

RECEIVED  
FEB 25 2016  
[Signature]

CHARLES R STEWART (Bar #12246)  
Schatz, Anderson & Associates, LLC  
ATTORNEYS FOR DEFENDANT  
1425 South 700 East  
Salt Lake City, Utah 84105  
Telephone: (801) 746-0447  
Facsimile: (801) 746-3744  
[steve@schatzanderson.com](mailto:steve@schatzanderson.com)

---

IN THE THIRD DISTRICT COURT – SALT LAKE CITY  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

---

<p>CHAD G. LAMBOURNE</p> <p>Petitioner,</p> <p>v.</p> <p>PROVO CITY and UTAH STATE RECORDS COMMITTEE</p> <p>Repondents.</p>	<p>SUMMONS</p> <p>CASE NO. 160901346</p> <p>JUDGE ANDREW H STONE</p>
---	--

TO: Utah State Records Committee  
c/o Nova Dubovik,  
346 S Rio Grande Street  
Salt Lake City, UT 84101-1106

You are hereby summoned and required to answer the attached complaint. Within 20 days after service of this Summons, you must file a written answer with the clerk of the court at the following address:

Third District Court – Salt Lake City  
450 S State Street  
P.O. Box 1860  
Salt Lake City, UT 84114-1860

You must mail or deliver a copy to Plaintiff's attorney at the address listed above.

If you fail to do so, Judgment by Default will be taken against you for the relief demanded in said Petition. The complaint is on file with the Clerk of the Court.

DATED this 24 day of Feb., 2016.



---

CHARLES R STEWART  
Attorney for Petitioner

CHARLES R STEWART (Bar #12246)  
Schatz, Anderson & Associates, LLC  
ATTORNEYS FOR DEFENDANT  
1425 South 700 East  
Salt Lake City, Utah 84105  
Telephone: (801) 746-0447  
Facsimile: (801) 746-3744  
[steve@schatzanderson.com](mailto:steve@schatzanderson.com)

---

IN THE THIRD DISTRICT COURT – SALT LAKE CITY  
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH

CHAD G. LAMBOURNE  Petitioner,  v.  PROVO CITY and UTAH STATE RECORDS COMMITTEE  Repondents.	PETITION FOR JUDICIAL REVIEW OF RULING AND ORDER OF THE UTAH STATE RECORDS COMMITTEE  CASE NO. 160901346  JUDGE ANDREW H STONE
---	--

Pursuant to U.C.A. § 63G-2-404, Petitioner hereby petitions for a review of a decision and order entered January 26, 2016 by the Utah State Records Committee (Records Committee) determining that the Provo City Police Department may classify a DUI report form and an Initial Contact Report as protected pursuant to 63G-2-305(10) after the police have concluded the investigation, screened charges with the prosecutor and charges have been filed in a court of law.

**PETITIONER'S NAME AND MAILING ADDRESS**

1. Petitioner is Chad G. Lambourne, whose mailing address is 1425 S 700 E, Salt Lake City, UT 84105. Petitioner is an individual who resides in Salt Lake County.

## **RESPONDENTS AND MAILING ADDRESSES**

1. The order was issued by the Utah State Records Committee. The Committee's mailing address is c/o Nova Dubovik, 346 S Rio Grande Street, Salt Lake City, UT 84101-1106
2. Provo City Police Department is the entity that initially denied the GRAMA request. Its address is c/o Camille S. Williams, Assistant City Attorney, 351 West Center Street, P.O. Box 1849, Provo, UT 84603.

## **JURISDICTION AND VENUE**

This Court has jurisdiction pursuant to U.C.A. § 63G-2-404(1)(a). Venue is proper in this Court pursuant to U.C.A. § 78B-3-307(1) as the cause of action (the Records Committee's decision) arose in Salt Lake.

## **FACTS**

1. On July 7, 2015 Justin Green was arrested for DUI.
2. Mr. Green contacted Schatz Anderson & Associates (SAA) to discuss representation on July 22, 2015.
3. July 23, 2015 charges were filed by Information against Mr. Green in the Provo City Justice Court.
4. On July 28, 2015 Mr. Green hired Steve Anderson of SAA to represent him.
5. The next day, Petitioner Chad G. Lambourne, working for Steve Anderson, made a request pursuant to U.C.A. 63G-2-201 (GRAMA) for certain records believed to be in the possession of the Provo City Police Department. Among the records requested were the DUI report form, any dash cam or body video and the Initial Contact report.

