

# The Utah Peace Officer



Volume 90  
Winter 2013/2014

Derek Ray Johnson  
EOW September 1, 2013

# UTAH PEACE OFFICERS ASSOCIATION

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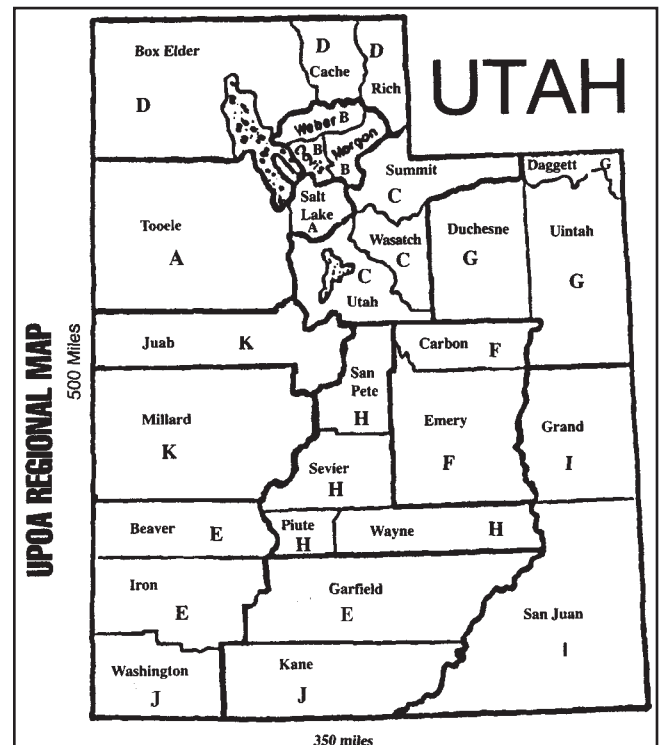
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In order to make the Utah Peace Officer as interesting and as informative as it can possibly be for Peace Officers and their families in the State of Utah, we invite your contributions of pictures and articles of general interest to all of us.

It is our sincere desire to make each publication one that will be looked forward to with anticipation.

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# President's Message

*Sgt. Del Schlosser, Iron County Sheriff's Office*

I would like to take just a quick moment to introduce myself to all our readers. I was born and raised in the southern Utah area and call my hometown New Harmony. I spent some time growing up in the Tonopah, Nevada area as well. I graduated from Southern Utah University and began my work towards Law Enforcement. I am married with three children, who keep my wife and I busy with all their activities, which I would not trade for anything in the world.

When I was growing up, I worked for a local Veterinarian in Cedar City. I loved working with animals and always thought I would be a veterinarian. That all changed with a scout master who, at the time, was a "rookie" with the Cedar City Police Department. He invited me to go on a ride along. I went with him several times and was hooked after the first ride along. This started my path to where I am now. I have worked with the Utah State Parks at Coral Pink Sand Dunes, Washington County Sheriff's Office, Box Elder County Sheriff's Office and for the past 16 years, I have been with the Iron County Sheriff's Office.

Over the course of my career I have seen many great things and have been involved in many as well. I look back at these times and think who shaped me into who I've become. First and foremost, my father taught me the value of hard work and never giving up on what you want. Second are all my other "fathers" I have adopted over the years who have

also taught me many great things. Then I have to look at all the great friends, coworkers and supervisors I have worked with over the years. I can say each of these men and women have taught me something and have shaped me into who I've become. We all learn from our own personal lives as well, which helps us become a better person.

When I was hired with the Iron County Sheriff's Office, they paid my membership to the Utah Peace Officers Association (UPOA). Not knowing much about the UPOA, I went to a few conventions and other trainings they put on. My Sergeant at the time; Bret Allred was the only K-9 handler for our department. We had written a grant to obtain a second K-9, which our department received and I was fortunate to get the new K-9. The regional representative for area, Sgt. Rick Evans, had asked Allred to coordinate the UPOA K-9 trials which they (UPOA) were just beginning. Allred was deployed with the Utah National Guard to Iraq after taking on this assignment. Evans then asked that I take this project over which began my time with UPOA. I was the UPOA K-9 chairman for five years. After many years of service to the UPOA Evans resigned from the regional

representative's position for our area. Evans asked I be put in his place as a regional representative. I took over this position for the next two years and then was voted onto the executive board.



Not knowing what I was getting into, I accepted the nomination as president elect at the midwinter convention in 2010. Over the past several years, there've been many changes within law enforcement and the UPOA. Changes within the UPOA

have caused many great things to occur. One of these great events is the dedication of the "Fallen Peace Officer Trail" near Moab, Utah this past year. This Trail was started to honor Utah State Parks Ranger Brody Young but, as he says "They name trails after dead people and I am not dead yet". So with Young's direction, the name of the trail was for our fallen. Having been to all too many officers funerals, this trail ride shows the true family we as law enforcement officers have. Talking with and interacting with families of all the officers who were honored was a humbling experience. We have set the date for the next ride as April 5, 2014. This ride is for anyone, regardless if they are involved in law enforcement or not. I invite you to join us for this great

event in Moab.

As the Utah Law Enforcement Memorial shows, we lose an officer on average in the state of Utah once every nine months. It had been over a year since we have lost an officer in the state of Utah in the line of duty until Draper Police Sergeant Derek Johnson was fatally shot. We have lost other members of our Law Enforcement community to other non-duty related activities. When we lose an officer regardless of how or when this occurs this affects each and every one of us. As president

of the UPOA, I pray all of our officers are safe and we do not lose another officer in the state. I know at some point unfortunately one of our officers will pay the ultimate sacrifice.

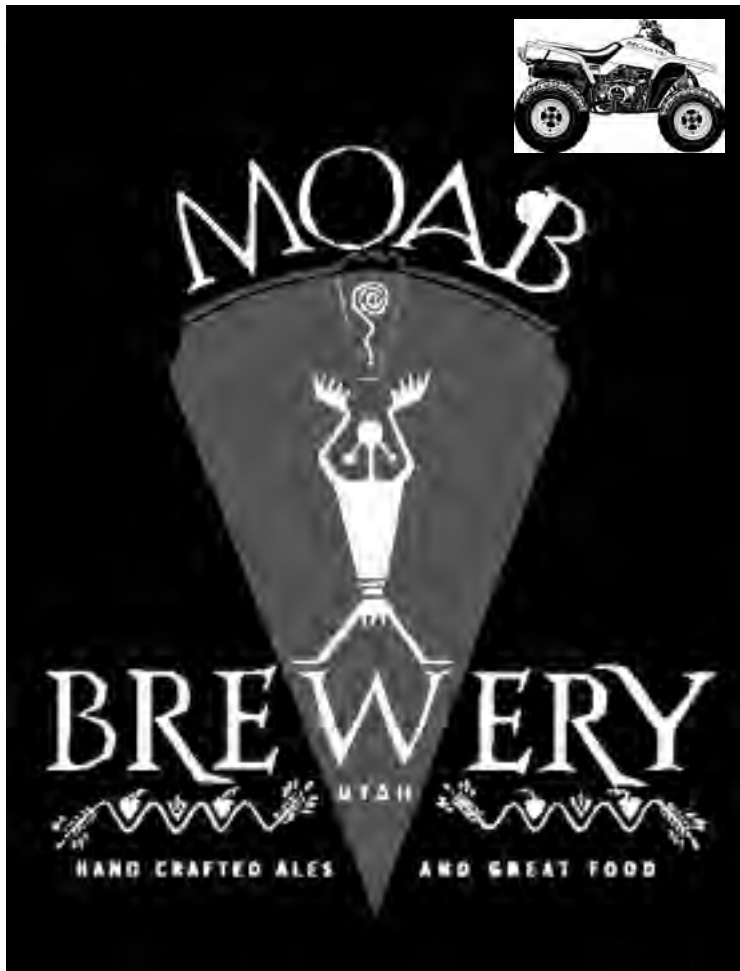
I want to let each and every one of you know what an honor it is to work alongside you regardless of where you work within this state. The UPOA is committed to supporting ALL officers of law enforcement regardless of department, rank, and location. The UPOA wants to make sure we bring quality training

to each officer within the state. We also want to support the families of those fallen officers. If any of you have questions, concerns or ideas, I invite you give me a call or email me.

I will end with saying we all should remember to have integrity, professionalism, and commitment to do our jobs to the best of our ability. You must wear your vest, watch your six and above all, be the one who goes home at the end of the night.

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**There are many of us who enjoy reading publications via an iPad or computer. If you would rather read *The Utah Peace Officer* on line and not receive a hard copy of future issues of the magazine, please let us know at [upoabrigitte@gmail.com](mailto:upoabrigitte@gmail.com). We will let you know via e-mail when the new issue is available for viewing on <http://www.upoa.org>. And, if you decide in the future that you would rather receive a hard copy of the magazine, just let us know and we'll make sure you are put back on the mailing list. Just make sure we have your correct address. "LIKE" us on Facebook! APBs and the magazine will be available for future enjoyment and references on line at [upoa.org](http://www.upoa.org)**



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# In Memorium: Sgt. Derek Johnson, Draper, Utah P.D. End of Watch, September 1, 2013

**By Ken K. Gourdin**

It appears that Draper P.D.'s Sergeant Derek Johnson was ambushed and shot dead while on routine patrol when he checked on a vehicle which was parked at an odd angle. Sergeant Johnson had eight years of service, and was, by all accounts, an exemplary officer.

As I have often said in the past, I have been fortunate enough that I don't know what it's like to lose a loved one in the line of duty. As the son of a career law enforcement officer who spent 43 years on the job, I do, however, know what it's like to pray for a loved one's safe return when he left for work each morning, afternoon, or night.

None of us knows how long we have left, or how or when our life might end. All we can do, in the immortal words of Colonel Sherman T. Potter of M\*A\*S\*H, is "hit what's pitched"; do our best to make the most of whatever time we have left—whether it's decades, years, months, or days; and do our best to ensure that we die with as few regrets as possible. There's a good deal of cynicism in law enforcement, and not without good reason. As I've written elsewhere before, it's hard to work very long in law enforcement without beginning to feel as though there are only two kinds of people in the world: cops—and everyone else.

It's easy to give in to the feeling that no one appreciates you; that everyone believes if you take a well-earned and much needed break after doing something few other people would

be caught dead doing, you're a loafer; that if you pull someone over and issue a traffic citation, those you stop think you do so not because you believe in promoting safety on the roadways by enforcing even "minor" traffic laws, but, rather, simply because you "don't have anything better to do"; that everyone you encounter thinks that officers are only there when we don't need them (in our rear-view mirrors, lights flashing)—yet they're never there when we do; that everyone believes you're overpaid and underworked, rather than the other way around; that everyone has given in to the stereotype of law enforcement officers as "fat," "lazy," "donut-scarfing" idiots; and that everyone thinks he knows the traffic and criminal codes better than you do, even after you've spent months in the academy, years on the job, and dozens of hours each year in required in-service training. (And while maintaining fitness is important, few people can understand what havoc eating while most everyone else is sleeping—and vice-versa—wreaks on an officer's metabolism.)

Yet in all the accounts I've read of him from those who knew him best, even after his eight years on the job, Sergeant Johnson managed to avoid becoming afflicted with the various forms of cynicism I describe above. However great the temptation to succumb to that cynicism, the best way to honor the memory of the Sergeant Johnsons of the world is to follow their example: to strive to treat everyone with respect (even when, and in fact especially when, they might not deserve it.) It's easy to respond in

kind when someone treats you with respect, but to borrow and slightly alter a passage from the Holy Bible, "If ye respect only those who respect you, what reward have ye?"

It is true that law enforcement officers are not all above reproach. It is true that some have violated the sacred public trust and tarnished the badge they have worn. In doing so, they bring not only their agencies, but also law enforcement in general into disrepute. It is true that none of them is perfect. The exceptions who have dishonored their profession have fed public cynicism. It is true that one of the most difficult things any officer can do is to avoid returning cynicism for cynicism, but doing so only sets in motion a vicious cycle in which officers' cynicism leads to interactions with the public which feeds its cynicism—and around and around (and further down) it goes.

While it's much, much easier said than done, the best way to honor Sergeant Johnson's memory is to do the best we can to avoid getting sucked into that vicious downward spiral of cynicism and to know that the vast majority of members of the public appreciate the sacrifices which officers and their families make in order for them to do their jobs. Even optimism which occasionally is betrayed is better than cynicism and pessimism which are always rewarded.

*About the Author – Ken K. Gourdin, who is certified as a paralegal by the National Association of Legal Assistants in Tulsa, Oklahoma, and*

holds a Bachelor of Science in Criminal Justice from Weber State University, has written extensively on law enforcement and legal issues, and has previously had work published in several newspapers, as well as in *The Utah Peace Officer*. He also maintains a blog at [Greatgourdini.wordpress.com](http://Greatgourdini.wordpress.com) on which this essay originally appeared.

## The 3-Gun Shoot

By Jeremy  
Dunn



Since 3-Gun Nation TV aired on The Sportsman Channel back in 2010 there has been a huge increase in interest and participation in Multi-gun competitions. There are many organizations taking part in the Multi-gun craze such as United States Practical Shooting Association (USPSA/IPSC), International Defensive Pistol Association (IDPA), and 3-Gun Nation. Many local gun clubs set up outlaw Multi-gun matches not specifically affiliated with the above organizations. They use their own set of rules or mixture of rules from the larger organizations. All matches have one thing in common: fast paced run & gun using multiple firearm types. Speed and accuracy are equally important in this shooting style.

The most commonly used weapon groups are tactical rifle, shotgun, and pistol. There are many divisions that will facilitate your budget and weapon types. The most commonly used firearms are likely what your department issues or guns sitting in your gun safe right now.

To begin competing in Multi-gun I recommend the following as a good starting point. A reliable, high capacity semi-auto pistol (Glock, Sig, XD, M&P, 2011, etc.) with the ability to carry at least 40 rounds on your person is suggested. A good holster and magazine pouch are needed, a duty belt works perfectly. For rifle the AR15 is most popular. A red dot optic or CQB scope (1-4, 1-6, or 1-8) on the rifle is better,

but not required. For shotgun a 12 gauge with at least 5+1 capacity is sufficient, but higher capacity is better. The ability to carry extra shells is important either using a side-saddle or caddie on your belt. Some stages will require up to 20 shells. Also some matches will require transition between slug and shot, a good practice for duty use.

