

# THE SHIELD



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Tulsa County Sheriff's Office

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## § ALL IN THE FAMILY §



Last month, Sgt. Paul Tryon, his wife, Reserve Deputy Kim Tryon, and son, Deputy Matt Tryon were featured in the Daily Commerce and Legal News as 'family affair' law enforcement. Paul also has a cousin and nephew who work as detention officers in our jail. Currently, Sgt. Tryon is our background investigator in the Support Division. However, his career in law enforcement actually began in 1983 as a Tulsa Auxiliary Police officer. In 1989, he joined the Bixby Police Department and retired in 2006. Paul wasn't ready for 'retirement' and came on board with the Sheriff's Office. Kim became a Reserve Deputy in 1992, after also having served with the Tulsa Auxiliary Police. Deputy Matt Tryon joined the Sheriff's Office Explorer Program in 2000, eventually applying for a detention officer position in our jail. Last year, Matt completed his deputy CLEET training and graduated in June of 2009. To view the complete article from January 14, 2010, by Ralph Schaefer, you can go to [tulsabusiness.com](http://tulsabusiness.com).

### Calling all Detention Journalists!

We are looking for someone to highlight the Detention areas in The Shield. If you would be interested in writing about 'what's going on' in the Detention Division, please contact me and we'll start a Detention News column next month. [cook@tcsso.org](mailto:cook@tcsso.org)<<mailto:cook@tcsso.org>> -LeAnna Cook, 596-4974. Thanks!

#### IN THIS ISSUE



- Sheriff's Corner .....Pg. 2
- Public Acclaim .....Pg. 2
- Our History .....Pg. 3 - 4
- 2009 Deputy of the Year Banquet .....Pg. 4
- 2009 Awards & Commendations.....Pg. 5
- Vincent's View .....Pg. 7
- Birthdays.....Pg. 8



## Sheriff's Corner

by Sheriff Stanley Glanz

The New Year has already brought many changes to the office. Congratulations are in order for Captain Chuck Jordan who has been named the Tulsa Police Department's Interim Police Chief by Mayor Dewey Bartlett. Chuck is taking the reins of an organization that is in turmoil; he faces many challenges as the organization reestablishes some normalcy and moves forward under the new administration. We wish him great success in his new position.

Corporal John Wright has hung up his gunbelt and retired. Anyone who had the opportunity to work with John knew he was a little rough around the edges, but he cared deeply about this office and thought of everyone here as his family. We must also congratulate Dennis Miller for his promotion to Corporal. He is assigned to Courthouse Security and is already working to implement new training procedures for the Courthouse Security Officers.

I know that many people begin a New Year with fresh new goals, a new focus and new enthusiasm about being healthier. Well, I remind you that right now is an opportune time to incorporate some new personal health and fitness goals into your life. Our agency provides employees with the Opportunity to Exercise, as outlined in Policy 3-05; I encourage you to review the policy to help you get a jump start on your own fitness goals. There are two gyms

for you to utilize, one at the Faulkner and one at the jail. Each gym is loaded with fitness equipment to help you get motivated and stay on track. Make a plan and stick to it; a healthier lifestyle will have tremendous positive effect on both your career and personal life.

As we reflect upon the past year, keep in mind that it is time to nominate those who are worthy of being named the 2009 Deputy of the Year, and the 2009 Reserve Deputy of the Year. There are many Deputies who have performed above and beyond, and have accomplished outstanding work during this past year. I encourage you to recognize their achievements by nominating them for one of these prestigious awards. Deputy of the Year nomination letters and documentation must be submitted to Undersheriff Edwards, and copied to LeAnna Cook, no later than February 19th at 5:00 pm. The Sertoma Clubs of Tulsa will choose the award recipient from the final three nominees. The winner will be honored during the Annual Banquet that will be held on March 23, 2010. Reserve Deputy of the Year nomination letters and documentation must be submitted to Sgt. Randy Chapman as soon as possible; the date of the award ceremony is to still be determined. Support your fellow workers and send in your nominations.

