



## All Points Bulletin • Official Publication of the Utah Peace Officers Association • April 2013

This Presidents Message is dedicated to each of you who currently wear the badge and to our brothers and sisters who are retired law enforcement officers. Thank you all for your dedication and sacrifice! It has been an honor having the opportunity to work among you. Your work is so important! If done correctly, it can impact lives of those you serve in such positive ways. The ripple effect of good works by law enforcement officers extends far beyond what we see. Keep up the good work!

For as many years as most of us can remember, Paul Harvey's voice could be heard on radio airwaves across our nation. I always enjoyed listening to his unique way of sharing the news and telling a story. Most veteran officers in our ranks are familiar with the words spoken by Mr. Harvey explaining what policemen are made of. For the "Rookies", may I share a tribute to what you do everyday from the man who brought you "The Rest of the Story".

### What Are Policemen Made Of ? By Paul Harvey

Don't credit me with the mongrel prose: it has many parents-at least 420,000 of them: Policemen. A Policeman is a composite of what all men are, mingling of a saint and sinner, dust and deity. Gulled statistics wave the fan over the stinkers, underscore instances of dishonesty and brutality because they are "new". What they really mean is that they are exceptional, unusual, not commonplace. Buried under the frost is the fact: Less than one-half of one percent of policemen misfit the uniform. That's a better average than you'd find among clergy! What is a policeman made of? He, of all men, is once the most needed and the most

unwanted. He's a strangely nameless creature who is "sir" to his face and "fuzz" to his back. He must be such a diplomat that he can settle differences between individuals so that each will think he won. But...If the

policeman is neat, he's conceited; if he's careless, he's a bum. If he's pleasant, he's flirting; if not, he's a grouch. He must make an instant decision which would require months for a lawyer to make. But...If he hurries, he's careless; if he's deliberate, he's lazy. He must be first to an accident and infallible with his diagnosis. He must be able to start breathing, stop bleeding, tie splints and, above all, be sure the victim goes home without a limp. Or expect to be sued. The police officer must know every gun, draw on the run, and hit where it doesn't hurt. He must be able to whip two men twice his size and half his age without damaging his uniform and without being "brutal". If you hit him, he's a coward. If he hits you, he's a bully. A policeman must know everything-and not tell. He must know where all the sin is and not partake. A policeman must, from a single strand of hair, be able to describe the crime, the weapon and the

criminal-and tell you where the criminal is hiding. But... If he catches the criminal, he's lucky; if he doesn't, he's a dunce. If he gets promoted, he has political pull; if he doesn't, he's a dullard. A policeman must chase a bum lead to a dead-end, stake out ten nights to tag one witness who saw it happen-but refused to remember. The policeman must be a minister, a social worker, a diplomat, a tough guy and a gentleman. And, of course, he'd have to be genius....For he will have to feed a family on a policeman's salary.



**Sgt. Rick Mayo, UHP, Retired  
UPOA President 2012/2013**

**Cont'd next page**

This year the UPOA has had a number of opportunities to recognize the sacrifice and good works of excellent individuals in every level of Law Enforcement. It has been an honor being able to meet with many of you and learn of your good work. Utah has the best Cops in the world!

I want to extend a special invitation to YOU! Please help the Utah Peace Officers Association dedicate The Fallen Peace Officer Trail in Moab on April 20, 2013 at 9:00 AM. We encourage you to bring your families and share this special day with us. This 14 Mile "Off Road" Motorcycle/ATV trail will be marked and will honor our fallen brothers and sisters who have fallen in the line of duty. We invite you to join us for the dedication and ride the trail. Funds raised from this event will help to provide scholarships to the families of fallen officers. We will be giving away prizes and will have special items associated to The Fallen Peace Officer Trail to those who register. To ride during the event, you must register online at [www.upoa.org](http://www.upoa.org)

Rick



**Institute of Public Safety**  
**Larry Miller Complex, Sandy**  
**Dave Attridge, Director**

<http://www.slcc.edu/publicsafety/programs/index.aspx>



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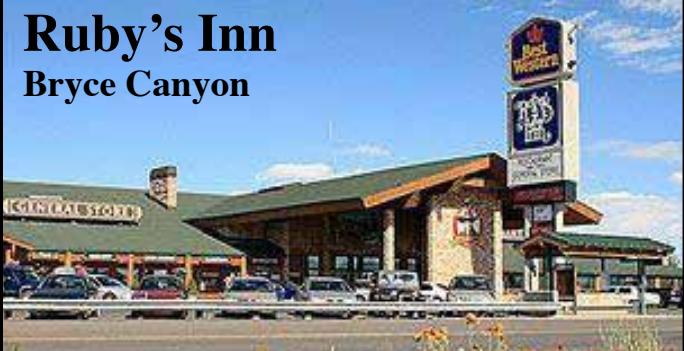


**CITIZEN FIREARMS/  
CONCEALED CARRY  
WEAPONS TRAINING**

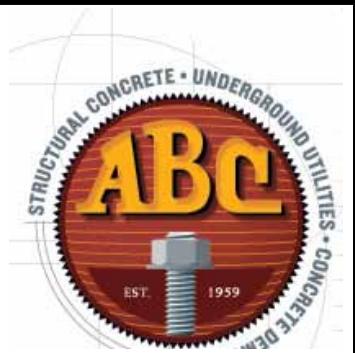


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# The Fallen Officer Trail Ride

## 1st Annual Ride Bring the entire family



- April 20, 2013. Moab, Utah
- Unveiling of the Fallen Officer trail marker
- Prize give away
- Vendors will be present for this event
- For additional information see [www.upoa.org](http://www.upoa.org)
- Book early to guarantee room or RV accommodations.
- Dry Camping available on pre-registration website
- Proceeds fund scholarships for the families of fallen officers.

In April 2013 the Utah Peace Officers Association will unveil The Fallen Officer Trail located near Moab, Utah. We invite you to bring your off-highway vehicle to the event.

Fallen Officers' names will be posted along this trail, as well as the names of critically wounded officers.

*Ride with Respect* has worked with Utah State Park Ranger Brody Young to have this trail named for the heroes who serve and those who have given their all. Young was shot multiple times in November 2010 while checking on a suspicious vehicle. Young has since returned to duty.



UPOA Fallen Ride: 801-413-3622

Email: [thefallenride@gmail.com](mailto:thefallenride@gmail.com)

[www.upoa.org](http://www.upoa.org)

Photo courtesy of: Holly Lynn Sagers



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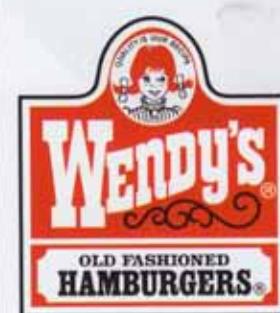
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# Awards presented by the Utah Peace Officers Association at its Midwinter Convention 2013



## Medal of Valor

**Draper City Police Officer Jaclyn Moore, Draper City Police Sergeant Kevin Newman**  
*Pictured with Officers Moore and Newman is Draper Chief of Police Bryan Roberts*

On June 30, 2012, at approximately 11:40 PM Draper City Police Sergeant Kevin Newman and Officer Jaclyn Moore responded to a medical assist call at 584 E 12300 S. Upon arrival, they discovered a 16-year-old boy, had been electrocuted on the roof of the Gateway Church strip mall. Another juvenile on the roof stated his cousin had been electrocuted and he could not tell if he was breathing or not.

Newman and Moore made a quick assessment of the area trying to locate a way to shut the power off and access the roof. There were other juveniles on the roof who told the officers the metal ledges around the roof were electrified. Officers were concerned whatever was causing the ledge of the building to be electrified would also cause the ladder to be electrified. The only access to the roof was a metal ladder affixed the side of the building and roof. The boy on the roof was holding onto the ladder and was not getting shocked. The bottom half of the ladder was covered with a metal gate, which is designed to prevent unauthorized people from climbing the ladder.

