



**Report and Findings of an Inquiry into the
Wasatch County Sheriff's Office**

September 2025



Preface

Wasatch County engaged Judge Richard McKelvie (ret.) to act as a third-party reviewer of allegations within the Wasatch County Sheriff's Office and to produce an unbiased report on the scope and nature of the claims.

The report has no findings of gross mismanagement or illegal activities in the Sheriff's Office.

The report includes eight recommendations aimed to help improve the operations and perceptions of the Sheriff's Office. As an organization that strives to be better, we appreciate the time and attention taken to create these recommendations. Management's response to those recommendations are included in this report. The responsible parties will work to address those recommendations as outlined.

Following that, this document includes the unmodified report which contains all findings and recommendations given by Judge McKelvie.



Management's Response

1. Merit Commission

Management recommends that the county council examine all possible avenues for strengthening the merit commissions' role in compliance with the letter and spirit of state law and county code.

Responsible Parties: Wasatch County Council, Manager's Office, and Merit Commission

2. Test Preparation and Administration

Staff concurs with the recommendation that the Merit Commission adopt standardized testing that would be administered and graded by outside parties to remove any perceptions of bias in the recruitment and promotion process.

Responsible Party: Wasatch County Merit Commission

3. Promotions and Discipline

County policy already outlines the process by which jobs are recruited, and employees are disciplined. The County Manager's Office, Personnel Department, and County Attorney's Office ensure compliance with policies. These include a hiring policy and a progressive discipline policy that guarantees rights of employees to provide input in that process.

Responsible Parties: Wasatch County Sheriff's Office, Manager's Office, Personnel Department, Attorney's Office

4. Shift Schedules & Assignments

Department shift schedules are created through consideration of many competing factors, including employee input. The essential nature of some duties means that not all employee requests can be granted.

Responsible Party: Wasatch County Sheriff's Office

5. Auditor Recommendations

Management will work with the County Clerk-Auditor to review the relevant materials and take any appropriate actions.

Responsible Parties: Wasatch County Clerk-Auditor's Office, Manager's Office

6. Administrative and Field Operations

While Wasatch County is a rapidly growing community, it still has limited resources. All elected department heads across the county are expected to fulfill essential duties in their areas beyond administrative roles. It is also the prerogative of each of those elected officials to decide their level of involvement in the operations of their departments.

In the instance of the Patrick Hayes Case, the Sheriff's Office coordinated with the Wasatch County Attorney's Office on appropriate courses of action. The Attorney's Office decisions of which crimes to charge were made by evaluating the facts, the law, and the evidence available.

Further, Wasatch County has confidence in the law enforcement capabilities and oversight of the Sheriff and Undersheriff.

Responsible Party: Wasatch County Sheriff's Office

7. Establish Written Memorandum of Understanding with outside entities

Management concurs with this recommendation.

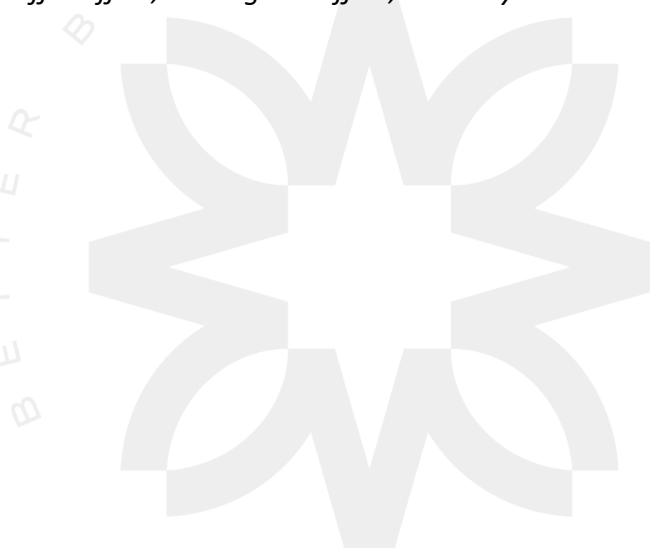
Responsible Party: Wasatch County Sheriff's Office, Wasatch County Manager's Office, Partner Law Enforcement Agencies

8. County Policies

Current policies in the Sheriff's Office were developed using a third-party service standard to law enforcement and public safety known as Lexipol.

Management will conduct a review of applicable operational policies and provide recommendations to address actual and perceived issues associated with them.

Responsible Party: Wasatch County Council, Sheriff's Office, Manager's Office, Attorney's Office



**REPORT TO THE WASATCH COUNTY MANAGER AND THE
WASATCH COUNTY COUNCIL ON AN INQUIRY INTO THE
OPERATIONS OF THE WASATCH COUNTY SHERIFF'S OFFICE**

RICHARD D. McKELVIE

Utah State District Court Judge (Retired)

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EXECUTIVE SUMMARY

This report summarizes an independent inquiry into the operations of the Wasatch County Sheriff's Office (WCSO), conducted at the request of the County Manager. The investigation, undertaken between March and August 2025, examined allegations of civil and administrative misconduct, and was based on interviews with over 30 current and former WCSO employees, law enforcement officials from other agencies and civilians, and relevant documentation.

The inquiry revealed concerns in several key areas:

- **Hiring and Promotion:** Perceptions of favoritism and irregularities in the promotion process, including allegations of providing exam information to preferred candidates, have created serious morale issues within the WCSO.
- **Deputy Sheriffs Merit System:** The current Merit Commission appears to not be functioning as intended by state statute.
- **Duty and Shift Assignments:** A perception exists within the WCSO that duty and shift assignments are used as rewards or punishments rather than being based on objective criteria.
- **Fear of Retaliation:** A common theme among those interviewed was a fear of retaliation for cooperating with this inquiry.

- **Misuse of County Resources and Equipment:** Instances of potential misuse of county funds and equipment, particularly regarding the Sheriff's secondary employment, raise concerns.
- **Investigation Interference:** Instances of the Sheriff and/or Undersheriff inserting themselves in investigations and countermanding decisions.
- **Interagency Relationships:** Relationships with other law enforcement agencies have deteriorated significantly.

The report does not make specific findings of fact or credibility determinations. Instead, it presents gathered evidence and outlines potential policy changes and further actions for consideration by the County Council, County Attorney, and County Manager. Key recommendations include: disbanding and re-establishing the Deputy Sheriffs Merit Commission, amending test and promotion administration procedures, reviewing the duty and shift assignment process, directing the County Auditor to conduct audits, establishing a clear separation between administrative and field operations, establishing written agreements with other agencies, and amending the county policy regarding the use of county property.

INTRODUCTION

On March 6, 2025, I was asked by Dustin Grabau, County Manager for Wasatch County, Utah, to conduct an inquiry into allegations of potential civil and administrative misconduct within the Wasatch County Sheriff's Office (WCSO) (EXHIBIT 1).

On March 10, 2025, I participated in a teleconferencing meeting with Mr. Grabau and members of the Wasatch County Attorney's Office. I was provided via email with several documents, including a County Attorney opinion authorizing this independent investigation, several emails related to some personnel complaints and efforts to resolve those complaints, copies of relevant articles from the Park City Record, and contact information for some of the complaining parties, which were primarily current or former sworn WCSO officers.

The County Manager's staff provided me with physical office space in which I was able to conduct many interviews in my inquiry. On April 17, 2025, I received an email from an individual I had previously interviewed. The purpose of the email (attached as EXHIBIT 2) was to inform me that the author had seen a post on social media posted by the WCSO. The post included a photograph taken in the WCSO dispatch center, and the background in the photo depicts a security

camera monitor, which displays the entrance to the Wasatch County Administration Building where I was conducting my interviews. Thereafter, most current WCSO employees I attempted to interview were reluctant to meet at the building, (presumably because they had become aware of the social media posting and believed the building was under surveillance) and thereafter I conducted interviews at the Heber City Police Department (with the accommodation of Chief Sever and his staff), at individual homes, at a local coffee shop, and on-line via Zoom.

I interviewed approximately 30 current or former employees of the WCSO, including line deputies, sergeants, lieutenants and corrections employees. And I interviewed civilian witnesses who had insight into some of the functions and operations of the WCSO. I also interviewed former Wasatch County Sheriff Todd Bonner, Heber City Police Chief Parker Sever and Summit County Sheriff Frank Smith. I interviewed WCSO Undersheriff Josh Probst, and Sheriff Jared Rigby. I also interviewed Leo Lucy, a member of the Wasatch County Deputy Sheriffs Merit Commission. Those interviews will be discussed in much greater detail below.¹ I met with Sheriff Rigby with his attorney, Blake Hamilton, at Mr.