This sport is not to be used as a replacement for tactics trained by your departments. It is a sport to fine tune fundamentals, grip, stance, trigger control, and rapid target acquisition. You will learn to shoot more accurate at speed. An important part of competition is motivation for practice and giving you a measuring standard for your increase. By shooting this sport you will see increases in your firearms skill, proficiency, and familiarity. There are no alibis for malfunctions in this sport or real life. You will learn to quickly fix malfunctions and verify the equipment functions properly.

Proficiency, speed, and accuracy in firearms will increase your odds of going home safely every day. Your firearm abilities directly affect your depart-

ment, and your community, and your personal safety. This is one of the most enjoyable forms of life insurance.

The UPOA is looking at hosting an outlaw Multi-gun match as a new form of firearm competition within the organization. This will be geared specifically towards police but with strong roots into the Multi-gun sport.

**The first match is being planned at the Mid-Winter Convention February 5-7<sup>th</sup> 2014 in St. George, UT.**

**If you are interested in shooting this match contact your local UPOA representative or me at [JeremyD@CityofEnoch.org](mailto:JeremyD@CityofEnoch.org).**

An advertisement for Columbia College Salt Lake. It features a black and white photograph of a smiling man in a suit and tie. The text is overlaid on the image. The main headline reads: "My college doesn't just thank me for my service, they give me the credit I deserve." Below this is the Columbia College logo and "SALT LAKE". Further down, it says "Earn up to 24 credit hours toward a criminal justice degree." and provides the phone number "(801) 281-6677" and the website "GoForGreater.org". At the bottom right, it says "Evander Brim '10".

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### **Wednesday, February 5th**

1200-1700 Golf Tournament  
3 Gun shoot

### **Thursday, February 6th**

0730-0900 Registration

0900-0930 Opening Session: President Del Schlosser conducting

0930-1100 Surviving the unthinkable – The Brody Young story

11:00-1200 “What Get Us Into Trouble” - POST Investigator, John Crowley

1200-1300 Lunch – On your own

1200-1300 UPOA Board & Auxiliary Board Meeting and Lunch (Spouses welcome)

1300-1700 Breakout Session Room A - PREA & Staff - Inmate Relations  
Breakout Session Room B - Human Trafficking

1900-2130 BANQUET: ***“Officer of the Year” Announced***

### **Friday, February 7th**

0800-0900 UPOA Business Meeting - Nominations for Vice President & Sergeant at Arms  
UPOA Auxiliary Meeting

0930-1130 Legal Update – Keeping the officer out of Civil Litigation - Heather White

1130-1300 Lunch – On your own

1300-1500 Alex Huggard

1500-1700 Human Trafficking

1500-1700 F.I.S.T.





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# UTAH PEACE OFFICER STANDARDS AND TRAINING



## POST Session #298

October 15, 2012 – December 20, 2012

**Front Row L to R:** Michelle Nelson – Basic Technician, Tyrell Shepherd, Shane Oldfield, Shawn Peterson, Stephanie Faulkner, Chelsea Winslow, Clinton Whitney, Regan Anson, Todd Rasmussen, Julie Gomez – Basic Technician **Middle Row L to R:** Sgt. Beau Mason, Sgt. Glenn Poret, Jordan Schmidt, Marcus Beckstead, Nicholas Pollock, Cory Tsouras, Craig Brown, Shane Franchow, Jonathan Reep, David Gill, Kevin Worlton, Sgt. Barry Watkins **Back Row L to R:** Sgt. Burk McBride, Dustin Cordova, Jared Stillion, Jace Peterson, Robert Tibbits, Chris Cordova, Sgt. Shayne Terry, Lt. Wade Breur

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**POST Session #299**

**December 3, 2012 – April 9, 2013**

**Front Row L to R:** Julie Gomez – Basic Technician, Todd Gil-  
 lis, Scott Mackelprang, Yader Zelaya, Brett Paulsen, Kenneth  
 Chugg, Michelle Nelson – Basic Technician **Middle Row L to**  
**R:** Sgt. Glenn Poret, William Riches, Justin Adams, Andrew  
 Olson, Joshua White, David Broderick, Jeffrey Dutson, Daniel  
 Krum, Jeffrey Blankenagel, Sgt. Barry Watkins **Back Row L**  
**to R:** LT. Wade Breur, Jade Bills, Justin Zilles, Bryan Adams,  
 Erick Otero, Kade Loveland, Aaron Capes, Kerry Ball, Justin  
 Jensen, Bret Chamberlain, Sgt. Shayne Terry



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# UTAH PEACE OFFICER STANDARDS AND TRAINING



## POST Session #300

January 7, 2013 – April 18, 2013

**Front Row L to R:** Julie Gomez – Basic Technician, Joshua Lambdin, Wes Marshall, Matthew Haskell, Travis Hancock, Sarah Kinross, Jessica Colby, Michelle Nelson – Basic Technician **Middle Row L to R:** Sgt. Glenn Poret, David Horowitz, Ryan Wilde, Kirk Folsom, Arden Sellers, Edward Dalton, Geronimo Abrahoa, Eric Heywood, Colby Zeeman, Kellen Worwood, Aaron Richards, Joshua Lynch, Sgt. Shayne Terry **Back Row L to R:** LT. Wade Breur, Travis Knorr, Michael Anderson, Nathan Bastian, Matthew Fischer, Shaton Hatch, Charles Frazier, Scott Turner, Andrew Hercules, Caleb Hobbs, Anthony Fusco, David Trahan, Kasey Hart, Sgt. Barry Watkins

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**POST Session #301**

**April 8, 2013 – June 13, 2013**

**Front Row L to R:** Michelle Nelson – Basic Technician, Amanda Zeller, Daniel Gunrud, Medin Kurudzija, Christopher Moore, Cody Pender, Cecilia Fowers, Julie Gomez – Basic Technician

**Middle Row L to R:** Sgt. Glenn Poret, Jacob Greenwood, William Morell, Victor Shaw, Nicholas Jensen, Joshua Provost, Joshua Probst, Jeff Smith, Sawyer Leonard, Sgt. Barry Watkins

**Back Row L to R:** Adam Neff, Robert Wagner, Wade Wright, Mitch Carver, Ryan Smith, Addison Adams, James Michael Harvie, Taggert Foias, Garret Tan, Sgt. Shayne Terry, Lt. Wade Bruer

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# UTAH PEACE OFFICER STANDARDS AND TRAINING



## POST Session #302

May 6, 2013 – August 15, 2013

**Front Row L to R:** Basic Technician Julie Gomez, Jennifer Worthen, Daphne Turner, Michael Downs, Jose Castro, Clive Snelson, Daniel Valenzuela, Michael Ruf, Kelly Sharp, Basic Technician Michelle Nelson **Mid-  
dle Row L to R:** Sgt. Glenn Poret, Hector Dominguez, Griffin Fearonce, Jeffrey Rodeback, Jacob Hall, Zack-  
ary Bahlmann, Curtis DeLeeuw, John Derbidge, Dustin Appel, Sgt. Alex Garcia **Back Row L to R:** Sgt. Barry  
Watkins, Brian Stilson, Trevor Monson, Arturo Agüero, Anthony Sorensen, Eric Haskell, Brian Asay, Jared  
Carlson, Jason Wilcock, Ryan Nelson, Sgt. Shayne Terry

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**POST Session #303**

**May 20, 2013 – September 11, 2013**

**Front Row L to R:** Sgt. Barry Watkins, Julie Gomez – Basic Technician, Nicholas Richins, Chase Tanton, Parker Thomas, Jason Tripodi, Joshua Johnson, Michelle Nelson – Basic Technician, Sgt. Shayne Terry **Back Row L to R:** Sgt. Glenn Poret, Sgt. Alex Garcia, Sgt. Beau Mason, Jennifer Faumuina, Rebecca Stone, Jerry Hardy, Ronny Corona, Garland Pierce, Lt. Wade Breur

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# Explorers attend another Explorer Academy

**By Sheriff Cory C. Pulsipher  
Washington County S. O.**

The Explorer Academy is the highlight event of the year on our Explorer calendar. Because many of our Explorers have ambitions to pursue a career in law enforcement, attending the academy is a career building event. It puts Explorers through a boot camp experience focused on law enforcement giving them a chance to use many of the skills they have learned during the past year. They see the rewards that come from their hard work and learn to depend on others as part of a team. While I have been able to hire some of our Explorers at the Sheriff's Office, all of our Explorers learn life skills that benefit them in any career they pursue.



The Washington County Sheriff's Office Explorer Post goes dark July of each year as our staff prepares Explorers heading to Riverside, California, for the Explorer Academy. The Explorer Academy is an annual week long live-in training experience for our Explorers at the Riverside County Sheriff Department's Ben Clark Public Safety Training Center. During the academy Washington County Explorers train and compete with Explorer posts from across California.

Preparing Explorers for the Academy is an intense training process. This year Sergeant Danny Kroff provided physical training workouts while SWAT Team Leader Sean Sparks provided training on felony stops and active shooter scenarios. Explorers spent four hours of training at our firearms range with Sergeant Louis Capasso and Sergeant Ryan Larkin. Explorers spent an additional four hours with Deputy Rick Massey learning to march and perform drill movements.

The 2013 Explorer Academy was particularly exciting because we were able to send more Explorers to participate

than ever before. A total of 9 Explorers (3 females and 6 males) represented Washington County. The Explorer Academy kicked off on Sunday, July 21<sup>st</sup> at 7:00 A.M. hours and continued through Friday July 16<sup>th</sup>.

I arrived in Riverside on Wednesday evening, July 24<sup>th</sup> to watch our Explorers participate in the "Will to Survive" training. Each Explorer starts in the drivers seat of a stationary marked unit. When the siren sounds, the Explorer exits the patrol until and starts giving verbal commands to a suspect that just exited from a vehicle that is parked just in front of the marked unit. The Explorer then gives chase for about 100 yards then scales a six foot wall.

The Explorer is then moved in front of a suspended training dummy where they then strike the dummy for 40 seconds with an ASP. They proceed to another training dummy where they have to punch, kick, elbow, head-butt the dummy for 40 seconds.

At the next stage of "Will to Survive" Explorers perform a body drag with a 165-pound dummy. They are then sent to the mat room where they don head gear, receive a training baton and confront a trainer in the "Red Man" suit for 40 seconds and finish with 40 seconds of ground grappling.

Friday morning is the "Pride Run". I arrived at the training center and ran with the entire Explorer Academy for a 30 minute team-building run. Graduation kicked in early afternoon at the Grove Community Church in Riverside. This year included bag pipers marching while playing traditional music. The bag pipers took their place and provided accompanying music for the Explorer entry march.

The Explorer Academy is tough. They started with eighty-five Explorers and graduated seventy-eight. I am proud to say that all nine of our Explorers graduated and represented Washington County well. Explorer Lieutenant Dan Silva earned Male Top Gun award, he had the best shooting score

with the fastest time.

During the graduation ceremony I was able to recognize our Explorer Advisor Oscar Garcia who was recently honored with a very prestigious award

at the National Sheriff's Association Conference in Charlotte, North Carolina. In June Oscar was recognized in the general session as the 2012 "Explorer Advisor of the Year". Oscar will also be recognized again by our Utah Sheriff's

Association next month in St. George.

**Editor's Note:** Congratulations, Oscar, from your law enforcement peers in the State of Utah!



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# Case Law Update

**October 2013**  
**by BL Smith**  
**Utah Peace Officer Association**  
**Region A Representative**

## **TOPIC: ANSWERING CELL PHONE**

**SCENARIO:** Border Patrol agents stopped an individual in his vehicle they believe was helping individuals enter into the United States illegally. While questioning him, they asked for permission to search two phones they observed in the vehicle. Saying the vehicle and phones were not his, he gave CBP permission to 'search' his phones.

While looking at the phone, it rang and the CBP agent answered it and obtained additional evidence that the person they had stopped was engaged in assisting illegal entry into the United States. He was arrested.

1. Was answering the phone the agent had permission to search legal?

**ANSWERS: United States v. Lopez-Cruz 9/12/13, XIPHOS September 23, 2013** (Utah Attorney General Newsletter)

1. No. The court ruled that "As a general matter, consent to search a cell phone is insufficient to allow an agent to answer that phone; rather specific consent to answer is necessary."

## **TOPIC: SEIZURE AND THE FOURTH AMENDMENT**

**SCENARIO:** Toledo PD put together a saturation enforcement at a shopping center known for high crime to include robbery, theft, drug activity and loitering. After surveillance for most of the day, numerous people were targeted as

loiters because they neither shopped, had shopping bags, and/or entered the stores. They did, however converse with a person riding a bicycle that came and went frequently during the day.

With officers to block all exits, a helicopter, sergeant and lieutenant supervising they initiated what they called the 'bum rush', which is their saturation tactic of coming in fast to the location, covering all exits, to contain where all their targets were.

Officers Toth and Niles, when approaching the shopping center, observed who appeared to be the person who was in and out of the center on his bicycle all day. This was the person officers were most interested in. While pedaling the bicycle normally away from the center towards Franklin Street, Niles rolled down his window as they came abreast of him and asked if he could speak with him (Jeter).

Jeter did not respond and started wandering away on his bike. Officers Toth and Niles moved their vehicle to effectively block Jeter's pathway onto Franklin Street. Once blocked from exiting Jeter stopped at that point. Toth and Niles exited their vehicle to speak with Jeter. Jeter looked at both officers and started running away.

While running, officers noticed Jeter clutching the right front pocket of his shorts. Upon catching Jeter they found a .22 caliber handgun in his right front pocket. Jeter was charged with felon in possession of a handgun.

1. Was Jeter seized when police blocked his path with their patrol car?
2. Did police 'provoke' flight to use as a factor to justify a reasonable

suspicion stop?

3. Once officers caught up and detained Jeter was this a lawful detention/seizure?

**ANSWERS: United States v. Jeter, Brian S. Batterton, Attorney PATC Legal & Liability risk Management Institute October 2013**

1. No. There are two types of seizure recognized by the United States Supreme Court. "The first type exists when an officer uses physical force to restrain a suspect. The second type of seizure occurs when a person submits to a show of authority from an officer." Terry v. Ohio 1968, California v. Hodari D. 1991.