It is time for all of us to focus on

the year ahead and get excited about the endless possibilities to further establish our office as one of the most professional and progressive law enforcement agencies in the Nation.

### PUBLIC ACCLAIM

Deputy Matt Tryon received a letter of appreciation from the Hamilton Middle School Career Academy for participating in their 4th Annual Law/Government Career Fair. His commitment, time, generosity and involvement were greatly appreciated by all who attended.



Thomas Mikulka, Attorney at Law in Kansas, praised Deputy Rick Shavney for his relentless efforts, over a course of seven days, to obtain personal service on a subject. Mr. Mikulka said, "We very much appreciate the professionalism with which service was obtained."



Deputy Ralph Duncan was thanked by Luis Gonzalez, Tulsa Met Lombard, for 'taking time out of his busy schedule' to sit down and talk with Mr. Gonzalez about our law enforcement profession and what the job entails.

### CALEA FACTS

**Standard 11.2.2** Each organizational component is under the direct command of only one supervisor.

#### ACA

**Standard**

4-ALDF-7D-05 The facility is managed by an administrator to whom all employees are responsible.

## ••• Our History •••

### TCSO History

By Retired Sgt. Lyndall Cole  
TCSO Historian

## “Illicit Love”

### Part II

The Frost family had lived in Leonard for six years before moving to Bixby, just two weeks before Sam was killed. The father of 10 had recently lost his job with a gas company, but Mrs. Frost said he had some promising job possibilities in Tulsa.

In 1927, Sam Frost, 44, had met Frank and Millie Posey while living in Leonard. Millie was 22 and her husband Frank was 49. The three met at a friend's house and Sam immediately became infatuated with Millie. Sam found out that Frank worked out of town most of the time in the Wewoka area.

As the investigation progressed, the story began to unravel, and by Friday, April 19th, Frank Posey was named as the suspect in Sam Frost's murder. During their investigation, Deputy Hans Carter and County Investigator Charles Thompson had interviewed witnesses in Leonard, and received new information concerning 'alleged intimacy between Mrs. Posey and Frost, and persons who took money which Posey demanded from Frost, to the accused man'.

With all the information coming to light, and the state-wide search for her husband, Millie Posey spoke with a Tribune reporter on the same Friday her husband was named as a suspect. Millie told the reporter that her friendship with Sam Frost was 'forced upon her'. She continued, "I had forbidden him to come to my home but he came and threatened to kill me if I did not leave my husband and two children to run away with him. He had brought Mrs. Frost over to my home several times after the first meeting to visit Mr. Posey and myself. Then he began to come more frequently and finally two or three times a week during the past year. My husband is away from home much of the time working in Wewoka and Frost would come to my home during his periods of absence. Several times he was there when my husband returned and upon hearing his automobile, he would run out of the back door and flee in his car which he hid in the woods nearby. I told Frank about his visits and he threatened to kill him. About a month ago Frank came

home and caught Frost leaving by the back way. He hit Frost and followed the man into the backyard, yelling threats to kill him if he didn't stay away. Frost came to my home several times again and Tuesday night my husband returned and caught him again running out of the back door. This was between 9 and 10 p.m. Frank then told me he had a gun and that he was going out to kill Frost. He left in his car and followed Frost's car. This was the last time I saw him and do not know where he is at the present time."

Chief Criminal Deputy John Evans had not heard from any of the surrounding agencies in the search for Posey, but by Saturday night, April 20th, Tulsa County had their man. Sheriff Price was contacted by McIntosh Sheriff E. A. Kelly. Sheriff Price was told that Frank Posey had driven to Eufaula and surrendered himself to the McIntosh Sheriff after his wife's article had appeared in the Tulsa Tribune. When asked why he had given up in this way, Posey replied, "I had known Sheriff Kelly for a long time, so I just went to him." Posey added, "I thought about coming in and giving myself up right away, but I had some business to attend to, and I had to get some money. No one else could do it but myself, so I stayed out long enough to attend to that business. I never intended to try to get away. If I had wanted to, there were several cars at my disposal and plenty of money." While in Sheriff Kelly's custody, Frank told a Tulsa Tribune reporter, "I killed Sam Frost because he wouldn't leave my wife alone."