¹ Except for the witnesses named in this paragraph, it is not my intention to identify any of the interviewees by name. Although not a single witness requested anonymity, many expressed fears of retribution in the event they were identified as individuals cooperating with this inquiry.

Hamilton's Salt Lake City Office. That interview was preceded by a signing of a so-called *Garrity*² letter (attached as Exhibit 3).

Many interviewees provided me with written documents, some authored by the witnesses themselves to memorialize events and provide the information to interested parties, and some copies of emails, internal memoranda, portions of policies and procedures manuals, and other supporting documents. I should note that I neither possessed nor requested subpoena authority or other compulsory process, and all interviews were voluntary. Of all the potential witnesses I reached out to, only one ultimately declined to be interviewed, although others consented to interviews only after they had terminated their employment at WCSO. However, some potential witnesses I attempted to contact, including the two other members of the Deputy Sheriff's Merit Commission (besides Mr. Lucy) simply failed to respond to my requests.

My inquiry uncovered, or fleshed out, many areas of complaints and grievances by employees and former employees, concerns held by members of other law enforcement agencies and the public, and potential violations of state statutes and county policies. To be clear, my charter specifically excluded any investigation into criminal activity, and although I spoke both with a Special Agent

² *Garrity v. New Jersey*, 385 U.S. 493 (1967).

from the Federal Bureau of Investigation and a detective with the Cache County Sheriff's Office³ I have made no formal referrals to any law enforcement investigative agency as a result of my inquiry.

The purpose of this report is to highlight the areas of inquiry I engaged in, the information I gathered in pursuit of the inquiry, and the results of legal research I conducted as it relates to Utah State law governing the conduct of county employees and county entities (including county sheriffs, county attorneys, county auditors and the Deputy Sheriffs Merit Commission).

It should be clearly noted that I have not been asked to make specific findings of fact, but to marshal evidence to present to the County Council, County Attorney, and County Manager. The information contained in this report reflects my best effort at marshalling, compiling and presenting that evidence in a neutral and objective manner. It should also be noted that this report is not intended to imply credibility determinations of witnesses. Witnesses were neither placed under oath nor subjected to cross-examination, which I consider to be the gold standard for credibility determinations. If any action is taken as a result of this report, any fact or credibility findings should be made by the appropriate tribunal.

³ When Sheriff Rigby became aware of some of the complaints referred to in this report and elsewhere, he contacted the Cache County Sheriff and requested that his office conduct an independent criminal investigation. It is my understanding that the investigation was closed without a finding of chargeable criminal conduct.

It is also the purpose of this report to provide to the county recommendations as to policy or enforcement changes the county may choose to employ to remedy the concerns outlined herein. Recognizing the independence of the county sheriff as an elected official, I have identified actions I believe the county can legally take in an effort to rectify apparent shortcomings in the operation of the WCSO, improve morale within the WCSO and relationships with the community and other local law enforcement agencies, and increase both transparency in the way WCSO conducts its operations and communication among the ranks of the WCSO.

AREAS OF INQUIRY

1. HIRING AND PROMOTION

Of all the issues and concerns I discussed with witnesses, this area was among the most prolific and emotionally charged. As will be outlined in greater detail below, perceived favoritism and seriously inappropriate conduct in the hiring and promotion process have resulted in serious morale problems within WCSO. Several witnesses disclosed to me that they do not pursue promotions because everyone in the organization already knows who will be promoted and who won't be.

The most serious allegation in this area relates to the passing on of exam questions and answers to preferred promotion candidates, done by Sheriff Rigby

and/or Undersheriff Probst. I spoke with two witnesses who recounted watching Sheriff Rigby, at a statewide sheriff's conference, in the act of photographing his laptop computer screen, which contained the current lieutenant's exam, and texting the photographs to a candidate for that position.

One former lieutenant, now retired, recounted in detail a conversation he had with Sheriff Rigby in advance of the lieutenant's exam. The witness described receiving a phone call from Sheriff Rigby while the witness and his wife were on vacation in Colorado. The witness recounted that, while his wife drove, in a conversation lasting 4 hours, Sheriff Rigby went through every question and answer on the lieutenant's exam while the witness took notes.

Subsequently, the witness took the exam and passed with the highest grade, evoking a WCSO civilian administrator to express his surprise that the witness scored so high. The witness acknowledged that he almost certainly would not have passed the test but for Sheriff Rigby's assistance.

A second former lieutenant, now also retired, recounted to me that he was a lateral transfer to the WCSO from another police department in the state. He indicated that when he was recruited to come to the WCSO, Sheriff Rigby told him "I can bring you on without testing or with testing."

The witness opted to take the test, fearing the failure to do so could harm his reputation with his soon-to-be new colleagues. Thereafter, the witness related that he was contacted by Undersheriff Josh Probst, who provided him with topics to study in advance of the test. He only discovered later that this assistance was not provided to others. He also expressed his belief that he would not have passed the test had he not been provided with advance assistance.

I spoke to several witnesses who proclaimed direct or indirect knowledge of similar testing assistance, including waivers of supposedly mandatory fitness testing, selection of preferred candidates, messaging that certain potential candidates shouldn't bother applying, and the recruitment of candidates who were uninterested in promotion, in an apparent effort to round out the pool of candidates to make the process appear more fair and open.

For his part, Sheriff Rigby flatly denied passing on test questions or answers to candidates, stating "there's been no giving questions and answers to anyone." He acknowledged however, that he had lengthy phone conversations with the first candidate mentioned in this narrative, but claimed the candidate continually pestered him with phone calls asking questions about the testing process. He also acknowledged that he told the second candidate that he could transfer either with or without testing. However, he explained that because of the candidate's current

law enforcement certification he could be brought on as a reserve deputy, giving him the option of not testing as an initial requirement of employment.

Sheriff Rigby also acknowledged that, although WCSO uses standardized tests authored and administered by others for initial hiring, the exams for promotions to sergeant and lieutenant are written and administered internally. In the circumstance involving standardized testing, no-one at WCSO, including the sheriff, would have access to any of the test questions or answers, whereas the promotion exams are within the possession and control of WCSO, making distribution of questions and answers possible.

The perception among many of the witnesses I interviewed is that the testing and promotion process is rigged in favor of those whose promotion is sought by Sheriff Rigby and Undersheriff Probst. Many expressed to me that they no longer applied for promotion or pursued other positions within the department because they believed the effort would be futile, since the promotion decision had already been made. This atmosphere has eroded morale and has resulted in the resignation or early retirement of several employees.

2. DEPUTY SHERIFFS MERIT SYSTEM

In an effort to promote fairness, consistency and transparency in hiring, promotion and discipline, the Utah State Legislature created the Deputy Sheriffs

Merit System, codified in Utah Code Annotated § 17-30-1 *et. Seq.* The statute contemplates the appointment of a Merit Commission, outlines the qualifications of Commission members, defines the terms of appointment, and establishes a protocol for replacing members whose terms have expired.

When Sheriff Rigby was elected to his position, WCSO did not have a merit commission, and he established one in January 2019. The statute which governs the initial establishment of the commission dictates that 3 members will be appointed to staggered terms, so that one member will have a two-year term, one member a four-year term, and the third a six-year term, the idea being that there would be gradual turnover, rather than all members changing at once.

Notwithstanding that statutory mandate, the three original members of WCSO's merit commission are still on the commission. Notably, the statute (U.C.A. §17-30-3(d)) contemplates that upon the expiration of a term, "a successor *shall* be appointed for a full term of six years." (emphasis added) That mandatory language suggests that re-appointment for a second term is not an option, and that there should be complete turnover of the commission every six years; however, I was unable to uncover any case in which that provision has been challenged, and it is not my role, in this process, to interpret the statute.

The commission has specific statutory functions, including administering examinations to applicants, preparation of a register of eligible candidates, and certification of applicants to the appointing authority (in this case, the sheriff).

Although Sheriff Rigby established the merit commission in January 2019, it appears that it has never functioned as anticipated in the statute. The terms of all three members have been coterminous, notwithstanding the statutory edict that they be staggered every two years. And all three original members are still on the commission although pursuant to statute their terms should have all expired no later than January of this year.

