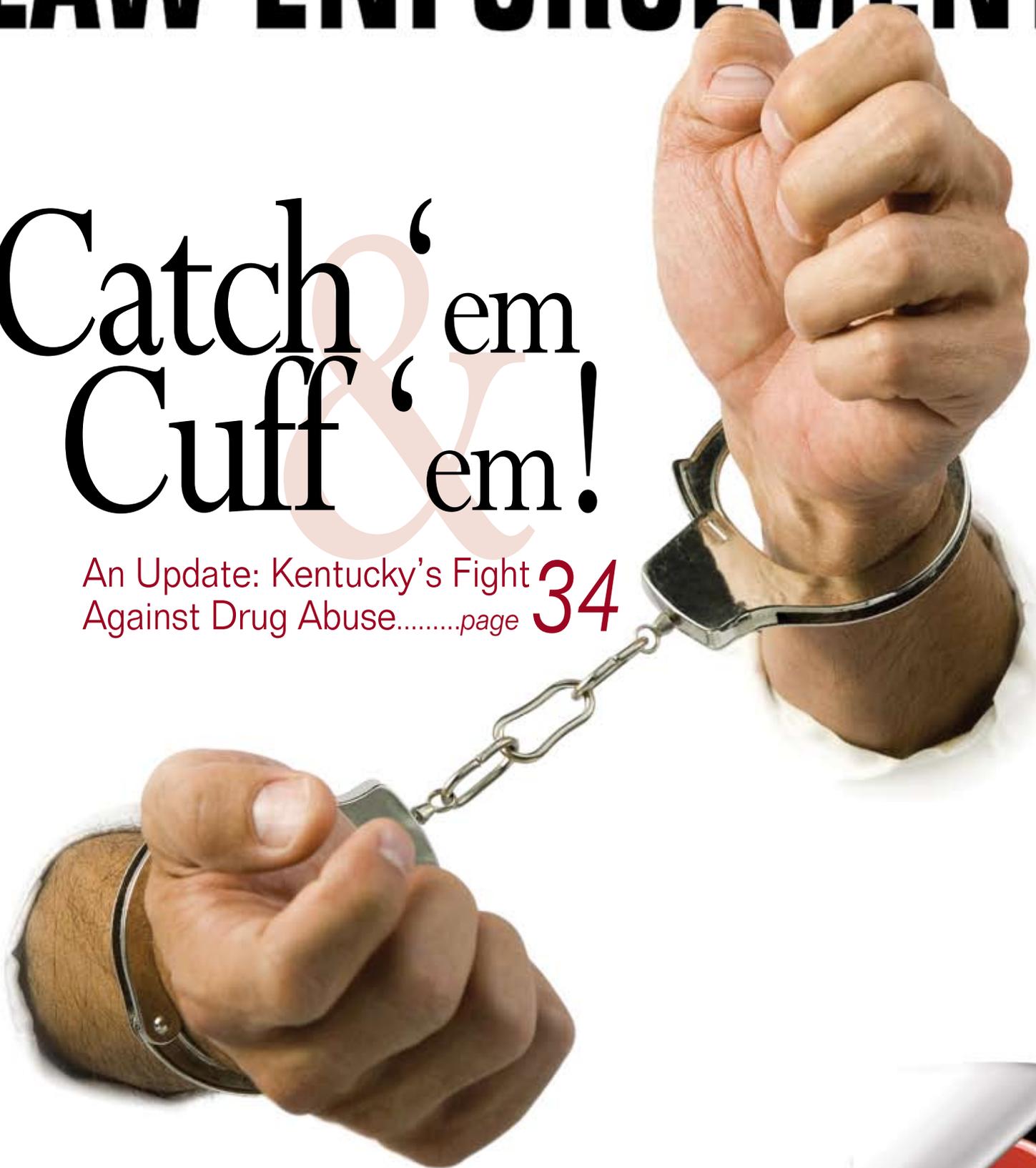


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KENTUCKY LAW ENFORCEMENT

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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine. We can use black and white or color prints, or digital images. KLEN News staff can also publish upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.

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It All Begins With Integrity

/John W. Bizzack, Commissioner, Department of Criminal Justice Training

Finding good people to do important work requires only three key ingredients. The first is integrity, the second is intelligence, and the third is a high energy level. Experience clearly demonstrates that if a person does not have the first, the second two really do not matter at all.

Having integrity means you stick to your internal code of morality, even at the risk of losing the comforts surrounding you. Of course, not all questions of integrity are black and white. We all encounter gray areas. Those dilemmas usually occur with the right-versus-wrong decisions or sometimes when the right thing to do is unclear. The higher your position in an organization or even in social stature, the more difficult some decisions become.

“ Consistency breeds integrity and integrity, in turn, breeds success. ”

But, you don't have to be in a formal position of leadership or in a high profile position for gray areas to arise. We all face integrity decisions every day of our lives. How we handle those decisions identifies our character to others. When integrity is exercised, working through those ever-present gray areas is easier.

Integrity is not something anyone can claim like a fancy title. It's a judgment made by people around you based on your everyday actions. At the root of integrity is consistency – staying the course. Consistency cannot be hurried. It must be proven over time. Consistency demonstrates wholeness and harmony between your personal values and your actions, the very foundation of your character.

