



# The UTAH CHIEFS of POLICE ASSOCIATION

2005-2006 UCOPA President  
Chief Ed Rhoades • Heber Police Department

ISSUE NUMBER: 1-2005

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Executive Director: Dr. Frank Budd

## The President's Message

by Chief Ed Rhoades  
Heber City Police Department

I must start off by apologizing for not getting a newsletter out sooner. I was in a meeting not long ago, where one of the attendees stated "communication is vital to an organization" and the newsletter is part of that communication for the Utah Chief's. So, again I apologize for not getting information to you in a timely manner.

The Governing Board has been busy. We have interviewed several individuals for the Directors position and have offered the position to Frank Budd. Frank and I met July 11, 2005 and have struck a working arrangement. As I have met with Budd, and talked with him, I realize the potential he has to bring the Association to the next level. He will be a great addition to our team. I am excited to get him on board and up to speed.

This year seems to be busier than I have ever seen. I keep looking for the slow time, but there has not been any. I'm sure every one of you are in the same position, not knowing why it is so busy and what to do next. I know several Chief's have been contacted and have been asked to serve in a committee assignment or help in some way. The comment we here most is, maybe later I'm really busy right now. I bring this up because we have several committee positions open and need your help in filling them. I also want to thank those that are now serving on committees and those that have helped with the association. The following committee positions need to be filled:

**Crime Lab Advisory Board, Security Licensing  
Commission on Racial and Ethnic Fairness, Utah Sexual Violence Council**

We also have the position of Retired Chiefs Representative of the Governing Board. This position was filled by the late Dave Campbell and we appreciate the job he did. So if you know of anyone who will serve in this position or any of the one's listed above please let us know.

This is a great association. I have gain further knowledge of this as I serve in this position. I appreciate those of you that I have called to host a board meeting, to do an assignment or to get information. You are a great association and are willing to step up and help.

My last thought was what Scott Finlayson commented on several years ago. He was giving some facts about the different Chief's Association around the United States. The numbers showed about 90% of the Chiefs in Utah were members of the association compared to a far smaller number in most other States. This is great, but still leaves about 10% that we should be inviting to associate with us. As I met with Budd this last week, one of the areas we discussed was to update and get to know all those within the association and to extend our assistance to them.

Thanks again for all you do.



Chief Ed Rhoades

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2005 Large Agency Chief of the Year  
Jon J. Greiner, Ogden City Police Department

pictured left to right  
Assistant Chief Wayne Tarwater, Telitha Greiner,  
Chief Jon J. Greiner

ISSUE: July 2005

# The Executive Director's Message

by Dr. Frank Budd  
*Utah Chiefs of Police Executive Director*

It is my privilege to have the opportunity to serve as the newly appointed Executive Director for the Utah Chiefs of Police Association. While I am not a stranger to Utah law enforcement executives, I look forward to meeting all of you within the coming weeks and months.

Chief Ed Rhoades suggested I include a brief background statement to introduce myself to you. As "non-exciting" as this may be— here goes!

Upon graduation from the University of Redlands many moons ago, I chose law enforcement as ( what I thought would be) my lifetime career. I worked for a short time at the Redlands, CA, police department; then, my new bride and I decided to move to the beach. The first department to offer me a job was the Oceanside Police Department. It was a great place to be a police officer. We were a beach town, on the freeway, between Los Angeles and San Diego, with approximately 100,000 marines stationed a Camp Pendelton. I think our per capita crime rate at the time was the highest in California. So, as a youngster, I wanted action— and, I got it!

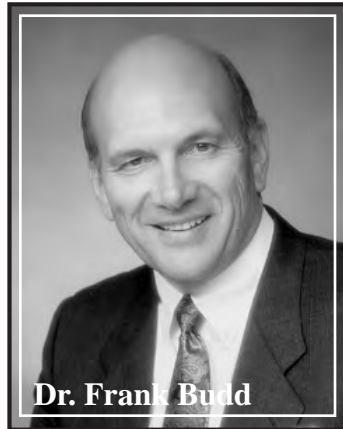
During my time at Oceanside I worked as a patrolman, a detective assigned to juvenile, and just prior to resigning to return to graduate school, I was promoted to a patrol sergeant.