Frank Posey would later testify at his trial about meeting Frost in Leonard when Frost worked at a gas plant near his home. He recalled a night in 1927 when he had searched for his wife all night, but was unable to find her. She returned home the following morning, claiming days later she had been with Frost 'on a mountain'. Posey would confront Frost about this incident.

"I told Frost what Millie had told me and at first he denied it. When I told him Millie was out in the car and asked him to talk with her, he later admitted his acts and asked me to pardon him."

"I asked him to promise to Millie and me that he would leave her alone and never speak to her again. He promised. When he suggested that we would remain friends I told him, "No, Sam, that can never be. Don't ever speak to me again."

On that fateful Tuesday night, Frank Posey was returning home from work in Wewoka when his car got stuck about a mile from his house in Leonard. Walking home he arrived on the front porch and saw a man running from the back door. When he asked his wife who had been at the house, Millie told him it was Sam Frost. Enraged, Posey got a gun, took Millie to the car with him, and drove to Frost's home in Bixby.

Posey claimed that he had killed Sam Frost that fateful night after following him home from his house in Leonard where he had seen him visiting his wife. He told authorities, "If Frost had come to me like a man and said he and Millie were in love, and if she said she wanted to go away with him, it might have been all right. I could have forgiven them and they could have gone away together, but he didn't." He told deputies that he had lost the pistol he had used in the shooting before he turned himself in to Sheriff Kelly. Millie then drove him to Wewoka, before returning to their home in Leonard. Based on his statements, Frank and Millie Posey were charged with the murder of Sam Frost. Appearing before Pleas Judge B. J. Williams' court on April 23, the Poseys pleaded 'not guilty'. The charges would later be dismissed against Millie Posey on Monday, September 30th.

In October of 1929, the trial was held in the District Court of Judge Saul Yager. Prosecutor W. L. Coffey stated, "It was a cold blooded murder, the way Frost was shot down at his home and I intend to ask the death penalty for Posey." Coffey would also show evidence that Posey had exacted 'blackmail toll' from Frost when he found him intimate with his young wife, Mrs. Millie Posey, and that when Frost was unable to pay further, he was shot.

Frank Posey claimed self-defense,

*Continued on pg. 4*

## ••• Our History, Continued •••

*Continued from pg. 3*

stating that Sam had whipped out a pistol and tried to shoot him on the night of the murder. His attorney stated during his opening remarks, "On that fateful occasion, Posey called Frost out and asked him to stop being attentive to his wife. Frost denied this and Posey asked him to step out to his car and he would confront him with Mrs. Posey. This, Frost would not do, instead reaching for his gun when Posey shot him in self-defense. The gun fell from Frost's hands to the floor. Mrs. Frost took the weapon away and today has it in her possession." Mrs. Frost would deny these allegations during her testimony.

It would be revealed in the trial that Chief Criminal Deputy John Evans and Deputy Hans Carter had received information through various tips 'which

indicate that Posey received tribute during pendency of the relationship and then became angered when Frost no longer was able to pay'. Millie Posey would claim during her testimony that she had no knowledge of any money being exchanged between her husband and Sam Frost, even though evidence during the trial showed that Sam Frost had sent Frank Posey two \$50 checks.

Millie testified that she had had 'illicit relations' with Frost, but that she had told him she did not love him enough to leave her two children and run off with him. She added that her husband had threatened to kill Sam Frost three or four times. She said Sam always had a gun with him, and on that fateful day, he had struck her with the gun when he found out she had told her husband about his visits. She claimed Sam told her he would kill her husband if he ever

came to his home again. Millie told the court that on the night of the shooting, she heard a shot, and after her husband came back to the car, she saw Mrs. Frost come out on the porch and pick up something.

Deputy Hans Carter testified that while Posey was in the county jail, he had told the deputy he had shot Frost because he thought he had seen a gun in his hand. No pistol was found in the Frost home.