Sgt. Newman slapped the ladder and checked for electricity. Then, Sgt Newman and Officer Moore maneuvered over the gate and climbed to the top of the ladder. Once at the top of the ladder, the officers had to carefully jump over the ledge of the building to prevent electrocution.

The juvenile was lying on the roof unresponsive. His skin was pale, his lips were purple and he had no pulse and wasn't breathing. Sgt. Newman and Officer Moore began performing CPR. Sgt Newman provided compressions and Officer Moore held the airway open. Officer Moore updated officers on the ground what was happening and they both encouraged the juvenile to start breathing. Together, they performed CPR for over 17 minutes until paramedics could get on the roof safely. The juvenile was transported to IHC for medical attention.

For the next ten days, the juveniles' condition was up and down until he succumbed to his injuries on July 10, 2012.

The Utah Peace Officer Association presents Sgt Kevin Newman and Officer Jaclyn Moore the Medal of Valor for their bravery in the performance of their duty by risking their own life to save the life of others.



**Medal of Valor**  
**Weber County Sheriff's Deputy Ryan Read**  
**DWR Sergeant Mitch Lane (DWR)**

*Pictured above: Weber County Sheriff Terry Thompson, Weber County Sheriff Deputy Ryan Read, DWR Sergeant Mitch Lane and DWR Lt Scott Dalebout*

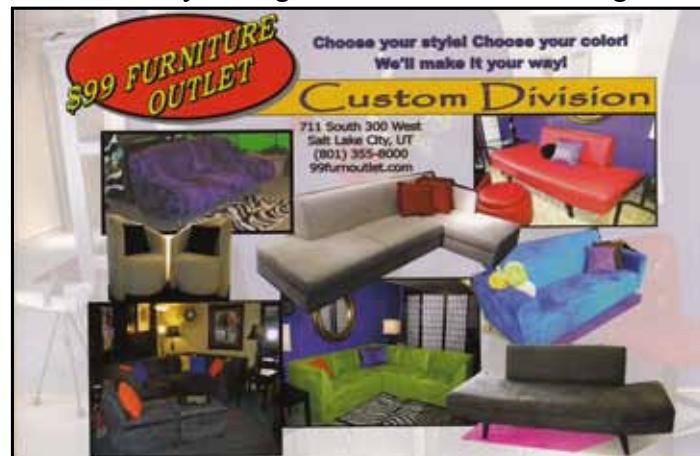
On September 02, 2012 at approximately 4:25 PM Division of Wildlife Sergeant Mitch Lane was working an enforcement detail near Rail Trail in northern Weber County.

A young 13 year old male and a 25 year old adult male were dove hunting, and after it began to rain they started running towards their vehicle. As they passed the trailhead gate, Sgt. Lane witnessed them both suffered a direct hit by lightning and fall to the ground. Sgt Lane advised his dispatcher of what had occurred.

Sgt. Lane ran to their aid with heavy rain falling and lightning hitting the ground in the nearby area. Sgt. Lane found both subject were unconscious. Sgt. Lane found the boy was not breathing and did not have a pulse. Sgt. Lane began administering CPR to the boy, who was in full cardiac arrest. Weber County Sheriff's Deputy Ryan Read, responded to the area. Sgt. Lane and Deputy Read continued CPR with the wind, rain and lighting striking the ground around them for approximately 13 minutes. They checked and found the boy had a pulse but was not breathing on his own. After performing rescue breaths to the boy he began to breath on his own again. Medical Personnel arrived and transported the boy to an Ogden hospital in critical condition. He was later air-lifted to Primary children's Medical Center in Salt Lake City in very critical condition. Later the Officers were advised the boy was recovering well.

The adult male was alert at the scene but also was taken to the hospital for examination. The adult male was later released from the hospital.

The Utah Peace Officer Association presents Sgt. Mitch Lane and Deputy Ryan Read the Medal of Valor for their bravery in the performance of their duty by risking their own life to save the life of others.





## Medal of Honor

### Unified Police

#### Officer

#### Jim Karahalios

Pictured: Chief Chris Bertram, Officer Jim Karahalios, Sheriff Jim Winder

On Wednesday, December 5, 2012, a Mercedes vehicle was stolen from a Salt Lake Valley car lot and subsequently involved in a three day crime spree before it was used during the commission of a fraudulent credit card transaction at Snowbird in Little Cottonwood Canyon.

On Saturday, December 8, 2012 at approximately 10:30 AM the suspect fled

Snowbird in the Mercedes and when he reached the Salt Lake valley became involved in a pursuit with Unified Police Officers. Because of the speeds and recklessness of the suspect, officers terminated the pursuit. The suspect continued to drive recklessly and at times reached speeds of 70 miles per hour in residential areas.

Officer Jim Karahalios of the Unified Police Department was off-duty and in his personal vehicle Christmas shopping and happened to be listening to the incident on his handheld radio. After hearing the location of the suspect vehicle, Karahalios surmised the suspect could drive west on Fardown Avenue. Karahalios drove up Fardown Avenue and warned several citizens who were walking in the area to get off the road because of the reckless Mercedes. Karahalios pulled his truck over to tell a female jogger to get off the side of the roadway. The woman hesitated because she believed Karahalios was acting strangely by telling her to move aside. He was in civilian clothing and driving his personal vehicle.

At 2100 East on Fardown Ave, Karahalios saw the speeding Mercedes coming at him and the female jogger. The Mercedes was still driving extremely fast and swerving from side to side on the narrow road. Karahalios quickly pulled his truck in front of the jogger and told her to get behind it, shielding the woman from the speeding car. The fishtailing Mercedes crashed into Karahalios' personal truck and veered into a bridge over a canal. The suspect got out of the Mercedes and ran on foot through the canal and wooded area. Karahalios began to pursue the suspect through the wooded area. Karahalios continued even after loosing one of his shoes. Missing one shoe, wet, and a little cold, Karahalios, with the assistance from Unified Police Sergeant Tom Mitchell, they apprehended the suspect.

The actions of Officer Jim Karahalios saved the life of the female jogger and may have saved other innocent citizens from harm.

The Jogger Sheila Wall said, "I was on that bridge and there was no where to go. That's why he gunned his vehicle and got 15-20 feet between me and the car. He wasn't in uniform, he didn't have a vest on, no handcuffs, just totally did not think about his own safety. He just didn't even hesitate." She was thankful for him for taking the time to stop and tell her to stop, calling Karahalios a Hero.

The Utah Peace Officer Association presents Unified Police Officer Jim Karahalios the Medal of Valor for his bravery, dedication and service while off duty risking his own life to save the life of others.

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### **Medal of Honor Unified Police Officer Scott Lloyd**

*Pictured: Taylorsville Mayor Jerry Rechtenbach, Officer Scott Lloyd, Taylorsville Chief Tracy Wyant and Sheriff Jim Winder*

On December 20, 2012 at approximately 8:45 AM, Unified Police received a call regarding a domestic dispute in the parking lot of Workforce Services at 5686 S Redwood Road. Officers were advised a female was being held at knife point in a brown GMC sport utility vehicle in the parking lot. Additional information was she was being held at knife point by her boyfriend. He had threatened her and made threats towards law enforcement if they responded. Information was being relayed to UPD dispatch from a family member of the female victim.

Unified Police Officer Scott Lloyd was first to arrive and immediately located the vehicle. Officer Lloyd parked his vehicle in a tactical position behind the suspect vehicle and gained visual confirmation the suspect and his girlfriend were in the front seat of the vehicle. Officer Lloyd recognized the exigency of the situation and moved alongside the passenger side of the vehicle where he observed the male holding a knife to the victim. Officer Lloyd gave clear and loud commands, which were heard over the police radio as well as by bystanders, ordering the suspect to "drop the knife". Officer Lloyd observed the suspect attacking the victim with a knife and immediately moved to a tactical position to engage the suspect with his service weapon. Officer Lloyd fired multiple rounds, striking and stopping the suspect attack.

Immediate care was given to the suspect; however he died at the scene. The female was transported to a local hospital with minor injuries; defensive wounds as a result of the knife attack.

