



# The UTAH CHIEFS of POLICE ASSOCIATION

2006-2007 UCOPA President  
Chief Mike Larsen • Orem Department of Public Safety

ISSUE NUMBER: 4-2006

665 N. Meadow Creek Way, Morgan, Utah, 84050 • Telephone: 801-718-1569  
Executive Director: Dr. Frank Budd

## The President's Message

by Chief Mike Larsen  
Director, Orem Department of Public Safety  
President, Utah Chiefs of Police Association

In September I had the opportunity to represent the State of Utah and Utah law enforcement officers at a reception/luncheon commemorating the fifth anniversary of the 9-11 attacks. The reception was hosted by New York Governor Pataki specifically to honor first responders and was held at the World Trade Center site in New York City.

Governor Pataki expressed his thanks and appreciation for the support that New York received from first responders throughout the United States. In the few moments that I had to speak with the Governor he complimented Utah police officers and firefighters for their skills and professionalism while in New York City five years ago. He asked that I pass on his gratitude to each of you. Later in the evening I was present when President Bush laid a wreath at ground zero and spoke in an adjacent church. He expressed his support and gratitude for first responders and the unselfish manner in which you do your jobs every day of the year. He acknowledged that much of the response to the war on terror has been placed on our shoulders and thanked us for the work we do.



Chief Mike Larsen



Two weeks ago I had the opportunity to meet with Governor Huntsman to present the associations concerns and priorities for the coming year. I found the Governor to be supportive of police officers in this state. He understands the difficulties we face in our day to day jobs. While there are no guarantees that all of our objectives will be included in his budget or make it through the legislature I believe Governor Huntsman is sincere in his support and concern for our officers.

Utah first responders are well respected throughout this nation. I thank you for the professional way you do your jobs and the positive image of Utah law enforcement that you portray. I am proud to be associated with each of you and what you represent.

*Happy Holidays to each of you!*

## IN THIS ISSUE...

President's Message



Executive Director's Message



Mid Winter Conference Update



News from the Utah Department of Public Safety's Forensic Crime Laboratory



Los Angeles D.A. Discusses "Pat Down Searches."



Nov-Dec 2006

*The minister of the church was giving a Thanksgiving service.*

*A ragged man in the audience asked, "What is there to be thankful for?"*

*Surprised, the minister replied, "What is your name, sir?"*

*"Cause," was the reply.*

*"Well Cause, you could be thankful for your healthy body..."*

*"I'm blind and I have lung cancer"*

*"...or your family..."*

*"I don't have a family"*

*"...or your home..."*

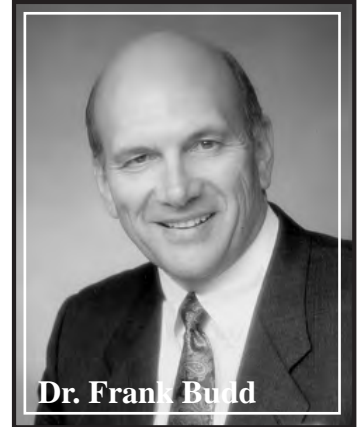
*"I don't have a home."*

*"Well, then I guess your a lost Cause!"*



# The Executive Director's Message

by Dr. Frank Budd  
Utah Chiefs of Police Executive  
Director



From the Director

It is hard to believe, but we are approaching our mid-winter conference, the legislative session, and the finalization of the agenda for the Chiefs' Conference scheduled for March 19-22, 2007. So, things are moving along!

The focus of the mid-winter conference is MANAGEMENT. We are excited about the speakers and the program that will highlight the kind of everyday questions and problems our chiefs face, or may face, at any time. The topics include: political survival; what to do in the event of an on the job serious injury or death; disciplinary problems and violation of policy, rules, regulations and/or the law; and recommended steps to take in early intervention of personnel problems. These topics are all subjects you will find on national agendas, as well as matters of local interest in most departments.