W. L. Coffey asked for the death penalty, but Posey received a life sentence. He was found guilty Saturday, October 5, 1929. The jury deliberated for two hours and returned with a verdict of guilty. The vote was 10 to 2 for the death penalty, so Frank Posey was sentenced to life in prison. His appeal for a new trial was denied, and on October 20th, 1929 he was formally sentenced by Judge Saul Yager to life in prison.

# DEPUTY OF THE YEAR BANQUET TOWNWEST & SOUTHSIDE SERTOMA CLUBS HOST THE 2010 TULSA COUNTY AREA LAW ENFORCEMENT AWARDS PROGRAM MARCH 23, 2010

**Freddie's Barbecue & Steakhouse Restaurant**  
1425 New Sapulpa Road • Sapulpa

**Banquet & Dinner Begin Promptly at 7:00 p.m.**

**\*\*\*Event will take place in Banquet Hall behind the restaurant\*\*\***

**TCSO Nominees will be announced at the end of this month.**

**GUEST SPEAKER FOR THE EVENING - TO BE ANNOUNCED**

**Tickets are \$10.00 per person for Law Enforcement Personnel & Guests**

**Please show your support for our nominees by attending!**

**For Reservations Contact: LeAnna Cook @ 596-4974 or  
@ Courthouse: Carrie Knauf @ 596-5641**

**\*\*\*Reservation Deadline is March 19th at 5:00 p.m.\*\*\***

# 2009 Awards and Commendations

## LIFESAVING AWARD

Deputy Eric Anderson  
Deputy John Schonholtz  
Detention Officer Tara McDonald  
Detention Officer Tabitha Wood

## MEDAL OF VALOR

Deputy David Long  
Deputy James Morris

## EMPLOYEE OF THE YEAR

Detention Officer Jeremy Taylor

## MERITORIOUS SERVICE

Deputy Betty Shelby

## DISTINGUISHED SERVICE

Sergeant Craig Bivins  
Sergeant Shannon Clark  
Corporal James Estes  
Deputy Kelly Messenger

Deputy James Asberry  
Detention Officer Marshall Preston  
Reserve Deputy Larry Zane Johnson

## UNIT COMMENDATION – TULSA STATE FAIR

Sergeant Eric Kitch  
Sergeant Randy Chapman  
Sergeant Judy Pounds  
Sergeant Mark Stevens  
Corporal John Wright  
Corporal Jerry Holloway  
Deputy Catherine Curtin  
Deputy Phil Carman  
Deputy Lou Randall  
Deputy Wayne Pauley  
Deputy Clint Caskey  
Deputy Rachel Berkowitz  
Deputy Chris Pierce  
Deputy Paula Hite

Deputy Skee Olmstead  
Deputy Raul Nieves  
Deputy Betty Shelby  
Deputy James Asberry  
Deputy Joe Peters  
Deputy Ryan Ayers  
Deputy Jerry Quinton  
Deputy Tim Wilkens  
Deputy Chris Cornwell  
Deputy Jason Morrison  
Deputy Michael Bonin  
Deputy Kelly Messenger  
Detective Marlon Stuart  
Deputy Eric Spyres

## LETTERS OF COMMENDATION

Corporal Michelle Ramsey  
Deputy Don Psalidas  
Deputy David Long  
Detention Officer Robert Valenzuela

Detention Officer Laura Norris  
Detention Officer Patricia Owens  
Detention Officer LaShonna Nelson  
Loyd Dotson

## CERTIFICATE OF COMMEDATION – DEPUTY OF THE YEAR NOMINEES

Sergeant Gary Frazier  
Corporal Jeff Organ

Deputy Michael Schmauss  
Detective Marlon Stuart

# “EXPLAIN YOURSELF OFFICER!”

## WHEN IS THIS REQUIRED?



The street officer will constantly receive an inquiry from those they come into contact with as to why they are taking a particular action or why was that person stopped. Often it is put into the terms of “why are you hassling me.” Do you have to explain yourself? We know that in filling out search warrant affidavits, writing reports and your testimony in court, you have to lay out the basis of your suspicions and justify every detention, arrest, search, seizure, entry and use of force. If this is not properly done, then the warrant does not get issued or your case gets rejected by the DA’s office, or a judge orders the suppression of evidence. You may even find yourself having to defend a civil rights lawsuit. As we all know, the world is full of requirements that you articulate reasonable suspicion, probable cause or some other level of justification for what you have done. However, and this is the good news, there is no necessity to explain why you search a jail cell or examine abandoned property or seize contraband or other evidence in plain view. This article will explore other circumstances where you do not have to justify your actions.

