

#2017-35

David Larsen.

REC'D APR 28 2017
[Signature]

APPEAL TO UTAH STATE RECORD COMMITTEE.

OPEN RECORD REQUEST FOR POLICY AND PROCEDURE CHANGES SINCE DATE OF ARREST: I (Dave Larsen) respectfully ask for a hearing to compel Heber City (Police Department) to release certain requested "Open Records". The said "Records" are for Policy and Procedure CHANGES, who made them, and why; from the time of requestors wrongful arrest (03-11-2015-Present)! As the Heber City Police Department uses a third party outsourced Company (Lexipole) to maintain, and keep Policy's updated; there appears to be no reasonable answer for the issues in not obtaining such information! The requestor has emails from over a year ago indicating that the Department was working on the collecting of said records to release as requested. However, now is being told that the Department is unable to provide such information through their third party outsourced provider? Please be advised that this third party outsourced Company used to update, maintain, and provide current Policy changes. The only service that "Lexipole" provides to Police Agency's throughout Utah and beyond is to maintain said Policy's! The requestor has established proof (Though "Utah's Right.Org" website) that Heber City has paid well over \$3000.00 in 2015 only for this service. Yet the Heber City Police Department (Lt. Bradley) is stating that in attempts to contact "Lexipole" and establish the requested changes (That are legally required to be released), that it cannot be accomplished??

I would hesitate to think that the City of Heber (And the Heber Police Department) is using tax-payer dollars to pay a third party to compile, and update Policies and procedures that are unable to be accessed once changed. "Lexipole" is used by Police Departments across the Country as their sole provider for maintaining and updated Policies and Procedures to ensure that changes in possible Case Law, or Civil Rights issues concerning citizens are established as "Written Policies and Procedures"!! However, there are times when this Company also issues new Policy's based upon simple small items, such as spelling errors, or regarding basic administrative purposes. Regardless; as the City does contract directly with this provider, the City is a client of this Business. Furthermore, there is only two ways that "Official Policies and Procedures" can be changed. 1)- As previously mentioned, "Lexipole" makes changes to keep-up with current and changing Laws! 2)- The Chief (Or Command) can request changes to fit the unique needs of their certain Department! I would suggest that even if "Lexipole" was unable to provide changes, the Chief and Lt. Bradly would (Should) be very aware of the changes they requested over this period of time to meet the Department needs?? However, when the requestor was attempting to obtain said documents, the Department attempted to give the requestor Six 400-page outdated full Policy and Procedure Manuals to find the changes within!! If the Department is able to obtain Six Outdated Manuals for inspection; it would appear that the same resources could be utilized to obtain just the certain changes requested! I believe this is a further attempt of Retaliatory behavior based upon a favorable past ruling from the records committee!!

Seeing as the requestor has evidence of possible Criminal wrong-doing concerning the very person that is in charge of obtaining said documents to release as "Open Records", it is obvious that the issue is not being taken seriously; and further attempts of wasting the requestor's time, money, and resources appear to be at issue! These documents have no "Classification" as "Private or Protected", as the requestor has obtained such records in the past with no G.R.A.M.A. request needed!! To further understand "Lexipole" (As it's only reason for existing is maintaining and updating said records), the requestor finds it extremely hard to believe that this "Third party Contractor" does not use a computerized filing system for each Agency they serve? If the Command of each Agency is able to request certain changes (Differing from the standard Policy's produced), this Company would need a way to track the changes in separate Departments as needed! This would indicate that each Agency that contracts through "Lexipole" would have a computerized file to access these Policy's (It is 2017)!! For example: I.E- If I walk into the Heber Police Department and ask to obtain the file concerning my wrongful arrest; They simply look-up my name, date of birth, and my arrest file is located. At that time, all the information concerning my (Wrongful) arrest is obtainable (Except of course the fact that it was Dismissed W/Prejudice)!! In this same manner "Lexipole" should be able to easily obtain changes made since the time of my unlawful detention!

As the requestor had been notified that only Six changes had been made since the date of arrest, it was interesting to hear the comments of Lt. Bradly while attempting to obtain these documents. I asked, if he could not obtain the "Lexipole" changes; then I would accept the changes made by the Chief and command in this period of time in the alternative! The answer provided was "I can't remember, because we have changed so many"?? I responded by advising that I had only been notified of Six Policy changes? At this point no answer was provided, concerning the implied differences in the information being provided. What is clear, is that the Chief would have a need for this service if taking action upon an Officer who violated a Policy at the time, yet the written policy had changed in the meantime! Therefore, the Department was notified that the requestor would need documentation (On "Lexipole" Letter-Head) verifying their inability to obtain stated Policy changes! Heber City has also been advised that being as these are "Open Records" (As Governed under Utah G.R.A.M.A. Administrative Law); the requestor would file a G.R.A.M.A. request directly to "Lexipole" to obtain the requested documents!!

OFFICER STOWE'S DOCUMENTATION OF CERTIFICATION OF COMPLETION OF O.T.R. (Over the Road) TRAINING HOURS TO IDENTIFY AS A D.R.E.:

Although the requestor has documentation (Written in report, dispatch logs, dispatch audio, etc.) that Officer Stow was called to the location specifically for the purpose of conducting (Unfounded) Field Sobriety Tests, and identified himself as being a certified D.R.E.; the Officer now claims that he was not acting in that capacity?? He merely states he did only Field sobriety testing, and conducted the arrest based upon his conclusions. Please be advised that Officer Stowe is assigned to the "Traffic Division". The Officers were responding to me as a "suspicious Vehicle" would be in the "Patrol Division"!! If this was a simple field sobriety test; any of the responding Officers could have completed testing!! (NOTE: Toxicology results were negative for any substances of abuse)! However, the records I was able to obtain did show that in this Officer's zealously to achieve needed hours concerning arrest, I was not alone in being UNLAWFULLY arrested and detained! Documentation shows of at least three other incidents in which this Officer arrested Citizens, with results returning as no Drugs or Alcohol present in the system? As this is specialty training to be considered an "Expert", this Certification would be put directly in the Officers' training file at the Agency in which he works. Therefore, as this documentation has been approved through a legally submitted G.R.A.M.A. request, it should only be a matter of

retrieving the documents from the file, and producing copies of such! Yet, I have not been provided with the correct documents (Even when ordered by District Court Judge during Discovery)???

I would also like to address the issue of the claim of "Having to create documents"! As the Department has the Six 400-page outdated Manuals that they are implying that I need to go through page by page to obtain the changes; I would respectfully argue that the documents are obviously already created!! As well, the Department is attempting to have me access these 2400-pages of documents, and research them on the Departments time-line. They have suggested that I complete this work in the Lobby of their Department? I live in Salt Lake City, and I am ATTEMPTING to rebuilt my life as much as possible (Considering I am now classified as being arrested for Felony Drug Offences)!! Although everything was Dismissed W/Prejudice, my reputation, ethic's, and behavior in society will be questioned for the remainder of my life. My Career mandates strict background checks upon the Professionals it employs!! I am required to have sensitive information regarding subjects of investigations for private matters regarding sensitive investigative information! As the Agency uses tax-payer dollars to employ this third-party contractor, the Department would not be in a position to have to create anything that has not previously already been created!