McFutures Corporation Chairman Jerry Healy, who owns and operates 14 McDonald's restaurants in Kentucky, says that

McDonald's has experienced long term success because of one thing: consistency. It's not the special sauce, the food, clean stores or clever commercials and marketing. They are all part of a formula, but the underlying strength of the McDonald's brand, he says, rests in its consistency among its locations from Kentucky to Hong Kong. You always know what you're going to get under the Golden Arches.

Demonstrating consistency through your everyday actions in business and personal life establishes your integrity. And that, in turn, becomes how other people measure you. Like McDonald's, what you consistently see is what you get. Consistency breeds integrity, and integrity, in turn, breeds success.

Achieving short-term results in business, your career or your personal life does not require great leadership. It can be, at times, easy to entice people to work with the promise of more pay, better benefits, promotions, involvement and so forth. But for people to follow you long term, or even want to associate with you in some situations, the number one requirement is your continual demonstration of integrity, consistency and trustworthiness. The unfailing dependability that comes from this trio is more important than any other trait a person can bring to the table, including being innovative, wise, courageous, intelligent or a great communicator.

This is the simple and absolute universal truth of life. You don't have to agree with it, like it or even believe that it works that way, but if you focus on building your reputation for integrity, consistency and trustworthiness, you will gain the confidence of others. This trio of personal traits will work regardless of your belief system.

What this means for the formal leader, the one who is in an appointed or assigned position of leadership is this: Without consistency, you can never develop integrity, without integrity you can never develop trust and without trust you cannot develop people. Finally, without the right people, you will have no followers and, therefore, no one to lead.

It all begins with integrity. 

A handwritten signature in dark ink that reads "John Bizzack". The signature is fluid and cursive, written in a professional style.



All Men and Women Are Created Equal

/Lieutenant Governor Stephen B. Pence, Secretary, Justice and Public Safety Cabinet

Kentucky's native son, President Abraham Lincoln – a role model many of us aspire to emulate – once observed in words that have been indelibly burned into the American psyche, "...our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal." To that I, as secretary of the Justice and Public Safety Cabinet, would only add, "...and women too."

Our cabinet continuously searches for the best, brightest and most capable Kentuckians to join our ranks and fulfill our joint responsibility to protect all citizens of the Commonwealth. A priority goal of our strategic vision focuses on building a diversified work force that will accurately reflect a cross section of all Kentuckians.

I'm pleased to announce that the Justice and Public Safety Cabinet will soon be rolling out a major recruiting initiative based on the success of a recent pilot program created and implemented by the Department of Corrections. DOC, with the assistance of the Governor's Office of Local Development, recently conducted job fairs throughout the state with an emphasis on minority hiring.

The outcome of this effort: In the past 24 months, more than 300 new DOC employees, the majority of whom are African-American, joined the Justice and Public Safety Cabinet.

Clearly, our carefully planned recruitment efforts can be successful and help us move energetically toward our common goal.

Under the direction of Commissioner John Rees, the DOC has achieved a record 11 percent African-American female workforce. While the state as a whole reports minority hiring at 8.3 percent, the DOC averaged double that percentage, 16.6 percent for 2005.

That outstanding effort blazes a trail for all other departments in the Justice and Public Safety Cabinet to follow, including Kentucky State Police, Department of Juvenile Justice, Department of Criminal Justice Training and Kentucky Vehicle Enforcement.

And certainly we hope other law enforcement agencies throughout the Commonwealth will join with us in this endeavor.

Cabinet-wide implementation of this minority-hiring effort requires prudent planning and consideration. Therefore, I have formed an advisory task force, the cabinet's Minority Recruitment Council. The nine-member council includes civic leaders from across the state who will examine the issues, develop recommendations and enumerate goals for a 12-month pilot project. They will also regularly advise me on the recruitment of minorities and females to positions within our cabinet.

Our efforts, stemming from the recommendations of the council, will include participation in job fairs or, where there are no job fairs in place, actively launching our own. We'll be on campuses and in schools. We'll deliver the message that a career in law enforcement opens a world of opportunities, limited only by an individual's initiative and the skills he or she is willing to develop.

Too often the general public considers law enforcement careers to be limited to police departments, sheriffs' offices or forensic laboratories. Perhaps those three are the result of the limited focus of too many TV shows. Obviously, as we all know, there is a plethora of career opportunities within the justice community beyond those options. Each provides a fulfilling career with the prospects of moving up a defined ladder of success and an opportunity to serve our fellow citizens.

Meanwhile, it is incumbent on each of us – the professionals representing Kentucky's Justice and Public Safety Cabinet and Kentucky's law enforcement community – to diligently put forth the extra effort to diversify our workforce, to seek out professional-caliber women and minorities, and to learn more about – indeed to celebrate – the diversity of the Commonwealth. I encourage you to take an active role in this endeavor; volunteer, participate and give generously of your time and expertise.

After all, in the end we are all Kentuckians and, as such, we all want the best for Kentucky. 🍷

DOCJT Recommended for CALEA Re-accreditation

/Jennifer Wilburn, Administrative Specialist III, Staff Services and Planning

Assessors with the Commission on Accreditation for Law Enforcement Agencies arrived at the Department of Criminal Justice Training December 3. They observed and verified compliance with the 182 standards outlined in the Public Safety Training Academy Accreditation program.