Well, I did return to graduate school at Brigham Young University and received a Master's degree in Sociology, with an emphasis in crime and delinquency. Instead of returning to the police department in Oceanside, I turned to teaching. For several years, I taught Law Enforcement at Central Arizona College, and, later, at Yavapai College in Prescott, Arizona. Then, prompted by some friends, I returned to California to teach Criminal Justice at Riverside Community College. For several years, I taught Patrol Procedures, Criminal Investigation, Juvenile Law and Procedures, and Community Relations in the basic academy.

Then, the Peter Principle kicked into high gear. I was appointed Dean of the Administration of Justice program. As such, I administered both the pre-service and in-service programs. In partnership with the Riverside Sheriff's Department, I coordinated the basic academy and all in-service training, as well as the degree programs on the College's campus.

As I say, the Peter Principle was working. After completing my doctorate at the University of California, Riverside, and as evidence of the Principle, I was selected as Riverside Community College's Vice President of Student Services, and then as the Assistant Superintendent, Vice President for Academic Services. During this time, I served as a trustee for the Robert Presley Institute of Corrections, focusing on training and education for correctional executives.

In 1990, I was selected President of Salt Lake Community College. The



next ten years proved to be an exciting time for me and the College. We grew at an extraordinary rate, both in students and locations.

While serving as president of the College, I was appointed to the Utah P.O.S.T. Council. I chaired the Council for 4 years, and continue as a member today. However, since I have served two terms, it is unlikely I will be re-appointed for a third.

Also, during my time at Salt Lake Community College, I was a member of the Utah Law Enforcement Strategic Planning Committee; and I now serve as a Commissioner on the Utah Alcohol Beverage Control Commission. Never a dull moment!

After retiring as President of Salt Lake Community College in 2000, I was appointed as a Regent Professor of Criminal Justice at Weber State University. I will retain this position with the University while serving as your Executive Director. My teaching load will be reduced, but I will remain a faculty member.

Well, there you have it. Forty years of my life in a few paragraphs!

Throughout my career, I have been proud of my association with law enforcement. Indeed, it is one of the most necessary and honorable professions in our nation, today. Policy makers and all citizens need to be aware of the outstanding men and women they call on to protect and serve them. Among other assignments and duties, please be assured I will make serious effort to communicate law enforcement's role to all legislators and residents of the state. Looking forward to working with you.

Frank

# Lawsuits, Training, and Officer Safety

by: Jeff Chudwin, Olympia Fields, IL. P.D.

Throughout the many discussions I have with fellow law enforcement officers, the issues of police related liability and lawsuits related to use of force is often raised. While it is unrealistic to expect that officers will not be concerned or in some cases intimidated by the prospect of being named as a defendant, we must not and cannot be immobilized by such fear.



Failure to act in the face of violent aggression has led to the injury or death of officers and citizens. In a case in the northwest, an officer reported that he and his partner did not fire on an offender pointing two pistols at the officers because they were afraid of "liability" if the pistols were not real. The offender shot and murdered one of the officers. What was being said is that the officers were more fearful of a lawsuit, even when faced with a deadly force threat, than being

murdered. Conversely, officers acting without adequate understanding the legal and practical rules of use of force may violate law and departmental policy. An officer in the southern part of Illinois shot and killed a man who struck him in the face and ran away. He was sentenced to 10 years in the penitentiary for failure to understand the United States Supreme Court ruling of *Tennessee v. Garner*.

My personal experience as an assistant state's attorney, and police officer, strongly suggests that officers who take the time to study law, policy, and procedure, are fully prepared to successfully defend themselves on the street and in the courtroom. One disturbing problem is that most law enforcement officers don't believe that "it will happen to me", so they CHOOSE not to train. In effect, they rely on other officers or the mercy of their assailant for protection.

These officers mistakenly believe that in the aftermath of serious action someone else will speak for them and shield them from the consequences of their actions and any resulting liability. It is not going to happen that way. Use of force is not a team event. Each officer must act at his or her own direction and bears full responsibility for his or her actions. For over twenty five years I have instructed a course titled "Legal and Practical Aspects of Police Use of Force".