The only commission member who responded to my request for an interview was Leo Lucy. In our conversation he related that the commission meets frequently, as needed, but not on a regular schedule. He related that the last meeting he had attended had been within “a couple of weeks” and another was scheduled soon. However, I requested a copy of the minutes of the commission’s meetings, and the minutes I received ended in December 2022. I don’t question Mr. Lucy’s recitation of facts as to the frequency and recency of the meetings; it would appear, rather, that the record-keeping and keeping of minutes is not up to date, which makes it difficult to determine the activities of the commission.

Many current and former employees related to me that they felt the commission was an extension of Sheriff Rigby, and that there was no real independence in their authority or decision making. Sheriff Rigby acknowledged to me that he had participated in the recruitment of all three members, which lends credence to those concerns. Based on the rather incomplete information I was able to obtain about the operations of the commission I have no reason to doubt its objectivity, but the mistrust of the commission's role as subservient to the sheriff is understandable. Further, state law requires a commission turnover that has not been instituted.

I should note that in a recent conversation with County Manager Dustin Grabau, I learned that Wasatch County has already undergone steps to remedy some of the issues outlined in this section, including appointing the commissioners to staggered terms. We also discussed other remedial measures that are in progress, but I have insufficient information at this time to comment further on those measures.

3. DUTY AND SHIFT ASSIGNMENTS

A common complaint among many sworn employees is a perceived unfairness in the operational protocols of the WCSO. As one would imagine, there is great diversity in the duty assignments of a deputy sheriff, or a sergeant or lieutenant in the department. The WCSO has several divisions, including corrections (operation of the county jail), patrol, investigations, and school resource officers (SRO).

Many or most deputies started their law enforcement career in corrections, which requires a lower level of law enforcement certification from the state than do any of the other assignments. The promotional scheme of the office includes not only promotion to a command level (such as sergeant or lieutenant, with limited positions) but to assignment to a division that the individual officer finds more challenging and satisfying.

There is a widespread perception within the ranks of the WCSO, at least among the employees and former employees I interviewed, that assignments are used as reward or punishment for perceived loyalty or want thereof. Likewise, there is a perception that shift assignments are used in the same manner.

It can certainly be argued that assignments of this nature are well within the prerogative of the sheriff and his administration. However, it has led not only to a deterioration of morale but can (and apparently has) led to more serious consequences, including claims of retaliation, which I will discuss in greater detail in a later section of this report.

One employee I interviewed, a corrections officer, described some significant medical issues she was suffering that led to difficulties in her shift assignments. Her condition was best controlled by a very consistent schedule, especially as it relates to sleep habits. As it was related to me, however, the shift assignments for

corrections employees rotate on a regular basis, and this employee was put in a rotation that required her to work the “graveyard,” or overnight shift, even against medical advice.

By her account, another corrections employee expressed a desire to work the graveyard shift permanently, thereby relieving the interviewed employee of the necessity of changing her shift, and therefore her sleep schedule. However, the administration refused to grant this request.

When I interviewed Sheriff Rigby, I inquired about this situation. Although I did not provide him with the officer’s name (as was my approach throughout the interview), the details I had to provide in order to give him an opportunity to respond were clearly sufficient for him to identify the source.

I interviewed Sheriff Rigby on Friday, June 27. The following week, I learned from several sources that the corrections officer had been summoned into Sheriff Rigby’s office and interviewed by Sheriff Rigby and Undersheriff Probst. At the conclusion of that interview, she was placed on indefinite paid administrative leave. It was expressed to her by Sheriff Rigby that she would not be able to return to work until she passed a “fitness for duty” test, and that this test may include a psychological examination, notwithstanding the fact that her acknowledged

medical condition would not reasonably be considered to have a psychological component.

Of course, there may have been a compelling and appropriate reason for the WCSO to take this action, but the timing left a clear impression that placing this employee on administrative leave was an act of retaliation in response to her interview with me. As of this writing, the employee has not returned to duty, has no scheduled date to return, and has had no communication with the administration of WCSO since her July 2 meeting. And the incident was reported to me by several individuals in addition to the corrections employee, lending to the atmosphere of a fear of retaliation against anyone who cooperated in my inquiry.

4. FEAR OF RETALIATION

A very common theme among the witnesses I spoke with was fear of retaliation. I have already recounted in this report at least two instances in which retaliation was suspected or feared (including the correction officer's administrative leave and the photograph of the dispatch office containing a security monitor displaying the entryway to the building in which I was conducting interviews.)

In addition, I am aware of, and have interviewed, at least two sworn officers who were placed on extended administrative leave, neither of whom are any longer

employed at WCSO. Each of those leave placements came after those officers filed complaints or grievances against the office. One has secured employment at a different law enforcement agency and the other recently retired after spending approximately 8 months on paid administrative leave.⁴

Some of the witnesses I interviewed originally declined to meet with me due to fear of retaliation and only agreed to meet with me after they had secured other employment or retired. I interviewed one witness on his last day on the job.

These reported acts have had a negative impact on the morale at the WCSO. Numerous witnesses informed me that they had terminated their law enforcement career much earlier than they intended to as a result of the atmosphere at WCSO, and many others indicated they had changed employment due to that atmosphere. Several former WCSO employees are now employed by the Heber City Police Department, the Summit County Sheriff's Office, or other state and local law enforcement agencies. Others recounted to me that they were counting the days until they qualified for retirement so they could leave their employment, even though they had previously planned a much longer law enforcement career.

⁴ I have been informed that one of these officers was placed on administrative leave on the advice of a Wasatch County employee not directly associated with the sheriff's office. I certainly acknowledge that there are instances in which such action may not only be warranted but necessary to insure the efficient operations of the agency and the safety of the public. Assuming the administrative leave placement was warranted the timing was unfortunate, given other events, outlined in this report, that were taking place at about the same time.

5. MISUSE OF COUNTY RESOURCES AND EQUIPMENT

Many witnesses recounted instances of misuse and misappropriation of county funds and equipment. Some of these claims could be dismissed as *de minimus* in nature, and in my experience well within the expected day to day experience of an employee of a public entity. However, many of the assertions are, in my view, of sufficient concern to warrant further inquiry, perhaps by the Wasatch County Auditor. Others may be technically legal but are of sufficient concern from the standpoint of public policy that they should at least be addressed by an entity other than the WCSO.

Predominant among the latter is the issue of outside employment. Sheriff Rigby maintains what amounts to a full-time job as a police officer for Brigham Young University (BYU), in Provo, Utah. The BYU campus is approximately 25 miles from Heber City, which is the Wasatch County seat and location of the WCSO, and is located within Utah County.

Many witnesses expressed their observation that Sheriff Rigby was an “absentee” sheriff, and that they rarely saw him in the office. In my interview with him, Sheriff Rigby acknowledged the BYU employment and indicated that he works two to three 12-hour shifts on weekends, and usually at night.

He also acknowledged that he drives his WCSO assigned vehicle to the BYU campus every day, and that the fuel he uses is paid for by the county. I asked him about his justification for doing so, and he expressed the importance of being available at a moment's notice to return to Wasatch County quickly in the event of an emergency that needed his immediate attention.

He also provided me with a copy of Wasatch County Sheriff's Office Policy 703 (EXHIBIT 4), which outlines the off-duty use of vehicles (703.3.2). That policy allows a sworn officer to "use their assigned vehicle when off duty within a 50-mile radius of their residence, including approved secondary employment."

However, when I inquired of County Manager Dustin Grabau about the policy, he informed me that although the County Council is by code required to approve all official policies, there are "department level" policies that are intended to address items outside the scope of a county-wide policy or adapt it, as authorized, for implementation within a department. It appears that the policy relied upon by Sheriff Rigby to support his vehicle use was likely drafted and implemented by the WCSO.

Regardless, the sheriff's full-time employment in another county is another area of expressed concern that harms morale within the WCSO. Policy notwithstanding, the absence or perceived absence of the sheriff for long periods of

time raises concerns expressed to me by employees as to whether he is sufficiently dedicated to his elected position.

In our interview, Sheriff Rigby indicated he maintains a fairly consistent schedule of being in his office Monday through Thursday, during regular business hours, and is on call at all times. That statement was contradicted by many witnesses who indicated he was rarely seen in the office, and that Undersheriff Probst is the *de facto* administrator in charge of day-to-day operations.

To get a sense whether the policy related to private use of vehicles is common, I asked Summit County Sheriff Frank Smith what his department's policy is regarding use of county property for personal use or in outside employment. He indicated to me that except for a deputy's duty weapon, which a law enforcement officer is typically expected to possess at all times, personal or outside use of county property, including vehicles, is strictly prohibited.