The program was introduced by CALEA in January 2002 in response to requests from law enforcement training academies with the intent to encourage and uphold superior public safety training and to recognize professional excellence.

The initial on-site assessment in December 2002 led to DOCJT's recognition as the first accredited public safety training academy in the nation. This prestigious honor was presented during CALEA's spring conference in Orlando, Florida on March 22, 2003. Since that time, the accreditation team has been working diligently with the entire DOCJT staff to maintain compliance with the CALEA standards, which are structured into nine chapters that encompass organization structure, human resources, instructional systems and student welfare.

Assessors Susan Maycock and Raymond Rast were extremely complimentary of the agency and the accreditation team, describing the condition of the files as excellent. The best they had seen in 10 years – as well as the best on-site assessment each had performed. The assessors stated that they had found everyone to be very helpful and pleasant. They referred to the DOCJT facilities as excellent and impressive, demonstrating that safety and student welfare is a priority at DOCJT. The assessment team concluded in their report to Commissioner John W. Bizzack, the executive staff and the accreditation team that the on-site assessment was favorable and they would be submitting a recommendation for re-accreditation to CALEA. The DOCJT will be a candidate for re-accreditation at the 2006 CALEA summer conference hosted by the Lexington Police Department.



▲ Sheriff Steve Sparrow (right), 2005 president of the Kentucky Sheriffs' Association, presents the 2005 President's Appreciation Award to Larry Ball during the KSA's annual meeting. Ball was recognized for his years of dedicated service in supporting the KSA.

Trooper Selected as Finalist for IACP Award



The International Association of Chiefs of Police, Division of State and Provincial

Police has selected Kentucky State Police Trooper Ricky J. Conn as one of four finalists for its most prestigious police award. Conn serves at KSP Post 9 in Pikeville.

Conn, who received second- and third-degree burns on his hands, chest and face while rescuing victims of a natural gas explosion, will represent the Southern Region as a finalist for the 2005 IACP Trooper of the Year award. This is the 11th year the IACP will have presented the award to an outstanding trooper in recognition of acts of heroism or exceptional performance of duties.

The name of the 2005 IACP Trooper of the Year will be announced March 11 during the 2006 State and Provincial Police Mid-year Conference in Alexandria, Virginia.

In December 2005, Gov. Ernie Fletcher presented Conn with the Governor's Medal of Valor, which is reserved for troopers displaying conspicuous heroism in the line of duty under circumstances of extreme danger.

"Trooper Conn exemplifies the character of Kentucky state troopers," Fletcher said. "Although he was facing life-threatening injuries, he put the needs of others ahead of his own and saved the lives of two people."

Conn, a 10-year veteran of the force, was off duty during the early morning hours of November 8, 2004, when the explosion occurred in his Ivey neighborhood. Despite suffering severe burns himself, the officer rescued a mother and child from their burning house.

"Trooper Conn made a great personal sacrifice the day he put himself in harm's way to rescue others," KSP Commissioner Mark Miller said. "He is a model of selflessness and courage for everyone and greatly deserves this public acknowledgement of his heroism."

Office of Drug Control Policy Compliance Branch Manager Receives Law Enforcement Honor

Van Ingram Earns the Shein Award

/Stacy Floden, Public Information Supervisor, Office of Drug Control Policy

The Office of Drug Control Policy's Compliance Branch manager, Van Ingram, was recently honored by the Kentucky Law Enforcement Council with the 2005 Shein Award. The award, given annually since 1973, is presented for distinguished service in the field of law enforcement in the Commonwealth. The recipient of the award is a person who has significantly contributed to, assisted with and promoted law enforcement during the previous year.

Ingram served as a law enforcement officer for more than 20 years as a patrol officer, detective and police chief. He was president of the Kentucky Association of Chiefs of Police, served on the Kentucky Law Enforcement Council, the Kentucky League of Cities Board of Directors and represented all police chiefs in Kentucky with his service on the Kentucky Drug Summit as appointed by Governor Ernie Fletcher. Ingram has been in-

strumental in aligning nine drug task forces across the state.

"It is a privilege to have someone on staff of Van's caliber working with law enforcement," ODCP Executive Director Teresa Barton said. "Chief Ingram has been instrumental in coordinating the work of our drug task forces, working on the successful meth legislation and is a key staff member of the ODCP."

"Many officers retire from their law enforcement positions and take it easy," Henderson Police Chief Ed Brady said. "Van made a commitment, including moving from his hometown of over 20 years, and has dedicated himself to making Kentucky a better place. He has made a commitment to all Kentuckians through dedication, experience and focused efforts to continue to make this a better place."



▲ (left to right) William Walsh, chairman of KLEC Executive Committee; Van Ingram; Larry Ball, KLEC executive director.

The ODCP is the coordinator and clearinghouse for substance abuse programs and issues in Kentucky. Its mission is to serve as a leader and catalyst for improving the health and safety of all Kentuckians by promoting strategic approaches and collaboration to reduce drug use and related crime.



▲ Dr. William Walsh (left), chairman of the KLEC and Larry Ball, executive director of KLEC present a Founders Certificate of Appreciation to Bert Hawkins during the KLEC meeting in November. Hawkins was a former Louisville police officer before his work for the KLEC. He was instrumental in starting DOCJT's mobile training program.