Officer Lloyd's quick response and ability to immediately assess the dangerous situation allowed him to tactically advance on an extremely volatile and dangerous situation. Officer Lloyd relied on his training and experience to recognize he needed to deploy deadly force. Officer Lloyd moved to a position allowing him to safely deploy his service weapon to avoid striking the victim as well as innocent bystanders in the congested parking lot. Officer Lloyd's actions and professionalism quite possibly saved the victim's life.

The Utah Peace Officer Association presents Unified Police Officer Scott Lloyd the Medal of Honor for his outstanding bravery to save the life of another.



**Officer of the Year  
Iron County Sheriff's  
Deputy Thomas Byrd**

*Pictured with Iron County Deputy  
Bird is Iron County Sheriff Mark  
Gower*

In 2009 the Iron County Sheriff's Office built a 1200 square foot animal shelter for the citizens of Iron County. With no funding for an animal control officer, the day-to-day operations of running the shelter were shared among the patrol deputies with the assistance of the inmate work crew. The shelter was nearly always full with no room for new animals.

In Mid-2011 Iron County was able to provide funding for a part time animal control officer. Tom Byrd was hired with no previous law enforcement experience. After returning from the Police Academy

Byrd began to work diligently at his new job. Byrd began with locating homes for eight dogs which had been in the shelter from the time it was opened two years prior.

Within a couple of months of working at the Shelter, Byrd had really made it his own. His efficient organizational skills and excellent customer service, lifted a lot of responsibility from the patrol deputies who were struggling to juggle shelter responsibilities and patrol duties.

Over the course of the following year, Byrd streamlined the adoption process and has proved very successful at reuniting lost animals with their owners. Byrd worked to build a Face Book page, Twitter page and other social media resources to locate owners and obtain new owners for the animals.

Byrd has built a good working relationship with local businesses and animal rescue facilities statewide to adopt out animals and get donations of food and other items for the shelter. Through this effort the shelter no longer has a food cost.

Byrd has worked to recruit volunteers to assist in running the shelter. He has worked to become very knowledgeable on the laws pertaining to animals and livestock and works relentlessly with animal owners. Byrd is always willing to offer advice and help whenever a citizen is in need of it.

Despite being initially a part-time employee, Byrd worked many more hours at the shelter, adoptions, and other animal control duties than he was contracted for and continues to show a keen enthusiasm and passion

for working with the animals and their owners. Due to his monumental efforts the Iron County Animal Shelter always has space for lost and abandoned animals, has a high adoption rate, has an abundant amount of food for all types of animals large and small.

The Utah Peace Officer Association presents Iron County Sheriff's Deputy Thomas Byrd with the Utah Peace Officers Officer of the Year for his unparalleled desire and dedication to serve the public above and beyond that which is expected.

**TDS**  
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**Purple Heart  
Salt Lake Police  
Officer Tyler Austin**

Pictured: Mrs. Austin,  
Officer Austin and Salt Lake  
City PD Sgt Mike Hatch

On June 11, 2012, at approximately 4:50 AM, Salt Lake City Police Officer Tyler Austin responded to a call of a trespasser at the Bjorns Brew Coffee Shop. When officers arrived, they encountered the suspect outside the coffee shop, along with the suspect's pit bull which was on his lap. Unbeknownst to the officers at the time, the suspect had a felony warrant for provoking his dog to attack an individual in a wheelchair. The suspect originally gave them a false name, and was released.

They were advised a very short time later the subject had given a faulty name, so Salt Lake City Police Officer Michael Ruff stopped the subject again. Officer Austin returned to the area and they began to investigate who the subject really was. When the suspect realized he was going to be found out, he elected to flee the area on foot. Officer Austin began to pursue the suspect on foot. As Officer Austin pursued the suspect, the dog began to chase him and bit him on the leg. When Officer Austin caught the suspect, the suspect aggressively resisted Officer Austin's efforts to take him into custody. The suspect began screaming, moaning and crying to give the pit bull the illusion he was being hurt. The suspect then ordered his dog to attack Officer Austin.

The pit bull latched onto Officer Austin's right forearm and began to thrash back and forth and pulling back, thereby opening a large laceration on Officer Austin's right arm and causing several punctures with its teeth. During this time, Officer Austin was still fighting with the suspect.

Officer Austin was unable to draw his gun from his right side due to the pit bull's aggressive attack. Officer Austin could hear his flesh tearing and the dog would bite and tug harder. Officer Austin had the presence of mind to draw his taser with his left hand, to use on the dog. The use of the taser was effective in getting the dog to release him, after which the pit bull ran away.

During Officer Austin's struggle with the pit bull, the suspect was able to escape, but he was apprehended later that day in the same area.

The pit bull caused extensive damage to Officer Austin's arm, most notably a four inch long horizontal laceration across Officer Austin's forearm. When the injury was examined at the hospital, Officer Austin was barely able to move the fingers on his right hand, and the wound had gone deep enough to expose the tendons below the muscle of the arm. Fortunately, none of the tendons had been severed, and Officer Austin was able to make a full recovery after receiving dozens of stitches on both the outside and inside of the forearm.

The Utah Peace Officer Association presents Officer Tyler Austin the Purple Heart for the extensive injuries he received while in the performance of his duty.



**Ron Howard Auto Body  
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Salt Lake City, Utah**



**Purple Heart**  
**Ogden Police Officer Shawn Grogan**  
**Weber County Sheriff's Sergeant Nate Hutchinson**  
**Roy City Police Officer Jason Vanderwarf**  
**Ogden Police Officer Kasey Burrell**  
**Ogden Police Officer Michael Rounkles**

In September 2011 investigators became aware through their telephone tip line a suspect had allegedly maintained a marijuana cultivation for approximately seven years. On three occasions, officers went to the home for a “knock-and-talk” — but were never able to contact anyone.

While looking into the windows of the home, the officers spotted equipment they believed could be used for growing marijuana and they obtained a search warrant.

On the evening of January 4th 2012, Agents from the Weber-Morgan Narcotics Strike Force executed a search warrant on the home.

As Officers began to clear the home they found themselves in a hallway. While in the hallway of the home, they saw an arm and a gun coming from around the bedroom door. The shooter said nothing before he began firing, one of the first shots striking Ogden City Police Officer Shawn Grogan in the left cheek. Grogan’s injuries resulted in the loss of teeth, a severed tongue and pieces of jaw being blown out.

Grogan was able to return fire, but his gun was soon empty and he was still inside the home. Eventually, he was able to retreat to a bathroom for a few moments, then escape to the side door through which the agents had entered moments before.

Odgen City Police Officer Jared Francom also began firing to pin the suspect inside the bedroom, until Francom ran out of ammunition.

Stewart then shot Francom repeatedly, as well as the other officers in the hallway as the officers moved toward the bedroom, until there was a pile of officers just outside the bed room.

Ogden City Police Officer Derek Draper entered the home and was nearly shot in the hallway — he could

feel the bullets brush past his hair — but was able to retreat back outside. Outside Draper, found Ogden Police Officer Michael Rounkles, a uniformed Ogden police officer carrying a shotgun, and they went back towards the home.

Rounkles went inside. After a few moments passed, Draper found Rounkles in the south doorway, lying in a stairwell, with blood coming from his mouth. Draper helped him outside, and when he returned to the doorway, he heard a “gun battle” inside, and found Ogden Police Officer Kasey Burrell lying in the stairwell, also covered in blood.

Draper dragged Burrell out of the home, and when he returned to the same doorway, another officer lay in the stairwell: Ogden City Police Officer Jared Francom.

Draper pulled Francom from the home, and other officers assisted him in pulling Burrell and Francom into the street. Rounkles was taken by a patrol vehicle to the hospital.

While in the street, Draper looked towards the house and saw a silhouette standing in the front doorway beginning to take aim, then firing towards the injured men in the street. Draper felt the bullets ricochet around him, but he was never struck.