Another alleged incident involving the misuse of public funds related to a post-election banquet hosted by Sheriff Rigby after his election. Several witnesses recounted to me that he had insisted on using money from the office's budget, in violation of county policy. With no access to county financial records, I have no ability to verify or discount this allegation, hence my recommendation that the County Auditor conduct an audit of the WCSO accounts.

It was also recounted to me by several witnesses that Sheriff Rigby, as vice-president of the Utah Sheriff's Association, presented shadowbox photo frames to all the elected sheriffs in the state, and paid for those with county funds. Again, I have no ability to verify the veracity of those claims, but that information could also be the object of an audit.

6. INVESTIGATION INTERFERENCE

During my inquiry, I was presented with numerous examples in which Sheriff Rigby and/or Undersheriff Probst reportedly immersed themselves in investigations at times and in a manner that frustrated detectives and deputies pursuing the investigations. Below I will recount examples that were described to me by current and former officers of WCSO, as well as officers from other agencies, to include the Heber City Police Department and the Summit County Sheriff's Office. In addition to those outlined, there were other similar incidents reported to me; however, they were sufficiently similar in nature that their inclusion seems unnecessary in the interest of brevity.

These incidents in general speak to the risks associated with law enforcement administrators inserting themselves into specific investigations. Neither Sheriff Rigby nor Undersheriff Probst (by their own admission) have significant training or experience in criminal investigation. As has been explained

to me by several seasoned investigators, administrative staff, regardless of their position, should not insert themselves into ongoing investigations.

A. The homicide of Pat Hayes

Patrick Hayes, 61, of Hideout, a small community near the Jordanelle Reservoir, died Sept. 25, 2024, after a late-night road rage altercation near the Ross Creek day use area ended in a gunshot. A lengthy and thorough investigation revealed a suspect, who is a resident of Summit County.⁵

The primary detective assigned to the case, who no longer is employed by WCSO, identified the suspect and wrote a comprehensive and thorough search warrant affidavit to search the suspect's home. As the primary detective and other very experienced officers prepared to execute the search warrant, they were instructed by Sheriff Rigby and Undersheriff Probst not to arrest the suspect, regardless of what was found in the search.

Allegedly, the search uncovered the weapon used in the homicide, which the subject had buried in his back yard. The subject revealed the location of the weapon as the warrant was being executed. Notwithstanding that discovery, the subject was not arrested, and hence the possibility of any post-arrest interrogation

⁵ Although the suspect has been publicly identified, he has not been charged with any offenses directly related to the homicide (he has been charged with obstruction of justice, which charge is still pending) and consistent with my approach to this report I decline to identify him here.

that might have been conducted was lost, resulting in great frustration not just for the investigators involved in the case, but to other agencies.⁶

As the post-search investigation progressed, the WCSO determined to pursue a charge of obstruction of justice against the subject, based on his alleged concealment of the weapon used in the fatal shooting. Due to the rift between the sheriff's offices, the Summit County SO advised WCSO that if they wanted the subject arrested in Summit County, that would be done solely by the Summit County SO. Therefore, Sheriff Rigby and Undersheriff Probst advised the lead detective that they would create the ruse of advising the subject that they had property to return to him, to lure him into Wasatch County in order to effect an arrest.

The decision was made to effect the arrest in the days leading to Christmas, 2024. The lead investigator was on leave for the holiday and was not directly notified of the intention to arrest the subject, and was not present at the time of the arrest. Again, an important potential opportunity for the subject to be interviewed by an investigator familiar with the case was lost. Of course, it is possible that the subject would have declined to be interviewed, but it is likewise possible that he

⁶ The subject lives in Summit County, where the search warrant was executed with the knowledge and assistance of the Summit County Sheriff's Office. The decision not to arrest the subject was one event that has reportedly resulted in a degradation of the relationship between the two sheriff's offices, which is outlined in greater detail later in this report.

would have consented, providing valuable information in advancing the investigation.

During my inquiry, I had an opportunity to interview several members of Mr. Hayes' family. They expressed their frustration that, in their meetings with Sheriff Rigby, he was dismissive and distracted and suggested that there was compelling evidence that the subject acted in self-defense. There is certainly evidence to support that claim. However, there is also compelling evidence, including the fact that the subject followed Mr. Hayes into a closed entrance to the Jordanelle Reservoir area late at night without apparent reason, that he fled the scene after the shooting without reporting it to law enforcement, and that he buried the weapon used in the shooting in his backyard, to support a homicide charge.

The assigned detective, his former lieutenant, and the Summit County Sheriff's office are all of the opinion that a homicide charge should be pursued. Of course, prosecutorial decisions are made by the county attorney in consultation with the investigating agency, and it is not my intention to second-guess the decision as to whether a homicide charge should be pursued. The point of this recitation of events, rather, is to point out that experienced investigators believe that unnecessary intervention by administrators robbed them of the potential ability to gather critical evidence which could support such a charge.

B. The investigation of David Martindale

David Martindale, a resident of Timberlakes, east of Heber, was suspected of drug distribution. In November 2023, a WCSO detective initiated an investigation, conducted interviews and surveillance, and ultimately obtained a search warrant for Martindale's residence.

When a search warrant is to be executed in such a case, the investigating and supporting officers must decide how the warrant is to be served. The safety of the officers and the public, including the subjects of the warrant, is of paramount concern. They employ a protocol that includes a matrix that outlines circumstances of the case that may inform them of the tactics to be used, including whether the search should be initiated by a SWAT team.⁷

Undersheriff Probst attended the meeting in which the warrant was discussed. As one witness who was present described that meeting, "Josh Probst lost his mind. I am talking a turning red, shaking rage, he went into, which is not the first time I've seen him do that. He then went on a rant that to me felt like lasted 10 to 15 minutes, directed at (detective 1) and (detective 2) as to why we weren't doing this warrant, why he had given them whatever directives on how they were

⁷ SWAT is an acronym for Special Weapons and Tactics. At the time of this investigation, WCSO was associated with a SWAT team that also included officers from the Heber City Police Department.

supposed to go about doing these things. and the fact that it was 2023, and we no longer go around kicking doors like a bunch of cowboys.”

The investigating officers, concerned for their safety due to the results of the matrix, determined not to execute the warrant without the assistance of SWAT, and the warrant was returned to the court unserved.

As the same investigator recounted, “fast forward a week later. And (Undersheriff Probst’s) deputies are at this residence on an overdose death. The subject of the search warrant that had been shut down had overdosed in the address that the search warrant was for. And he died. No more than a week after that search warrant was shut down.”

Undersheriff Probst acknowledged this event and indicated that he was expressing frustration at the quality of information the investigators had compiled, and that they had not followed up with investigators from AP&P (Adult Probation and Parole), an agency which had provided information relative to the threat assessment. He stated, “We can't take SWAT teams up and kick down people's doors and point guns in people's faces because we're not willing to do homework and vet and investigate. Our community expects more out of us and we have to give it to them.”

C. The Wallsburg Chop Shop⁸ Investigation

A deputy in the investigations division became aware of an alleged chop shop near Wallsburg, a small community near Deer Creek Reservoir. The deputy interviewed witnesses, conducted surveillance, and obtained enough information to obtain a search warrant for the property.

The property has been described to me as a large tract of land with outbuildings, but with allegedly stolen property strewn about both inside buildings and out in the open. Due to the size of the operation, the execution of the search warrant was expected to require a significant amount of manpower. In addition to the SWAT team comprised of WCSO and HCPD officers, the investigators recruited assistance from the Utah State Department of Motor Vehicles and the Utah Attorney General's Office.

As investigators were preparing to execute the search, Undersheriff Probst called them into a meeting in his office. One of those present, currently employed by another agency, described the meeting thusly:

“Josh Probst called us into a meeting into the sheriff's office. And he outlined that this warrant was off, that we were calling everybody and telling them

⁸ “Chop Shop” is a term used by law enforcement (and others) to depict an operation in which a criminal enterprise steals motor vehicles, disassembles them in a discrete location, and sells the parts.

that we were no longer going through with it and the reason why is because somebody had been talking about it. Um, and he even went so far as to how if it'd be a direct quote or not, but basically, yes, somebody's ego just got in the way here and we had to shut it down. and he was looking at (investigating deputy), as he was saying that. Come to find out after the fact what he had freaked out about and shut that down for his (deputy's) wife was a teacher at, uh the elementary school here in town and the SRO (school resource officer) of the school was also on the search team with us and she just mentioned in passing, well, it sounds like you guys have a warrant coming up, huh? Before fielding asking any questions or anything like that, Josh Probst shut it down and used it as an opportunity to make an example of (deputy). It's just for telling his wife, I might not be home. No details about where the warrant was gonna be served or anything like that. Could have been something here in town, it could have been in Midway, could have been anywhere. Okay. And due to the nature of the work we were involved in, and there was a lot of times we were out all night because we had to wait for people to get home before we get narcotics warrants on their houses and stuff too, right? So that definitely hit me as off. So he basically used this as an opportunity to scapegoat (deputy).”