6. August 12, 2015 Petitioner received a letter from Assistant Records Supervisor Angela Galbraith denying the request for the DUI report form and the Initial Contact Report stating the records were protected pursuant to U.C.A. § 63G-2-305(10). The letter stated that video did not exist. The department offered to provide 3 of the records I requested as well as a synopsis of the incident. Rather than accept a portion of the record Petitioner believed he was entitled to, an appeal with Provo City's Chief Administrative Officer was filed on August 31, 2015.
7. On September 15, 2015 Petitioner received a letter from the Chief Administrative Officer's designee, Wayne Parker upholding the police department's denial. Mr. Parker cited Provo City Ordinance 3.13.110(8)(a) and (c) as the reason for the classification and denial of access to the requested records. This ordinance corresponds to U.C.A. § 63G-2-305(10)(a) and (c).
8. On October 14, 2015 Petitioner mailed an appeal to the Records Committee.
9. On January 14, 2016 a hearing was held before the Records Committee.
10. On January 26, 2016 The Records Committee issued an order upholding Provo City Police Department's denial of the requested records.
11. Petitioner now appeals the Records Committee's decision and order.

#### **STANDARD OF REVIEW**

Pursuant to U.C.A. § 63G-2-404(6), the Court shall make its decision de novo, but allow the introduction of evidence presented to the Records Committee.

## PRAYER FOR RELIEF

The Petitioner requests that the Court find:

1. That the State Records Committee erred when finding that the Provo City Police properly classified the requested record as protected pursuant to U.C.A. § 63G-2-305(10), and in doing so the Records Committee also decided:
  - i. that an investigation is still “open” or “active” until the case has been fully adjudicated.
  - ii. that Provo City Police Department could classify an initial report as protected because the investigation was still open or active.

The Committee erred when reaching the first decision and in doing so erred in the additional decisions.

## MOOTNESS

Petitioner understands that because the court case is adjudicated, Provo City Police Department has made the requested records available through GRAMA. Should Provo City raise the issue of mootness, the Court need only look to the State Records Committee ruling in the Phillips case. In the Phillips case the Records Committee said: “While the Petitioner did eventually receive the requested records through the criminal discovery process, **the matter is not moot for determination by the Committee since the obligation of the Committee is to address the appeal of denial of public records in this matter.**” Jessica Phillips v. West Jordan Police Department, 14-04 (State Records Committee of the State of Utah, 28 March 2014) (Exhibit A). The Records Committee understood in that case that the denial of public records did not become moot because the records were obtained by another method prior to the Committee hearing the issue. While the requested records in this case were obtained through the

discovery process, and though these records are available and have been received through GRAMA, the issue is not the status of the records now, but the denial of the initial request of the records.

The Utah Supreme Court has addressed the issue of mootness stating: “Before we will address an issue that is technically moot, it must (1) affect the public interest, (2) be likely to recur, and (3) because of the brief time that any one litigant is affected, be likely to evade review.” State v. Steed, 2015 UT 76, ¶ 7, 357 P.3d 547, 549.

The City and the police department are public entities that conduct the public’s business. The public has an interest in the information concerning how Provo City and its police department conduct business as well as an interest in access to those records. See U.C.A. § 63G-2-102. The denial of public records by Provo City Police Department inhibits that right. Due to Provo City’s policy to designate all police reports etc. as protected, it is also highly likely this situation will occur again. It is also very likely also that when this situation recurs, due to the time it takes to bring a denied request before the Committee, such a denial will evade review.

## **ISSUES AND LEGAL AUTHORITIES**

### **GRAMA and Discovery**

Throughout the CAO’s denial of Petitioner’s request and the hearing before the Records Committee, Provo City delved into the issue of requests for records held by a government entity pursuant to GRAMA and those requested pursuant to the Ut .R. Crim. P. and/or the Ut. R. Civ. P. During the hearing before the Records Committee, counsel for the City discussed discovery as limiting information to the “stakeholders” in the case. Ms. Williams discussed the lack of protections provided to witnesses, victims etc. under GRAMA. Victims in particular are specifically listed as what would be included in an initial contact report. U.C.A. § 63G-2-

103(14); Initial contact reports are specifically listed as public records. U.C.A. 63G-2-301(3)(g). Any information regarding a witness or victim that is protected is easily segregated by simply redacting that information. U.C.A. § 63G-2-308. Any discussion about GRAMA and discovery is a non-issue and should not detract from the material question at hand. See U.C.A § 63G-2-207; Phillips v. West Jordan Police Department.