After firing at the officers, the suspect fled to a shed near the home and barricaded himself inside. He was shot and wounded by other responding officers before being taken into custody.

Ogden City Police Officer Jared Francom succumbed to his injuries and died January 5th 2012 as a result of the shooting.

The Utah Peace Officer Association presents Officer Shawn Grogan, Officer Michael Rounkles, Officer Kasey Burrell, Sergeant Nate Hutchinson, and Officer Jason Vanderwarf the Purple Heart for the extensive injuries they received while in the performance of their duty.



**Roy City Chief Greg Windham with Officer Jason Vanderwarf**



**Weber County Sheriff Terry Thompson with Sgt. Nate Hutchinson and wife Randi and Lt. John Morrow**



**Officer Shawn Grogan and wife, Erin Francom and Ogden City PD Chief Mike Ashment, Officer Kasey Burrell and wife, Officer Michael Rounkles and wife.**

# Financial Advice - A Must Read

by Marc Nichols

My name is Marc Nichols. Since I was 5 years old and watching CHiPs, I knew what I wanted to do. I started my law enforcement career in Utah in 1997 and have worked in several different capacities including K-9, SWAT, and DUI Squad and as a sergeant. As I was working my dream job, I found a second passion. I found out that most of my friends inside and outside law enforcement were either not educated, or not on track when it came to personal finances.

My wife Jenn and I wanted a better education as well. So we got our licenses and we became more and more familiar with common sense financial principles. But we were still hesitant to share our knowledge with our friends because we do not like sales, nor any sort of pressure. So we found that most people are like us and like education. And that is the purpose of this, and subsequent articles.

**Did you know that 40% of Americans have \$500 or less in savings? Are you disappointed in your cash stash? Here are some strategies to help you raise the funds:**

## Group Your Goals

What do you want to achieve financially this year? Studies show that people, who set fewer, more integrated goals save nearly five times as much as those who set many unrelated ones. To make them stick, try putting three main goals under an umbrella theme. For example, saving for retirement, education and an emergency fund could go under the theme “improving our financial security.”

## Make It Tangible

If you really want to reach your goals, take steps to make them tangible. For example, people who label their savings accounts with specific goals put away 31% more than those who don't. Similarly, try using a picture as a reminder of what (or who) you are saving for and keep it in your wallet or on your computer as a reminder.

**Cont'd next page**



**Marc Nichols at UPOA Midwinter Convention 2013**

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### Autopilot Your Savings

Do you already have funds automatically deducted from your paycheck for your 401(k)? Why not try the same approach when it comes to your other savings goals – such as college savings and emergency fund? Fewer than 40% of savers do this. When the money doesn't appear in your account, you are less likely to spend it.

It would be a dis-service if someone was interested in more information and it wasn't offered. I have people contact me weekly that simply want more of an education or guidance. And it's complimentary. No strings attached. Because I am just like most people, I want to feel in control of my finances.

My cell phone is 435-256-0678 or email [snsdnichols@gmail.com](mailto:snsdnichols@gmail.com). I have helped people all over the state and am willing to do what it takes to get you more information about savings, or other financial education that you might be interested in such as debt relief, saving money on your insurances, budgeting etc.

I hope this and a future financial education article provides some value for you and your family's future. Future articles will include information on identifying budgeting challenges, eliminating debt, doing a life insurance audit or other topics of interest. If there is specific information you are looking for right away do not hesitate to shoot me an e-mail or just call. We are all on the same team.

**Dr. William Kuenzel**

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# Stress, Trauma, and Fallen Officers

By Stephen L. Robinson, MA and Joni Pace

Let's face it. Law enforcement officers see their share of stress and trauma. In some cases, it's a life long career of chronic stress that adds up and compromises the officer's health and well-being. In others, it's intense experiences that flood the body with adrenaline and create indelible memories that change how the officer experiences life. For others still, it's a combination of both.

For law enforcement officers, recognizing and working with stress and trauma is essential to their longevity and capabilities. Chronic stress eats away at performance and gradually erodes health. Acute stress or trauma can dysregulate the nervous system and change an officer's senses to be hyper-focused or vigilant to the point that he or she no longer operates in the present moment.

Trauma, essentially, is an aberration of memory; it's when the past overrides the present through physical and sensory cues. Trauma occurs when we are helpless – or unable to respond – in the face of a life threat. Little traumas – insurance, bills, unnavigable organizations – while seemingly no big deal, can add up to create the same effects.

Well, that's all bad news right? Is there any good news? Yes there is! The good news is that officers can learn to regulate their nervous systems and even change their brain function after trauma and chronic stress. The brain is 'neuroplastic' and changes due to stress and trauma. The brain also changes from training it to bring the slow down side of the nervous system online and allow for the body and senses to become less vigilant.

When peace officers fall in the line of duty, there is inevitably grief and shared loss. The team is impacted, like a web shaken by a strand being pulled. The loss CAN pull people together and strengthen bonds, creating a greater shared sense of being and camaraderie. It can also drive isolation, anger, frustration, and disconnection. Which will you choose? To suffer on your own and feel more disconnected from your fellow officers and community? Or to engage with others and become more connected to those in your work and home environments? Stressful and traumatic events can take us in either direction. You do have a choice about how you respond.

Joni: As a wife of a 30 year law enforcement officer. I have witnessed first hand the price of trauma and stress the entire family experiences. My husband missed birthdays, school events, and so many other activities with our family. After one car wreck, murder, suicide or other call he completes, he has little time to recover. If he IS home, socializing is the last thing on his mind. The average person

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does not understand the kind of stress that comes with our officers making a difference trying to protect and serve.

I want to spread the word to our communities how important their jobs are and how we can support them. After seeking help in dealing with the trauma I have learned how important it is to get a good support system and understand how our bodies are affected by this long-term stress. I attended the UPOA Stress and Trauma training in Cedar City last month and learned many things but what I saw was strong individuals looking for ways to work out the trauma that affects them every day. I have found a program that has an approach that is on the cutting edge of how to self-regulate and turn stress into strength. The training is called LAWOPS. If you would like to get more information contact Magis Group at <http://magisgroup.com/training/lawops> to read about the trainings or call me at 435-213-5337.

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# Utah Peace Officers Association Annual Memorial- 2012

**By Larry and Toni Gillett**

Each year at the UPOA Midwinter Convention, a Memorial Tribute is displayed to honor those Peace Officers throughout our State, who have passed away during the prior calendar year.

Below is the list of those who were included at this past convention, (Feb. 2013) for 2012. There is no doubt, many names have been missed. Our only sources to know of deceased officers are: 1) if their names are submitted to the UPOA Office or 2) their obituaries are published in the Salt Lake Tribune.

If you know of officers who pass away in your area, please either phone/email their names into the UPOA Office or email us directly ([l-tgillett@msn.com](mailto:l-tgillett@msn.com)). We need the complete name and department(s) they have served.

We want to make sure all officers are honored for their service on this Memorial each year.

## 2012 Memorial List

GARY G. ANDERSON  
DON ANDERSON  
REMINGTON BARRON  
AARON BEESLEY  
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CHARLES JOSEPH BOWEN  
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SHAYNE A. COPELAND  
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MELVIN DAN FLETCHER  
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CLARENCE "JACK" FROST, Jr.  
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# Weber County Sheriff's Office

## LDS Indexing Program

By Sheriff Terry L. Thompson



In August 2012, the Weber County Sheriff's Office Corrections Division began a pilot program sponsored by the LDS church. The program, called "indexing", is a web-based genealogy program in which the inmates transcribe photographed historical documents from around the world into a modern format. These records are then made available through Ancestry.com to assist the general public in researching their heritage.

The LDS church provides volunteers and equipment, consisting of 15 laptop computers, for the program. The program began with two volunteers conducting four, three-hour sessions per week, utilizing an average of six to eight inmates per session. The program has grown to six volunteer program supervisors, conducting an average of two, three-hour sessions per week, per instructor.