Undersheriff Probst described the situation differently:

“After that initial briefing within a day or two, maybe three days, I got a phone call from a deputy named (SRO deputy). He was the SRO at Daniels

Canyon Elementary, but he's also a team lead on the SWAT team. And he says, will you come talk to me? I was a lieutenant at the time. I was not his lieutenant. I know a lot of history there between him and his lieutenant. So I tried to be careful, but I did agree to come swing by school. So I went to Daniel's Canyon and he came outside and he said, Josh, I have major concerns with us serving this warrant in Wallsburg. (Investigating deputy's) wife has been talking openly about this warrant inside the school amongst other staff, other teachers. She's describing it as the most dangerous warrant we've served in the history of Wasatch County, and confidentiality has been broke. And with how word travels in that small community in Wallsburg, I feel it is unsafe for us to go execute this warrant when it's being talked about openly in the public ahead of the service.

Q: Was (SRO deputy) one of the people who was involved in potentially executing a warrant?

A: Yes, he would team lead, so he would be very involved on a SWAT team. He'd be on a stick⁹, he would be and his wife was the recipient of this information. He's the case agent. His wife works at (school). And that's how (SRO deputy) overheard the conversation and knew that it was out in the public. And so here he comes to me and now I have this information and I notify (Lt. 1) and (Lt.

⁹ A reference to a law enforcement tactic in which officers serving a search warrant line up in single file as they approach the target area, in an effort to minimize their exposure, both to detection and potential gunfire.

2), so SWAT commander and the investigations, and I give them that information. We call a briefing again, with (investigating deputy), the case agent, Heber City, (HCPD officer), cause it's their Joint WAT team. (Lt. 1) is there. (Lt. 2) is there. I can't remember who else was there. It was a smaller group where we made the group aware that information about the warrant had been leaked and that we were not going to execute the warrant. I did not make that decision, nor did I have the authority to make that decision. I'm a junior lieutenant that didn't involve the sheriff to my knowledge, (Lt. 2) never went to the sheriff. He's the senior lieutenant, it's his division. It's serving the warrant. I have no authority to shut that operation down. I provided the information and gave my opinion and I stand behind my opinion that it is not safe to execute this warrant. I was trying to support the team lead who had given me the information. I voiced that. I absolutely voiced that, but I did not have the authority to shut that warrant down. Fair enough? It was also said in that briefing to turn the warrant back in. Let's get a new PC and do it right. And that's where my perception, it's all it is."

The warrant was returned unexecuted, and the investigation was dropped. Approximately two years later, according to several accounts I heard, another warrant was obtained for the property by a different investigator, and was properly executed. One officer involved in the case estimated that hundreds of thousands of dollars worth of stolen property was recovered during the ultimate search.

7. INTERAGENCY RELATIONSHIPS

During the course of my inquiry, I interviewed Heber City Police Chief Parker Sever, Deputy Chief Branden Russell, and Summit County Sheriff Frank Smith. All three candidly discussed their relationships with the WCSO in general, and with Sheriff Rigby and Undersheriff Probst, and each expressed their opinions that those relationships had deteriorated significantly under Sheriff Rigby's administration, even to the extent that some joint task forces and other joint operations had been temporarily abandoned.

Given the relative remoteness of the so-called "Wasatch Back," the relatively small number of law enforcement agencies in the area (there is only one police department in Wasatch County, and only two in Summit County) and the commonality of law enforcement issues, it could be argued that communication and cooperation among those agencies is critical to ensure effective law enforcement and officer safety. Traditionally, the offices have cooperated in a joint investigations division, a major crimes task force, and the SWAT team. WCSO and Heber City PD have worked in tandem to maximize resources, limit redundancy and enhance inter-departmental relationships.

Heber City Police Chief Parker Sever is a recent transplant to Heber, having been hired into that position in October, 2023 after a lengthy law enforcement

career in Central California, including 8 years as police chief. I asked him how his relationship with WCSO developed as he began his work with Heber City:

Q: Okay. So, just give me a kind of an overview of your relationship with the sheriff's office from the time that you got here, how you got introduced to him.

A: Yes, he was on the interview panel. And I remember him just saying how tightly everybody works together, it's really almost one entity. You have keys to come into my building and freedom to walk around wherever you want and I can come into yours and we're just one one big family. Which I'll be honest, like when I thought that, because I was a chief of the largest city and in my county with the sheriff. And although I had a good working relationship, there's always those dynamics that come into play. I was like, oh, this sounds like it's gonna be.. but from the moment I got here, it was kind of quite the opposite. It was just there was a lot more of a wall up than I was expecting. (end of quote)

An infant death investigation became a major source of conflict between the two agencies. Investigators from both agencies were working the case, and there became a major disagreement in how to pursue the investigation, which resulted in a deputy sheriff from WCSO making derogatory statements to the press about HCPD's involvement. These statements created both distrust and resentment within the HCPD, and ultimately the joint investigations team was disbanded.

In describing his relationship with WCSO, Chief Sever told me, “I love working with the sheriff’s department. But it’s, it’s just difficult. I, I just feel like everything I do that’s theirs or that we do, it’s like they think we’re playing chess and there’s some end game that I have. I don’t have an end game. You just want to come here and arrest bad guys and, you know, hopefully save some people and make some friends and retire here and have those friends still.”

Chief Sever described to me a conversation he had with Sheriff Rigby about establishing an MOU (memorandum of understanding) for the joint SWAT team: “There’s no MOU that exists for that organization. So I’ve been trying to do an MOU since I got here. Initially like when we first met and they wanted to pull out, I said, during the course of that conversation, I was like we really need an MOU. I think we should have an MOU. Because like you’re saying that there’s um a communication issues. The MOU will help solve that because the MOU will tell us, you know, what the organization is, how it should function. He (Sheriff Rigby) goes, ‘well, I don’t want an MOU until we have a better relationship. So let’s work on our relationship thinking in MOU.’ And I’m like ‘Sheriff, that doesn’t, that’s the exact opposite of how it should work. We need to know what everybody’s boundaries are so we can reside within these things.’ And so I think we’re getting close on that though.”

My interview with Summit County Sheriff Frank Smith revealed similar concerns regarding his agency's relationship with WCSO. Unlike Chief Sever, Sheriff Smith is a long-time resident of the area, having served several years as Chief Deputy Sheriff. Before that, he served as Assistant Special Agent in Charge for the federal Drug Enforcement Administration.

When I asked Sheriff Smith to describe his department's joint efforts with WCSO, he responded, "They've been reduced significantly, the joint task force operations. We used to have a joint drug task force. We used to have a joint SWAT team. Um we've stepped back. I have stepped back from that."

Sheriff Smith described a video that had circulated, that was a recording of Sheriff Rigby interviewing a Heber City Police Officer who had filed a complaint against the former police chief. Many others I have interviewed have described that conversation as an effort to intimidate the officer into dropping the charges against the former chief. The video, which is widely available on YouTube (see, e.g., https://www.youtube.com/watch?v=eN_gj_zquBs), speaks for itself, and I won't refer to it in any greater detail here.

Recounting his review of the video, Sheriff Smith stated, "you know, just being candid, I didn't like what I saw. I decided that it would probably be best, I was

chief (deputy) at the time, probably would be best if we just took a step back and let all those come to fruition, and we're still kind of in that posture.”

Sheriff Smith also recounted his reaction to the handling of the Pat Hayes homicide investigation, described in more detail above. Regarding that incident, he said, “what really has set me off was the murder that happened in Wasatch....I'm referring to the gunman that had the road rage. ..and for the life of me, I mean, this is my 45th year in law enforcement. For the life of me, I don't know how you have a ‘stand your ground’¹⁰ when the person leaves the scene, hides a gun and never comes forward.”

Asked about his view of the future of his relationship with WCSO, Smith said, “I don't see, the relationship is fine, professionally, working relationship. I don't see that changing. If a new sheriff came in, and I felt like it was somebody who was extremely competent, that relationship would change.”

¹⁰ A reference to Utah’s self-defense statute.

