of sound professional judgment and extremely discourteous, disrespectful, inappropriate, unreasonable, and unwarranted behavior you displayed in this incident. Indeed, I am deeply troubled that an officer with 27 years of experience would choose to pursue the course of action and behave in the manner that you did. Even more upsetting to me is that you appear to have repeatedly knowingly and consciously engaged in actions designed to escalate and inflame the situation, despite multiple opportunities to change course or rethink your approach and your awareness of other possible options. The fact you elected to conduct yourself in such a way, in a non-hostile situation that lacked urgency and immediacy and was relatively benign, causes me to doubt your ability to properly exercise discretion and good judgment and successfully perform your job duties going forward, especially in the more stressful circumstances that you (and every officer) would undoubtedly encounter in the future. Simply stated, it is clear to me that you failed to responsibly and reasonably use the discretion vested in you as a police officer and, instead, allowed personal feelings and animosities to influence your decisions. For any officer, let alone one with your tenure, this is simply unacceptable. Moreover, while it appears you are sorry for the results of your actions, I am unpersuaded that you are remorseful for your actions themselves.

In my judgment, it is beyond dispute that your conduct violated all of the policies listed above; significantly adversely affected the operations and efficiency of the Department; dramatically undermined public respect and confidence in both you as an individual officer and the Department as a whole; and brought dishonor, discredit, and disrepute to yourself, all of your Department colleagues, and to the Department and the City. As Ofc. [REDACTED] stated in his Internal Affairs interview, [REDACTED] *Garrity Protected*

[REDACTED] Additionally, your actions have negatively affected the Department's internal morale and effectiveness; caused a great deal of damage to the Department's relationship with the public we serve ([REDACTED] *Garrity Protected* [REDACTED]); and potentially adversely affected the Department's relationship with the Hospital and other health care providers. Further, your conduct has set the Department back in its efforts to establish trust within the community; caused a significant portion of the public to question the Department's credibility; and inflicted harm on the Department's reputation that may take years to repair.

² Contrary to Department policy, you also failed to properly document your use of physical force in your General Offense report via the "Use of Force Detail" field.

JACQUELINE M. BISKUPSKI
Mayor



MIKE BROWN
Chief of Police

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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 member of the Salt Lake City Police Department.

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.slcgov.com or at the City Recorder's Office).

Served By: Mike Brown

Date/Time: Oct 10, 2017 1330

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