### **Designation versus Classification**

Provo city has designated all police reports, including dash/body video and audio recordings, as protected under Provo City Code. Provo City Ordinance 3.13.110(8)(a) and (c). Provo City cites the *State Agency General Records Retention Schedule 17-1* and the *Municipal Records Retention Schedule* as justification for doing so. These are recommendations by the Utah State Department of Administrative Services Division of Archives & Records Service for state and municipal agencies. Neither Retention Schedule is law. They are suggestions by the Division. The GRAMA statute and any applicable case law controls.

GRAMA is clear that an agency is to designate records series. However a government entity is not required to classify a particular record until it is requested. U.C.A. §63G-2-307. Provo City seeks to have the designation, based on schedule of suggestions, control access to the records the City possesses. This position does not comply with GRAMA. When a GRAMA request is received it must be evaluated and classified at that time. Any prior designation the record or record series that has been given a record by city policy must, upon evaluation, yield to the proper classification under GRAMA.

The Utah Supreme Court made this very issue clear in Deseret News, a case in which Salt Lake County policy designated all sexual harassment investigations as protected. The Court said:

**This categorical classification (*designation*) created by county policy, while permitted by GRAMA under Utah Code section 63-2-306(2) (2004), (*now U.C.A. § 63G-2-307(1)(b)*) does not endow a specific report with a presumption that it should be withheld if requested.**

Deseret New Publ. Co. v. Salt Lake Co., 2008 UT 26 ¶17 (emphasis added) (alteration in original).

Clearly, Provo City cannot rely on a blanket designation of “protected” for all initial contact reports, video, DUI report forms etc., as a reason to deny a GRAMA request. The City must evaluate each and every GRAMA request it receives, determine the record(s) classification, then make a decision regarding the release of the record. Deseret New Publ. Co., 2008 UT 26 ¶ 24. While Provo City claims to have evaluated the requested records, it is obvious that Provo City relied on the designation of protected as the reason for denying access to the requested records.

#### **Active or Completed Investigation.**

Provo City deems all police reports (except the synopsis) as part of an ongoing investigation until the court case is fully adjudicated. This was testified to by Records Supervisor Rebecca Gurr during the hearing before the Records Committee.

As support that the investigation was still open Provo City states at the time of the request Provo City stated in its brief to the Records Committee: “In the course of the investigation after a charge is filed, prosecutors may request that the investigating agency provide additional information, or may receive additional information from a defendant, their counsel or family members, a victim advocate or another law enforcement agency.”

During the SRC hearing Ms. Williams discussed at length possible scenarios in which further information regarding the case may come to light. She provided anecdotal evidence from past cases of which she or Ms. Gailbraith were aware in which new evidence came to light after

charges were filed. These are *appeals to probability* logical fallacies designed to detract from the real issue. The GRAMA statute gives no standing to what might be, but what is.

Once a police department screens charges with a prosecuting agency, and that prosecuting agency files formal charges in a court of law, the investigation is no longer ongoing for purposes of the police department.

Mr. Green was arrested on July 7, 2015. Charges were filed by information in the Provo City Justice Court on July 23, 2015. The GRAMA request for records was sent July 29, 2015.

Provo City cites Provo City Code 3.13.030(5): “Notwithstanding anything in this Chapter to the contrary, initial contact reports concerning ongoing civil or criminal law enforcement investigations shall not be disclosed while the investigation continues if disclosure would impair or jeopardize the success of the investigation.”

Provo City then claims that the investigation was open at the time of the GRAMA request. The CAO denial letter stated: “However, the investigation remains open until the case is resolved....” i.e., fully adjudicated.

Police agencies conduct criminal investigations. When the investigation is complete, the evidence is turned over to the District Attorney, County/City Prosecutor for screening. At this point the investigation ceases to belong to the police agency and becomes the custody of the prosecuting agency. The prosecuting agency now makes all decisions regarding the case including whether or not to file formal charges. It is true that the prosecutor may request the police agency conduct further investigation or gather additional evidence etc. It is also true that additional information may come to the attention of the police department through one of myriad sources. However, whether obtained unsolicited or by request of the prosecutor, at this point any further information is the purview of the prosecutor, even if the originating police department is

requested to assist in the investigation. Any further investigation is conducted at the direction of the prosecutor; hence, it is at this point the prosecutor's investigation. It is no longer the police department's investigation.