RECOMMENDATIONS

In this report, I have identified a number of discreet areas of inquiry, I have recounted witness interviews and written documentation relative to those areas, and have recounted interviews with Sheriff Rigby and Undersheriff Probst. As I indicated earlier, I have taken pains to avoid making any factual findings, judgments about witness credibility, or the weighing of conflicting versions of events.

The contents of this report contain only some of the issues that were presented to me, but they are the issues that I considered most compelling, and perhaps more importantly involve areas of possible change.

Recognizing the political autonomy of the County Sheriff, I realize that there are many areas which are beyond the reach of the County Council or any other elected or appointed county official. And of course any recommended remedial action would have to assume the veracity of the witnesses who provided the underlying information supporting those recommendations. I also recognize that I may make some recommendations based on an incorrect or incomplete understanding of the power and limitations of those elected offices.

Lastly, of course, Sheriff Rigby is at liberty to take any corrective action he thinks is appropriate given the information compiled in this report. He and

Undersheriff Probst both expressed their desire to have the WCSO be the sheriff's office that their community can rely on and be proud of, and to have officers and employees who have good morale and are recognized and rewarded for the work they do.

1. DISBAND AND RE-ESTABLISH THE DEPUTY SHERIFFS MERIT COMMISSION.

Sheriff Rigby should be commended for establishing the merit commission, which apparently did not exist prior to his election. However, the commission is not operating as anticipated by statute, and there is widespread distrust that the commission is merely a rubber stamp for the Sheriff's hiring and promotion procedures and is populated by his supporters. The dearth of recent records of the commission's meetings lends credence to that mistrust. Moreover, as commissioners are statutorily prohibited from serving more than 6 years, the commission should be completely replaced.

I recommend that the county establish a new commission, and that the recruitment and appointment of commissioners should be pursuant to statute and conducted by someone other than the sheriff's office. I also recommend that the administrative assistant in charge of taking minutes, establishing agendas, and otherwise assisting the commission should come from a county agency outside the sheriff's office.

I recommend that the newly formed commission draft a written protocol as to how meetings are to be conducted, what business will be handled, and what factors will be employed in the hiring and promotion recommendations they make. I also recommend that the time and place of such meetings be published, and that the meetings be open to the public, other than portions of the meeting involving deliberations of the committee.

2. AMEND THE TEST PREPARATION AND ADMINISTRATION PROCESS

I recommend that the testing protocol for hiring and promotion be completely changed. Written tests should be obtained by outside agencies or vendors, and no one in the WCSO should have access to either the test questions or answers in advance of the tests. Written tests should be graded either by the entity responsible for creating and administering them or another independent entity, and essay tests should be graded based on a standard established by the test administrator.

3. PROCESS FOR PROMOTIONS AND DISCIPLINE

Positions that are open for promotion should be widely published with sufficient advance notice for candidates to have an opportunity to apply for and prepare for the promotion process. No administrator or supervisor should express an opinion or preference with respect to the strengths or weaknesses of potential candidates for promotion, other than through a written recommendation.

No potential candidate for promotion should be discouraged from applying, and administrators and officers should strongly discourage rumors with respect to candidates or potential candidates. Any recommendations made by any officer or administrator with respect to any candidate should be made in writing, and a record of such recommendations should be kept for potential review after the promotion process is completed.

The discipline process should be objective and transparent. Any officer subject to discipline should be clearly notified as to the alleged conduct that would subject them to discipline, an opportunity to address those allegations, and an opportunity for input into the discipline process.

4. CREATE A SYSTEM THAT GIVES OFFICERS MORE VOICE IN ASSIGNMENTS AND SHIFT SCHEDULES

I recommend that the WCSO draft and adopt a written protocol that deals with duty assignments and shift schedules, and that considers factors such as seniority, experience, and unique personal needs (such as medical limitations, school schedule for employees seeking advanced education, child care needs and the like). Officers should have an active voice in establishing their assignments and schedules, and their input should be given fair consideration.

Assignments and shift changes should never be used as a means of rewarding or punishing conduct. Those issues should be resolved through the graduated discipline protocol currently employed by the WCSO.

5. DIRECT THE COUNTY AUDITOR TO CONDUCT AUDITS BASED ON THE INFORMATION CONTAINED WITHIN THIS REPORT

This report has recounted allegations of financial mismanagement at the WCSO's office, and I have neither the ability nor the authorization to investigate them. Utah Code Annotated §17-53-106 states, in pertinent part:

- (2) (a) A county legislative body and a county executive each:
 - (i) may generally direct and supervise all elected county officers and employees to ensure compliance with general county administrative ordinances, rules, or policies;
 - (ii) may not direct or supervise other elected county officers or their sworn deputies with respect to the performance of the professional duties of the officers or deputies;
 - (iii) may examine and audit the accounts of all county officers having the care, management, collection, or distribution of money belonging to the county, appropriated to the county, or otherwise available for the county's use and benefit; and
 - (iv) may investigate any matter pertaining to a county officer or to the county or its business or affairs, and may require the attendance of witnesses and take evidence in any such investigation.

I recommend that the County Council employ this statutory authorization to conduct further investigation based upon the matters addressed in this report, and on other matters raised during those investigations.

6. ESTABLISH A CLEAR SEPARATION BETWEEN ADMINISTRATIVE OPERATIONS AND FIELD OPERATIONS, INCLUDING INVESTIGATIONS, PATROL, AND SWAT.

Many of the complained-of events regarding ongoing investigations involved allegations that WCSO administrators (mainly the sheriff and undersheriff), who have relatively little investigative experience, interjected themselves into investigations as those investigations were reaching fruition, countermanded investigative and enforcement decisions with an incomplete understanding of the relevant facts and circumstances, and then became critical when those investigations did not produce their intended results.

The WCSO is and has been staffed by trained officers with considerable experience and judgment. Many of the cases reported to me involved lengthy investigations by numerous trained officers using objectively reasonable investigative techniques. I recommend that the WCSO implement a policy which discourages such intervention, recognizing the advanced expertise of the officers working in the field, and the relative inexperience and lack of knowledge of administrative personnel.

7. ESTABLISH WRITTEN MEMORANDA OF UNDERSTANDING WITH OTHER LAW ENFORCEMENT AGENCIES TO MINIMIZE POTENTIAL CONFLICT AND MAXIMIZE POTENTIAL JOINT OPERATIONS.

Most officers and employees, current and former, as well as heads of other law enforcement agencies, told me that things worked best in law enforcement on the

Wasatch Back when the agencies had a close working relationship. Those relationships can be fostered and grown through written memoranda of understanding, clearly outlining the objectives of the joint venture, the command structure, the financial backing, and the day-to-day operations. Although the head of each independent entity (the chief or sheriff) should have ultimate say in how those joint ventures operate, the operational details should be left to those who implement them. Further, each agency should be encouraged to populate those joint ventures with officers who are interested and dedicated to the work the joint venture is designed to pursue, rather than with “problem” officers or those who are otherwise less suited for assignment.

I would encourage the heads of all 4 Wasatch Back Law enforcement agencies (WCSO, Summit County SO, Heber City Police Department and Park City Police Department) to meet on a regular basis to discuss their joint interests, address and resolve differences, and enhance relationships among themselves and their departments.

8. AMEND THE COUNTY POLICY WITH RESPECT TO USE OF COUNTY PROPERTY FOR PERSONAL OR SECOND-EMPLOYMENT PURPOSES.

I outlined earlier in this report Sheriff Rigby’s employment as a BYU police officer, and his use of his county vehicle to commute to that employment. As indicated above, Sheriff Rigby provided to me a copy of the county sheriff’s

policies and procedures manual, which appears to clearly authorize such use of the vehicle.

However, this issue was presented to me by so many witnesses that it is apparent it is an area of great concern and resentment. The fact that it is allowed by policy loses some of its impact when consideration is given to the fact that the policy was apparently drafted and implemented by the county sheriff's office rather than by the county council. In either event, I recommend that the council consider amending that policy in light of the damage it has apparently caused to the morale of WCSO personnel.

It is also apparent that the fact of the BYU employment by Sheriff Rigby has raised great concern among the ranks. Numerous employees made statements such as "the Sheriff is never in the office," and "the undersheriff is the *de facto* sheriff."

It may well be that Sheriff Rigby, as an independently elected county official, has the unilateral authority to authorize his own secondary employment. Given that it amounts to a full-time job in another county than the one he is elected to serve, the impact to both the department and the community should be taken into consideration.