The program initially began with male inmates and has since expanded to the female inmate population. There has been far greater participation from the females than from the males. So far this year, there have been 18 different male inmates participate in the program, compared to 112 females. Between August and December 2012, the inmates were able to index over 46,000 documents. In the first two months of 2013, they have already indexed 20,000 documents.

Leslie Pierce, one of the program volunteers said, "I think the most important part for the inmates is giving them a chance to be of service to others and contribute to others' "happiness."

Inmate Theresa said, "I love to see when someone feels they have succeeded at something. Too often, inmates don't get to feel the feeling of accomplishment and success."

Indexing also benefits the inmates because many have little or no computer training. This gives them exposure to basic computer concepts. It also exposes them to a professional working environment. Program volunteer James Pierce said, "They (inmates) also come away with some analytical thinking skills. This program really works your brain."

The indexing program has proven to be an extremely successful partnership with the LDS church, involving all corrections inmates that have an interest in participating in the program, regardless of faith or denomination. All who have an interest are welcome and mutually benefit from the experience of service to others with the hope that they return to the community as neighbors and friends. This partnership can hopefully build a bond between the inmates and the community that the inmates can take with them upon their departure.

As individuals participate, it is the hope that they experience feelings of personal empowerment as a positive influence to reduce recidivism to the Weber County Corrections environment and increase each individual's desire to succeed in life. In this partnership with the LDS church, each inmate can hopefully recognize the importance of becoming a productive member of society, instilling in them personal responsibility, accountability, and individual happiness. Participants in this program obtain valuable skills to assist them in finding much needed success as they obtain constructive abilities to benefit themselves and the community as providers for families and other dependents.

Moreover, this has been a rewarding experience for Weber County Corrections deputies who supervise inmates involved in the indexing program. There is an atmosphere of cooperation of those involved in the indexing program that fosters a more positive experience. Inmates have said that they feel the program provides needed emotional and mental escape from what is invariably a less positive environment around them, due to the nature of circumstances surrounding their incarceration.

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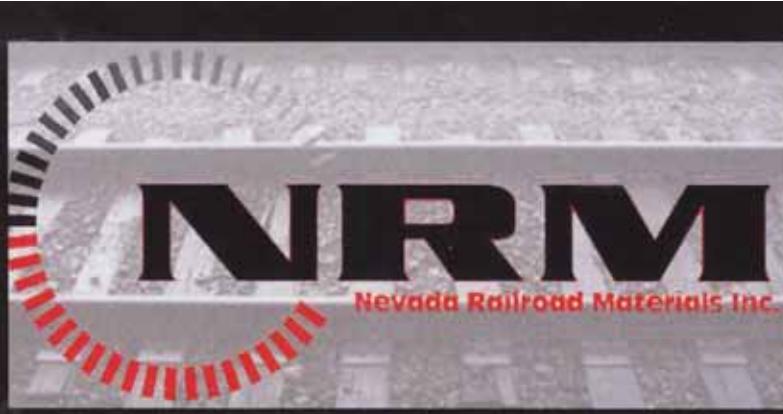
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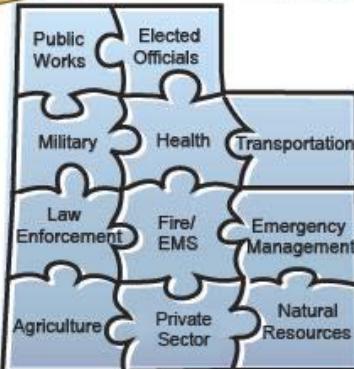
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## Methamphetamine and Local Health Department Involvement

As a disclaimer, there are 12 health departments/multi-county health districts in Utah. Each health department/multi-county health district sets their own priorities involving methamphetamine contaminated properties. Where the Salt Lake Valley Health Department (SLVHD) takes a different philosophy than other health departments/multi-county health districts, that difference will be noted.

Methamphetamine contaminated properties are regulated by a number of statutes, administrative rules and local regulations. The SLVHD initially adopted regulations in 2001 dealing with chemically contaminated properties. On a state-wide basis, statutes and administrative rules started to be adopted in 2004. Most of the authority for dealing with meth contaminated properties is contained in **Title 19 Environmental Quality Code, Chapter 6 Hazardous Substances, Section 901-906, "Illegal Drug Operations Site Reporting and Decontamination Act."**

The first question usually asked is what constitutes a contaminated property. As used in Title 19-6-902. Definitions.

(3) "Contaminated" or "contamination" means:

- (a) polluted by hazardous materials that cause property to be unfit for human habitation or use due to immediate or long-term health hazards; or
- (b) that a property is polluted by hazardous materials as a result of the use, production, or presence of methamphetamine in excess of decontamination standards adopted by the Department of Health under Section 26-51-201.

The definition of "contamination" has changed a number of times over the years as the meth problem has evolved. The initial definition related solely to labs. As labs became less common and properties were increasingly contaminated by use, a legislative change was made to include use. The original standard was 0.1 ug/100 cm<sup>2</sup>.

In 2008, the legislature appropriated money for the Utah Department of Health to establish a health protective standard. The standard is not a medical standard. Due to the addictive nature of meth, human studies will never be performed. (It would not be a good idea to perform a study on meth and turn three-fourths of the participants into tweakers.) Animal studies are also unreliable. A rat on meth behaves differently than a human on a similar dose. The study was based on research of 30 years of legitimate meth use—bed-wetting in children, weight loss in pregnant women, attention deficit hyper-activity disorder in children, etc. As a result, the current standard was set at 1.0 ug/100 cm<sup>2</sup>.

In 2004, the legislature also passed a bill making it mandatory that law enforcement agencies report any meth activity to the local health department.

### **Title 19-6-903. Law enforcement reporting and records -- Removal from list.**

(1) (a) When any state or local law enforcement agency in the course of its official duties observes any paraphernalia of a clandestine drug laboratory operation, including chemicals or equipment used in the manufacture of unlawful drugs, the agency shall report the location where the items were observed to the local health department.

Additionally, under Title 19-6-903, local health departments are required to maintain a list of properties reported by law enforcement agencies that is available to the public. The list is required to contain only law enforcement agency reports. The SLVHD chose to expand the list of properties to include those that have been tested by a certified decontamination specialist and found to be in excess of the established standard.

(3) (b) The local health department shall place property considered to be contaminated on a contamination list.

- (4) The local health departments shall maintain searchable records of the properties on their contamination lists and shall:
- make the records reasonably available to the public;
  - provide written notification to persons requesting access to the records that the records are only advisory in determining if specific property has been contaminated by clandestine drug lab activity; and
  - remove the contaminated property from the list when the following conditions have been met:
    - the local health department has monitored the decontamination process and, after documenting that the test results meet decontamination standards, has authorized the removal of or purging of the contamination information from the department's records; or
    - a certified decontamination specialist submits a report to the local health department stating that the property is decontaminated.

A third component of 2004 legislation was, for the first time, required knowledge and certification of those involved in the decontamination of meth properties. The standards include knowledge of meth laws, decontamination standards and procedures, and HAZWOPR certification. Prior to this time, virtually anyone could represent themselves as competent to decontaminate properties. The legislation authorized Utah Division of Environmental Quality to develop specific standards that must be met for certification.

### **R311-500. Illegal Drug Operations Site Reporting and Decontamination Act, Decontamination Specialist Certification Program.**

A fourth component of 2004 legislation was to require certified decontamination specialists (CDS) to report their activities to the local health department. It was felt that local health department oversight was needed to assure decontamination procedures and standards were met.

#### **Title 19-6-904. Decontamination specialist reporting to local health departments.**

- A certified decontamination specialist is required to report to the local health department the location of any property that is the subject of decontamination work by that decontamination specialist by Chapter 249, 2004 General Session

19-6-906. Decontamination standards--Specialist certification standards-- Rulemaking.

**Cont'd next page**

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As a final component of 2004 legislation, the Utah Department of Health was authorized to develop decontamination standards for meth contaminated properties .