KVE Officer Receives Multiple Awards



Kentucky Vehicle Enforcement Officer Travis Rogers has been awarded with three statewide awards from the Governor's Highway Safety Program for his efforts to reduce drinking and driving on Kentucky roadways. Rogers is a resident of Pulaski County and has been with KVE for six years.

Rogers won the 2005 summer challenge "100 days of heat" for speeding, impaired driving, seat belt and child restraint cita-

tions, and he was a Governor's Impaired Driving Enforcement Division winner.

In addition, Mothers Against Drunk Driving, awarded Rogers with the statewide DUI award for setting a state record with 375 DUI arrests in one year. He broke the record set by Officer Landry Collett last year.

"Through winning these multiple awards, Officer Rogers has brought great honor and distinction upon this agency," KVE Commissioner Greg Howard said. "It is because of officers like Travis Rogers that we have one of the premier departments of this nature in the country."

KSP Detective Honored With National Award

/Les Williams, Public Information Officer, Kentucky State Police

Kentucky State Police Det. Jon Marshall was honored recently as 2005 Investigator of the Year from the National Association of Drug Diversion Investigators. Marshall received the award at its 16th national conference in Myrtle Beach, South Carolina.

Charlie Cichon, executive director of NADDI, said, "Detective Marshall was presented with the award specifically for his work as lead investigator on Op-

eration Special Delivery, a multi-jurisdictional investigation into several Internet pharmacies. His direct involvement led to the seizure of \$1.5 million in property and shut down seven Internet pharmacies."

Operation Special Delivery was the first investigation into Internet pharmacies shipping drugs to Kentucky. It began in November 2004 with the assistance of Mike Burton, an investigator with the Office of Inspector General-

Drug Enforcement. Det. Marshall began investigating online pharmacies that were shipping drugs mainly to eastern Kentucky. Along with other investigators, he flew to Florida and, with the assistance of the DEA and the Florida Department of Law Enforcement, served seven federal search warrants, which resulted in the closure of those pharmacies. The investigation is continuing in Florida.

As a direct result of this in-

vestigation, legislation has been passed requiring all Internet pharmacies to report any drug shipments to Kentucky to Kentucky All Schedule Prescription Electronic Reporting. This legislation also requires all Internet pharmacies that conduct business in the state to register with the Commonwealth of Kentucky Board of Pharmacy.

Det. Marshall is a 19-year KSP veteran and is assigned to the KSP Drug Enforcement/Special Investigations Branch.

Villa Hills Hosts Explorer Competition

/Stella Plunkett, Training Instructor, Evaluations Section



▲ (front row) Ben Walker, Jessica Walker of Westchester Ohio Explorers (back row) Villa Hills Mayor Mike Sadouskas, Chief Daniel Goodenough and Officer Melvin Wright of Villa Hills Police Department.

The Villa Hills Police Department hosted its first Explorer competition November 5 at River Ridge Elementary School in Villa Hills. Officer Melvin Wright of the Villa Hills Police Department was the coordinator for the event. There were eight Explorer post teams competing from three states:

- Westchester, Ohio
- NERLEEA, Connecticut
- Louisville Metro, Kentucky
- Grant County, Kentucky
- Waynesville, Ohio
- Springdale, Ohio
- Hamilton County, Ohio
- Butler County, Ohio

Each team was judged on tactics and interpersonal communication. Explorers responded

to various scenarios of domestic violence, unknown traffic stop, suspicious person, burglary in progress, school shooting, crime scene investigation and unknown trouble. Judging the competition were DOCJT's Danny Dailley, David Pence, Stella Plunkett, Scott Saltsman, Rick Schad, David Stone and Gary Wilson.

"It was obvious that their advisors spent many hours working with the individual teams," David Stone, said.

Overall results of the competition were:

1. Westchester, Ohio
2. Louisville Metro, Kentucky
3. Waynesville, Ohio

2005 DOCJT Awards

/Edliniae Sweat, Executive Staff Advisor, Commissioner's Office

DOCJT presented the Peace Officer Survey Committee with the 2005 Teamwork Award. Steve Fessel, Allison Harrison, Rachel Lingenfelter and Jennifer Wilburn received special recognition for their work on the project. To make sure this project was a success, many tasks that were completed to accomplish the main goal — results. This survey was the first of its kind to be sent to all peace officers in Kentucky.

Meanwhile, Yvonne Williams, Professional Development Branch, was chosen as the 2005 Administrative Staff Person of the Year. In nominating Yvonne for this honor, Professional Development Branch Manager Larry Tousignant said, "Ms. Williams is a conscientious, self-motivated person with a superior aptitude for persistence and precision. The contributions to our agency by Ms. Williams over the years are enormous and have often gone without notice, but the effects of her energies are conspicuous."

A DOCJT co-worker had this to say about Yvonne: "Yvonne is one of our unsung heroes at the DOCJT. Yvonne has a wealth of knowledge that many agencies across the state have come to depend on."



▲ Yvonne Williams receiving DOCJT's 2005 Administrative Staff Person of the Year from Commissioner John W. Bizzack.