EXHIBIT 1

LETTER OF APPOINTMENT



Thursday, March 6, 2025

RE: Engagement of outside administrative review services

Judge McKelvie,

Wasatch County is requesting your expertise to investigate allegations of potential civil and administrative misconduct in the Sheriff's Office.

Under the Rules of Professional Conduct, I am writing this letter to explain our relationship and agreement.

1. Hourly rate: we agree to a set hourly rate of \$350.
2. Other expenses: we agree to be invoiced for direct out-of-pocket expenses incurred, including mileage, travel expenses, photocopies, and postage.
3. Invoicing: we request that you send monthly invoices to be paid with 14 days of receipt.
4. Termination: either you or we may terminate our relationship with written notice, but we agree to pay to you any fees obligated or incurred as of the effective date of such termination.
5. Communication: we request that you coordinate your efforts with the County Manager or their designee as appropriate.
6. Scope: we request that you investigate and provide a written report to the County Manager on allegations of potential civil and administrative violations. However, during the course of your investigation, should you encounter evidence of criminal violations, you shall forward that information to the appropriate law enforcement agencies.
7. Deliverables: it is anticipated that you will provide a written summary of your findings to be provided to the County Manager for enforcement and/or discipline purposes.
8. Notice of Cost: in the event that the costs associated with the investigation exceed \$50,000, you shall notify the County as soon as is practicable. At that point, we may mutually agree to continue services.

If you agree to the proposed terms, please sign this engagement letter and return it to me. We appreciate the opportunity to work with you on this matter.

Respectfully,

/S/Dustin Grabau

Wasatch County Manager

Signed: 

Date: 3/7/2025

EXHIBIT 2

SCREENSHOT OF SOCIAL MEDIA

POSTING

From: [REDACTED]
Subject: Cameras in dispatch
Date: April 17, 2025 at 3:28 PM
To: richard.mckelvie@gmail.com

Mr. McKelvie, I apologize for bothering you as I know you're likely busy. I just thought you may be interested in this photo. It was taken in the Wasatch County sheriff's office dispatch center this week with some representatives from the fire department. They posted it on social media, where I happened upon it. If you look at the monitor in the background, you'll see that it is showing the entrance to the county building where you have been holding your interviews.

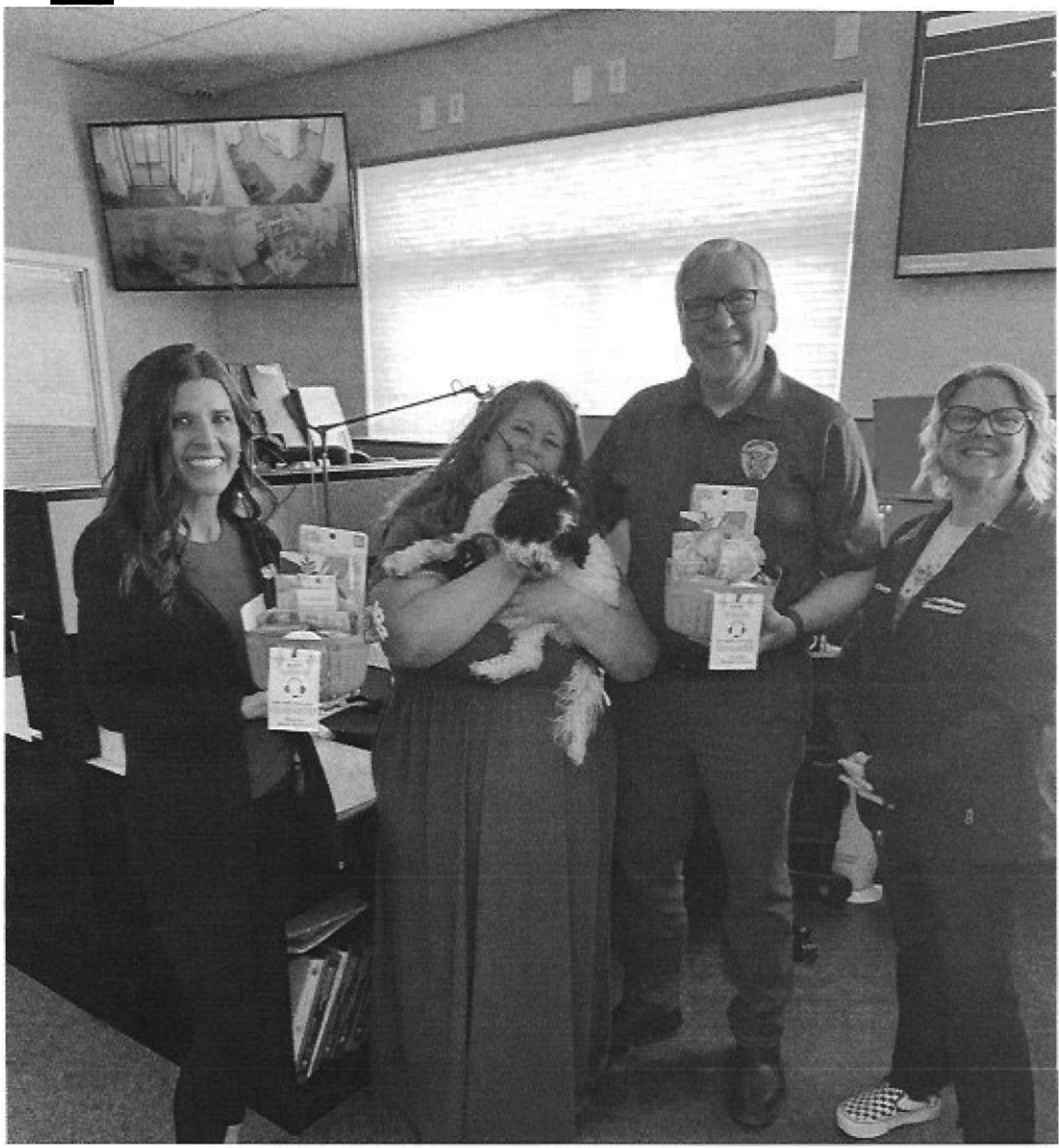


EXHIBIT 3

GARRITY LETTER


GARRITY WARNINGS AND ADVISEMENT


We are meeting today, June 27, 2025, to conduct an employee pre-determination hearing. We have received written reports that you possibly violated:


- a. Misuse of County property
- b. Manipulation of the hiring, promotion and discipline process
- c. Manipulation and misuse of the Deputy Sheriff's Merit Commission
- d. The investigation and arrest of Mitch McKee
- e. Punitive duty assignments
- f. Damage to inter-agency relationships
- g. _____
- h. _____

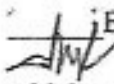
As part of the investigation of this matter, we will issue Garrity warnings and advisements to you.

As part of this proceeding, you will have the opportunity to provide your account of the circumstances underlying the allegations; you may also be asked questions. The questions asked will be specifically, directly, and narrowly related to the performance of your official duties at the Wasatch County Sheriff's Office. Also, after I read each provision and you are satisfied you understand it completely, I will ask that you initial the provision.

 You are entitled to all the rights and privileges guaranteed by the laws and constitution of this state and the Constitution of the United States of America.


 This questioning concerns administrative matters relating to the official business of the Wasatch County Sheriff's Office. The questioning is not for the purpose of instituting, building, or assisting in a criminal prosecution against you. During the course of this questioning, even if you disclose information which indicates you may be guilty of criminal conduct, neither your self-incriminating statements nor the fruits of any self-incriminating statements made, will be used against you in any criminal legal proceeding.

 Since this is an administrative proceeding, any self-incriminating statements you make will not be used against you in a court of criminal law. Accordingly, you are required to answer all questions, and to do so fully and truthfully.

 Because of the Garrity protections and immunity given you, you will be subject to disciplinary action, which potentially includes termination, if you refuse to answer the questions, intentionally omit any factual data, or evade or misrepresent the truth. In addition, failure to respond truthfully may be grounds to for Police Officer Standards and Training to refuse, suspend, or revoke law enforcement certification.

Before we ask any further questions, please complete the section below:

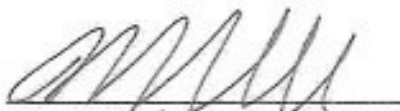
I, JARED RIGBY, have read the above warnings and understand them. I have also received a copy of this form.



Signature of Interviewee

6/27/25 1:44pm

Date Time



Signature of Interviewer

6/27/25 1:44 PM

Date Time

EXHIBIT 4

WCSO POLICY 703

Vehicle Use

703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by Wasatch County to provide assigned take-home vehicles.