The conference will held Friday, December 8, at the Utah Valley State College campus in Orem. The registration information is contained in this newsletter as well as on the Utah Chiefs of Police web page.

In addition to the important information you will gain from attending this conference, it is a great time to come together and share professional interests as well as renew statewide friendships.

Remember, this is your association. It is vital that everyone supports its efforts. See you on December 8.



# Mid-Winter Conference Program

**8:00am-8:30am—Check In and Registration**

**8:30-10:00—“Chief, How Do You Stay Employed? The Art of Political Survival”**—Ken Bradshaw, City Attorney, City of South Ogden.

*Whether we like it or not, our jobs are political! All top law enforcement officers need to contemplate and know about navigating this often confusing and demanding part of the job. Ken Bradshaw, attorney, teacher, former city manager and defense attorney, will present advice and guidelines to assist in this major area of our responsibilities.*

**10:00-10:15—Break**

**10:15-12:00 noon—“Casualty Planning: A Guide for Preparing Officers and Departments for In-Service Death and Disability”**—David Blanchard, President and CEO of Badge of Honor Memorial Foundation; Sandie Doptis, Co-Chair Education Committee of the Badge of Honor Memorial Foundation

*Every agency has experienced, or may experience, the loss of, or serious injury to, an officer in the line of duty. All agencies share this potential 24 hours a day, 7 days a week. When it occurs, it is too late to plan. The entire spectrum of responsibility from notification to insurance and retirement issues can be a major challenge. These issues cannot be left to chance, a clerical staff person, or you personally-- unless you are prepared. When it comes to this topic... there may be something you don't know. Find out if, in fact, you are prepared!*

**12:00-1:00pm—Lunch (included in your registration fee)**

**1:00-1:30—“Peace Officer Certification: How is the State of Utah Doing?”**—Rich Townsend, Director, Utah Peace Officer Standards and Training

*Peace Officer certification and officer retention is vital to all of us. Every chief needs to be informed of legal requirements, including the problems and trends we are seeing statewide. Additionally, POST can assist agencies when working together to insure fairness and standards.*

**1:30-1:45—Break**

**1:45-4:30—“Early Intervention: Personnel Management Systems”**—Ken McGuire, Chief West Jordan Police Department; Lt. Kyle Shepard, West Jordan Police Department.

*Our hiring processes often include written, oral, physical, physical agility, psychological and polygraph exams, extensive background investigations, academy training, probationary periods, and field training. Yet, we still lose officers (sometimes veteran officers) to bad behavior, serious misjudgment, and/or unlawful acts. While all problems cannot be controlled or predicted, many can be. Early Intervention Systems can help, if problems are identified early. This section will help chiefs focus on identification and actions that may help reduce serious personnel problems.*

# MID-WINTER CONFERENCE

Sponsored by the Utah Chiefs of Police Association

**What:** A one day conference focusing on leadership and the challenges all chiefs and top administrators are facing, or may face, during their tenure in office.

**When:** Friday, December 8, 2006  
8:00am – 4:40pm

**Where:** Utah Valley State College, Orem, Utah  
McKay Events Center  
South Presidential Suite

**Parking:** There is parking adjacent to the Center on campus

**How to Get There:** For those needing directions, a detailed explanation can be found on [mckayeventscenter.com/direct/](http://mckayeventscenter.com/direct/)

**Cost:** \$60.00 per person; includes break and lunch.

## Registration Form

Name of Attendee(s):
Agency :
Telephone Number:
E-Mail Address

*Make check payable to Utah Chiefs of Police Association and mail to:  
Chief Kim Hawkes  
North Park Police Dept.  
2005 N. 1200 E.  
North Logan, Utah 84341*



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

# High Quality & Fast Service

by Stu Smith, Maj.  
Director, Utah Dept. of Public Safety Crime Lab  
801 965-4395

## The State Crime Lab mantra is “High Quality and Fast Service”.

We have pledged to provide these two attributes in all the products and services we offer.