### “KNOCK AND TALK” AND OTHER CONSENSUAL ENCOUNTERS

The US Supreme Court has said that not every interaction between police and citizens amounts to a search or seizure requiring some kind of suspicion. If you approach a citizen particularly on the street and start talking, without blocking away or ordering the person to stay and talk to you, that person has not been detained so you have nothing to justify. In *U.S. v. Mendenhall*, 446 U.S. 544 (1980), the United States Supreme Court said “there is nothing in the constitution which prevents a policeman from addressing questions to anyone on the streets.”

### RANDOM INTERROGATION

Assuming either a consensual encounter or a justified detention or arrest, you need not have to justify asking investigative questions. For example, a law enforcement officer questioned Iris Mena during a service of a search warrant, the Supreme Court ruled that officers did not need to justify such questioning: “even when officers have no basis for suspecting an individual, they may ask questions. The officer did not need reasonable suspicion to ask Mena for her name, date and place of birth, and her immigration status. *Muehler v. Mena*, 125 S.Ct. 1465 (2005).

### VEHICLE ENCOUNTERS

Marked patrol cars or motorcycles are allowed to drive along public streets and highways, the same as other vehicles. And, as long as no lights or sirens are used and the police car doesn’t cut off another car or block a pedestrian’s route, the fact that an officer shows an interest in someone or drives behind or parallel to someone does not infringe upon that person’s liberty or require any explanation whatsoever.

In the case of *Michigan v. Chesternut*, 486 US 567 (1988), the suspect began running away when a marked car approached the street corner where he was selling drugs. Upon seeing this, the officers turned the corner and proceeded to follow him. Eventually, the officers saw him throw down drugs so they stopped and arrested Mr. Chesternut. Although the State Court thought Chesternut had been detained by the officers just by the mere act of following him, the United States Supreme Court disagreed and reversed the suppression order.

In the Court’s words, “while the very presence of a police car driving parallel to a running pedestrian could be somewhat intimidating” it does not constitute a seizure or necessitate any articulated suspicion.

### SURVEILLANCE AND THE USE OF GPS DEVICES ON A SUSPECT’S CAR

Undercover surveillance driving runs the risk of detection by the suspects.

Attaching an electronic transponder to the undercarriage of a suspect’s vehicle or planting it in a precursor chemical or bait money allows an officer to follow from a distance and identify the suspect’s ultimate location, in order to obtain a search warrant. Nonintrusive installation of a transponder and monitoring it over public highways does not require a warrant or suspicion to satisfy the Fourth Amendment. This is true because “a person traveling on a public thoroughfare has no reasonable expectation of privacy in his movements from one place to another.” *U.S. v. Knotts*, 460 U.S. 276 (1983).

### FLASHLIGHTS, SPOTLIGHTS AND BINOCULARS

What can lawfully be seen with a naked eye in daylight can also be seen during darkness by the use of flashlights and spotlights: the use of artificial means to illuminate a darkened area simply does not constitute a search, and thus triggers no Fourth Amendment protection.” *Texas v. Brown*, 460 U.S. 730 (1983).

What can lawfully be watched from nearby can lawfully be watched through a telescope or binoculars from a distance: “the use of field glasses or the telescope can magnify the object of a witness’s vision is not a forbidden search or seizure.” *On Lee v. United States*, 343 U.S. 747 (1952).

### BOTH A LICENSE PLATE AND AN EMBOSSED VEHICLE IDENTIFICATION NUMBER ARE REQUIRED TO BE VISIBLE FROM THE EXTERIOR OF A MOTORVEHICLE

When you know the plate number and run it through NCIC or other data base, you are not engaging any search, and no suspicion is needed. Likewise when you approach a parked or lawfully stopped vehicle and examine the VIN no reason need be given.