During that time, many thousands of police officers from Illinois have been asked to list the crimes designated as "Forcible Felonies". A total of five (5) have done so successfully. Considering the fact



that law and policy permits the use of deadly force against forcible felons under certain circumstances, it would not be unreasonable to know the name and elements of these offenses. What will an officer do when a victim runs up on the street and shouts, "help me, I've just been robbed"? Is it a robbery, a theft from person or a simple theft? Robbery involves the potential for deadly force.

As to theft, such a response is expressly forbidden by law. Fail to know the difference and you will possibly lose your job and your freedom. This is not a theoretical discussion. The well known (U.S. 7th Circuit) case of *Sherrod v. Berry* originated in Joliet IL. and involved a case where a robbery was reported. What do many homeowners and business owners report when there has been a theft... "help me, help me, I have just been robbed". The radio call goes out and officers respond with their use of force mind set tuned to the highest level, "to be prepared for the worst" as they say.

Safe and effective force response must be a combination of both proper legal and TACTICAL response. Officer Berry rushed the vehicle in a parking lot and shot dead the driver of the reported get away vehicle when he moved his hand in a rapid motion to his waist area. There was no gun and there was no robbery.

A non-violent theft led to a true disaster. Why this lack of basic understanding of vital information and tactics? See above; it is not going to happen to me (police officer). It will not happen in my department (administrator). In presenting this course to officers from around the country, I get the same feedback. They decry the lack of legal and tactical training, the failure to update street officers on vital job issues.

Many officers say that their fear of lawsuits negatively impacts on their job performance. The Illinois Tactical Officers Association conducts liability seminars for our membership.

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*By Getting Involved in the Association,  
You Help Protect Our Goals and Mission!*

## Lawsuits, Training, and Officer Safety continued...

This class covers use of force issues, police as defendants in civil actions, and protecting officer's assets.

Attorney Mike Condon from Itasca IL. Instructs the section on federal civil rights actions. As he points out, it is extremely rare that a police officer will ever pay a penny out of his or her pocket because of the



assessment of punitive damages. This is particularly true when the officer is able to clearly articulate verbally and in writing, the reasoning behind the decision to use physical force to effect an arrest or defend the officer or another.

Mike explains the issues of the mental and emotional stress of being a defendant but also points out that once you know what to expect, your anxiety can be greatly reduced. I tell our officers that out in the street, good verbal and physical defensive skills, firearms, batons, chemical sprays, etc. are our primary defenses. After the fight, the only applicable defensive skills we possess are our ability to speak and write the words that best defend and justify our actions.

These skills require training. It is unrealistic to believe that after a shooting incident, a time of incredible stress, an officer who has not been trained in the aftermath issues of use of force and arrest will do so effectively. There is **NO SECOND CHANCE** to make an effective defense of your actions. It must be done right the first time. Why then the lack of training? Because it takes time and overtime for training is money out of the budget. In the short run, no problems equals no training. Have a disaster and you can have anything desired, **AFTER THE FACT**, after the blood has been shed, after lives have been irrevocably changed and damaged.

The bottom line is that in police work there is two levels of survival. #1 is to physically survive the fight. #2 is to survive the aftermath and continue a "normal life". If you fail the first, the second is of no consequence. If you fail the second, your life can be ruined. How do we maximize the probability of success at both levels? Study and practice are the foundation elements. Both require commitment and discipline.

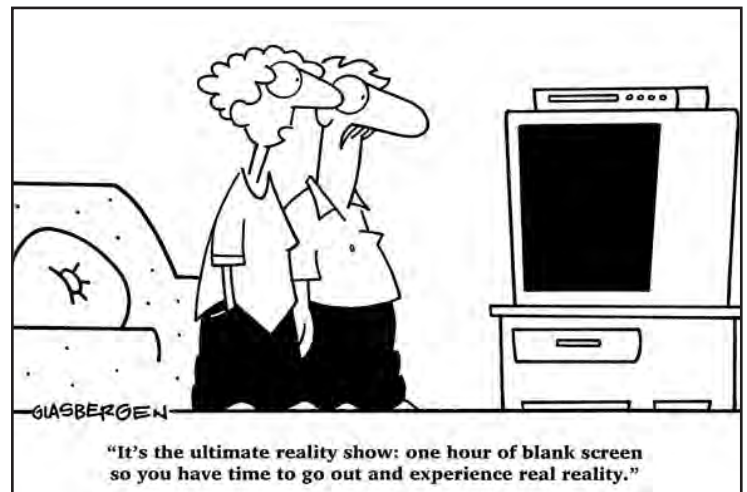
These are primary components of officer survival. Both require that officers accept individual responsibility to take the time and make the effort to study and practice the basic survival skills. Relying on departmental time and support in most cases is not realistic. Few departments afford the needed time, instruction, and equipment to train officer to levels of excellence. Mediocrity rules the day. Your life is worth far more than mediocre or non-existent training. Train and study, learn the rules of the street and the rules of the Court.