## Rule R392-600. Illegal Drug Operations Decontamination Standards.

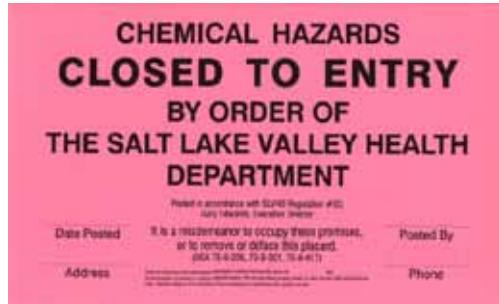
(1) The Department of Health shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, in consultation with the local health departments and the Department of Environmental Quality, to establish:

(a) decontamination and sampling standards and best management practices for the inspection and decontamination of property and the disposal of contaminated debris under this part;

Now, what does this all mean? If a local health department receives a report from a law enforcement agency or a CDS, they will investigate the report and determine if a property is contaminated with meth. If the report is valid, The SLVHD will post the property "Closed to Entry."

(Other local health departments may deal with

this differently). The Closed to Entry placard is probably the most restrictive action the SLVHD can take. It means that the property is essentially sealed up—no one goes in, nothing comes out. Anyone in the property except a CDS or the property owner performing a preliminary assessment is guilty of a misdemeanor under UCA 76-6 et. al. Everything inside the house is considered contaminated and is usually taken to the landfill.



SLVHD had cases on 123 properties in 2011. There was a 35% increase in 2012 with 166 properties ranging from sheds to multi-million dollar homes. While the source of the contamination has changes, the levels have not. Lacking other evidence, in the late 1990s and early 2000s, if a property tested positive for meth above 10-20 ug/cm<sup>2</sup>, the contamination was assumed to be caused by a lab. Now, we have

Cont'd next page

What to do after an Auto Accident...

1. Note the license plate of the other vehicle
2. Make sure everyone is alright (if possible, do not get out of the vehicles)
3. Take pictures of the scene and vehicles
4. Exchange information (names, addresses, regardless of injury or vehicle damage)
5. Notify the police if necessary
6. If possible clear traffic lanes after taking pictures
7. Get the proper medical attention. (IMPORTANT! Whether or not you visit the ER, all insurance companies require a claim form to be filed. Document injury specific physician. Properly documenting your case and possible injuries early is so important.)
8. If you were not at fault, legal council from an attorney who SPECIALIZES in and preferably is CERTIFIED in Personal Injury cases is also well advised.
9. Follow through with your doctor and attorney recommendations to maximize recovery thus minimizing future health problems and expense.

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## WHAT SHOULD PEOPLE DO AFTER AN ACCIDENT?

\* Motor Vehicle Collisions (MVCs) over just 5 mph have the potential to cause soft tissue injuries. 8 mph ΔV almost guarantees some form of injury to vehicle occupants.

\* 50% of those people injured think their injuries will heal 'correctly' without treatment. By the second year following a MVC, most occupants have chronic symptoms and their auto insurance will no longer cover treatment for the injuries they should have treated immediately following their loss.

\* More than than 90% of children involved in MVCs receive NO injury rehab resulting in premature arthritis and unnecessary pain and suffering in the decades to follow.

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meth imported from Mexico. Earlier methods of production—Biker (P2P), Red Phosphorous (Red, White, Blue, Bevis & Butthead), Anhydrous ammonia (Birch, Nazi, and now One-pot) produced meth ranging from 50-80% pure. Mexican meth can approach 100% pure allowing more contamination to be created by lower use.



To have the Closed to Entry placard removed, decontamination must be performed in accordance with R392-600, Illegal Drug Operations

Decontamination Standards and SLVHD Regulation #32, Chemically Contaminated Properties. The first step involves performing a preliminary assessment. The CDS or property owner (yes, the property owner is allowed to decontaminate his/her own property) will determine the levels and areas of contamination, usually through sampling.

After the initial assessment, the CDS or property owner must prepare a Work Plan delineating what will be done to decontaminate the property, who will do the work, when will the work be done, etc.. The Work Plan must be submitted to the local health department for review and approval.

Contrary to popular belief, it is not necessary to strip a house down to the studs in order to decontaminate it. In fact, this is seldom the case. All porous materials such as carpet, drapes, furniture and other items that cannot be decontaminated on-site must be removed and taken to the landfill. Such material is treated as “Special Waste.” This means that the material is buried immediately upon receipt. This

prevents anyone from taking a contaminated couch from the landfill and re-using it.

The next step is to triple wash all nonporous surfaces in the house. This will remove the gross dirt and grease from surfaces as well as some of the meth. The CDS usually then applies a proprietary chemical to the surfaces to further neutralize any remaining meth.

The final step is to conduct confirmation sampling. This is done to validate the decontamination procedure. Confirmation sampling involves taking either discrete or composite samples of all contaminated surfaces, the HVAC system, any out-buildings, and a field blank for quality control. A 100 cm<sup>2</sup> template is wiped in sample each area with a gauze pad containing methyl alcohol. The gauze pad is then placed in a vial for laboratory analysis.

If the lab results are below the decontamination standard, the Closed to Entry placard is removed and the property is removed from the list. If not, the decontamination process is repeated (and repeated and repeated....) until results below the decontamination standard are achieved.

Now, what does this all mean? The consequences of a contaminated property can be devastating, both emotionally as well as financially. As was stated, if a property is deemed contaminated it is closed to entry. This prevents a property owner from living or even being in a house. In all likelihood, most personal possessions will be lost. It is not uncommon for residents of contaminated properties to try and remove possessions. Sometime this can be as blatant as backing up a trailer at midnight and trying to remove everything from the house, to a mother trying to retrieve a stuffed toy (contaminated with meth) for her child, to someone trying to get their meds or false teeth (and remaining meth) from the house. For commercial properties—hotel rooms, apartments, businesses, etc. in addition to the decontamination costs, this represents a loss of income.

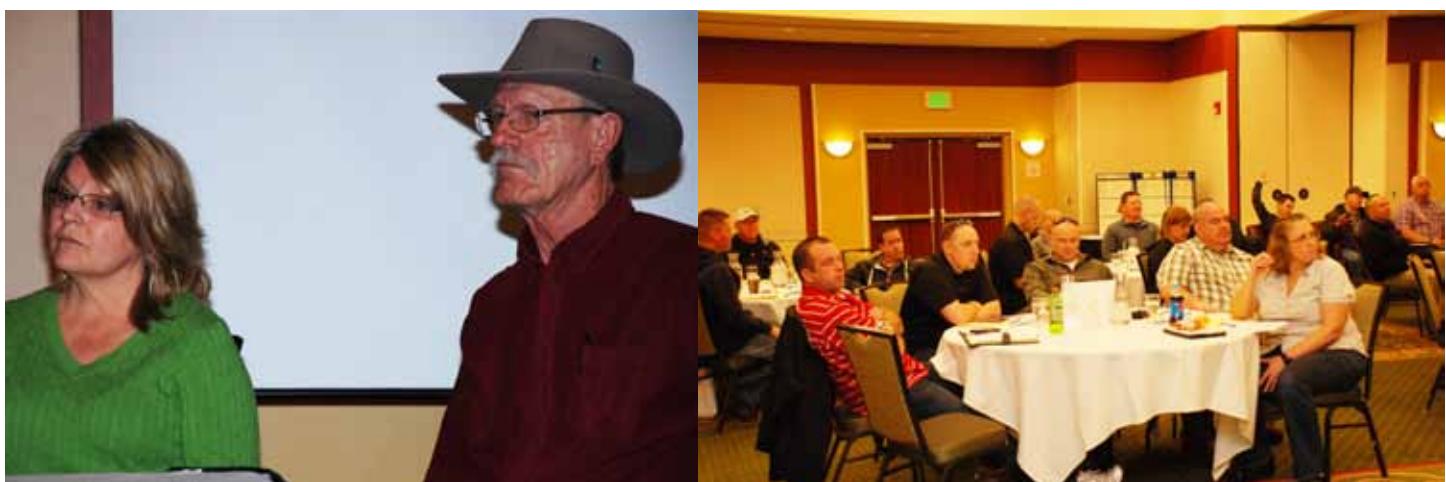
**Karla Bartholomew & Kerry Cramer  
Salt Lake Valley Health Department**



# Midwinter Convention February 2013 - St. George, Utah



**Dr. Gita Rakhsha talking about PTSD and the LEO**   **Veterans and their spouses telling about their experiences with PTSD and the many years it took to work through it.**



## **On the left: Another Veteran and spouse discussing their experience with PTSD**



**On the right: Nick Villa from Haymond Law and Wills for Heroes**



**UPOA President Elect Del Schlosser and President Rick Mayo** conducting the business the Conference.  
On the right: Dr. Nancy Bohl-Penrod of the Counseling Team International, San Bernadino, CA, discussed coping with reactions to critical incidents.