703.2 POLICY

The Wasatch County Sheriff's Office provides vehicles for department-related business use and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments and other considerations.

703.3 USE OF VEHICLES

Members who are assigned take home vehicles are authorized to use the vehicle for official Office duties and for off duty use under the provisions set forth in this policy.

703.3.1 ON-DUTY USE OF VEHICLES

Members who are assigned take home vehicles are authorized to use the vehicle for official Office duties. Vehicle assignments shall be based on the nature of the member's duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Sheriff or the authorized designee.

703.3.2 OFF DUTY USE OF VEHICLES

(a) To maximize police presence on the highways and within communities, to deter criminal activity and traffic offenses, and to enhance officer safety by making emergency assistance more readily available, members of the Department may use their issued vehicle in a manner aside from its typical "patrol function" when off duty.

(b) Sworn officers must be mindful of the public's perception and concern regarding what may appear to be inappropriate use of a government vehicle. Members shall only use their vehicle off-duty for purposes that are not likely to cause public criticism or concern. All vehicles shall be operated in compliance with the traffic rules and regulations.

(c) Sworn officers using their assigned vehicle off-duty shall:

1. Be armed in accordance with Department policy;
2. Have their badge and ID card in their possession; and
3. Have the appropriate emergency equipment in the vehicle.

(d) Sworn officers using their assigned vehicle off-duty must ensure they are dressed in a way that will not cause public criticism or concern should they need to take official action.

Wasatch County Sheriff's Office

Policy Manual

Vehicle Use

(e) Sworn officers may use their assigned vehicle when off duty within a 50-mile radius of their residence, including approved secondary employment.

(f) Any request to travel outside of the 50-mile radius requirement or using a law enforcement vehicle outside of the vehicle's intended patrol function, must be approved by the Division Commander.

(g) Off duty vehicle use may be allowed, if all other policies are being followed, for travel within a 25-mile radius of a temporary duty station, such as attending/conducting training or a conference outside of the officer's assigned area.

(h) The driver and all passengers in the vehicle shall use their safety belt or a properly restrained child safety seat as required by Utah law.

(i) Sworn officers using their vehicle off-duty shall monitor the appropriate police radio channel and respond to emergency situations when they are approached by the public, requested by another officer or dispatcher, or when they are close to what appears to be a life threatening situation where their presence is needed.

(j) No one who has consumed an alcoholic beverage may be transported in a Department vehicle off-duty unless a supervisor has given specific authorization.

(k) Overtime accrued as a result of responding to an emergency while off-duty must be authorized by the employee's immediate supervisor.

(l) Sworn officers' traffic law enforcement activities off-duty must comply with Department policy.

(m) Sworn officers may use their assigned vehicle for transportation only, to and from their secondary employment within a 50-mile radius of their residence. The state vehicle may not be used to transport equipment used in conjunction with the secondary employment, except for personal clothing or small items.

1. The state vehicle may not be used as an integral part of the secondary employment (i.e. meeting with clients/customers—as in the real estate or insurance business; or using the state vehicle to provide a presence of security—

parking in front of a store or other private business interest).

2. The vehicle may not be used as part of the secondary employment activities without specific written approval from the Sheriff or his Designee.

(n) A sworn officer responding to an emergency or taking official action while off-duty shall advise the area dispatch center of the action taken.

(o) A sworn officer must ensure he or she complies with Department Policy 307 (Vehicle Pursuits) before becoming involved in a police pursuit.

(p) Nothing may be transported in a Department vehicle that will damage it or protrude from the rear or vehicle windows.

(q) Items may not be anchored to the roof or other exterior areas of the vehicle for transport.

(r) Sworn officers must check with their immediate supervisor if they have any questions regarding the propriety of off-duty vehicle use.

(s) When off duty/personal use of a department vehicle is not authorized, personal use of a department vehicle not reasonably considered incidental or "de-minimis" in nature may result in disciplinary action and have fringe benefit tax implications.

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703.3.3 OUT-OF-STATE TRAVEL (IN-PROGRESS INCIDENT):

(a) Department law enforcement sworn officers may cross state boundaries and travel into contiguous states without prior authorization when they are involved in:

1. An emergency situation;
2. Fresh pursuit;
3. Covert surveillance; or
4. Situations of "hot pursuit" or other emergency response. The officer involved must notify the radio dispatcher of the situation. The radio dispatcher shall notify the officer's supervisor immediately of the situation.

(b) Notification of out of state travel in any of the above situations shall be made by the sworn officer to their immediate supervisor as soon as possible after completing the investigation. If expenses are incurred while

out of state, the supervisor shall ensure that the appropriate forms are completed and submitted.

703.3.4 OUT-OF-STATE TRAVEL (PRE-PLANNED):

(a) Department vehicles may not be taken out of state without authorization of the Sheriff or Undersheriff except in the following circumstances:

(a) Sworn officers may cross state boundaries and travel into contiguous states without prior authorization when their assignment requires them to reside in that state for suitable housing.

(b) Sworn officers may cross state boundaries without prior authorization when:

(a) Typical highway routes require temporary travel through adjacent states to reach or return to, in-state destinations.

(b) Distance and availability of fuel stations require travel to adjacent states to refuel. These instances shall be avoided with pre-planning when reasonably possible.

703.3.5 SPOUSES AND OTHER FAMILY MEMBERS IN DEPARTMENT OWNED VEHICLES

Spouses and family members of Department personnel may ride in Department vehicles with the approval of the employee's direct supervisor.

(a) Transportation of Minors (Family): The operation of a law enforcement vehicle includes the duty and expectation to take enforcement action and provide critical services in various circumstances. The transportation of minors in law enforcement vehicles presents additional risks and liabilities to the minor, the officer, and the public when action must be taken. To minimize this potential, minors shall only be transported in marked law

enforcement vehicles on a limited basis. These instances must be minimal in distance and duration, inconsequential in nature, and sensitive to public perception. Supervisory clarification and expectations should be obtained regarding specific circumstances involving the transportation of minors.

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703.3.6 OBSERVERS OR RIDE-ALONGS

Any person riding in a Department vehicle as an observer or as part of a "Ride- Along Program" must complete an "Informed Consent and Waiver and Release" form and obtain the required signatures and supervisory approval.

703.3.7 OTHER RIDERS

Complainants, victims, informants, law enforcement officers from other agencies, volunteers, and other non-state employees may be in a department vehicle when involved in investigations, accidents, motorist assists, shuttles, traffic studies, and other appropriate department functions without signing an "Informed Consent and Waiver and Release" form for an employee to fulfill their responsibilities. Non- state personnel, previously identified in this paragraph, may operate a Department vehicle only in exigent circumstances. (c) The provisions listed above apply to automobiles, vans, trucks, airplanes, and other conveyance owned or leased by the Department.

703.3.8 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

703.3.9 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Deputies who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

703.3.10 IN-CAR COMPUTER

Members assigned to vehicles equipped with a In-Car Computer (ICC) shall log onto the ICC with the required information when going on-duty. If the vehicle is not equipped with a working ICC, the member shall notify 9-1-1 Center. Use of the ICC is governed by the In-Car Computer Use Policy.

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703.3.11 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.12 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

703.3.13 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, family members as stated in this policy, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Program Policy.

703.3.14 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.15 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

703.3.16 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

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703.3.17 CIVILIAN MEMBER USE

Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Sheriff. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

703.4.1 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence; the nature of the member's duties, job description and essential functions; and the member's employment or appointment status. Residence in the County of Wasatch is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County of Wasatch may be required to secure the vehicle at a designated location or the Department at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

- (a) The two-way communications radio, ICC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.
- (b) Unattended vehicles are to be locked and secured at all times.
 - (a) No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
 - (b) All weapons shall be secured while the vehicle is unattended.
 - (c) All department identification, portable radios and equipment should be secured.
- (c) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Sheriff or the authorized designee.
- (d) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
 - 2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

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- (e) The member is responsible to ensure care and maintenance of the vehicle.

703.4.2 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Wasatch County Sheriff's Office or while off-duty, a deputy shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Deputies may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Deputies driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Deputies should also ensure that department radio communication capabilities are maintained to the extent feasible.

703.4.3 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies and methods will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

- (a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
- (b) It is the member's responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
- (c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
- (d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
- (e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
- (f) All weapons shall be removed from any vehicle left for maintenance.
- (g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

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Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Patrol Lieutenant. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

- (a) All members operating a department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the County for any toll fees incurred in the course of official business.
- (b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days, explaining the circumstances.

703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.