■ Five Kentucky State Police Troopers Receive Governor's Medal of Valor

Awards presented for first time since 1994

Governor Ernie Fletcher joined Kentucky State Police Commissioner Mark L. Miller in awarding five KSP troopers with the Governor's Medal of Valor during a ceremony on December 20.

Governor Fletcher bestowed the award on troopers Ricky J. Conn and Bradley G. Cure for their efforts to save the lives of those affected by a gas line explosion in Ivey on November 8, 2004. Conn was severely burned during the rescues and required months of medical treatment before his return to work in early May 2005.

The governor also recognized the heroic acts of Capt. Bill Sullivan, Trooper Barry M. Blair and Trooper Thomas A. Pyzik during a hostage rescue in Cumberland County on September 23, 2003. Pyzik, who is on active military duty in Iraq, was represented by his wife, Ragean, at the ceremony.

"There have only been 11 recipients of this award in the history of the Kentucky State Police. Today we add five new names to that list," Fletcher said. "These officers have distinguished themselves by the heroic acts that they carried out under the most ex-

treme circumstances. Their direct and brave actions not only distinguished themselves amongst their fellow officers, but also saved the lives of the victims involved in each of their uncommon situations. The character and professionalism of these officers is a testament for every member of the Kentucky State Police. I am proud to know that the Commonwealth is made safer each day by selfless individuals, driven to serve, such as these fine officers."

The Governor's Medal of Valor is the highest honor that can be bestowed upon a KSP officer for conspicuous heroism in the line of duty under circumstances of extreme personal hazard and is awarded only by order of the governor of the Commonwealth. KSP policy requires that:

- 1) the officer acted in the face of extreme personal danger without hesitation or regard for his own life and well being.
- 2) said officer undertook the action willingly and with full knowledge of the grave risks attendant thereto.
- 3) said act of heroism was so clearly above and beyond the call or risk of ordinary duty



▲ Left to right: Kentucky State Police Commissioner Mark Miller, Det. Ricky Conn, Trooper Bradley Cure, Ragean Pyzik, Capt. Bill Sullivan, Trooper Barry Blair and Governor Ernie Fletcher.

and so conspicuous an example of personal courage that any lesser award would be considered both inadequate and inappropriate.

"This is a proud day for the men and women of the Kentucky State Police," Miller said. "Although troopers do not perform their duties seeking praise, recognition or award, some acts, such as those recognized today, are clearly above and beyond the call or risk of ordinary duty and deserve public acknowledgement."



▲ John Felder of Winchester was one of a group of Kentucky State Police cadets who visited patients and distributed gifts at the Kentucky Children's Hospital at the University of Kentucky. The 88 members of Cadet classes 84 and 85, who completed their training and graduated December 20 in Frankfort, raised their own funds to finance the holiday project. "I commend these cadets for their caring and thoughtfulness," said KSP Commissioner Mark Miller. "This project is an excellent way to demonstrate the public service philosophy that is a fundamental part of being a Kentucky state trooper."

■ COPS Announces National "Fly the Blue" Campaign

Concerns of Police Survivors, Inc., has kicked off its 2006 "Fly the Blue" campaign in preparation for National Police Week, May 14-20.

COPS encourages all Americans to honor and support law enforcement during National Police Week by joining its "Fly the Blue" campaign. COPS is mailing out 1.5 million blue ribbons and asks that they be displayed on automobile antennas during the week. Law enforcement agencies and associations may fax a request for

ribbons to (573) 346-1414.

"A blue ribbon tied on a car antenna during National Police Week shows officers and their families that their sacrifices and dedication are appreciated," said COPS National President Shirley Gibson.

For more information about Concerns of Police Survivors, Inc., or to help support COPS programs, contact COPS at (573) 346-4911, or e-mail cops@nationalcops.org. Visit the COPS Web site at www.nationalcops.org.

■ Governor Fletcher Appoints Former Bowling Green Deputy Police Chief Mari Harris to Senior Homeland Security Position



Governor Ernie Fletcher recently announced the appointment of former Bowling Green Deputy Police Chief Mari Harris to serve as the Kentucky Office of Homeland Security's deputy director for Operations and Pre-

vention. Harris joins the KOHS after serving 25 years with the Bowling Green Police Department.

"We are proud to have Mari Harris join our team to ensure Kentucky is ready and prepared," Governor Fletcher said. "As a 20-

year law enforcement veteran, Mari's experience and talent will be a tremendous asset."

Among the many areas Harris will oversee, her top priorities will be the implementation of the Kentucky Intelligence Fusion Center, exercise and training programs, Buffer Zone Protection Program and Kentucky Community Preparedness Program.

"I'm very excited about the opportunities we have before us here at the Kentucky Office of Homeland Security and I'm looking forward to lending my experience to further Kentucky's preparedness efforts," Harris said.

Harris was hired as a police officer in 1980 and served in various units before she rose to deputy chief of the Field Operations Unit, and was responsible for the Criminal Investigations Unit, Communications Unit, and Traffic and Patrol. During her tenure with the Bowling Green Police Department, she assisted in establishing the following programs: Citizen's Police Academy, Police Chaplain Volunteer Program, School Liaison Program, Crime Analysis, and Crime Stoppers.

Mari Harris holds a Bachelor of Science in Police Administration and a Master of Science in Criminal Justice from Eastern Kentucky University.