**Vickie Walker**, widow of Jeff Walker who was killed at Trolley Square on February 12, 2007, and founder of Circle the Wagons, helping victims of violent crime find the courage to move forward. See her inspiring story at [www.circle-the-wagons.org](http://www.circle-the-wagons.org)



Ogden City PD Lt. Danielle Croyle shared the experiences and then necessary plans after the death of Jared Francom and the injuries of fellow officers



**Newest UPOA Honorary Colonel Tor Steen** helped present Awards at the UPOA Convention



## Vest Saves Utah Officer from Shotgun Blasts

*Keynote Speaker Jason S. Thomas tells his story at the Utah Peace Officers Association Midwinter Convention Banquet*

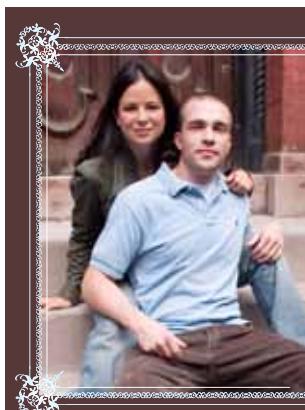
On January 5, 2007, Officer Jason S. Thomas was alone on patrol duty for the Cedar City, Utah, Police Department when he stopped to render aid to a motorist stuck in a snowdrift.

Thomas encountered two subjects with the immobilized vehicle and another Good Samaritan motorist that had stopped to render assistance. In talking with the passenger in the vehicle that was stuck, Thomas determined that the individual was providing false information. He also noted the presence of empty beer cans on the ground near the vehicle and detected the odor of intoxicants about the driver and passenger.

The driver of the immobilized vehicle walked around the rear of his vehicle as Thomas continued to talk with the passenger. The driver then reappeared with a 12-gauge shotgun and opened fire on Thomas at a distance of five feet or less. The first shotgun blast hit Thomas on the right side of his chest. Thomas was able to stay on his feet and moved for cover. The suspect shot a second time from a distance of between six and ten feet; this blast hit Thomas in the back. The third shotgun blast missed Thomas and hit a nearby residence instead.

The shooter hijacked the Good Samaritan's vehicle at gunpoint and fled the scene. Thomas was able to stay on his feet and summon assistance. Another patrol officer then transported him to a local hospital. Attending physicians examining Thomas reported that he had "a significant right upper lobe pulmonary contusion under the right chest blast site, which obviously was blocked by the Kevlar vest that the patient was fortunately wearing." Officer Thomas suffered penetrating shotgun number 8 pellet wounds outside the vest coverage area. He spent two days in the intensive-care unit and a total of five days in the hospital. He has since returned to modified duty for rehabilitation and is expected to make a full recovery.

The 30-year-old shooter, who has a criminal history that includes a prior arrest for assault, was subsequently arrested on charges of aggravated robbery and attempted homicide of a police officer.



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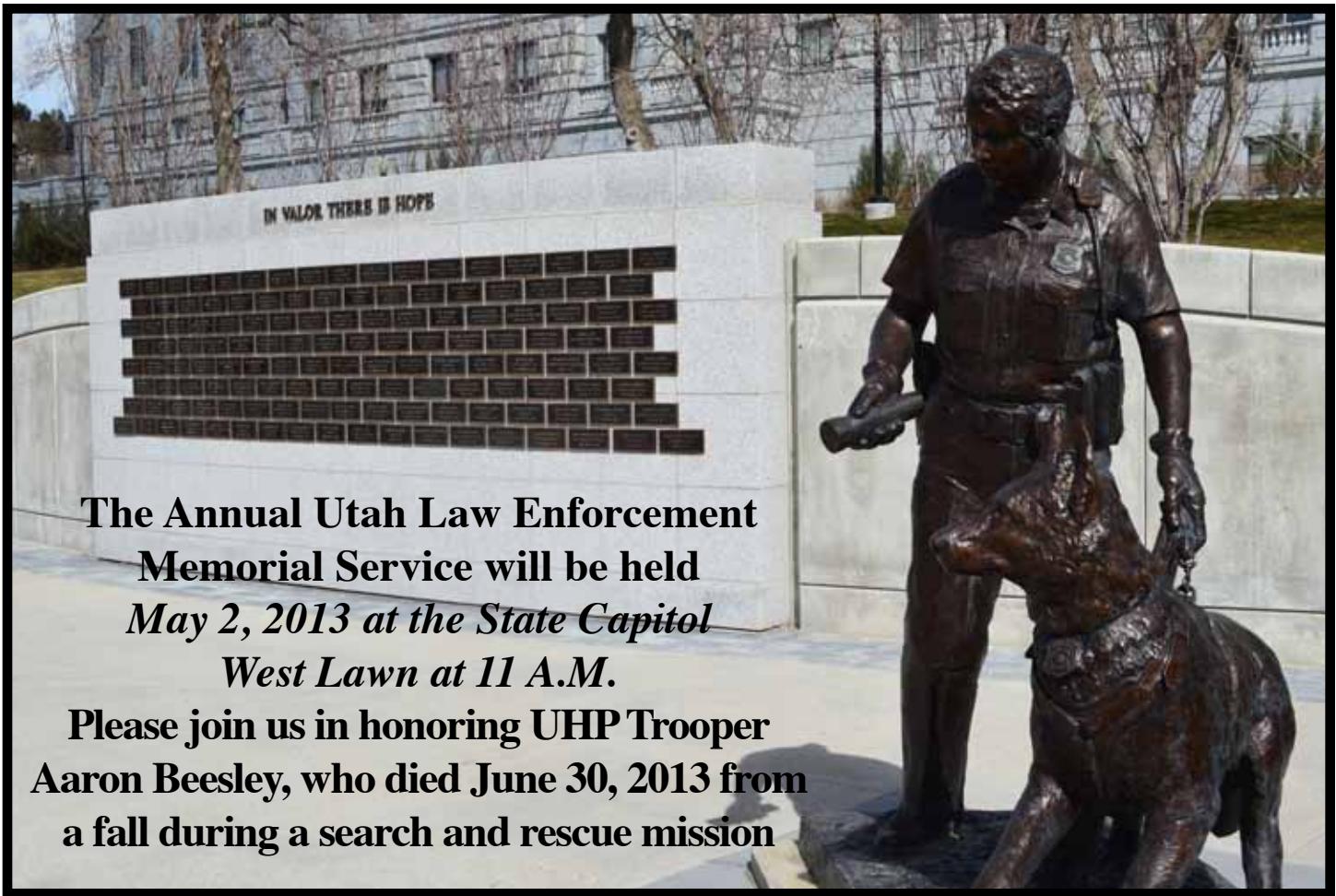
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**ASE**  
**INTERSTATE EXCHANGER**



**The Annual Utah Law Enforcement  
Memorial Service will be held  
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Please join us in honoring UHP Trooper  
Aaron Beesley, who died June 30, 2013 from  
a fall during a search and rescue mission

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# Case Law Update - April 2013

By BL Smith

UPOA Region A Rep, Utah POST Region III Training Coordinator



## TOPIC: QUESTIONS DURING TRAFFIC STOP

**SCENARIO:** A deputy and his trainee were on routine patrol when they spotted a car doing ten miles over the speed limit. Upon checking the car was not insured and they made a 'lawful' traffic stop.