In the world of forensic science, fast is the realistic maximum speed at which a scientific process can be conducted without compromise to quality principles.

Other factors that also govern speed of service are, available resources to apply to the task and the amount of back log that is pre-existing for the same service using the same resources. These factors are the same for all of us no matter what the product or service is that we provide.

There has been concern in the past that the services of the State Crime Lab have sometimes been too slow for court timelines or pressing investigative work. The State Crime Lab has always made priority cases a rush and now dramatic changes have cut backlogs and reduced turnaround times in all areas to impressive levels. Of course analysis still depends on many factors, but the averages have been steadily dropping over the last 18 months. Case turnaround times are not longer measured in years or even months, but in days (Chemistry three to six days, Impressions evidence thirty days, DNA evidence 100 to 120 days, Firearms twelve days) with turnaround times faster than national averages and standards.

The near future holds even more promise of high quality and fast service. Six new Forensic Scientists have been hired and are well on their way to being trained and accredited as experts in their scientific disciplines. They will be on casework very soon adding a new resource that will reduce turnaround times even more. Another concern had been the loss of Forensic Scientists to other labs because of the lowest pay in the state and in the country. This issue has been corrected and the 43% turnover rate has dropped to zero.

Through training and working together it is the belief

of the State Crime Lab that it is possible to improve the skill and quality of the criminal justice system in Utah.

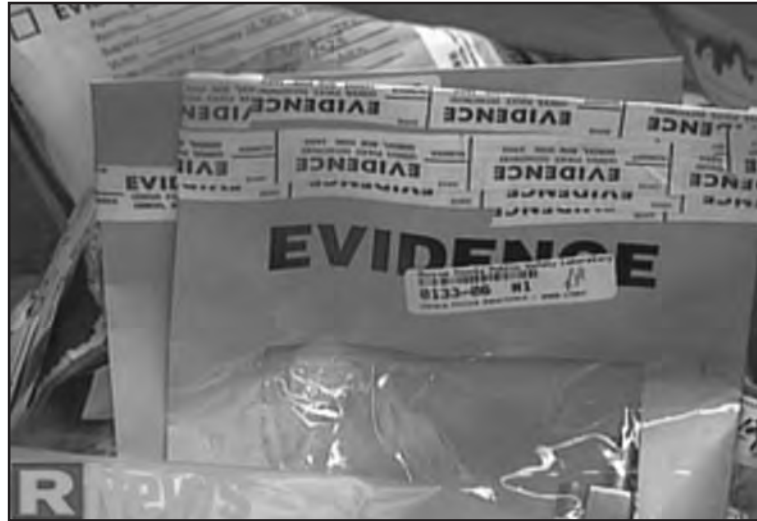
The State Crime Lab offers classes in Marijuana testing and will soon have new classes in Crime scene

expertise and full range drug testing. Expertise and ongoing certification in the presumptive testing of drugs and the processing of crime scenes will allow far more flexibility for local agencies to arrest, test and prosecute persons on possession and testify to that testing in court. The improvement in crime scene work is

something that is desirable for public safety and expected by courts and juries.

To future support this effort the state crime lab has a 24X7 support and answer line to answer question for agencies while they are in-route or on a crime scene. There is also a State Crime Lab response team that will come to any forcible felony crime against person crime scene to assist and add the expertise of the State Crime Lab in the identification, collection, preservation and analysis of evidence. For access to this service call 1-800-612-7855 anytime. Please share this number with everyone that does crime scene work and investigative work in your department.

The State Crime Lab wishes you success in your mission and thanks you for protecting those that we love.



Pilar Shortsleeve at the Utah State Crime Lab displays DNA kits

## The State Crime Lab & a few notes to the Utah Chief's

- The State of Utah Crime Lab has free on scene and by phone assistance crime scene support available.