■ Two Cadet Classes Graduate From Kentucky State Police Academy

Eighty-eight state trooper cadets received diplomas during Kentucky State Police Academy graduation ceremonies December 20. With their addition to the force, the agency strength reaches a total of 1,013 sworn officers serving the citizens of the Commonwealth.

In addressing the new troopers, Governor Ernie Fletcher noted, "Their dedication to endure the many weeks of training that is required to attain this status is commendable in and of itself. The dedication that it will take to come to perpetuate the image and professionalism is immeasurable. They will serve as an example for their communities as they exhibit those intangible characteristics of fairness, integrity, pride and honor."

Sixty-six of the cadets comprised Class 84, which started 22 weeks of training on July 17. Twenty-two of the cadets made up Class 85, an accelerated program for individuals with previous law enforcement experience. Their 11 weeks of training started on October 2.

According to KSP Commissioner Mark Miller, the 88 graduates are the largest

number of KSP cadets to graduate at one time. He also noted that a total of 124 troopers have graduated from training this year, the most in one year since 1975.

"Completing the Kentucky State Police Academy is a rigorous endeavor that requires intelligence, physical stamina, sacrifice and a deep commitment to a greater service," Miller said. "The distinctive gray uniform and campaign hat of the Kentucky State Police are earned, not given. Each one of these cadets deserves a salute for achieving this goal."

Several members of each class earned special recognitions including Class 84 valedictorian Chris Sutton, of Crestwood; Class 84 salutatorian Bradley Haley, of Murray; Class 85 valedictorian Scott Allen, of Crittenden; and Class 85 salutatorian Jason Briscoe, of Lawrenceburg.

Class 84 Cadet Hector Alcala, of Mount Sterling, and Class 85 Cadet Scott Allen, of Crittenden, received the Ernie Bivens Award, an honor presented to the cadet who, in the opinion of the KSP Academy staff supported by input from the cadets themselves, distinguishes themselves as



a class leader, strives for academic excellence and has excelled in all phases of the academy's physical and vocational training.

"Recruiting and training new troopers is a constant effort," Miller added. "To maintain our strength and quality standards, we're always looking for good people who want to make a difference with a career as a Kentucky state trooper."

For information about how to become a KSP Trooper, contact the Recruitment Branch toll free at 1-866-360-3165 or visit the KSP Web site at www.kentuckystate-police.org.

■ LMPD Chief White Selected to Help New Orleans Rebuild Its Police Force



Louisville Metro Police Chief Robert White has been selected as one of five law enforcement

officials from across the nation to help New Orleans rebuild its police force following Hurricane Katrina in August 2005. White was chosen by U.S. Attorney General Alberto Gonzalez for the task of reconstructing the battered department ravaged by the hurricane and subsequent flooding.

White and the four other selected law enforcement officials will assist in finding new ways

to handle and rebuild policies and procedures, recruitment and retention efforts, infrastructure and communications in the New Orleans Police Department.

White made his first visit to New Orleans for this meeting at the beginning of January, where they were given a tour of the massive devastation, met with different community segments and gained facts and information about the department that will assist them in their rebuilding efforts.

White is joined by law enforcement officials from Sacramento, California; Las Vegas; Maryland's Montgomery County and New York's Nassau County.

DOCJT's Comings & Goings

NEW EMPLOYEES

Elizabeth Thomas began work on 02/01/06 as a public information officer in the Office of Communications.

on 01/01/06.

Gail Carter transferred from Police Corps to the Management Section on 01/01/06.

Jeff Lewis transferred from the Incident Command Tactical Response Section to the Patrol & Traffic Section on 12/01/05.

Eric Garner transferred from the Incident Command Tactical Response Section to the Investigations Section on 12/01/05.

Bruce Rawlings transferred from Police Corps to the Evaluation Section on 01/01/06.

Billy Fryer transferred from Police Corps to the Kentucky Community Preparedness Program on 01/01/06.

Ed Lingenfelter transferred from Police Corps to the General Studies Section on 01/16/06.

TRANSFERS

Andy Ferguson transferred from the Firearms Section to the Patrol & Traffic Section on 10/26/05.

Paul Headley transferred from the Vehicle Operations Section to the Physical Training Defensive Tactics Section on 11/14/05.

Blake Bowling transferred from Police Corps to the Information Systems Branch on 11/16/05.

Jacinta Manning transferred from the Office of Communications to the Kentucky Community Preparedness Program on 12/16/05.

Andrea Brown transferred from Police Corps to the Technical Services Section

■ Alexandria Police Department Hosts First Police Records Symposium

On January 31, the Alexandria Police Department hosted the first Police Records Symposium. The organizers of the event, Melinda Grizzell and Mary Morscher, had been involved in the DOCJT Law Enforcement Support Team class offered by the Advanced Telecommunications Section in 2005. They recognized that they shared many of the same questions raised by others who handle law enforcement records. Elyse Christian, DOCJT training instructor who coordinated the Law Enforcement Support Team class, facilitated the symposium.