As a result of your training, lay aside unwarranted fears associated with the specter of liability and lawsuits. Do not formulate training to counter potential plaintiff's attacks. Design training to promote officer survival and job excellence.

Trying to counter every expected attack by a plaintiff's attorney by changing our training and procedures is futile. Attorneys can make any argument and hire any "expert" to swear under oath that the officer acted unlawfully or outside proper procedure. Just because they say so doesn't make it so or cause a jury to believe it.

I tried many felony cases before juries and heard a lot of B---S--- submitted to the jury by "expert" witnesses. Departments that make realistic training a priority and those officer who have committed to study, train, and accept reality, will be on top of the winners curve. It is a personal choice. My good friend and noted police trainer Tony Blauer makes the point that there is no faking physical endurance.

You have it or you don't. Similarly, there is no faking knowledge. When put to the ultimate test, each of us stands or falls on our own decisions, decisions based on what we know and what we believe. We do not control events around us, we only can train to control our reaction to them. Success or failure, life or death, it truly is up to you.



COMMITTEE	CHIEF	TELEPHONE	DEPT.	DATE APPOINTED	DESCRIPTION
*ADTEC Testing Fees Awards	Gerald Maughan	801-255-4291	Midvale		Oversees funding from two house bills to fund equipment, enforce alcohol/drug driving laws and purchase equipment to enforce impaired driving laws and DUI overtime.
Crime Prevention (Tibby Milne)	Kim Hawkes	435-753-7600	North Park		Represents Chiefs on the Crime Prevention Council.
Security Licensing Title 58 Chapter 63					Promulgate policy and procedure for private security companies. Reviews applications and violations of rules by individuals and companies.
Traffic Safety Task Force	Lindsey Sheperd	801-254-4708	South Jordan	09-20-99	Deals with statewide traffic and pedestrian safety. School zones, inline skaters, ped. walks. Recommends legislation and funding.
Victim Rights Council	Theresa Garner	801-483-6068	South Salt Lake P.D.	11-01-02	Deals with legislative and other victims rights issues. Meets every other month.
UCOP Awards Committee	Chairman: 2 <sup>nd</sup> Vice Lynn Excell Chiefs: Wade Carpenter Lee Barry Kim Hawkes Capt. Pearson Wayne Hoaldrige	435-637-4830 435-753-7600 801-225-4291	Hurricane PD  Santa Clara Wellington North Park South Jordan		Makes recommendation to UCOP board for recognition and awards for outstanding Police Officer Achievements.
BCI Board Member	Ron Kirby	435-882-8900	Riverdale		Recommends Police for BCI
**DUI Committee	Wayne Hansen	801-451-5453	Tooele Farmington	04-2003	Mow under CCJJ, this committee recommends new DUI legislation.
Utah State Sentencing Committee	Ed Rhoades	4435-654-3040	Heber City		Sentencing recommendations for all criminals.
**Amber Alert	Paul Howard	801-292-4422	Woods Cross	04-18-03	At the request of the AG's officer a Chief Helps set policy and procedure for Amber Alerts.

