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Ex-Provo officer sentenced to 6 months in jail for fondling motorist

By Emiley Morgan , Deseret News
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Jeffery Westerman, right, a former Provo police officer convicted of fondling a woman, stands with his lawyer before Judge David Mortensen in 4th District Court in Provo during a hearing on Sept. 16, 2010. He was sentenced Thursday to 180 days in jail. (Mark Johnston,)

PROVO — Jeffery Westerman should have known better.

That message was presented loud and clear Thursday when the former Provo police officer was sentenced to 180 days in jail for fondling a woman in exchange for not arresting her.

Westerman was in a position of trust and authority, yet he violated that and should "expect the condemnation of the community," said 4th District Judge David Mortensen.

"She literally had nowhere to run to," Mortensen said of Westerman's

victim. "Where could her protection be found when her perpetrator was a police officer?"

Westerman, 33, pleaded guilty to attempted forcible sex abuse, a third-degree felony, and obstruction of justice, a class A misdemeanor, in December. In addition to the jail time, Mortensen sentenced him to three years of probation and ordered him to pay a \$950 fine and \$1,265 in restitution.

Westerman's victim, Leslie, who asked that her last name not be used, said she now suffers from "extreme anxiety," sees the former police officer in her nightmares and is afraid to drive her car anymore.

"If it was anyone other than a police officer I could have turned and walked away," she said. "I no longer feel safe in the presence of a police officer. I feel like I'm being stalked whenever I'm with a cop.

"I just hope I never have to call 911."

In the hearing, she told Westerman that she thinks of him every day "in a way that is terrifying and traumatic." But while she cannot forget what happened, she said she hopes to forgive him.

"As much as I feel the sting of your actions, I am a child of God and I hope you turn to Heavenly Father again."

Leslie's father, Patrick, spoke of the rage he had to fight when he heard what had happened to his daughter and the inclement disgust upon realizing Westerman had committed the abuse while in uniform.

"In my mind, he was never a police officer. He was a predator with a badge," he said.

Westerman's actions have impacted police investigations, because they can no longer place him on the stand as a credible witness in cases he investigated, prosecutor Craig Johnson said. His actions have also affected the legitimacy of other officers, who now have "people making cracks like: 'I'm ready to flash you, officer. What's the protocol here?'"

"Officers who used to be respected are being seen in a different light because of Mr. Westerman's actions," Johnson said.

The prosecutor said he was "surprised" Westerman had ever been hired by Provo police considering he had a history of assault, criminal mischief and possession of a dangerous weapon as a juvenile. That said, he asked for jail and probation to be consistent with the sentences of other cases.

Westerman issued a tearful and expansive apology in court, asking for forgiveness from everyone, including his victim, his wife, two sons and the Provo Police Department.

"Not a day goes by I don't regret my decisions that day," he said. "I'm sorry I was in a position of authority and trust, and I used the public to satisfy my sexual desires."

He said he embarrassed both Provo police and law enforcement officers everywhere through his actions.

"I was supposed to be the type of person who had high moral standards and I acted contrary to everything I am and everything I believe in, Westerman said.

Both Leslie and her father said they don't believe Westerman's apology was sincere.

"They were crocodile tears," Patrick said. "He was crying because he got caught, not because he was sorry for what happened."

The charges stem from a minor traffic accident near 300 South and University Avenue on July 22 that Westerman investigated. Two cars were originally involved, but he eventually told the other driver to leave, according to court documents. He performed a sobriety test on Leslie, who he said appeared to be intoxicated.

Westerman then drove the woman's car to a nearby parking lot, where he searched it and then told her she would be arrested for felony charges unless she lifted up her shirt for him.

She was adamant both in court and out that she was not under the influence and that she even went so far as to ask that Westerman use a breathalyzer or draw blood to prove she was sober.

"I was crying and saying, 'I'm a good girl, why are you doing this to me? What do you want from me?' And he said, 'What if you were a bad girl?'" Leslie recounted.

The woman said she complied with Westerman's demands because she didn't want to go to jail.

"It wasn't nice, it hurt," she said. "It was very painful."

The next day, she reported the abuse to the Utah County Sheriff's Office.

Investigators said Westerman "used his position to request sexual favors in exchange for not filing criminal charges." Prosecutors said Westerman fondled the woman twice.

The obstruction charge was filed because Westerman "provided false statements" to deputies. Westerman told investigators he was at the accident scene for only 10 minutes. Surveillance video, however, shows he was on scene for more than 50 minutes and the videos substantiated other parts of her story.

Westerman, who began working for Provo in 2006, was fired from the department after an internal review of the incident.

Westerman's attorney, Greg Skordas, pointed out that whatever sentence was given, it should be noted that Westerman also lost his job and would never work as a police officer again. Patrick said he doesn't think the sentence amounted to justice.

"I knew we wouldn't get what I thought was just and I accept that," he said. "These things have a way of coming back to haunt and I hope that doesn't happen."

Westerman was immediately handcuffed and taken into custody following the sentencing.

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