- a. A 'show of authority' could be an officer saying 'stop' or 'hold up' and that person does stop, or hold up.

2. The momentary pause can hardly be considered a submission to authority. In this case Jeter did not, in any way, converse by word or gesture any compliance with officers at all. Discarding his bicycle and running away from officers, Jeter, in effect, manifested his intent to ignore the officers.

- a. Where there is no seizure, there can be no Fourth Amendment violation. **California v. Hodari D. and Galas v. McKee 1986.**

3. Yes. Jeter argued police 'provoked' his flight. The court said there was a 'lack of clarity' as to what facts may constitute a provoked flight which would render all evidence, after seizing the suspect, tainted. They mentioned fraud and/or fear of imminent harm from police. None was found in this case. The court said:

a. There was no evidence that the police used fraud to provoke Jeter

b. He did not run because he feared imminent harm

c. The court noted that Jeter was the only person in the whole group of individual to flee when the police rushed the group

d. Only one car with two officers approached Jeter.

e. Officers approached with their windows down and asked to speak with him

f. Jeter admitted he ran because he had a gun. This negated his argument he ran because he was 'provoked' by police

g. Citing **U.S. v. Wardlow 2000**, the court said that flight is not necessarily indicative of wrongdoing, but it is certainly suggestive of such. Here Jeter fled in response to the presence of law enforcement AND grabbed the front right pocket of his shorts as he fled giving officers a belief that he possibly had contraband. That plus a 'high crime area' provides the inference of suspicious behavior that justifies a Terry stop under Wardlow.

4. Here, again, this case was won by prosecutors because of the 'detail' put into the police reports. Without that articulation this case may have had a different outcome.

**TOPIC: FRISK**

**SCENARIO:** 911 received a call on a man assaulting a woman on a street corner.

The complainant reported he saw a 'man beating up his girlfriend or his wife' and adding that the man was 'giving it to her pretty good.' A description was then given of both the man and woman involved.

The call was dispatched as a possible domestic violence. Officer Cunningham and Sergeant Zaino arrived to find a man and woman matching the description given by dispatch. Both parties were separated. Both parties told police nothing had happened.

Mouscardy refused to give his name or any type of identification to either officer. Mouscardy had grown visibly 'agitated and fidgety' and began 'eye-balling' the area. Keeping his right hand in his jacket pocket Mouscardy began to circle away from the wall until he was almost standing in the street. Zaino asked Cunningham if Mouscardy had been patted down. The answer was no after which Zaino told Mouscardy that he was going to search him for weapons and to take his right hand out of his pocket.

Officer Selfridge had arrived on the scene by this time and initiated the pat-down. As Selfridge reached the right pocket Mouscardy slapped his hand away. Selfridge managed to grab the pocket where it ripped slightly as Mouscardy turned away and started to flee. The contents of the pocket were still not known.

Selfridge running ten feet behind watched Mouscardy try and take something from his pocket. During the pursuit a gun was extracted from this pocket and shifted to his left hand. Mouscardy was taken into custody trying to climb a chain link fence

and prosecuted federally.

1. Was a Terry Frisk justified at the time it was initiated?

**ANSWERS: United States v. Mouscardy July 2013.** Brian S. Batterton, Attorney PATC Legal & Liability Risk Management Institute September 2013

1. Yes. The court has to apply the two-step analysis to a Terry Stop & Frisk.

a. The first is whether there was enough information to justify a Terry Stop at its inception. The court had no problem with this. Upon arriving at the scene they found the two individuals who matched the description of the assault/domestic.

b. The court then had to decide if the officer's actions were reasonably related to the facts that justified the stop. Mouscardy argued that once both parties said nothing had happened the detention exceeded the scope.

i. Again the court had no problem. The court cited police diligently pursued a means of investigation likely to confirm or dispel their suspicion. Mouscardy refused to identify himself during the investigation at least six times. This denial prevented officers from completing their investigation more quickly.

ii. 'It is undeniably both appropriate and important for an officer to take steps to identify the parties involved in a domestic dispute.' **Hübel v. Sixth Judicial Dist. Court of Nev.** (2004)

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iii. Officers needed identification in order to determine whether arrest warrants or restraining orders exist. (Citing Hiibel again)

c. '...police conducting a Terry stop are entitled to take reasonable measures to protect their own safety and taking such measures does not transform a Terry stop into an arrest.' **United States v. Pontoo 2011**. The court in this case noted that the dispatch involved a violent crime, particularly that a man was beating a woman. The court said it was 'highly relevant' that this incident involved the report of a crime of violence. Mouscardy refused to identify himself, thereby attempting to conceal his identity. Lastly the court referred to Mouscardy became nervous and agitated and began "eyeballing" the area as the officer's spoke with him.

d. Finally the court said: 'We conclude that, in light of the totality of the circumstances, Officer Selfridge had a reasonable suspicion that Mouscardy might be armed and dangerous, thus justifying his initiation of the frisk.'

**TOPIC: DUI-EXIGENT CIRCUMSTANCES**

**SCENARIO:** An officer was dispatched to meet an off duty officer who had been following an erratic driver whom the off duty officer felt may be DUI. The officer was told the driver had just pulled into a garage at a home. The on duty officer pulled up and parked across the driveway of Corey's garage. The office saw Corey halfway between her car and her interior door entrance to her home, which was on the driver's side of her car.

Walking up the driveway the officer identified him, asked if he could talk to her,

and began having a conversation with her about how she had been driving erratically.

At the top of the driveway the officer said Corey had her hand on the doorknob, foot on the step, and was getting ready to shut the garage door.

After entering the garage the officer found Corey did not smell of alcohol, had a prescription bag in her hand from a pharmacy, had driven her car to the end of her garage rupturing a container of liquid and damaging the wall. The officer asked if there was anyone else in the house. Corey replied her children and she had to urinate. The officer told Corey to stand right there so we can... (Tape was unintelligible).

Back up arrived and the officer re-contacted the off duty officer and spoke with him about two minutes getting further details. Corey was not allowed to go inside her home.

After re-entering the open garage Corey was questioned if she had anything to drink. She said she had a glass of wine, was under stress because her husband was incarcerated, refused an 'alco-sensor test' and just wanted to go inside her house where her kids were and go to sleep.

Next the officer had a two minute conversation with his supervisor after which he decided to continue his DUI investigation in the garage. After three FST Corey was arrested for DUI drugs.

1. Was this garage a constitutionally protected area under the Fourth Amendment?

2. Were their exigent circumstances for a warrantless entry into this

garage?

3. Did Corey consent to the officer's entry into her garage?

**ANSWERS: Corey v. State Georgia Court of Appeals March 2013.** Brian S. Batterton, Attorney PATC Legal & Liability risk Management Institute August 2013

1 Yes. This garage as well as any curtilage are protected and cannot be entered without a warrant, exigent circumstances, or proper consent. **Oliver v. United States 1984, United States v. Dunn 1987**

a. Curtilage can be defined as the yards and grounds of a particular address, its gardens, barns, and buildings.

2. No. "In order for exigent circumstances to validly provide an exception to the Fourth Amendment, in the context of a criminal investigation, there must also be probable cause of a crime or that evidence of a crime is located in the place sought to enter. In this case, the 'exigent circumstance' may be the dissipation of alcohol if the office took the time to obtain a warrant. However, the court noted that, here, the officer did not have 'probable cause' to believe that Corey was DUI at the time he approached her and entered her garage. At best, the officer possessed 'reasonable suspicion' that Corey may have been DUI, but there was not sufficient evidence to amount to probable cause of DUI."

a. The court further stated that even if probably cause existed for reckless driving, the exigency associated with reckless driving ended when Corey got home and ceased driving.

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3. No. The state had the burden of proving the consent was voluntary and not the product of coercion. Corey never expressly consented to entry into her garage. Corey was about to close the garage door had her hand on the doorknob and her foot on the step. Even though Corey did not tell the officer to leave the officer himself testified she expressed concern about her children inside her home and that she needed to urinate. The officer did not allow her to go inside for either reason.

a. Lastly the court said that even if Corey engaged in a consensual conversation with the officer the unlawful initial entry and any resulting evidence would be suppressed as 'fruit of the poisonous tree.'

4. "Therefore, the judgment of trial court denying the motion to suppress was reversed.

**TOPIC: EXPECTATION OF PRIVACY/PROBABLE CAUSE SCENARIO:** While on patrol Deputy Dennis Guthard spotted Steve Bargaen's van on a gravel drive leading down a hill to an open shed. Guthard had previously seen Bargaen running power into one of the storage units and had refused Guthard permission to check serial numbers on his power equipment.

On approaching the van the deputy spotted a Trailblazer beyond it (belonging to Skoda). Bargaen got out of the van acting like he had just been sleeping. The deputy saw items associated with meth production near both cars and called for back up.

The property the vehicles were on be-

longed to the Skoda family. Bargaen had told deputies Skoda had walked off after calling him to the scene to help with car trouble. Skoda's father was called who gave deputies permission to search.

Guthard saw what looked like items associated with meth production near the cars and what appeared to be a pseudo ephedrine pill and empty pseudo ephedrine boxes in the Trailblazer (belonging to Skoda), officers searched both vehicles. Items associated with meth production were found in both vehicles.

1. Skoda appealed the property search as it belonged to his father and was in a remote area. Does Skoda have standing to object to the search?

2. Skoda next appealed the search of both vehicles saying a search warrant was needed. Was there probable cause to search both these vehicles without a warrant?

**ANSWERS: United States v. Skoda, Eighth Circuit Court of Appeals February 13, 2013.** Legal & Liability Risk Management Institute August 2013 'Does a Person have a Reasonable Expectation of Privacy on Family Property.' Brian S. Batterton, Attorney

1. No, Skoda did not live on the property and as such had no standing to object. The court ruled: "The fact [the property] belonged to his father is irrelevant; defendants have no expectation of privacy in a parent's home when they do not live there."

2. Yes. No warrant was needed to search either of these vehicles. "The

court further noted that probable cause exists when there is a 'fair probability' that evidence of a crime is in the place to be searched."

a. The court ruled: "It was late at night in a remote area and the suspiciousness of Bargaen's presence was compounded by his story about Skoda calling for help and then walking away. Implements of meth production lay near the cars, including a lithium battery shell casing, pliers, lithium strips, tinfoil, and a gas can with a plastic tube coming out of it. Police saw a red tablet that looked like pseudo ephedrine in the car, along with a bag containing pseudo ephedrine boxes on the floorboard. Further, the other implements of meth production found in Bargaen's van increased the probability that contraband or evidence of a crime was in Skoda's Trailblazer."

**TOPIC: SCOPE OF CONSENT SCENARIO:** One Lieutenant Tony Viator lawfully stopped Cotton and his passenger. Viator had information from another officer Cotton may be carrying drugs. After speaking with both Cotton and his passenger (which took 11 minutes) the following conversation between Viator and Cotton took place.

**Viator:** Can I search this vehicle?

**Cotton:** [Unintelligible]

**Viator:** Hold on. Come here. Come here. Come here. Is it okay if I search it?

**Cotton:** Search my luggage. [Unintelligible]

**Viator:** Okay. Is it okay if I search ev-

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everything in the car?

**Cotton:** My luggage, yeah.

With backup watching Cotton and Thornton Viator began a meticulous search of the entire vehicle. Forty minutes later Viator observed loose screws and tool markings on the driver's side rear door panel. Prying back the panel a plastic wrapped bundle of crack cocaine was found.

1. Was this a lawful consent to search?

2. Did this search exceed the scope given by Cotton?

**ANSWERS: United States v. Cotton, Fifth Circuit Court of Appeals July 2, 2013.** Legal & Liability Risk Management Institute August 2013 'Scope of Consent to Search a Car may be Limited.' Brian S. Batterton, Attorney

1. Yes, this was a lawful consent?

2. Yes, this search exceeded the scope of consent given by Cotton.

a. The court said: "When conducting a warrantless search of a vehicle based on consent, officers have no more authority to search than it appears was given by the consent."

b. Continuing: "Authority to enter and search the car for Cotton's luggage was not authority to search discrete locations within the car where luggage could not reasonably be expected to be found."

c. Continuing: "...Cotton's consent was not ambiguous. In fact the officer twice clarified the consent and each time Cotton referred to his 'luggage.'"

d. "Additionally, while Cotton did not object when the officer began to exceed the scope of the consent, he was not required to do so because he had already clearly stated the scope of his consent."



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# Going on a Ride-Along Teaches Anti-Cop Professor Respect for Badge

By Paul St. John Fleming

The college sociology professor had come to his favorite part of the course: a profile on cops. The self-professed copologist must have been issued one too many tickets. He did not have much good to say about the men and women who enforce the law. In his opinion, we were all a bunch of adrenaline junkies who carried big sticks and were too quick to use them.

"Most people will listen to reason if given the chance," the small man in his mid-30s would routinely tell his students.

One semester, two police officers were enrolled in the class. After sitting through a 20-minute lecture pitted with put-downs and unrealistic advice, Gordon, a deputy sheriff for 17 years, risked a good grade and raised his hand to ask, "I'm curious, have you ever done any research in the field?"

The teacher adjusted his round eyeglasses and answered, "Not personally, no."

"Well then, I challenge you to ride along with me in my squad car for a night," Gordon offered. "Maybe we could try some of your book learnin' techniques out there on the street."

The challenge was accepted.

A week later, on a Saturday night, the policeman and the professor were side by side in a cruiser patrolling a rough part of town. One was packing a gun, the other, antacids.

The soft-spoken educator was eager to volunteer his services. He helped calm a haughty husband during a domestic dispute and consoled a young couple that had just lost a child to SIDS. Gordon was impressed.

The odd couple was about to break for coffee, when a call came over the air:

"An intoxicated man is refusing to leave a tavern." They took the detail. A second officer also was

en route.

It was closing time at the cramped bar. The thirsty drunk was staggering around the room demanding more beer. Gordon nudged the professor, "OK, Dr. Do-Good," he said. "Let's see you use the power of persuasion on this one."