Provo City uses the example of toxicology results. Provo City claims that because toxicology results had not yet been received in this case, the case remained open. This is deceptive. Regardless of what the toxicology report indicates, the role the police department plays in the case will remain unchanged. It is the decision of the prosecutor, not the police department, on how to act upon this information. No matter what, if any, additional information is received by the police department after charges have been filed the police department has no influence on the direction of the case. The prosecutor is the sole decision maker regarding the case at this point.

The Records Committee and the District Court have heard this argument before. Chris Vanocur/ABC 4 News v. Utah Department of Public Safety, 2010-05 (State Record Committee of the State of Utah, January 12, 2010); Utah Department of Public Safety v. State Records Committee, et al., 100904439, Utah 3<sup>rd</sup> Dist. Jun 17 2010. In the Vanocur case the Department of Public Safety (DPS) argued that the DUI report form was created for criminal purposes and that the records were used to investigate whether criminal charges should be filed against the subject of the records. DPS then conceded that the investigation was complete when criminal charges had been filed. DPS could not show that the records would be used in any future investigation. In Vanocur the Records Committee found that investigation had been completed. When DPS appealed to the District Court, the Court agreed with the Records Committee. The investigation was complete.

As with the Vanocur case Provo City Police have not demonstrated that the police report, whether called an Officer Report, synopsis, or supplemental report, or the DUI report, written by the officer contemporaneously with the incident it describes, will be used in any further investigation. They simply rely on anecdotal evidence that it may be used. Even so, the police department will have no control over how any hypothetical future evidence or information would be used. That control lies solely in the hands of the prosecuting entity.

### **Initial Contact Reports**

Provo Police Department's reporting software creates a very short synopsis of the case. Provo City defines this synopsis as the initial contact report. (Exhibit B) The remainder of the report is entitled "supplement." Provo City claims that a "synopsis for the incident" satisfies the meaning of initial contact report as described in U.C.A. § 63G-2-103(14). Petitioner believes this synopsis does not comply with the plain language of the GRAMA statute.

Sub-section 103(14) states "Initial contact report" means an initial written or recorded report, however titled, prepared by peace officers...." The statute uses the word "report" not synopsis. It also specifically uses the words "written or recorded." An initial report is the report an officer writes, contemporaneously with, or very closely related in time to an incident, describing the nature of the alleged crime, the participants, the action the officer took etc. This includes the narrative, the property or evidence portion of the report, the persons involved portion of the report, video/audio recorded during the encounter, DUI report forms and more. A simple synopsis does not comply with the records described in §103(14)(a).

The portion of the Provo Police Department reports entitled supplemental is misleading. Even though entitled supplemental, it is not a record described in U.C.A. §63G-2-103(14)(b), "Initial contact reports do not include follow-up or investigative reports prepared after the initial

contact report. The police report to which Petitioner was denied access is not a follow-up report, nor is it a report prepared after the initial contact report. It is in fact part of the initial contact report. It is written contemporaneously with, or shortly after an incident. It describes the date, time, location and nature of the incident. It may contain the names of victims; it describes the officer's actions taken in response to the incident; it may contain information about injuries or damage to property; and it contains information about the person arrested or charged in connection with the incident. It is and is a public record.

Even assuming it is a supplemental report, (Petitioner maintains that it is not) it is still a public record. Addressing supplemental reports GRAMA states: **However, if the information specified in Subsection (14)(a) appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected or exempt from disclosure under Subsection 63G-2-201(3)(b).**" (emphasis added). Subsection 201(3)(b) addresses records subject to court rules, state statutes or federal regulations. It is not applicable to a supplemental report that contains the same information that an initial contact report would contain. Defining a synopsis as the initial contact report, labeling the report as a supplement and declaring it protected does not comply with GRAMA.

#### **U.C.A. § 63G-2-305(10)**

U.C.A. § 63G-2-305(10) (a) and (c) allow a governmental agency to classify an otherwise public record protected if it can demonstrate releasing the record: a) reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes; and c) would create a danger of depriving a person of a right to a fair trial or impartial hearing. Provo City Police Department has classified the requested records as protected, citing to these to subsections and the correlating Provo City

Ordinance. However, at no time has Provo City demonstrated that releasing the requested records would interfere with a completed investigation. Neither have they demonstrated that releasing the records would create the slightest risk of depriving the subject of the record a fair trial or impartial hearing. Provo City has provided only anecdotal, unfounded speculation. It has not provided, nor even alleged a single fact that would lead a reasonable person to believe that releasing the records would in any way interfere with an investigation or endanger the subject of the records right to a fair trial or hearing.