COMMITTEE	CHIEF	TELEPHONE	DEPT.	DATE APPOINTED	DESCRIPTION
**Private Investigators Licensing board	Lindsay Shepherd	801-254-4708	South Jordan	2002	Approve Private Investigators Licenses and provides oversight for qualifications of licensor.
**State Wide Mobile Data Solutions	George Zamantakis Robert Allinson	435-472-3719 435-586-2956	Helper P.D. Cedar City P.D.	2001 2001	Attempting to establish mobile system for contacting state and federal agencies.
Commission of Racial and Ethnic Fairness					Represents the Chiefs on the commission. How to improve minority relations.
**Youth Court Advisory Board	Greg Whinham	801-774-1063	Roy P.D.	05-29-2002	Represents the Chiefs on the Advisory Board
**Utah Sexual Violence Council					Advises Utah Dept. of Health and CCJJ
*Children Justice Center Exec. Board	Jon Greiner	801-629-8226	Ogden P.D.	1996-2004	Oversees the state's 13 Children Justice Centers
Physical Fitness	Jon Greiner	801-629-8226	Ogden P.D.	2003	Advises POST on physical fitness standards.
Pawn Shop Advisory Board	Sgt. Doug Lucero	801-629-8226	Ogden P.D.	05-2004	Represent the Chiefs on the Pawn Shop Advisory Board.
Accreditation	Chairman: Bob Wright Board Members: Greg Whinham Lynn Excell Doug Whitney Darrn Parke Ed Moyer Dave Bennett Scott Finlayson	435-283-7170 801-774-1063 435-635-9663 801-851-4332 801-622-8563 801-568-7209 435-750-7407 801-489-9421	Snow College Roy P.D. Hurricane Ut. Co. S.O. So Ogden Sandy P.D. Cashes Co. S.O Springville	2005	Coordinates the Accreditation Program for the State Committee members assist the Chairman in running the program.
Homeland Security Education and Training	Rich Hendricks	435-716-9300	Logan P.D.	05-2004	Serves on a committee establish by the State DPS to oversee homeland security moneys.
**CCJJ Re-entry program	Jon Greiner	801-629-8226	Ogden P.D.	04-2003	Reviews the Dept of Corrections Re-entry Program and makes recommendations to the board.

# UCOPA Board Meeting June 21, 2005 Pleasant Grove

## Board Members Present

Ed Rhoades  
Val Shupe  
Mike Larsen  
Wayne Hoaldrige

## Board members Absent

Paul Tittensor  
Lynn Excell  
Kim Hawkes  
Tom Paul

## Interview of Director Candidates

Interviews took place from 1200 hrs to 1340 hrs.

It was decided a follow up with Frank Budd is needed to discuss his availability for the meetings and requirements of the association.

## EDI

Training topics are being discussed, any input from the Chiefs would be appreciated.

## IACP

Val Shupe discussed the desire to have a social for the Utah delegation at the Hotel. Mike Larsen made a motion in favor of the social event, Val seconded the motion— Pass.

## EDI Assignments

As part of the agenda, EDI assignments were attached. These assignments according to office held have been around for a long time. Ed is requesting everyone to review the description and make suggestions as to adjustments.

Next Board meeting location and date to be announced. Please review these minuets, send any corrections or additions so they can be included.

Thank you  
Chief Tittensor

**Utah Chiefs of Police Association  
EXECUTIVE DEVELOPMENT INSTITUTE (EDI)  
ANNUAL CONFERENCE  
in St. George, Utah**

**Hope you had a great time!**

Dates for next year are: March 20-23, 2006  
(Monday - Thursday)

Host hotels are the St George Holiday Inn (<http://www.histgeorgeutah.com/>) and the  
St George Best Western Abby Inn (<http://www.bestwestern.com/>)



Utah Chief's of Police Association  
 P.O. Box 500  
 Lehi, Utah 84043

# Utah Chief of Police Association ACCREDITATION PROGRAM

Revised 3-30-03

The Utah Chief of Police Association Accreditation Program is intended to provide law enforcement agencies of the State with an avenue for demonstrating that they meet commonly accepted standards for efficient and effective operations. It is recognized that the standards included in this program do not reflect the maximum amount that can be done by an agency in any one area. They also are not minimum standards.

Law enforcement executives who choose to have their agencies accredited under this program will have examined all aspects of their operations. They will have made conscious decisions about policies and procedures that fit the law enforcement requirements of their jurisdictions and will have implemented those policies and trained their employees in their use.



Accreditation does not reflect that one law enforcement agency provides better law enforcement services to its community than that of a non-accredited agency. What it does reflect is that the accredited agency was carefully measured against an established set of standards and has met or exceeded accepted practices in law enforcement.

To get the entire document, go to the Association's webpage at:  
<http://www.utahchiefs.org>