With the support of Alexandria chief, Mike Ward, they assembled representatives from several agencies to present. Chief Deputy Jason Dufleck of the Campbell County District Court,

explained the actual expungement process. He encouraged agencies that receive the forms to return them, as required, to the courts, certifying that the agency has performed the requested action. Robert Rogers and Faith Flowers, of the Kentucky State Police, assisted by Robert Mortenson, discussed the process that occurs when the expungement request is received by their agency, emphasizing that requests for the Federal Bureau of Investigation to eliminate records must go through the KSP in order to be processed.

Jerry Carlton and Mark Myers, of the Kentucky Department for Library and Archives, explained the retention schedules for the various records held by agencies, and emphasized the need to diligently destroy records, within the parameters of Kentucky and federal law, as

the retention schedules permit. Agencies that need assistance with this process are encouraged to contact the KDLA for assistance in developing an appropriate policy with regards to records retention. In addition, Myers explained how e-mail records should be categorized for the purposes of records retention.

Shawn Herron, of the DOCJT Legal Section, discussed the legal liabilities inherent in handling records, and explained the legal responsibilities of any individual who does so. She also explained the Kentucky Open Records law, and how agencies should handle open records requests. Finally, she clarified issues about the responsibilities of agencies to provide a legal defense for employees who may find themselves involved in a lawsuit as a result of a task. ■

DOCJT Presents CDP Certificates

MORE THAN 100 LAW ENFORCEMENT OFFICERS AND TELECOMMUNICATORS EARN CAREER DEVELOPMENT CERTIFICATES /DOCJT Staff Report

One certificate was awarded for the first time during the last quarter.



Jeannie Gwynne, of the Winchester Police Department, earned the first Advanced Telecommunicator Certificate. This certificate requires that one first earn the Basic Telecommunicator and Intermediate Telecommunicator certificates. This certificate requires a minimum of four years full-time experience as a telecommunicator and completion of

48 hours of core courses in Communications Training Officer and Ethics. Eight hours of electives are also required. The amount of education required is dependent upon the years of full-time experience. Gwynne has been a communications officer at Winchester Police Department for more than 15 years handling police, fire and EMS calls. She is a life-

long resident of Winchester. Gwynne graduated in 1986 from George Rogers Clark High School and attended Eastern Kentucky University and Lexington Community College. She is married to Tony Gwynne and has a 4-year-old son, John Anthony Gwynne. Gwynne said she decided to pursue the Career Development Program certificates to show that this is the career path that she has chosen.

“By taking part in the program, it has enabled me to obtain certification in a profession that I, and my agency, can be proud of,” Gwynne said. “I love my job and know that I make a difference in people’s lives when they need it the most.”

The Career Development Program is a voluntary program that awards specialty certificates based on an individual’s education, training and experience as a peace officer or telecommunicator. There are a total of 14 professional certificates, nine for law enforcement and five for telecommunications.

The Kentucky Law Enforcement Council congratulates the following individuals for earning career development certificates.

INTERMEDIATE LAW ENFORCEMENT OFFICER

Joseph Alexander, Alexandria Police Department

Bryan Allen, Covington Police Department

Dean Broaddus, Covington Police Department

Anthony Clark, Caneyville Police Department

Dewayne Cox, Covington Police Department

James Donaldson, Covington Police Department

Hugh England, Glasgow Police Department

Gary Frodge, Alexandria Police Department

Charles Gurren, Covington Police Department

Matthew Hugenberg, Covington Police Department

Wallace Hyden, Alexandria Police Department

Natalie Jackson, Alexandria Police Department

Ronald Johnson, Fort Mitchell Police Department

Jason Lutz, Maysville Police Department

Robert Nader, Covington Police Department

Dennis Sparks, Covington Police Department

Brian Steffen, Covington Police Department

Jason Stimmel, Kentucky Horse Park

Timothy Vinson, Alexandria Police Department

Corey Warner, Covington Police Department

Daniel Wittrock, Alexandria Police Department

ADVANCED LAW ENFORCEMENT OFFICER

Joseph Alexander, Alexandria

Police Department

Bryan Allen, Covington Police Department

Dean Broaddus, Covington Police Department

Anthony Clark, Caneyville Police Department

Claude Conrad, Madisonville Police Department

Dewayne Cox, Covington Police Department

Hugh England, Glasgow Police Department

Gary Frodge, Alexandria Police Department

Charles Gurren, Covington

Police Department
Eric Jeffries, Cincinnati-Northern Kentucky Airport Police Department