### **Conclusion**

The Utah Supreme Court declared: “[G]overnment records are presumptively public under GRAMA, and thus the County bears the burden of proving that it properly classified the investigation report as nonpublic.” Deseret New Publg. Co., 2008 UT 26 ¶ 53. GRAMA owes no deference to Provo City’s designation of police reports as protected, and Provo City has not, nor can it demonstrate any facts or evidence that the requested records may be classified as anything other than public. As such, the initial denial of the requested records must be reversed.

DATED this «Dayofmonth» day of «Month», «Year».

/s/ Charles R. Stewart  
CHARLES R. STEWART  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I certify that on the 24th day of February, 2016, I personally filed electronically and/or mailed/emailed a true and correct copy of the foregoing Petition for Judicial Review of Order of The Utah State Records Committee to the following:

Clerk of the Court  
Third District Court – Salt Lake City  
450 S State Street  
P.O. Box 1860  
Salt Lake City, UT 84114-1860

Provo City  
351 West Center Street  
P.O. Box 1849  
Provo, UT 84603

Utah State Records Committee  
c/o Nova Dubovik,  
346 S Rio Grande Street  
Salt Lake City, UT 84101-1106

/s/ Chad Lambourne  
Paralegal to Charles Stewart

# Exhibit A

---

BEFORE THE STATE RECORDS COMMITTEE OF THE  
STATE OF UTAH

---

JESSICA PHILLIPS,

Petitioner,

vs.

WEST JORDAN POLICE DEPARTMENT,

Respondent.

**DECISION AND ORDER**

Case No. 14 - 04

---

By this appeal, Petitioner, Jessica Phillips ("Ms. Phillips"), seeks access to records from Respondent, West Jordan Police Department ("Department"), pursuant to Utah's Government Records Access and Management Act ("GRAMA").

**FACTS**

By letter dated November 11, 2013 the Petitioner, by and through her attorney, submitted a GRAMA request to the Records Custodian of the West Jordan Police Department requesting "a copy of any video and audio recording from Officer D. Saunders's patrol vehicle dashboard or any other camera and any video and/or audio recordings from any other officer who responded to the scene" of the petitioner's DUI arrest on October 12, 2013. Additionally, the following

records were also requested - "any audio and video of the room in which the intoxilyzer was administered or any other room, e.g. the booking area, in which the [Petitioner] was held."

The Petitioner, by and through her attorney, had previously requested on October 16, 2013 these very same records through the rules of criminal discovery in the matter of West Jordan City v. Jessica Phillips, in the West Jordan Justice Court, Case No. 135307985.

On November 14, 2013 the West Jordan Police informed the Petitioner, "At this time, the case is still active. Any and all information received at this time must be done through our attorney's office via discovery". By letter dated November 19, 2013, Robert Thorup, Deputy City Attorney for the City of West Jordan, additionally informed the Petitioner that "We are declining to respond to your Government Records Access and Management Act request because it seeks production of records relevant to litigation in which the City and the requestor's client are parties. The requested records are properly sought by means of the discovery provisions of the Utah Rule of Criminal Procedure."

On or about December 2, 2013 Petitioner appealed this matter to the City Manager of the City of West Jordan.

On December 5, 2013 the City Manager determined the appeal was moot, stating that the City Manager was "informed that the requested audio and video records were sought by [Petitioner] through discovery filed pursuant to the Utah Rules of Criminal Procedure, and that the audio and video records that exist have been sent to [Petitioner] by the City Prosecutor in

response to said discovery requests. Therefore I find the appeal under GRAMA to be moot, and it is therefore denied.”

On December 10, 2013 the West Jordan City Prosecutor sent the audio/video records to the Petitioner’s attorney pursuant to the criminal discovery process.

Petitioner now appeals the denial of the GRAMA request to the State Records Committee (the “Committee”). The Committee having reviewed the submissions of the parties and having heard oral argument of the parties on March 19, 2014, now issues the following Decision and Order.