The poor guy barely managed to say, "Hello," before a pool of saliva landed in the middle of his forehead. The drunk laughed. Gordon waited for the great speechmaker to speak.

He was speechless. When the ugly customer lunged forward with a clenched fist, research time was over. The two cops forced the resisting sot into handcuffs.

At first light, Gordon dropped his tired teacher off at the substation. It had been a busy eight hours. The professor had seen his share of violent lawbreakers.

"I'd say at least three-fourths of those people were loaded out of their minds. Hell, all they wanted to do was fight!" he admitted and popped a Rolaid. Gordon covered a yawn.

The avid cop hater developed a new respect for those who wore the badge. Eventually, he became a reserve officer in a big city.

One of his duties was to make training videos for police academies across the nation. I remember watching his tape and hearing him say, "Of course, verbal judo is my method of choice. But I now realize, the amount of necessary force is determined by the offender."



---

*Paul St. John Fleming was born and raised in Liverpool, England. He was a local radio announcer in the 1970s. He was a correctional officer at the Salt Lake County Jail. He retired as a 20-year veteran Salt Lake County Deputy Sheriff. Mr. Fleming was the Law Enforcement Columnist for the Salt Lake Tribune for over six years and is the author of the book "Between Donuts." All of his articles are true.*

# Drugs in Jail

By Kathleen Gittens, Director of Nursing, Cache County S. O.



Over the past few years, the cost of providing health care to incarcerated inmates has risen substantially. As many of us know, health care costs can include many different things such as: wellness checks, emergency evaluations, prescription medications, laboratorial testing, and diagnostic imaging. When medical care is provided to incarcerated inmates, many of those associated costs are unavoidable, but necessary, in order to provide adequate care.

After conducting an evaluation of the jail medical budget, we were able to pinpoint several areas that were most costly to us. These areas were then reviewed and it was decided that the most cost savings would be in our pharmaceutical expenses. More specifically, the three main areas of concern included the following: 1) to choose the most cost effective pharmacy, 2) organize a budget friendly formulary (list of approved medications), and 3) to become Class B pharmacy certified. All of these steps were to be implemented in order to help us stay within our medical budget and help reduce the cost of prescription medications.

The first area had to do with where medications were purchased. The jail had been using a large pharmaceutical company since its construction. Although the services provided were adequate, there were extra costs that we found could be reduced by using a local pharmacy. A local pharmacy was able to provide same day medications without charging extra shipping costs. Not only do we avoid shipping delays caused by inclement weather, but we also benefit from reduced medication pricing (per medication) and enjoy direct customer support 24 hours a day if needed. The local pharmacist is also willing to provide generic medications that cost less but provide the same treatment. Generic medications change on an almost monthly basis, but the local pharmacist is very knowledgeable in this area as they are trying to help local people save money. This knowledge is then used to help the jail reduce operating costs. Because the larger pharmaceutical company was more income driven, they had not made these suggestions in the past.

Our local pharmacy also works directly with our medical staff to fully incorporate our own budget-friendly prescription formulary. A formulary is a list of approved medications that the jail physician can reference when prescribing medications. Without a set formulary, a physician will often prescribe several different medications to treat the same illness in different inmates. This results in an increase in operating costs without being more effective in the treatment of an illness. A formulary does not mean that a physician is prohibited from prescribing a medication that is not listed if it is necessary, but it does provide a guide of medications that are effective yet cost efficient. Furthermore, the pharmacy is able to bill incarcerated inmates' insurance companies for their medication refills, thus lifting the cost off the county tax payers and placing it on the inmates.

Another benefit of having a local pharmacy is having one of their pharmacists oversee our recently approved Class B pharmacy status through the State of Utah. This Class B pharmacy license will allow us more flexibility in ordering medications in bulk quantities. Bulk purchases of medication usually reduce the cost of that medication. Furthermore, we are able to better benefit from the county tax payers by supporting our local businesses. All of these benefits help reduce the transaction costs associated with prescribing and dispensing medications from our jail, while still providing the same level of medical care to our incarcerated inmates.

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# Local Quilters put a little homemade comfort into every emergency vehicle

By David Browning  
Wednesday, September 04,

Reprint by permission  
Cottonwood/Holladay Journal

Mardi Lessey, the charity chairperson of the Holladay Chapter Quilters Guild, presented 40 quilts to Mayor Kelvyn Cullimore Jr., Police Chief Robbie Russo and Fire Chief Mike Watson at a recent council meeting.

In wintertime, the weather can make someone's bad day worse. But local quilters are trying to bring a little comfort to people at their lowest hour,

The 2013 charity project of the Utah Quilt Guild is to place a child's quilt in each police patrol car across the state, and the Quilters Holladay Chapter volunteered to supply the quilts for Cottonwood Heights patrol cars.

"This project was really prompted by our observation that first responders really can't do anything that's not specifically their job," said Quilters Holladay charity chairperson Mardi Lessey at the presentation ceremony.

The guild sees that victims of accidents and disasters are often left without any real comfort as first responders have to run about.

"Sometimes they have to stand there and hold a child, but they can't provide real comfort," Lessey said.

And when it's cold or raining or snowing, victims are especially vulnerable.

In addition to the police car quilts, Quilters Holladay has also volunteered to make extra quilts for Cottonwood Heights' fire trucks.



"We know that children who are victims of any disaster, such as the Oklahoma tornadoes or home fires, often have nothing to comfort them." Lessey said.

At a ceremony on Aug. 27, Quilters Holladay Chapter presented 40 quilts to the city council and the police and fire departments.

Police Chief Robbie Russo knows how a little bit of homemade comfort can help someone in their hour of need. "I had one in my car many years ago at a car accident where two girls were killed," Russo said.

When he saw their mother years later, she told him that she still has the quilt

he gave her that night. "The quilt reminds her of her daughters and she still keeps it," Russo said.

These quilts donated should help first responders offer a tiny bit of comfort.

"I will put one in every one of our cars," Russo said.

## Quilts donated to Syracuse law enforcement to comfort kids

By Loretta Park, Standard-Examiner staff  
Wed, 10/16/2013 - 1:19pm  
Images

Syracuse Police Lieutenant Heath Rogers displays one of the quilts donated to the department to give to victims of crime or accident scenes.

(NICK SHORT/Standard-Examiner) taken Wednesday, October 16, 2013 in Syracuse, Utah.

Syracuse Police Lieutenant Heath Rogers displays one of the quilts donated to the department to give to victims of crime or accident scenes. (NICK SHORT/Standard-Examiner) taken Wednesday, October 16, 2013 in Syracuse, Utah.

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Syracuse Police Lieutenant Heath Rog-

ers displays on of the quilts donated to the department to give to victims of crime or accident scenes. (NICK SHORT/Standard-Examiner) taken Wednesday, October 16, 2013 in Syracuse, Utah.

SYRACUSE -- Syracuse police are armed now with quilts for kids thanks to the Utah Quilt Guild.

The Utah Quilt Guild, a non-profit organization, decided to make comfort quilts and donate them to law enforcement agencies to give to children dealing with a difficult situation.

Two weeks ago, Cindy Hutchinson, president-elect and Davis North/Weber area representative for the guild, delivered 20 hand-made quilts packaged in two 12-gallon bags to Syracuse Police Chief Garret Atkin for his officers to use this winter.

“The quilts will act as a sense of comfort to a child at a time when it feels like the world is coming down on them,”

said Syracuse Police Lt. Heath Rogers. Giving a child something to hang onto during a crisis is nothing new for officers, Atkin said.

Police carry Teddy bears and other stuffed animals in their cars to give to a distraught child at an accident scene or crime scene, he said. Those are also donated to the police department.

But quilts?

Atkin said he first received a letter from the Utah Police Chiefs Association in March with a proposal from the Utah Quilt Guild to donate the quilts.

“I thought, if a group is interested in investing time to actually do this, of

course, I’d accept their donation,” Atkin said.



Syracuse Police Lieutenant Heath Rogers displays one of the quilts donated to the department to give to victims of crime or accident scenes. (NICK SHORT/Standard-Examiner) taken October 16, 2013 in Syracuse, Utah.

The “Comfort Quilt” project is the brain-child of Josephine Keasler, vice-president of the Utah Quilt Guild.

The guild has always made quilts and sent them to areas where there has been a disaster, like a hurricane

or an earthquake, but this was the first time they looked at doing something

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local, Keasler said.

“We wanted to help our own children,” Keasler said.

When Strike Force Agent Jared Francom was killed on Jan. 5, 2012, Keasler contacted the Utah Law Enforcement Memorial Association and asked if guild members could make quilts for Francom’s family.

They made quilts for Francom’s family, as well as for the other officers injured in the shoot-out and their families.

But then another officer, Utah Highway Patrol Officer Aaron Beesley died falling from a cliff while doing a search and rescue in June of 2012. The guild

made quilts for his family also.

Keasler realized police officers could use more help and again approached the association with the idea of putting quilts in cop cars by October.

And the response across the state at first overwhelmed her from the police agencies and from the guild members.

Keasler received confirmation from 27 police agencies, including Syracuse, South Ogden, North Ogden, Tremonton, Brigham City and Box Elder Sheriff’s Office, they would be happy to accept quilts for children. In all, she needed 651 quilts made in less than six months.

She hoped guild members would generate the number needed and was pleased with the donations of more than 700 quilts.

Hutchinson said it gave members an opportunity to put together “bright, happy colors,” using soft fabrics, like fleece, flannel and cotton into patterns for children.

“It’s wonderful, especially when you think of the kids who will snuggle in the quilt,” Hutchinson said.

Contact reporter Loretta Park at 801-625-4252 or lpark@standard.net. Follow her on Twitter @LorettaParkSE.

### QUILTS FOR THE CHILDREN IN LAW ENFORCEMENT VEHICLES PROJECT UPDATE

#### Agency Requesting Children’s Quilts and number Requested and the Utah Quilt Guild provided them all

- American Fork Police Department - 34
- Box Elder County Sheriff’s Department - 35
- Brigham City Police Department - 15
- Cedar City Police Department - 34
- Cottonwood Heights Police Dept. - 40
- East Carbon City Police Dept. - 4

- Grantsville Police Department - 12
- Heber City Police Department - 27
- Helper Police Department - 3
- Lehi Police Department - 45
- Lone Peak PD - Alpine/Highland - 21
- Murray Police Dept - 75
- Nephi City Police Dept. - 15
- North Ogden Police Dept - 13
- Park City Police Department - 30
- Price City Police Dept. - 12
- Provo Police Department - 53
- Santaquin Police Department - 12

- SLC Airport Police Department - 12
- South Ogden Police Department - 21
- Springville Police Department - 15
- Syracuse Police Department - 20
- Tooele County Sheriff’s Dept. - 20
- Tremonton Police Department - 10
- Wasatch County Sheriff - 25
- Washington Sheriff’s Dept. (Hurricane) - 45
- Wellington City Police Dept. - 3

**Total Requested - 651**

**Thank you to the many quil!!!!!!**

<p>The Utah Quilt Guild is a nonprofit organization formed in 1977 to encourage, promote and preserve the art of quilt making. The Utah Quilt Guild works to foster appreciation for fine quilts, sponsor and support quilting activities, teach quilt making, and preserve the history of quilts and quilt makers.</p> <p>Organization</p> <p>The Utah Quilt Guild is divided into geographic Areas, and the Areas into Chapters.</p>	<p>Most Chapters meet regularly each month. A list of open Chapters is published regularly in the Beeline, or may be obtained online at <a href="http://www.utahquiltguild.org">www.utahquiltguild.org</a> or by contacting your Area Representative. Areas and their representatives are listed online or in the Beeline.</p> <p>An annual meeting of the Guild is held each fall and includes a judged quilt show, merchants’ mall, and classes and lectures featuring both local and national teachers.</p> <p>Attendance at Chapter, Area, or Annual meetings</p>	<p>is completely optional, but is strongly encouraged!</p> <p>Interaction with other quilters is one of the great benefits of Guild membership.</p> <p>Membership</p> <p>Membership benefits include use of the UQG library, the Beeline newsletter, discounted class and entrance fees at Guild sponsored events, fabric discounts at participating quilt stores, and the incalculable benefits derived from the company of diverse creative quilters of all ages.</p>
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# UPOA and You



## The Utah Peace Officer

As a Law Enforcement Officer, your fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and Justice.

Your badge is a symbol of public faith and trust as long as you are true to the ethics of the police service.

One of the best ways to achieve these duties is by joining the Utah Peace Officers Association.

- Organized in 1922, the Utah Peace Officers Association or UPOA is the oldest and largest police association in Utah.

- Members of the UPOA have enjoyed meeting for POST accredited training and pistol competition annually for summer conventions since the 1920s.

- The UPOA has organized pistol competition since the 1930s.

- The UPOA has helped to develop better communications between agencies.

- The UPOA has worked for better retirement benefits.

- The UPOA has lobbied for improved training including the development of Utah Peace Officer Standards and Training (POST).

- The UPOA began POST accredited winter training conventions in 1974.

- The UPOA helped pass a twenty-year retirement in 1983.

- During the 1980s the UPOA established a Peace Officer Memorial at the State Capitol.

- During the 1990s the UPOA marked the graves of all Utah Peace Officers that were killed in the line of duty.

- In the past decade the UPOA supported and passed legislation for: increased spouse death benefits; and significant exposure protection from

blood borne pathogens for all emergency services medical personnel;

- Today the UPOA is working on increasing retirement cost-of-living-adjustment benefits for all peace officers and establishing a new Law Enforcement Memorial at the State Capitol.

- Annual dues are only \$30 dollars which includes a quarterly publication, The Utah Peace Officer. This magazine will keep you informed on various topics relevant to law enforcement.

- The Board of Directors of the Utah Peace Officers Association is comprised of officers from all over the state. Each area of the state has a regional representative. In addition, numerous representatives serve on various committees to represent your interests.

- Joining the UPOA will be the best investment of your career. Qualified members' survivors receive a \$1,000 death benefit upon the member's death.

So go ahead, make the commitment, join the UPOA today!