The deputy made contact with the driver and noticed several indicators of impaired driving. Upon returning to the car Simons blurted out the window that he was not drunk, hadn't been drinking and to look at his eyes. Sorenson was asked to step from the vehicle.

When exiting the car the deputy saw several baggies that had been chewed on in the driver's door compartment. Based on his experience and in one of the baggies a white powder with small crystal residue the baggies were drug paraphernalia.

Continuing to check on Sorenson impairment he turned briefly to Simons because he felt they were also investigating illegal drug use. The deputy asked Simons if there was anything on his person they needed to know about. Simons admitted having a pipe in his underwear. The deputy in training took possession of the pipe (meth pipe).

After Sorenson's arrest Simons told the deputy he had some meth in his pocket. Simons was arrested.

Simons appealed saying the deputy extended the length of a detention that began as a routine traffic stop by questioning him without reasonable suspicion that Simons was engaged in criminal activity.

## ANSWERS Utah Supreme Court Utah v. Simons 1/15/2013

1. Yes it was. The Utah Supreme Court ruled that they need not determine if the questioning of Simons was supported by reasonable suspicion (even though the District Court ruled that is was legal). They ruled this way because the court ruled that because the deputy's inquiry did not measurably extend the length of the traffic stop or render the overall duration of the stop unreasonable. It was a moot point.
2. The District Court did rule there was reasonable suspicion that a crime was afoot. They ruled: "We conclude that the presence in the car of multiple, chewed baggies, at least one of which contained a white powder, in addition to the driver's apparent impairment, gave rise to reasonable suspicion that Simons was using or possessed illegal drugs."
3. Yes, it was legal. The court said: "Where Deputy Luke diligently pursued his investigation of Sorenson's apparent impairment and his 'inquiry of Simons did not measurably extend the duration of the stop,' it passes constitutional muster under the fourth Amendment."

## TOPIC: CAR FRISK-EXPECTATION OF PRIVACY

**SCENARIO:** Massachusetts State Trooper Sweeney made traffic stop for a broken tail light. As he initiated the stop

he observed passenger Symonevich 'lean down as if placing or retrieving something from underneath his seat.'

Sweeney testified that this movement caused him concern for his safety. Upon approaching via the passenger side, he noted Symonevich completely ashen faced and scared to death.

Waiting for backup, Sweeney asked Gerard Adair for his license and registration and noted that he hand was shaking.

When backup arrived, Symonevich was asked to step from the vehicle, at which time both troopers noted the odor of marijuana coming from Symonevich's clothes. When asked what he had put under the seat he replied a piece of paper. He then revised his statement to a fix-a-flat. Adair was then asked what Symonevich placed under the seat and he replied he did not know. When asked if there were any weapons in the car Adair replied that not that he was aware of.

Adair was asked for permission to search the car at which time Adair refused. Sweeney nevertheless searched the car because he wanted to be sure there was nothing under the seat that posed a safety threat. About three-quarters of the way through the stop Sweeney received information via dispatch that Symonevich was the subject of an ongoing DEA investigation.

Sweeney found a fix-a-flat under the passenger seat. Upon examination he shook the can and felt something solid inside. The weight of the can did not match the common weight of fix-a-flats. Sweeney noticed a slight separation on the can at which time he unscrewed the bottom and found three bundles of brown substances that turned out to be heroin.

## ANSWER: United States v. Symonevich November 2012, Brian S. Batterton, Attorney, PATC Legal & Liability Risk Management Institute.

1. Yes. This issue was never raised by Symonevich and his defense. Even when Adair denied permission to search, the odor of marijuana was enough to justify a search.
2. No, Symonevich had no standing to object to either the search of the car, the fix-a-flat or the area beneath the passenger seat.
  - a. Symonevich appealed on all three issues. The First Circuit Court of Appeals held he had no possessory interest in the automobile, or expectation of privacy as a pas-

ger in the car and when he placed 'his' fix-a-flat under the seat he had no expectation of privacy 'in the space beneath the seat.'

- b. The conviction was upheld.

#### TOPIC: LEVELS OF CONTACT

**SCENARIO:** Federal law enforcement Officer Marcus responded to reports of loud music using a PA system at a large gathering of people. He was the only officer to respond. After placing one person in his patrol vehicle 'Pope' approached him, at which time Marcus formed a belief by his observations that Pope had been smoking marijuana.

Marcus asked Pope if he had been smoking marijuana to which he replied that he had. When asked by Marcus if he had any on him he replied that he did not. Marcus then 'ordered' Pope to empty his pockets. Pope just stood there motionless and mute. Marcus then asked Pope again if he had any marijuana, at which time Pope admitted that he did have some on him. Pope was directed by Marcus to place the marijuana on the hood of the patrol car

Pope was cited and released. Pope filed a motion to suppress which was denied and then appealed citing (1) the first order to empty his pockets was an illegal search and the (2) command was illegal because it was not supported.

**ANSWERS:** **United States v. Pope July 2012** PATC LLRMI Newsletter by Brian S. Batterton, Attorney for LLRMI, December 2012.

1. Yes, it was unlawful. The court ruled, however, since Pope did not empty his pockets or comply in any way the issue was moot. Officer Marcus's initial command, without compliance, did not affect a search under the Fourth Amendment citing **U. S. California v. Hodari D 1991**.
2. No, since Pope admitted to possessing marijuana probable cause existed to order Pope to empty his pockets (as well as make an arrest and search incident to arrest).

#### TOPIC: CONSTRUCTIVE POSSESSION

**SCENARIO:** Officers watched what appeared to be a drug purchase go down in a local park. Approaching the seller to speak with him for 'smoking in the park,' which is a violation of their city ordinance, they asked about the bicycle next to the park bench he was seated on. They asked if it was his and he said yes. Suspecting this bike as one reported stolen they asked if they could check it. He told them yes.

One of the two officers turned the bike over to find the serial number and found the first of two hidden compartments. Cardona-Gueton then said the bike was not his. Officers found fourteen rocks of cocaine amounting to about two grams. Cardona-Gueton was arrested and charged with possession with intent. Cardona-Gueton appealed for a directed verdict of insufficient evidence of possession.

**ANSWER:** **Utah Court of Appeals v. Rolando Cardona-Gueton 12/6/12**

1. Constructive Possession is where 'you' as the officer establish a sufficient nexus between the suspect(s) and the drugs. Conviction for possession with intent to distribute requires proof that the defendant knowingly and intentionally possessed the controlled substance, and the defendant intended to distribute the controlled substance. (**State v. Fox 1985, State v. Layman 1998.**) Possession 'sufficient to sustain a conviction need not be actual but may be constructive.' Layman citing **State v. Bingham 1987**.

a. The court said 'Constructive possession must be proven by a sufficient nexus between the defendant and the drugs...to permit a factual inference that the defendant had the power and the intent to exercise control over the drugs...'

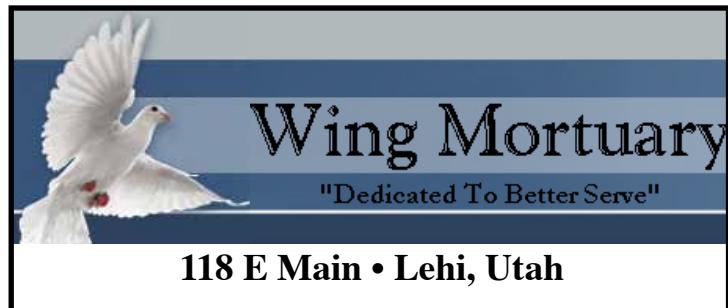
b. A non-exclusive list of evidentiary factors 'tending to link an accused with drugs' in certain situations includes incriminating statements, suspicious or incriminating behavior, sale of drugs, proximity of defendant to location of drugs. **State v. Salas 1991.**

2. The court upheld the search and conviction on Cardona-Gueton.



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