**Call 1-800-612-7855** anytime and you will be able to discuss any challenges you are facing at your crime scene.

- The State of Utah Crime Lab will be undergoing a full on site accreditation audit of all four of our lab locations Dec. 10-15, 2006. We are asking all agencies to consider dropping off evidence the week before or the week after these dates to help us better complete this audit. The lab will be open a functioning but any adjustment you can make to help us during this short period of time will be of great assistance.

- Are you up to date on your understanding and your selection for applicants to the FBI National Academy. The Utah FBINA board of directors is asking that each of you review and reaffirm or submit a new list of names each year. It is recommended that you rank your list with your number one pick clearly designated. For more information about selection criteria please go to go to "Chapters" click on Utah and then click on "selection to the FBINA."

- The contact at the SLC FBI Division office is: Melissa Adams, Training Specialist, FBI SLC Office

FBI-SLC Division office address:  
257 east 200 south  
Salt Lake City, Utah 84111  
(801) 579-4721 phone  
(801) 579-4796 FAX

## Monthly Homicide Meeting

**Where:** Office of the State Medical Examiner

**When:** 2nd Tuesday of each month; 3-4:30pm

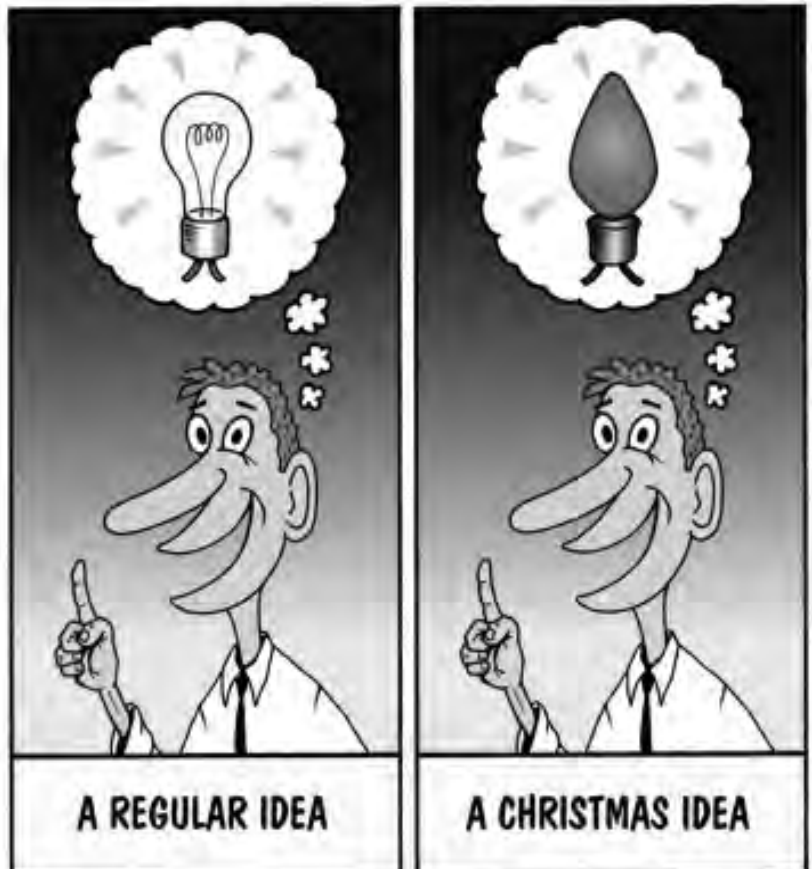
**Who Should Attend:** Any agency person with major responsibility for homicide cases.

The format is a discussion and photo evidence of a collection of recent cases that were unusual due to circumstances, method or manner of death. This might be helpful to an investigator to pick up on clues or issues at a crime scene. This may be especially helpful for those with problematic cases; and you are welcome to bring information on a case you are working.



### Contact Person:

Tom Anderson, Chief Investigator for OME  
twander@utah.gov  
801- 584-8428



# For Fourth Amendment purposes, what level of justification must a law enforcement officer have to conduct a "weapons frisk," or "pat-down" search?