#### STATEMENT OF REASONS FOR DECISION

1. The Government Records Access and Management Act (“GRAMA”) specifies that “all records are public unless otherwise expressly provided by statute”. Utah Code §63G-2-201(2).
2. GRAMA further provides that “[t]he disclosure of records to which access is governed or limited pursuant to court rule....is governed by the specific provisions of that....rule....” Utah Code Ann. §63G-2-201(6)(a). GRAMA applies to records which are governed by a court rule insofar as GRAMA is not inconsistent with the court rule. Utah Code Ann. §63G-2-201(6)(b)
3. GRAMA addresses discovery in the courts at Utah Code Ann. §63G-2-207 stating that “Subpoenas and other methods of discovery under the state .....rules of ....criminal procedure are not written requests under Section 63G-2-204.” And at §63G-2-207(c)(1)

“Unless a court or administrative law judge imposes limitations in a restrictive order, this section does not limit the right to obtain records through procedures set forth in [GRAMA].”

4. While the Petitioner did eventually receive the requested records through the criminal discovery process, the matter is not moot for determination by the Committee since the obligation of the Committee is to address the appeal of denial of public records in this matter. The Committee concludes the requested records are public under Utah Code 63G-2-301(3)(g) and not classified by the City of West Jordan as other than public and should have been provided through the GRAMA process. In general, the right to access public government records is not lost, and may not be impaired, when a citizen is involved in litigation with a governmental entity that maintains those records.

#### ORDER

THEREFORE, IT IS ORDERED THAT the appeal of the Petitioner, Jessica Phillips, is GRANTED and the City shall provide the Petitioner with a copy of the records pursuant to the GRAMA request.

#### RIGHT TO APPEAL

Either party may appeal this Decision and Order to the District Court. The petition for review must be filed no later than thirty (30) days after the date of this order. The petition for judicial review must be a complaint. The complaint and the appeals process are governed by the Utah Rules of Civil Procedure and Utah Code § 63G-2-404. The court is required to make its

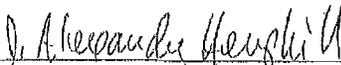
decision *de novo*. In order to protect its rights on appeal, a party may wish to seek advice from an attorney.<sup>1</sup>

**PENALTY NOTICE**

Pursuant to Utah Code § 63G-2-403(14)(d), the government entity herein shall comply with the order of the Committee and , if records are ordered to be produced, file (1) a notice of compliance with the records committee upon production of the records; or (2) a notice of intent to appeal. If the government entity fails to file a notice of compliance or a notice of intent to appeal, the Committee may do either or both of the following: (1) impose a civil penalty of up to \$500 for each day of continuing noncompliance; or (2) send written notice of the entity's noncompliance to the Governor for executive branch entities, to the Legislative Management Committee for legislative branch entities, and to the Judicial Council for judicial branch agencies' entities.

Entered this 28th day of March, 2014

BY THE STATE RECORDS COMMITTEE

  
\_\_\_\_\_  
LEX HEMPHILL, Chairperson  
State Records Committee

---

<sup>1</sup> This notice is required by Utah Code § 63G-2-403(12)(d)

CERTIFICATE OF MAILING

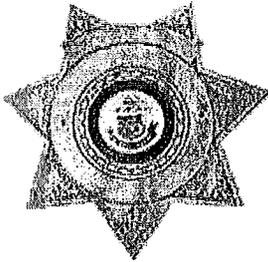
I hereby certify that I mailed a true and correct copy of the foregoing Decision and Order, postage prepaid, this 28th day of March, 2014, to the following:

Chad Lambourne, Paralegal  
1425 South 700 East  
Salt Lake City, Utah 84105

A. Robert Thorup  
Deputy City Attorney  
8000 South Redwood Rd.  
West Jordan, UT 84088

  
\_\_\_\_\_  
Susan L. Mumford  
Executive Secretary

# Exhibit B



# Provo Police

Officer Report for Incident 15PR17044

---

**\*\*\*CONFIDENTIALITY NOTICE\*\*\***

The information in this document is CONFIDENTIAL and/or PRIVILEGED. It is intended to be reviewed by only the individual or organization it was disseminated to. If you are not the intended recipient, you are notified that any review, dissemination, or copying of this document and its attachments, if any, or the information contained herein, is prohibited. If you have received this document in error, advise the sender of your receipt of it and destroy and/or delete the document immediately.