“It is unreasonable to have an expectation of privacy in an object required by law to be located in a place ordinarily in plain view from the exterior of the automobile.” The exterior of a car, of course, is thrust into the public eye,

*Continued on pg. 7*

## Explain Yourself Officer, Continued

*Continued from pg. 6*



and thus to examine it, does not constitute a 'search'. *New York v. Class*, 475 U.S. 106 (1986).

### DOG SEARCHES

Vehicles cannot be randomly stopped to see if a trained dog "hits" on them for drugs or explosives. *Indianapolis v. Edmond*, 531 U.S. 32 (2000). However, if the car is parked or stopped during a lawful detention, running a dog around the exterior to see if it reacts is not a search, and no independent suspicion is needed:

A dog sniff conducted during a concededly lawful traffic stop that reveals no information other than the location of a substance that no individual has a right to possess does not violate the Fourth Amendment.

*Illinois v. Caballes*, 543 U.S. 405 (2005).

Remember the use of a dog on a traffic stop must not exceed the time it would normally take to conduct a traffic stop without using a dog. In other words, you cannot detain an individual without suspicion after the conclusion of a traffic stop for an unreasonable amount of time waiting for your drug dog to arrive.

### ORDERING THE OCCUPANTS OUT OF A VEHICLE DURING A TRAFFIC STOP

One study indicates that 30% of officers shot in a line of duty or shot as they approached someone seated in a vehicle. The Supreme Court has determined that this risk justifies a flat rule that any lawful traffic stop, both the driver and all the passengers may be ordered out, at the officer's discretion, as a routine safety precaution and no

explanation is required.

We hold that once a motor vehicle has been lawfully detained for a traffic violation, the police officers may order the driver to get out of the vehicle.

*Pennsylvania v. Mimms*, 434 US 106 (1977).

We hold that an officer making a traffic stop may order the passengers to get out of the car pending completion of the stop.

*Maryland v. Wilson*, 519 U.S. 408 (1997).

And, in *Brendlin v. California*, the Supreme Court said that passengers should not consider themselves free to depart without police permission. Therefore, there temporary detention would require no additional justification beyond a reasonable suspicion for the initial traffic stop.

### CONSENT TO SEARCH

You do not have to suspect that a search will reveal something

incriminating before requesting consent to search. During a consensual encounter *U.S. v. Drayton*, 536 U.S. 194 (2002) or following a lawful detention, *Florida v. Jimeno*, 500 U.S. 248 (1991) or arrest, *U.S. v. Watson*, 423 U.S. 411 (1976) you may simply ask for consent to search and no explanation is required.

Even when officers have no basis for suspecting an individual, they may generally request consent to search. *Florida v. Bostic*, 501 U.S. 429 (1991).

So, if your subject thinks he is begin "hassled" that is his problem, not yours. Ordinary patrol is not a Cops show where there is a detailed narrative given to onlookers as to what is happening. You have every right to do your job and owe the public no particular explanation. When you do this politely but firmly, your efforts will be highly effective.

**Good luck and happy hunting!**

**Reuben Davis**



## VINCENT'S VIEW

### • The Book of Eli •

*Starring: Denzel Washington, Gary Oldman, Mila Kunas and Jennifer Beals*

*by Detention Officer Vincent Fesler*

This is an interesting movie. It is a thinking movie, yet there is enough action to keep the action fans interested, and enough plot to keep the rest of us hooked. In other words, there's something for everyone. Denzel Washington gives a great performance as the hero of the story, and, of course, Gary Oldman can play the bad guy like no other. Mila Kunas, from the 70s Show, co-stars with Mr. Washington, as does Jennifer Beals of Flashdance. The director doesn't give you a lot of back story, but I think it's because the back story is less important than what is actually taking place in the story. There are a couple of

twists at the end of this movie that will have you scratching your head, but all in all a very good movie. By the way, there is some graphic violence, so I cannot recommend this movie for the children, but very entertaining! So leave your stress at the door and go see a movie.