### UPOA Values Statement

In support of the Utah Code of Ethics, the Utah Peace Officers Association encompasses the values of professional and ethical standards:

#### Integrity

Ethical behavior is expected in all facets of each member's life. Fairness occurs whether enforcing the law or dealing within their own personal life. Equality is demonstrated by recognizing that difference does not matter, whether enforcing the law or making a

new friend.

#### Professionalism

Members of the UPOA are dedicated to establishing teamwork throughout the state. We are all on the same team: making Utah a safer and more enjoyable place to live. Services provided by UPOA members meet the utmost standards of the law enforcement community.

#### Knowledge

Training provided by the UPOA presents members with cutting edge knowledge of techniques and methods used by the law enforcement community.

#### Commitment

Members of the UPOA are committed to: all members of the Utah law enforcement family; an outstanding quality of service as they perform their duties; their Community, working to make it a better place for all to live in.

#### Considerate

Members of the UPOA are considerate in all aspects of their life. It is a deeply held belief that effective law enforcement is not possible without a basic respect for life and human dignity. As members of the Utah Peace Officers Association we realize that all of our values must be considered together, one is not set aside for another.



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# My Last Night at the Old PSB

September 14, 2013 - 2345 hrs.

**By Diane Powers**  
**Salt Lake City PD Dispatch**

Walking to Crown to get a Diet Coke to start off my last grave shift in the old PSB, it hadn't hit me that this was my last night here. Crown was just getting ready to close and Dean starts chatting me up about the new PSB. He mentions that he is surprised how many people he's talked to seem sad about leaving the old building. THEN it hits me and I start telling him the life and death the building has seen and I start tearing up. I apologize and start on my last Coke Trek back to the 5<sup>th</sup> floor.



My grave shift comes in and I look up and one of my veteran dispatchers walks in the door to my office and she's got tears in her eyes. I ask what's wrong and she says this is her last shift here and she's fighting the sadness. "Me too," I said, and before long, we're both dabbing at the tears in our eyes as we realize that, though she hasn't been here the whole time since we moved in like I have, she did hire on while carrying her first child and now has three others besides.

Some of the new kids, or those not vested in memories like some of the 'older' dispatchers, are looking at us like we're a little nuts. Why are you guys crying, we're asked? To which we answer, "There are some good

memories here."

Now I'm thinking... why feel melancholy about leaving a building? I had a similar feeling when leaving the old MHJ, but not this deeply. After all, that was just 12 years versus these 24. I don't have to think too hard to realize this building was the shell that held our lives and has seen **everything**. Things I'll never know, wisps of others' lives that changed them forever happened on these floors and between these walls.

I remember when we used to have a small cafeteria down where the SLIC is and being so thankful we had an old cook that loved coming in and opening up at 0300 am to make breakfast for the grave crew. How the greasy smell permeated the entire building until you just had to go down and have eggs, crisp bacon and crisper hash browns.

I remember returning from vacation to drop off my then-cop-boyfriend to his police car in the north lot and we were kissing good-bye long enough to stop kissing when the whole 2<sup>nd</sup> floor Pioneer lineup were hanging out the windows cheering us on.

Then there was the muggy summer night I just exited the dispatch office and saw one of my favorite motor cops walking by who'd had a 9-1 (10-33) earlier that night. He had to fatally

shoot someone on a call for which he'd volunteered to back. His eyes were red and we hugged and cried together there in the hall.

Though we all knew our elevators had their finicky moments, I also remember hearing raucous laughter explode inside them while they were still floors away. I remember being the only dispatcher packed inside one of those elevators with good-natured officers harassing me about something as we entered. Because I knew the elevators were slow enough for me to ask the group my favorite question, "So, do you guys know the difference between a toilet seat and a dispatcher?" I hit the punch line right when we arrived on my floor, "A toilet seat can only handle one ass at a time." Laughter floated after me as I escaped down the hall.

The back entrance to 10-19 has always been an interesting place to pass people. One of the Hunt brothers was exiting with his whole lineup with an apple in his mouth and trying to talk around it as I was entering. I couldn't resist and told the whole group he sounds like that on the air all the time ... happy times. In almost that exact spot, years later, was the last time I saw my newly retired fire dispatch friend before she was murdered by her boyfriend, as we casually passed and exchanged "hi" and "bye" love greetings ... sad times.

How about the dispatch office and lineup room on the 5<sup>th</sup> floor? It has seen boring meetings, baby showers, retirement parties, food galore,



screaming matches, trainees made to dance around the table because they were falling asleep in training, hugs goodbye, stiff greetings hello. Our office has witnessed cops and dispatchers fall in love, tears of frustration, keyboards getting pounded, laughter so loud it had to be shushed because of complaints from the field.

Graveyard dispatchers have lost count on how many found doggies or kitties they babysat and spoiled over night awaiting dayshift animal control just because officers couldn't leave them abandoned in the freezing cold. There has been hushed tension waiting to hear the outcome of a yell on the air and relief when we handled

something well on our part and finally heard a Code 4 called.

My tears might be dried up by sunrise as I leave to go home, but after thinking this through, I will no longer apologize for feeling sentimental about 315 E 200 S the Old PSB.



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# Sergeant Derek Ray Johnson

## EOW September 1, 2013

**By Sergeant Pat Evans  
Draper PD**

On March 19, 1981 a hero was born in Salt Lake City to Randy and Laura Johnson. His parents had big expectations for their new baby boy, Derek Ray Johnson, but little did they know how big of a hero and service driven man he would become. When Derek arrived, he was met by his big brother, Devin; following Derek, came his brother Darin, sister Desirae, and then his baby brother, Dayson. Derek loved and enjoyed his family.

He grew up in Sandy and Draper. His parents describe Derek as a very persistent child. They couldn't keep him in his crib or room. Derek would work on a project until it was done right. This quality would carry on throughout his personal life and professional career.

Around the age of 10, Derek would often tell his mother that he was going to be a police officer and put all the bad guys away. Derek was adamant as he put toy handcuffs on his siblings and locked them in his jail (a closet).

Derek attended Crescent View Middle School in Sandy. When he was in eighth grade, he met his sweetheart, Shanté Sidwell. They dated through middle school and high school. Derek loved Shanté unconditionally and they went on to be eternal sweethearts. They were perfect for each other.

Derek was a typical teenager and went through a rebellious stage. This proved to be important later, because we believe this gave Derek a different perspective on police work. He learned early on that some people need more guidance and direction, rather than a harsh punishment. He believed that good people make mistakes and that all people need to be treated

with respect.

Around the age of 16, Derek became a Police Explorer with the Sandy City Police Explorer Post #9550. Explorer Derek Johnson #714 was assigned to my squad. This is when I met Derek and our lifelong friendship began. He always had a smile on his face and was fun to be around. Derek was willing to help others and often put in long volunteer hours. He loved wearing his uniform and going on ride-a-longs with police officers. One of his many passions was to listen to the police radio and his police scanner for hours on end; and often he would fall asleep while listening. This proved to be helpful later, because he became efficient at scanning numerous channels and knew what was going on all around the valley.



While attending Alta High School, Derek interned with the Sandy Fire Department. Derek enjoyed working at the fire station and riding on the fire trucks. He would have made a great fire fighter, but we lucked out and kept him away from the dark side (just kidding..we love you guys!).

At age 18, Derek interned with the State Criminal Investigation Bureau. He met UHP Agent Lee Perry. Lee took Derek under his wing and trained him to be a Covert Underage Buyer, or "CUB." Derek had the opportunity to travel the state with agents and work closely with them on Alcohol Sales Compliance Checks. Lee nicknamed Derek "Skippy," as he was always skipping around the office because he was so happy to be there. That was so Derek...however Derek nicknamed himself "Triple X," which the agents eventually accepted.

He enjoyed service oriented jobs. Derek worked Security for a skating rink, Wasatch Property Management and

the South Towne Center; and as a Loss Prevention Agent for Mervyns at two different locations, and for Meier & Frank at the South Towne Center. He was a public safety dispatcher for the Utah Highway Patrol and the Valley Emergency Communications Center. Derek thrived on action and when things were slow and there wasn't enough action for him, he would get bored. He was highly motivated to learn more and find more action. But he was also quick to gravitate back to a place he enjoyed working.

Derek graduated from Alta High School in 1999; Shanté in 2000, and it didn't take long for them to tie the knot. On September 29, 2000, Derek and Shanté were married in the Salt Lake City LDS Temple. They were a perfect match and were adorable together. Their friends and family admired their love for each other and their beautiful relationship.

In 2004, Derek attended Session #43 of the Law Enforcement Training Academy at the Salt Lake Community College. He was known in his class for his "baby eyes," which went along with his "baby face." Later this year, he began volunteering in the Records Division of the Draper City Police Department. After POST graduation, Derek was sworn in as a Reserve Police Officer with the department, which led to more opportunity and growth for the aspiring young officer.

Derek was anxious to be a full-time police officer. Before long, he was hired with the Alpine-Highland Police Department. He completed their Field Training Program and on the very day he was released from training, he resigned to accept a full time position as a Draper police officer.

Derek quickly became known by his peers as a police



officer who thrived at his job, and someone you could count on. He was persistent and worked hard, and his attention to detail was topnotch. He was proactive and an excellent problem solver. These attributes would eventually help him further build his career in law enforcement. Derek would jump calls for service and made many on-view arrests. Often times, Derek's arrests involved drugs and warrants.

Because of his enthusiasm for the K-9 program, Derek was given the opportunity to be a K-9 handler and was partnered

with K-9 "Yasso." One night, the K-9 team was actively tracking a suspect and Derek fell and broke his leg. He was out of work for a short while, but the broken leg didn't keep him from going hunting with his dad and brothers. No one could keep Derek from doing the things he loved and hunting was one of those things.

On November 25, 2006, Derek and Shanté were blessed with the birth of their son, Bensen. Derek was a proud father and from that day on, Bensen was his "Little Buddy." They loved to spend time with each other and Derek loved spoiling his little buddy. He loved Bensen more than life itself.

In 2007, Saratoga Springs City formed their own police department. Derek saw this as an opportunity to expand his career so he submitted his application, was hired and left the Draper Police Department. He enjoyed his time with the



Saratoga Springs Police Department and made many good friends. He was instrumental in fundraising to create a K-9 program. Derek also was successful in investigating graffiti cases and made several arrests.

While serving with the Saratoga Springs Police Department, he performed CPR on an infant who had drowned. The infant survived and this incident greatly impacted Derek for the rest of his life. His actions merited the Life Saving Award from the department.

In 2008, Derek desired to return to where his heart belonged and that was with the Draper City Police Department. The decision to hire him back wasn't too difficult as our police leaders knew he was a hard charger and would be a great asset. We were happy to have him back.

Derek worked in patrol and I had the opportunity to supervise him for a while. Again, Derek excelled and completed tasks quickly, completely and efficiently. Because of his hard work and professionalism, he was continually given extra assignments.

Draper City had a growing graffiti problem and it was showing up everywhere. Because of his success with graffiti investigations in Saratoga Springs, he was assigned as a Graffiti Investigator (in addition to his patrol duties). Derek used his investigative skills to solve numerous graffiti cases and successfully arrested over 125 suspects. This was unheard of and not an easy task. In my experience, I don't recall an officer having made one graffiti arrest, let alone 125. Derek didn't stop there. He networked with other agencies and was instrumental in the creation of a

Graffiti Task Force, which entailed information sharing meetings and newsletters.

Shortly after, Derek tested for a Detective position and it was obvious that he was the right person for the job with his gainful experience in the graffiti program. Derek partnered up with Detective Clint Fackrell (currently a Sergeant), who described the experience below:

*"Derek Johnson was assigned to Investigations shortly after me. Derek was the most proactive guy I have worked with. Once Derek was assigned to Investigations nothing was ever the same. Monday through Friday, 0800 to 1700 hours, he was out the door. He worked all the time and was part of every major event in Draper City.*

*I started getting calls in the middle of*



**Shante's Mother Christy Sidwell**



**Bensen receiving an official pair of handcuffs**

*the night from Derek. It was always regarding some high profile case and we needed to do surveillance or place a tracking device, and no, it could not wait until morning. Most of the cases I worked with Derek resulted in writing search warrants and taking someone to jail. I worked more overtime with Derek than I care to admit. I loved every minute of it.*

*I was assigned to the US Marshals Task Force JCAT while in Investigations. Derek started using JCAT to serve some of his arrest warrants on his cases. Derek immediately took a liking to JCAT. Derek started riding with me every week on JCAT nights. Derek was well liked by Jim Phelps and the rest of the JCAT Team. Several of his warrants resulted in multiple arrests. Derek was one that could be counted on for bringing good cases to the table.*

*I can remember on one occasion*

*Derek had the entire JCAT team following a suspect wanted for several fraud cases out of Draper. The suspect vehicle was boxed in and the suspect was taken into custody. There were two other wanted felons in the vehicle and a large amount of drugs. Officers also located a loaded firearm under the seat. This was a pretty normal thing on Derek's warrants. It was never a slow night when Derek was out.*

*Derek also seemed to be in the right place at the right time. JCAT Officers had just boxed in a vehicle at a gas station on 2100 South. Derek and I got caught at a TRAX train crossing and were missing all the action. As soon as the train passed, we pulled into the area just as the suspect was running on foot right towards my vehicle. I remember there were about twelve officers hot on his tail. Derek was out of my vehicle before I stopped. After a short scuffle, the suspect was taken into custody. Derek never*

*hesitated to get involved and do whatever was necessary to get the job done."*

Derek was eventually assigned to JCAT and was also a member of the FBI Safe Streets Task Force. Derek worked on several high profile cases, which regularly resulted in successful prosecution and conviction. In 2011, Salt Lake County District Attorney Sim Gill created a "Detective of the Quarter" award and Derek was one of the first recipients. Derek was recognized for his great detective and networking skills, and was highly organized and thorough in his work. He received a Distinguished Service Medal Unit Award for the team's collective efforts and meritorious service that led to the successful investigation and prosecution of a child abuse homicide that occurred on August 24, 2012. There is no doubt he was hardest working detective Draper has ever had.



**Chief Roberts presents US flags to Bensen and Shante Johnson**

In November of 2012, Derek was named the 2012 Community Policing Officer of the Year by the Draper Area Chamber of Commerce. This award is given to officers who make a significant difference to citizens and businesses within Draper City. Derek received the award for his investigative work, including his impressive record of graffiti arrests, and his exceptional service to the community.