COPYRIGHT (c) 2006 LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE. ALL RIGHTS RESERVED. MAY BE REPRODUCED FOR NON-COMMERCIAL PROSECUTORIAL, LAW ENFORCEMENT AND EDUCATIONAL PURPOSES ONLY.

Occasionally, a police report describes the circumstances of a weapons frisk during a detention this way: "After we detained him, I patted him down for officer safety." Officer safety (or public safety) is indeed the reason why pat-down searches are sometimes allowed, but only when the circumstances of the encounter support a reasonable belief that the person is "armed and presently dangerous to the officer or to others." *Terry v. Ohio* (1968) 392 US 1, 24. Omitting details of those circumstances may result in findings that the search was unlawful and that its fruits are inadmissible.

Andrew Milton Flatter, a postal employee, was stealing mail from the VA containing prescription drugs. He was caught in a sting and taken into an office where postal inspectors patted him down, "for officer safety." The evidence recovered during this frisk was admitted to convict him, but the Ninth Circuit reversed and suppressed because no facts were articulated to establish a reasonable suspicion that Flatter was armed and dangerous (other than that he was a POSTAL employee working in a POST OFFICE). *US v. Flatter* (9th Cir. 2006) WL 2269055, DJDAR 10438.

Rarely will a single factor be enough to justify a pat down (exceptions: violent crime suspected, serious threats, reliable reports or visible evidence of weapons). In most cases, an officer writing a report and a prosecutor responding to a suppression motion should develop all of the relevant circumstances, which may include the following:

- \* Violent crime suspected. *People v. Thurman* (1989) 209 Cal.App.3d 817.
- \* Remoteness of the area. *Michigan v. Long* (1983) 463 US 1032.
- \* Obscure area. *People v. Castanedo* (1995) 35 Cal.App.4th 1222.
- \* High-crime area. *People v. Souza* (1994) 9 Cal.4th 224.
- \* Late hour. *People v. Rico* (1979) 97 Cal.App.3d 124.
- \* Number of suspects. *People v. Samples* (1996) 48 Cal.App.4th 1197.
- \* Number of officers/back-up. *People v. Rico* (1979) 97 Cal.App.3d 124.
- \* Size of suspects. *In re Michael S.* (1983) 141 Cal.App.3d 814.
- \* Threatening demeanor. *People v. Szabo* (1980) 107 Cal.App.3d 419.
- \* Suspicious clothing. *US v. Hines* (9th Cir. 1991) 943 F.2d 348.
- \* Suspicious bulges in clothing. *Pennsylvania v. Mimms* (1977) 434 US 106.
- \* Abrupt movement. *People v. Rosales* (1989) 211 Cal.App.3d 325.
- \* Trying to hide something. *People v. King* (1989) 216 Cal.App.3d 1237.
- \* Evasive conduct. *People v. Stone* (1981) 117 Cal.App.3d 15.
- \* Citizen reports of weapons. *Adams v. Williams* (1972) 407 US 143.
- \* Prior contacts/trouble. *People v. Williams* (1992) 3 Cal.App.4th 1100.
- \* Weapons/ammo/holsters. *People v. Foranyic* (1998) 64 Cal.App.4th 186.
- \* Warnings in official bulletins, etc. *US v. Hensley* (1985) 469 US 221.
- \* Hand-to-hand drug sale. *People v. Limon* (1993) 17 Cal.App.4th 524.
- \* Duty to transport riders. *People v. Tobin* (1990) 219 Cal.App.3d 634.

Including as many of these and all other factors as the evidence supports may enhance the likelihood that a pat-down search will be found reasonable under the Fourth Amendment.

**Bottom Line: To meet the constitutional standard, a weapons frisk or pat-down search of a detainee must be based on articulable facts that support a reasonable suspicion the person searched may have been armed and dangerous.**



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

*Final Thoughts!*

*Best wishes for a  
safe and peaceful  
holiday season  
and Happy  
New Year!*