**\*\*\*PROTECTED RECORD NOTICE\*\*\***

This document is a PROTECTED RECORD under UCA 63G-2-305(10),(11) and (25). Further or secondary release would interfere with an ongoing criminal investigation or case, jeopardize the life or safety of the individual, and/or is a clearly unwarranted invasion of personal privacy. Release or dissemination of any summaries, transcripts and video/audio recordings or CJC interviews are also prohibited unless authorized by UCA 77-37-4(5) and (6).

---

Nature: TRAFFIC STOP  
Location: PR232

Address: 1100 S STATE ST; S SR 89 HWY  
Provo UT 84606

---

Offense Codes:

Received By: Perkins H (PR)  
Responding  
Officers:

How Received: O

Agency: PRPD

Responsible Barney J (PR)  
Officers:

Disposition: CAA 07/07/15

When Reported: 01:15:50  
07/07/15

Occurred 01:15:50 07/07/15 and 01:15:51  
Between: 07/07/15

---

Assigned To:  
Status:

Detail:  
Status Date: \*\*/\*\*/\*\*

Date Assigned: \*\*/\*\*/\*\*  
Due Date: \*\*/\*\*/\*\*

---

Complainant:

Last: First: Mid:  
DOB: \*\*/\*\*/\*\* Dr Lic: Address:  
Race: Sex: Phone: City: ,

Alert Codes:

( -

Offense Codes

Reported: Observed: CSSM CS-Sale-Manuf-  
Marijuana

Additional CSSM CS-Sale-Manuf-  
Offense: Marijuana

Additional CSPP CS-Poss Paraphernalia  
Offense:

Additional DUI Driving Under Influence  
Offense:

Additional IMVH Impound-Vehicle  
Offense:

Circumstances

ARHWY Highway Road Or Street  
DRUG Drugs Involved

Responding Officers:

Barney J (PR) Unit : 2JG201  
Nielsen S (PR) 2JK229  
Wood, Colin PR 2JD278

Responsible Officer: Barney J (PR)

Agency: PRPD

Received By: Perkins H (PR)

Last Radio Log: \*\*:\*\*:\*\* \*\*/\*\*/\*\*

How Received: O Officer Initiat

Clearance: Auto Generate Workflow

When Reported: 01:15:50 07/07/15

Disposition: CAA Date: 07/07/15

Judicial Status: IBRV

Occurred between: 01:15:50 07/07/15

Misc Entry: c211

and: 01:15:51 07/07/15

Modus Operandi:

Description :

Method :

---

Involvements

Date	Type	Description	
07/07/15	Name	FRIEND, NICHOLAS RONALD	Arrestee
07/07/15	Name	GREEN, JUSTIN THOMAS	Arrestee
07/07/15	Offense	Offense#: PRF018795 - 3F - 1 count	Charged With

07/07/15	Offense	Offense#: PRF018796 - BM - 1 count	Charged With
07/07/15	Offense	Offense#: PRF018797 - BM - 1 count	Charged With
07/07/15	Cad Call	01:15:50 07/07/15 TRAFFIC STOP	Initiating Call
07/07/15	Property	GRN CS-Marijuana marijuana marijuana 0	Evidence
07/07/15	Property	CS-Paraphernalia sharpstone grinder 2	Evidence
07/07/15	Property	CS-Paraphernalia sentury safe 2	Evidence
07/07/15	Property	CS-Paraphernalia pipe 2	Evidence
07/07/15	Property	CS-Synthetic estacy 0	Evidence
07/07/15	Property	Cellphone samsung tmobile 50	Evidence
07/07/15	Property	CS-Paraphernalia bong 2	Evidence
07/07/15	Property	Firearm-Ammo hk .40 10	Safekeeping
07/07/15	Property	Firearm-Pistol hk .40 100	Safekeeping
07/07/15	Property	Cash US 10	Evidence
07/08/15	DS	Utah County Attorney	Dissemination
07/08/15	DS	Provo City Attorney	Dissemination
07/08/15	DS	Driver's License Division	Dissemination

---

Narrative

Traffic stop on equipment and lane violation. Strong odor of burnt marijuana. Both said they just smoked marijuana within the past 30 minutes and have the paraphernalia with them in the car. Marijuana, ecstasy, paraphernalia and a gun were located in the vehicle. The driver was arrested for DUI.

Tue Jul 07 04:03:50 MDT 2015

---

Responsible LEO:

---

Approved by:

---

Date

---

Supplement

Tue Jul 07 23:20:51 MDT 2015 - Lt. Barney