Derek participated in the Sergeant Promotional Process. On December 9, 2012, Derek was promoted to the rank of Sergeant and was assigned to a patrol shift. In addition to his patrol duties, he was assigned as the Beat 3 Commander. Beat 3 includes the west and south sides of Draper, SunCrest and the Corner Canyon Regional Park. Beat 3 is the largest geographical beat in Draper and came with many projects and responsibilities.

Derek took his Beat Commander position seriously and was great at solving problems in his Beat. He addressed citizens concerns and held community meetings

to receive input from the public. Derek worked closely with other departments within the city, such as Engineering, GIS and Public Works and used these resources to solve problems. Many city employees described Derek as a police officer who “gets it” and understands the importance of working as a team.

Derek assisted with many Search & Rescue incidents in Corner Canyon. He worked with dispatch to create a system where he was notified anytime an incident in Corner Canyon was reported. On one incident while he was off-duty, he was notified that a bicyclist crashed and was seriously injured. Derek was close to the city and responded. He was the first person to arrive to the injured cyclist and stayed with her until paramedics arrived. Derek helped the paramedics carry the woman out of the canyon and she was airlifted to the hospital. He had mentioned that the woman was given strong pain medication and started to sing as they were carrying her out of the canyon. Of course, Derek encouraged the singing.

In 2012-2013, Derek was instrumental in the planning and success of Draper Police Department’s First Annual Police Awards Ceremony, the Police Department’s 10-Year Anniversary Celebration, and as in past years, the annual Draper Safety Day/ National Night Out Against Crime. He has participated in the annual Special Olympics Torch Run and was involved with the Special Olympics Opening Ceremony. He was looking forward to being a more active supporter of the Special Olympics.

Derek loved the community of Draper as he excelled in youth and community outreach. He was instrumental in the development of the Draper Peer Court Program as he cared deeply about the youth in our community. He loved working at the annual Draper Days events and enjoyed walking around the park and having positive interactions with the public. Each year, Derek would request to work at the corner of 13200 South & Fort Street during the parade. He knew what made the residents in this area happy was to



help keep people from walking through their yards so this was his assigned post.

Throughout Derek's career, some might describe some of his actions as rebellious. Derek would do what he thought was the right thing to do, even if that meant going against others wishes. Just like his childhood, Derek was very persistent and wouldn't take no for an answer. He made a big difference in this world because of his persistence, good decision making and dedication to serve and protect.

Although Derek worked many hours and we were always getting on him for being away from his family, Derek was a family man and made sure he was involved with his family. He enjoyed travelling with his family, hunting with his father, uncles and brothers, and absolutely loved family get-togethers. Shanté knew and accepted that Derek loved his job. Whether Derek would go "all out" and spoil them like he often did or simply enjoy a movie night at home, Shanté and Bensen loved and enjoyed their time with Derek.

Derek and I worked together for several different employers. We had a great time and I have always admired his work ethic. We also worked many different types of overtime shifts and it was amazing how he would spot criminal activity and make many arrests. Sometimes it felt like we would never get to go home, but we had a good time nonetheless. Derek was an exceptional police officer and was made for police work. He knew how to have a good time and make our work fun. I was a lucky enough to enjoy many road trips, camping adventures, 4-wheeling in Corner Canyon (the statute of limitation has expired), meals and coffee breaks with him. I am not naïve and I know that I was one of many close friends. Derek had a lot of friends and impacted numerous lives. He was highly respected and loved.

Everyone will remember Derek for his big mischievous smile, his big hugs and his laughing fits. We loved when Derek's eyes would tear up when he was being mischievous and trying not to laugh. We will miss Derek looking over our shoulder and smacking his lips as he is thinking. We will miss his practical jokes and incredible sense of humor.

Derek paid the ultimate sacrifice in his effort to be of service and to keep our community safe; Sgt. Derek Johnson is a true hero. We are grateful for the love, prayers and support of the law enforcement family and the fine communities of Utah. We were overwhelmed with the remarkable tribute in honor of our hero, Sgt. Derek Johnson and his family.

We may have lost Sergeant Derek Johnson on September 1<sup>st</sup>, but he will not be forgotten. He is a true super hero and is a reminder that real super heroes don't wear capes; they wear badges.

I encourage others to share their stories about Derek in the "Stories" section at [www.mydadsahero.com](http://www.mydadsahero.com).



**More on page 40**







**Draper Chief Bryan Roberts**



**Draper Officers**

**Photos on pages 34 through 39 above taken by Les Langford, UHP Retired**



**Derek will be sorely missed and never forgotten (Derek with Pat Evans at Draper Days)**



**On the right: Bensen, Shante, Derek, Randy and Laura Johnson (Derek's parents) at Draper Police Awards Ceremony**



In October 2013, Chief Roberts nominated Sergeant Derek R. Johnson for the 2013 Family Violence Prevention Award. Sergeant Johnson loved people and valued families. Sergeant Johnson always went the extra mile to help families in crisis and would follow through to make sure the

families received proper resources through victim advocacy. He enjoyed helping people and police work was his passion. Derek believed the safety of children was the #1 priority of law enforcement. After being promoted to Sergeant, he ensured his officers provide quality assistance to victims

of domestic violence. One of the last emails Sergeant Johnson sent was to a victim advocate requesting she follow through with a domestic violence victim.

On September 1, 2013, Sergeant Johnson crossed paths with a couple



**SERGEANT  
DEREK  
RAY  
JOHNSON**



On behalf of the family of Sgt. Derek Johnson, the City of Draper, and the Draper City Police Department, we offer our heartfelt gratitude for your prayers and assistance during this very trying time.



On September 1, 2013, Sgt. Derek Johnson made the ultimate sacrifice in his effort to be of service and to keep our community safe. Derek's dedication and reverence for law enforcement, his love for family and friends, and the momentous tribute to his life will never be forgotten.



We are grateful for the efforts of many public safety agencies, businesses and caring residents who came to our aid upon hearing the tragic news of Derek's death. We received a tremendous amount of help with the detailed preparation of the funeral services. The outpouring of support, prayers, and compassion has helped us all get through this very difficult time for which we are deeply indebted to each of you. Thank you from the bottom of our hearts.



Sincerely,



Bryan Roberts  
Chief of Police  
Draper City Police Department



*Heaven was needing a hero, somebody just like you. Brave enough to stand up for what you believe in and follow it though.*

whose car was inoperable. Tragically, a suspect shot and killed Sergeant Johnson, and then attempted to kill his significant other and then himself. Ultimately, Sergeant Johnson was killed in an incident involving domestic violence.

Throughout his career as a Patrol Officer, Detective and Sergeant, Sergeant Johnson put families first. His priorities were in the right place and he impacted many people's lives. For these reasons, Utah Domestic Violence Council awarded Shante Johnson and Chief Bryan Roberts with the 2013 Family Prevention Award, at the UDVC Family Violence Prevention Annual Recognition & Awards Luncheon on October 29, 2013. The UDVC did a wonderful job with the awards presentation and tribute to Sgt. Derek Johnson.



Randy Johnson, Desi Johnson (Derek's Sister) Chief Bryan Roberts and Shante Johnson at the UDVC Awards Luncheon



Also at the UDVC Awards Luncheon with Shante her Father Bruce Sidwell and Sgt. Pat Evans

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# Inaugural Fallen Officers Memorial Run Draws Hundreds, Raising Thousands

**November 2, 2013  
Draper, Utah**

The family of slain Draper Police Sergeant Derek Johnson produced the inaugural Fallen Officer Memorial Run on a chilly Saturday morning at Draper City Park on November 2. Nearly 500 runners and approximately a dozen volunteers braved temperatures in the 30s to honor and celebrate law enforcement in Utah. Several individuals from Sergeant Johnson's graduating class in the Police Academy ran as a group, carrying a flag emblazoned with a logo and the names of each class member,

which was ceremoniously presented to Johnson's widow, Shante, after the run. Another group of six officers from Draper City Police ran the 5K wearing their SWAT team gear, which weighs about 35 lbs.

Draper Police Chief Bryan Roberts addressed the crowd before the start of the race, and led all in attendance in singing «Happy Birthday» to Shante Johnson before Derek's sister Desirae Johnson took an emotional moment to express her gratitude to those participating in the event. Runners were then assembled under a large inflated arch, and led out by an officer on a

motorcycle. The runners were sent off by a row of 15 official vehicles whose lights and sirens blared, spurring them on to their 3.1 mile run. The route passed the site where Sgt. Johnson was killed on September 1, 2013.

The event resulted in a net \$5,000 contribution to The Utah 1033 Foundation, who will use the money to prepare for the inevitable call to help when an officer is killed in the line of duty. The Utah 1033 Foundation is a tax-exempt 501(c)(3) non-profit organization established in 2011 to honor Utah's fallen officers by providing immediate financial support to their





families. The foundation delivers a check in the amount of \$25,000 to a fallen officer's family on the very day

it learns of a line of duty fatality and provides college scholarships to their children. This direct and immediate

support helps defray pressing costs at a time when a family may have lost its primary income earner. For more info, visit [www.utah1033.org](http://www.utah1033.org).

Contact: Ryan Walsh (435)655-0558, [rwalsh@utah1033.org](mailto:rwalsh@utah1033.org)



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# Cowboys vs COPS

Hobble Creek Wranglers and the Springville Police Department are once again hosting the now famous Cowboys vs. Cops shootout on September 14, 2013 at 9:00am at the Garth Killpack Shooting Range at the mouth of Hobbie Creek Canyon. This year we will be shooting for the benefit of Special Olympics Utah.

This six stage event is a fund raiser for Special Olympics with all proceeds from the shoot including the \$30.00 entry fee and proceeds from our well sponsored raffle donated to Special Olympics Utah.

Hobble Creek Wranglers will host three stages concocted by Hobbie Creek Wranglers top match director. The Springville Police Department will host three stages set up by the best shooters and firearms trainers in the department. All cops and all cowboys will shoot all six stages with their own weapons.

Because this is a charity shoot we want to keep expenses to a minimum so no lunch will be served but there will be a break for lunch. Bring your own lunch. We are inviting local news media to cover the event, Special Olympic personnel and and Special Olympians, so get your registration in soon, there are only 2 months left!

The registration is available online at <http://www.planelReg.com/E61320272197332> or you can contact Mike Snelson by email or phone to register. If you register by email or phone you'll still need to mail a check to the address below or have payment ready when you check in at the shoot. All checks will need to be made out to Special Olympics Utah. We are not limiting the number of shooters but please register early so we can plan for you.

**Come out and support Special Olympics Utah.**

Contact:  
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 msnelson@rburst.com  
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 80 West Center Street  
 Springville, UT 84663









Pictures continued next page



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Pictures on pages 44 - 46 taken by Les Langford, UHP Retired

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# The Fallen Officer Trail Ride

2nd Annual Ride

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**Saturday April 5th, 2014**

**Moab, Utah Time: 9:00**

- **Proceeds fund scholarships for the families of fallen officers**
- **Prize give away**
- **For additional information see [www.upoa.org](http://www.upoa.org)**
- **Book early to guarantee ride time**
- **Book early to guarantee room or RV accommodations.**



On April 20th, 2013 the Utah Peace Officers Association unveiled "The Fallen Peace Officer Trail" just north of Moab, Utah.

We invite everyone to bring your off-highway vehicle to the event.

Fallen Officers' names will be posted along this trail.

**Fallen Peace  
Officer Trail**

5671 S Redwood Rd #19  
Taylorsville, Utah 84123

Phone: 801-590-8407

E-mail: [thefallenride@gmail.com](mailto:thefallenride@gmail.com)

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





# Utah Peace Officers Association



## Fallen Peace Officer Trail - Memorial Ceremony

The memorial ceremony will begin at 9 am on Saturday, April 5th 2014 at the Fallen Peace Officer Trailhead (mile marker 141 on Highway 191). The dedication will be open to pedestrian traffic only. Event parking will be available at the Dalton Wells parking area and free shuttle buses\* will be available. It is a short 2 mile bus ride from the parking area to the dedication site. \*Shuttle buses from Dalton Wells parking area will be the only means of transportation to the dedication site.

## Honor Corridor / Solemnity Walk

The Fallen Peace Officer Trailhead will serve as the site to honor the lives and service of Utah's fallen law enforcement heroes. Fourteen officers from across the state of Utah have been chosen to be honored in this 'first annual' Fallen Peace Officer Trail Honor Corridor and Solemnity Walk. The Honor Corridor/Solemnity Walk will pay tribute to these officers, their families, and their agencies. Each fallen officer will be honored with a designated area dedicated to the fallen, their family, and their agency. A representative from each fallen officer's employing agency will be present to honor their fallen and host the public as they remember the fallen and the sacrifice made for the citizens of Utah. The Honor Corridor/Solemnity Walk will be open to the public from 8:00 am – 5:00 pm and is restricted to pedestrian traffic only.

## Trail Description

The Fallen Peace Officer Trail is located approximately twelve miles north of Moab. The trail is a fourteen- mile loop of primitive (back-country) roads from U.S. Highway 191 to the border of Arches National Park. The trail is classified as moderately difficult as it negotiates a variety of rocky washes, rock steps, slickrock, and sand scattered with juniper trees. The trail travels through areas rich in geology with spectacular views into Arches National Park, dramatic views of the La Sal Mountains, and passes the remains of a 1967 western film set for "Blue" that starred Terrence Stamp, Joanna Pettet, and Ricardo Montalban.

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**Heartfelt thanks to: The Fallen Peace  
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following Mile Marker sponsors and donors**



Mile Marker 1

**Trooper Aaron Beesley** (Utah Highway Patrol) Died June 30, 2012

Sponsored by: *STIRBA, P.C.*

Mile Marker 2

**Deputy Brian Harris** (Kane County Sheriff's Office) Died August 26, 2010

Sponsored by: *Red Cliffs Lodge, Bighorn Lodge, Redstone Inn, and Rustic Inn*

Mile Marker 3

**Officer Charles Gilbert Porter** (Utah Division of Wildlife Resources) Died May 2, 1970

Sponsored by: *C&K Tile and Steadman's*

Mile Marker 4

**Deputy Franco Aguilar** (Sevier County Sheriff's Office) Died April 29, 2010

Sponsored by: *Sevier County Sheriff's Office*

Mile Marker 5

**Patrolman George Van Wagenen** (Utah Highway Patrol) Died May 23, 1931

Sponsored by: *The Utah Law Enforcement Memorial*

Mile Marker 6

**Officer Jared Francom** (Ogden City Police Department) Died January 5, 2012

Sponsored by: *Snow, Christensen, & Martineau P.C.*

Mile Marker 7

**Sheriff John Cottam** (Washington County Sheriff's Office) Died June 2, 1936

Sponsored by: *The Washington County Sheriff's Office and Citizens Supporting Law Enforcement*

Mile Marker 8

**Officer Josh Yazzie** (Bureau of Indian Affairs) Died June 7, 2010

Sponsored by: *Skaggs Professional Apparel-Equipment & Spillman Technologies*

Mile Marker 9

**Deputy Josie Greathouse Fox** (Millard County Sheriff's Office) Died January 5, 2010

Sponsored by: *The Family of Josie Greathouse Fox and The Millard County Sheriff's Office*

Mile Marker 10

**Detective Kevin Orr** (Uintah County Sheriff's Office) Died November 22, 2013

Sponsored by: *Uintah County Sheriff's Association, Vernal Police Officers Association Naples Police Association*

Mile Marker 11

**Officer Lloyd Larsen** (Moab City Police Department) Died January 5, 1961

Sponsored by: *JJ and Shouyu Wang*

Mile Marker 12

**Officer Owen Farley** (Salt Lake City Police Department) Died May 23, 1951

Sponsored by: *Moab Brewery*

Mile Marker 13

**Officer Stephen Anderson** (Utah Department of Corrections) Died June 25, 2007

Sponsored by: *Utah State Prison Employees Association & Gunnison Prison Employees Association*

Mile Marker 14

**Officer William Strong** (Provo City Police Department) Died June 27, 1899

Sponsored by: *Utah Chiefs of Police Association*



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**We are also grateful for the following Donors to the Trail Ride**

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| Eddie McStiffs (Moab)                            |   |
| Canyonlands by Night (Moab)                      |   |

***Below: Utah State OParks rangers pose during the dedication of the Fallen Officer Trail on Saturday, April 20, 2013, near Moab. From left: Nathan Martinez, Tony White, Michael Franklin, Brody Young, Christopher Quick, Chris Quatrane, Larry Johansen.***

*Photos courtesy Brigitte Dawson*





**Start of the trail**



**One of the trail markers**



**It was fun to see so many different machines**



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# The Good, the Bad, and the Ugly

by B. L. Smith, Utah Peace Officer Association Region A Representative  
POST Region III Training Coordinator

Some of you may be old enough to remember the 1966 spaghetti western with Clint Eastwood, Eli Wallach, and Lee Van Cleef in it. The movie was called "The Good, the Bad, and the Ugly." It was the third film in a trilogy (1964, "Fistful of Dollars," 1965 "For a Few Dollars More") of westerns featuring the nameless (called Blondie in the show) 'good' guy who dealt justice to the bad. Well, in a fashion anyway.

In law enforcement we have our own, good, bad, and ugly. The majority are overwhelmingly good. We crawl under overturned buses to rescue trapped victims, we give power bars to homeless at the entrances to department stores, we distribute sub for Santa and run for Special Olympics Utah every year. We run into burning buildings to alert the unknowing while wading into canals to free trapped drivers in their cars. We administer CPR to children and adults alike without hesitation. We buy shoes for the homeless, arrange fund raisers for the innocent sick and injured. We sit, hold the hand, comfort and empathize those in distress.

That is just the beginning. Every day the 'good' will respond to the most mundane calls in police work. Calls they see over and over, and over again. But they don't roll their eyes or sigh; they treat it like the heartache it is for the victim. They investigate (not report) and give

that victim their undivided attention and every bit of time they deserve. When they leave, the victim knows, and feels like they were treated with respect and dignity. They know that YOU CARED!

The good help the new. The good will coach and mentor the newer officers so the legacy of the good are carried on generation after generation. The



**BL - About 1972**

good prevent the new from falling into bad habits like not caring, writing reports instead of investigations, or won't make that stop because I'm off in 30, etc, etc... The 'good' stand up for the profession because it is a good profession, an excellent career.

The 'good' do not bad mouth the 'agency' because they don't like or get along with a few supervisors or administrators. 'The good' have the law enforcements professions back!

The bad have fallen. For some reason they slipped through the cracks, for a while. As I have said for years and years and years (OK I am old!). The misdemeanors of this morning are the felonies of the afternoon. The same goes for the 'bad' LEO. If someone 'fudges' a little bit in one area then we all know that it can lead to crossing that line.

We have not only heard it, we have seen it. On one of my shifts I worked with bank robbers (yes, these cops robbed banks in our city). On another one of my shifts my corporal was murdered responding to a loud music call. How do you process that?

In Utah we have had cops arrested not only for bank robbery but for sexual crimes, embezzlement, theft, burglary, drug possession, forging scripts, forging time sheets and many other crimes. How does this happen? Are some predisposed to be 'bad?' Do some just start out small (fudging) and become accustomed to it and move on up the scale of 'bad?' Do some think that just because they carry a





badge they are 'entitled?'

I have not seen, and hope never to see, anything here like the Miami River Cops (Google Miami River Cops Scandal) or the New Orleans cops that murder (multiple NOPD officers have been arrested for murder) here in Utah. That would be real bad, but not ugly.

Ugly is where bad things happen to good cops. Law Enforcement Officers doing their job to the best of their ability, at times, are caught between the proverbial rock and a hard spot. In performing their job they are caught up in incidents that cause all kinds of problems. This happens time and time and time again. Good cops find themselves resolving bad situations.

For over 30 years I have asked officers involved in catastrophic incidents (mostly shootings) to speak with other officers about what happened to them. Pre, during, and post incident. How did it affect them, their family, and their agency? It doesn't matter if it is a 'good' shooting. What is a good shooting? There is an ugly side that germinates no matter how 'good' it turned out.

The 'ugly' includes administrative leave, press, investigations, internal, state, and federal even. Time moves slowly, phone calls and visits

from friends may dwindle off. If there is even a hint of 'anything', it's broadcast on TV, radio, social media, the print media (can you say City Weekly?) and by word of mouth. And it only gets worse from there. You now have a bull's eye not only on you but your family is collateral damage.

Second guessing yourself and your actions prey upon you. "Why was I the only one to shoot?" "Why did he make me do it?" "Now his son does not have a father." (Paraphrasing) I came home after the fatal shooting and my interviews to find my wife had moved out that same day. I came home after interviews about my fatal shooting and told my wife I was suspended. She said "Does that mean you don't get paid?"

Ugly, ugly, ugly. Bad things happening to good cops can fester and grow chasms into solid relationships placing them at risk. The mental state of the good cop can be challenged to the max by the press, and/or by co-workers shunning them or not talking about it. Think about your own

agency right now. Are any of your co-workers going through something? Reach out to them, talk to them, and let them know you have their back!


Ugly doesn't need to be an on the job incident. Time and time again I e-mail out information on fund raising events for LEO's whose family is going through a crisis. Whether the LEO, their spouse/significant other, child or any who are going through an illness, fighting a disease, recovering from a catastrophic accident bad things can happen to good LEO's. It's ugly, but it's real. Don't shy away from speaking with them and comforting them. Good cops do it for a victim so don't forget your co-worker can be a victim as well.

Take care and stay safe.

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# Sgt. Jay Lessley

## Utah County Sheriff's Office

September 07, 2013 12:25 am •  
Paige Fieldsted - Daily Herald

### Small plane makes crash landing in Spanish Fork cornfield

SPANISH FORK -- A sergeant with the Utah County Sheriff's Office was killed in a small private plane crash in Spanish Fork Friday morning.

Sgt. Jay Lessley, 40, was a member of the judicial division for the sheriff's office and leaves behind a wife and a daughter. According to Sgt. Spencer Cannon with the Utah County Sheriff's Office, a witness saw the plane go down and called 911 just after 8 a.m. but it took Search and Rescue crews nearly 45 minutes to find the wreckage. Sheriff Jim Tracy says they knew almost immediately that Sgt. Lessley was the person who had crashed when the call came in. He says that they knew Lessley would be flying Friday and that he was alone.

Tracy says Lessley was off duty and flying an experimental airplane for a private company. Tracy says that Lessley has piloted planes for the sheriff's office for many years. The sheriff's office says that Sgt. Lessley was regularly involved with search and rescue operations as a pilot and with prisoner extraditions.

"Jay was known as an experienced and meticulous pilot," Tracy said.

Tracy says that the Utah County Sheriff's Department is dealing with the tragic death and Lessley was well liked and made a difference in the department. Tracy said that he doesn't want to take away from the funeral being held for Sgt. Derek Johnson of the Draper Police, who was killed in ac-

tion early Sunday morning. Johnson's funeral was being held in West Valley when the announcement of Lessley's death was made.

"That was a duty-related death, it impacts the entire state," Tracy said. "We are trying desperately not to influence or take away from the funeral."

Tracy said he was preparing to go to the funeral with other deputies when they got the call about the plane crash.

Lessley had been with the sheriff's office since 2004 and was promoted to sergeant in 2011. In a blog written on the SMART (Substance Misuse and Abuse Reduction Team) Utah County blog Lessley introduced himself as a member of the SMART team in April 2011. In his post Lessley wrote that he attended BYU, where he met his wife Heather. The couple was married in 1995 and their daughter Samara was born in 1999, according to the blog. Lessley also wrote that he started his career in law enforcement in July 2000 as an officer at BYU. In the blog Lessley wrote, "Outside of family and law enforcement, my greatest interest is aviation. I am a certified flight instructor and teach regular at a flight school in Spanish Fork. Outside of aviation, I like spending time with my two favorite girls, completing do-it-yourself projects around our home, woodworking, and education."

The plane crashed about a mile northwest of the Spanish Fork airport and

about a mile and a half away from the sheriff's office. Officials say that there was very little left of the plane after the crash. Officials say that the plane was a SkyCraft SD1 experimental aircraft, but Paul Glavin, spokesman for the Orem-based SkyCraft, says the plane was not one of theirs but was a privately owned and built plane similar to their SD1 minisport.



Glavin says that witnesses to the crash say that Sgt. Lessley did a barrel roll prior to the crash, something that isn't approved in the small plane and wasn't part of the test plan. Glavin also said that the plane does have a parachute that is de-

signed to bring the entire plane down safely in the event that something goes wrong and that the parachute was deployed. Glavin says that there could be many reasons why the parachute didn't deploy including the plane being flown too fast or doing spins and tricks not approved for the 280-pound plane.

Cannon said that no mayday or calls of distress were made prior to the crash. The FAA and NTSB are currently investigating the crash.

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# Keith Fullenkamp Utah Division of Wildlife Resources



Keith Fullenkamp, a sergeant with the Utah Division of Wildlife Resources, was killed Sept. 24, 2013, in a traffic accident in Wyoming. He was 37.

Fullenkamp, of South Weber, was driving home from a hunting trip in Colorado about 1 p.m. Tuesday when he collided head-on with a semi-trailer rig on Wyoming Highway 789, about 15 miles north of the southcentral Wyoming town of Baggs. Fullenkamp's 2003 Chevrolet pickup truck

was northbound when the southbound semi.crossed the center line. Fullenkamp attempted to avoid the big rig by driving onto the northbound shoulder, but the two vehicles still collided. The semi caught fire and became fully involved in flames after the crash, but the driver escaped with non-life threatening injuries. Fullenkamp died at the scene.

As a DWR sergeant, Fullenkamp supervised several conservation officers in the agency's northern Utah region. He also was instrumental in organizing several community and youth events, including a waterfowl fair Sept. 7 at Farmington Bay.

He was a loving husband, father, son, brother, uncle and friend.

Keith was born Aug. 10, 1976, to David J. and Marita B. Fullenkamp of St. Henry, and they survive. In February 2004, he met his future wife, Tanna. They were married July 8, 2006, in Northfork, Idaho, and resided in Clearfield, Utah.

He is survived by his wife, Tanna Fullenkamp, and son, Jake Talon Fullenkamp, South Weber, Utah.

The oldest of four siblings, he was born and raised in St. Henry and graduated from St. Henry High School in 1995. He attended The Ohio State University where he graduated with a degree in wildlife management. He obtained a master's degree from Weber State University in criminal justice.

His dream since he was a child was to move out West and become a conservation officer. In August 2003, he packed up his belongings and headed out to do just that in Salmon. He was employed with the Utah Division of Wildlife Resources. After moving around the state, he took a position as sergeant in the Northern Region, where he resided in South Weber, Utah.

He loved the outdoors and had a passion for wildlife. He enjoyed teaching youth conservation and how to hunt.

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# Marvell Smith AP & P DORA Officer



### 1973 ~ 2013

Marvell Smith was born September 12, 1973 in Omaha Nebraska. He is survived by his two Sons Jordan and Jayden Smith, Mother Marilyn Sledge Jackson, Father Joe C. Smith and four brothers, Jason Smith, Adam Smith, Jacob

Smith, Adrian Smith, and two sisters Marlena Smith, Alisha Smith and also other relatives and friends.

Marvell was a star running back for Mountain View High School. He received a college degree from Rick College. He served a full time mission in Panama for the Church of Jesus Christ of Latter Day Saints. Marvell took up photography as a hobby at the encouragement of grandfather James Smith. In 2012, he was named Salt Lake County Photographer of the Year. He was a member of the Corrections' Department SWAT team. His current position was AP&P

DORA officer. Marvell is a great father, Son and Friend that was loved by many and will never be forgotten.

Marvel was killed September 19, 2013 in a motorcycle accident as he was heading east on 12600 South in Salt Lake County at about 7:45 a.m. on his motorcycle. A large truck made a left turn out of the South Valley Sewer District at 4425 West and Marvel slammed into the side of the vehicle. He was wearing a helmet and other protective gear, but he died from his injuries after being taken to the hospital.



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## Officer Thomas Nalley finally receives Headstone

Died on October 14, 1902 - Age 40  
Scofield Police Department

Shortly before midnight, Saturday, October 5, 1902, Scofield City Marshal Hugh Hunter responded to the location of a loud party. When Marshal Hunter advised the participants to cease making a disturbance his life was threatened. The marshal returned a second time an hour later and was disarmed in a physical altercation with the partiers. After deputizing half a dozen men, Marshal Hunter returned again to the residence and made several arrests. However, fight with the owner of the home resulted in Deputy Nalley suffering a severe pistol-whipping by the owner, who was subsequently shot and killed by another posse member. Deputy Nalley was transported to a Salt Lake City hospital by train. He died there on October 14 and was buried in the Scofield Cemetery. Deputy Nalley was single. His bronze name plaque is sponsored by Naples Police Department.

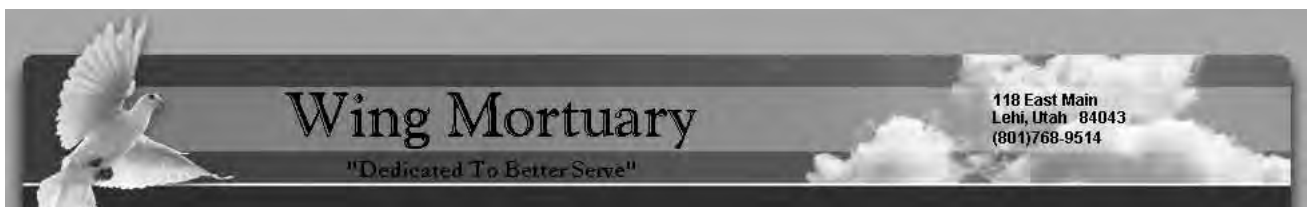


Through the help of the Utah Law Enforcement Memorial Committee the headstone became a reality. ULEM Board Members above: Jackie Guibord, Jerry Jerry Pope (on left) and Janet Thorsted in the middle back, along with three officers from Naples PD (right), two from Carbon County Sheriff's Department (left) and Ed Chavez the Mayor of Helper in the back.

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# A Tragic Moment in Utah History

**Editor's note:** On Sunday, November 17, 2013, I was invited to join Utah Germans, among others, at the Fort Douglas Cemetery here in Salt Lake for the German National Day of Mourning. Charles W. Dahlquist, Honorary Consul for the Federal Republic of Germany, and President Dieter F. Uchtdorf, of the Church of Jesus Christ of Latter-day Saints paid tribute to the German Prisoners of War who are buried at Fort Douglas Cemetery.

During World War I and World War II forty-one German soldiers died and were buried at the Cemetery.

Their country flags were displayed on each grave site, along with that of one Japanese Prisoner and several Italian Prisoners of War who are also buried there.

Most Prisoners died of illnesses or injuries sustained while fighting the wars.

However, mention was also made of the prisoners who were murdered in Salina, Utah, in 1945, and I wanted to share this story with you.

I also wanted to mention that history reveals that not many Americans felt the way the perpetrator in the following story felt.

Also, all prisoners of war were getting ready to leave camp to go home since the war had ended a couple of months before.

## Midnight Massacre (1945)

From Wikipedia, the free encyclopedia

The Midnight Massacre[1] occurred just after midnight on July 8, 1945, when an American soldier, Private Clarence V. Bertucci, killed nine German prisoners of war and wounded twenty others at a camp in Salina, Utah. It is remembered for being "the worst massacre at a POW camp in U.S. history," and the ensuing conviction of Ber-

tucci made him one of only three American soldiers prosecuted during World War II for killing Axis prisoners. It was also notable for having occurred two months after the German surrender and the end of the war in Europe. [2][3]

During World War II, Utah was home to some 15,000 German and Italian prisoners that were distributed across several camps. Camp Salina was a small, temporary branch camp that was occupied from 1944 to 1945 by about 250 Germans, most of whom were from Erwin Rommel's elite Afrikakorps. It was a simple complex;

forty-three tents with wooden floors, an officer's quarters, and three guard towers around the perimeter. Unlike many other American prison camps, which were built in isolated areas, Camp Salina was located within the small town of Salina, at the eastern end of Main Street. The Germans had been sent there to help with the harvest, and, according to Pat Bagley of the Salt Lake Tribune, they were well-behaved and friendly to the locals.[4][5]

Private Bertucci was born in New Orleans in 1921. He dropped out of school at sixth-grade, and then joined the United States Army in 1940. After five years of service, including one tour to England with an artillery unit, Bertucci seemed to be incapable of being promoted and also had a "discipline problem." According to later testimony, he was unsatisfied with his tour and said that he felt "cheated" out of his chance to kill Germans. He was also quoted as saying, "Someday

I will get my Germans; I will get my turn." Apart from overtly expressing his hatred of Germans, Bertucci did not show any indications of what he was planning on doing in the days before the massacre.[5][6]

## Massacre

On the night of July 7, 1945, Private Bertucci was out drinking, although he stopped at a cafe on Main Street to have some coffee and speak with a waitress before



The German War Memorial at Fort Douglas

reporting for guard duty back at the camp. After the midnight changing of the guard, Bertucci waited for the previous watch to go to bed, then he climbed up the guard tower nearest the officer's quarters, loaded the .30-caliber M1917 Browning machine gun that was mounted at the position, and then opened fire on the tents of sleeping Germans. Moving the gun from left to right, and then back again, Bertucci hit thirty of the forty-three tents before being removed from the tower by another soldier.[4][5][6]

The firing only lasted about fifteen seconds, long enough to fire 250 rounds of ammunition, and Bertucci is reported to have been taken into custody without any resistance. Six of the Germans were killed outright, three later died in Salina's hospital, and twenty others were wounded. One of the prisoners was "nearly cut in half" by the machine gun fire, although he managed to survive for six hours. It was said that "blood flowed out the front door" of the hospital.[4][5][6]

A barely legible copy of the Piqua Daily Call says the following:

"Clarence V Bertucci was under mental observation today [July 10] after... he sprayed gun bullets on a group of [prisoners] while they slept[,] killing eight and wounding 20 because he just didn't like Germans[.] Col[.] Arthur J[.] Ericsson[,] man for the branch prisoners camp near here[,] reported that Bertucci had been unable to account for his shooting [on] Sunday night[,] during which he fired a mounted gun from the guard tower[,] where he was on duty[.] Ericsson quoted Bertucci as [saying] that on several occasions he had been tempted to turn the tower gun on the prisoners and was not at all sorry for what he had done. He just didn't like [German]s. [T]he colonel said [n]o other reason was given[.] Bodies of the eight dead [pris]oners were taken to Brigham[,] Utah. (sic)"[7]

A July 23, 1945, article from Time follows:

"When he was home from England on a furlough last year, slight, dark-haired Private Clarence V. Bertucci

relaxed with his family on Dryades Street in New Orleans. But when he left he mystified his kinfolk with a legend he penciled on the doorsill: "Live & let live." One evening last week Private Bertucci, stationed at Salina, Utah, abandoned his motto. First he had a few beers in town. He chatted with some Salina girls, stopped off at a cafe for coffee, strolled out to the temporary camp at Main Street's east end, where 250 German prisoners of war slept. A cooling breeze rustled through the tents and the dusty town. At midnight Private Bertucci climbed a tower, relieved the guard. Below him lay the silent tent-city whose occupants, next morning, would be out in the fields, thinning beets. A .30-caliber machine gun pointed into the sky. Private Bertucci picked up a belt of cartridges, carefully threaded it into the gun. He had never been in action, but he knew how to work a machine gun. He lowered the muzzle and, aiming carefully, pressed the trigger. Methodically he swept the 43 tents, from left to right and back again. Screams and strangled shouts came from the tents. Above the screams, Private Bertucci heard an officer shouting at him. A corporal panted up to take Bertucci off the tower. As the Army buried eight prisoners at Fort Douglas last week, and treated 20 more for wounds, Bushnell General Hospital psychiatrists examined Private Bertucci. Ninth Service Command officers admitted that Bertucci's record already showed two courts-martial, one in England. His own calm explanation seemed a little too simple: he had hated Germans, so he had killed Germans."[8]

#### Aftermath

After Bertucci was taken into custody, he was completely unrepentant about what he had done: As far as he was concerned, the killings were justified because the victims were German. Following his placement in a local hospital for a psychiatric assessment, the military was forced to deal with the "political fallout." The killing of nine prisoners by an American soldier was a "public relations disaster" during what should have been a time of celebration. Despite the absence of any significant evidence of mental impairment, Clarence Bertucci was declared insane

by a military panel and sent to a New York mental hospital. There is little information available on what happened to him afterward or how long he spent in hospital. He died in 1969. [6]

The victims, who were between twenty-four and forty-eight years old, were buried with full military honors at Fort Douglas Cemetery. They were dressed in khaki American uniforms, but there was no Nazi flag on the caskets because there wasn't one available at that time. The wounded soldiers were sent back to Germany when they were deemed healthy enough for the journey. A statue called the German War Memorial has been placed at the cemetery. In 1988, the German Air Force funded the refurbishment of the statue. A ceremony was held on Volkstrauertag, the German national day of mourning, and two of the prisoners who were wounded in 1945 attended. [4][6][9]

#### References

1. Luce, Henry Robinson (1968). Time capsule/1945: a history of the year condensed from the pages of Time. Time-Life Books.
2. "Salt Lake City Ghost Seekers: And the Plot Doth Thicken". Retrieved December 6, 2012.
3. Carlson, Lewis H. (1998). We Were Each Other's Prisoners: An Oral History of World War II American and German Prisoners of War. Basic Books. ISBN 0465091237, 9780465091232 Check |isbn= value (help).
4. a b c d "History Matters: Few know of World War II massacre in Salina". Retrieved December 6, 2012.
5. a b c d "American Soldiers and POW Killing in the European Theater of World War II". Retrieved December 6, 2012.
6. a b c d e "The Utah POW Massacre - Providentia". Retrieved December 6, 2012.
7. "Piqua Daily Call, Tuesday, July 10, 1945 : Front Page : NewspaperARCHIVE.com". Retrieved December 6, 2012.
8. "Midnight Massacre - TIME". Retrieved December 6, 2012.
9. "Tragedy Finds Resting Place in Fort Douglas: The Daily Utah Chronicle". Retrieved December 6, 2012.



# Firearms

**By Doug Thorston, Deputy Sheriff  
Cache County S. O.**

One of the hot topics in today's world is firearms, or more simply guns. It seems to be one of the more polarizing subjects of everyday gossip and the media. So many groups and/or people are calling for more gun control and/or banning guns altogether. Sometimes out of fear, sometimes out of ignorance, or perhaps both.

Like so many tools (hammers, saws, screwdrivers, knives, etc.), a GUN is a tool. None of these objects have the ability to act or react to any given situation on their own. They are inanimate objects with no conscious thought or will of their own. They do not act out of their own volition. It is the person behind the tool that carries out the act, whether good or evil.

Peace officers carry guns full time as part of their job: they are expected to protect the general public, themselves, property, and keep the general peace. Unfortunately, sometimes they are called upon to use the tools at their disposal, i.e. guns, to protect the lives of private citizens and/or themselves. And yes sometimes that means they are forced to take a life in order to protect another. Peace officers go through

extensive training and retraining on a regular basis to help them make proper decisions as to when or how to use a gun. But what about the average homeowner? Should the average homeowner own a gun?

That is a personal decision that can only be made by each person and the circumstances under which they live. But if they choose to own a gun of any type, they have a responsibility to use it, lawfully, safely and wisely for whatever purpose they may have purchased it for. There are many schools available to help train the public and/or individuals in the proper and safe use of guns. But overall, guns should be respected not feared.

During the birth of our country, the British started a campaign to confiscate all guns from the colonists in an effort to keep them from rebelling against the crown. At that time nearly every household had at least one gun in the home. If that campaign had been successful the "United States of America" as we know it, would not exist. Our founding fathers, partly in response to that mandate, introduced the second amendment to our constitution - "the right to bear arms" and it has been affirmed by the US Supreme Court.

What about safety in the home if you

have a gun? Gun safety bears great personal responsibility. Children should be taught respect for, not fear of, guns. A child that is allowed to see and touch a gun under direct supervision of an adult in a safe environment is less likely to have an accident with one than a child that is told that guns are a bad thing and should be avoided. Fear mongering has never helped anyone, nor has it prevented any tragedy. Education about the proper use of guns and respect for others will go a long way to help prevent accidents and stop the violence that plagues so much of society today. It is not the guns that commit violence against another human being; it is the person that seeks to harm another, driven by a lack of personal responsibility, respect for others and an overall lack of conscience.

Firearms are a great part of our heritage, and that heritage needs to be passed on to our children and grandchildren.

Our society needs to get back to greater personal responsibility, respect for one another and civility.

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**Gerri Haney**

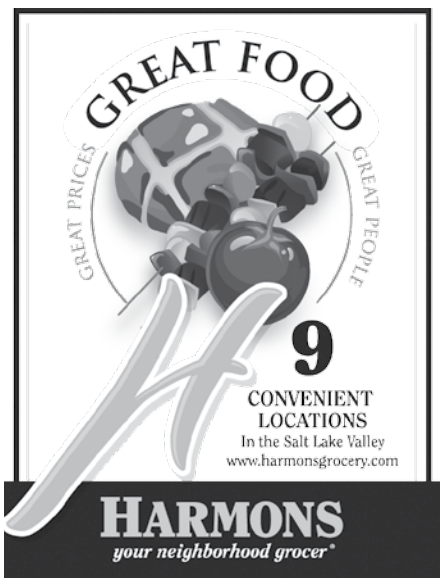
Official Scoring Expert  
**Tina Caudill**

Past President Rep  
**Lori Vollmer**

Secretary/Treasurer



If you would like to get in touch with any of the Board of Directors or wish to join, please call Gayle Roberts at 801-313-0760



## Auxiliary Dues

Your yearly \$10.00 dues should be made payable to UPOA Auxiliary and should be mailed, along with your name, address and telephone number (you may use the form on page 13), to:

**Gayle Roberts, President**  
**5671 South Redwood Road #19**  
**Taylorsville, UT 84123**

Your dues will support the charitable programs of the UPOA Auxiliary as outlined in current and past messages of the UPOA Auxiliary President