Ronald Johnson, Fort Mitchell Police Department

Steven Moore, Ashland Police Department

David Myres, Cincinnati-Northern Kentucky Airport Police Department

Dennis Sparks, Covington Police Department

Daniel Wittrock, Alexandria Police Department

LAW ENFORCEMENT OFFICER INVESTIGATOR

Jody Cash, Murray State University Public Safety

Jeffery Eldridge, Covington Police Department

Ronald Johnson, Fort Mitchell Police Department

Jason Kegley, Cincinnati-Northern Kentucky Airport Police

Arminta Mullins, Danville Police Department

Daniel Wittrock, Alexandria Police Department

LAW ENFORCEMENT TRAFFIC OFFICER

Dean Broaddus, Covington Police Department

Walter Cooley, Florence Police Department

Ronald Johnson, Fort Mitchell Police Department

LAW ENFORCEMENT SUPERVISOR

Joseph Alexander, Alexandria Police Department

Henry Blades, Nicholasville Police Department

Charles Gurren, Covington Police Department

Garry Kuhlman, Shelbyville Police Department

LAW ENFORCEMENT MANAGER

Joseph Alexander, Alexandria Police Department

Hugh England, Glasgow Police Department

Charles Gurren, Covington Police Department

Patrick SwiFort, Covington Police Department

Barbara Warman, Jefferson County Public Schools

Daniel Wittrock, Alexandria Police Department

LAW ENFORCEMENT EXECUTIVE

Hugh England, Glasgow Police Department

Jeffrey Peek, Danville Police Department

Barbara Warman, Jefferson County Public Schools

BASIC TELECOMMUNICATOR

Shannon Adams, University of Louisville Police Department

Mary Alderman, Danville Police Department

Erin Bailey, Danville Police Department

Jennifer Bass, Richmond Police Department

Julie Beadle, University of Louisville Police Department

Jeannette Benson, Bourbon County 911

Pamela Bingham, Richmond Police Department

Chris Bowman, Jessamine County 911

Andrea Carpenter, Prestonsburg Police Department

John Cobb, Jessamine County 911

Mark Coker, Campbellsville 911

Tammy Cole, Jessamine County 911

Douglas Cooper, Kenton County Emergency Center

Adam Dobson, Campbellsville 911

Jimmy Duncil, Kentucky State University Police Department

Melinda Ennis, Danville Police Department

Crystal Fair, Warren County Sheriff's Office

Gary Hall, London/Laurel County 911

Shelby Horn, Jessamine County 911

Sherri Hutson, Murray State University Public Safety

Crystal Kennon, Jessamine County 911

Ida Lafferty, Prestonsburg Police Department

Timothy Lowe, Warren County Sheriff's Office

James Pryor, Shelby County E911

Cathy Raiza, Jessamine County 911

Wendy Richardson, Richmond Police Department

Melissa Rowe, University of Louisville Police Department

Christina Stapp, Jessamine County 911

Misty Starks, Murray State

University Public Safety

Daniel Stratton, Danville Police Department

James Vandecar, Richmond Police Department

Morgan Vinson, University of Louisville Police Department

Robin Wagoner, Jessamine County 911

Nathaniel Wesley, Danville Police Department

George West, University of Louisville Police Department

INTERMEDIATE LAW ENFORCEMENT OFFICER

Robert Burton, Richmond Police Department

Linda Byrd, Paris Police Department

Mavis Fryman, Paris Police Department

Jeanna Gwynne, Winchester Police Department

Peggy Lewis, Logan County EOC

Casey Rothenburger, Shelby County E911

ADVANCED TELECOMMUNICATOR

Jeanna Gwynne, Winchester Police Department

Peggy Lewis, Logan County EOC

TELECOMMUNICATION SUPERVISOR

Tammy Durham, Jessamine County 911

Stephen Harmon, Warren County Sheriff's Office

Sharon Warford, Richmond Police Department

AVOID THIS



PANIC

“After the shock and devastation of that terrifying tsunami, followed by Hurricane Katrina and the unbelievable devastation down south, I was determined to put my family’s safety first and foremost,” according to J.P. Reid, an insurance broker, father and husband in Louisville. “It seems to me that it’s up to each of us to protect our families in any kind of disaster situation.

Reid is just one of thousands of Kentuckians making the move to protect their families by developing a family disaster plan – a way for every family member to know how to react in case of an emergency – and a disaster “grab ‘n go” kit to provide family basic necessities if the worst were to happen.

“Government help will come,” Reid continued, “but, as we should all have learned the hard lessons from New Orleans, it may take awhile. In the meantime, it’s up to me to protect my wife and kids, and that hinges on self-sufficiency.”

And in the case of a major disaster, a little advance preparation can eliminate major hassles later.

“Do I want to be standing in line in the rain

for six hours just to get some drinking water, when I’ve been shown what it takes to be prepared in the first place?” asked Jean Arnold, a single mother. “I don’t think so. We’ll make preparations now to take care of ourselves and avoid as much of the suffering as possible.”

Preparation and planning can become a family activity.

“The kids treated it like it was a movie,” Reid said of his 12-year-old son Adrian, and daughter Amanda, 10. “We sat down together and created a plan that would keep everyone safe as if we were characters in a disaster movie. We tried to outwit the disaster.”

Adrian said, “You see movie scenes of gi-

gantic waves or earthquakes or tornados, and you think, wow, not cool, but now we know how to survive an event like that.”

The Reids and Arnolds gathered most of their information from the Kentucky Office of Homeland Security’s new Web site, www.ProtectYourFamily.ky.gov. They stumbled across dozens of questions and answers that they otherwise might never have thought about.

“I had never considered how we’d get in touch with the kids if they were at school and my wife and I were both at work,” admitted Reid. “I mean, if the phones were out and the roads jammed with traffic, how could we all get together? That’s a scary thought.”

“Our Web site has downloadable, easy-to-follow instructions for creating your own family disaster plan that you can tailor to meet the needs of your own family situation.”

Reid and his wife, Samantha, are still tweaking their plan as they learn more at www.ProtectYourFamily.ky.gov.

"We all carry emergency contact cards now," Samantha said, "and we've planned how to get together and get away if necessary."

It's the type of approach that can keep families together and save lives, said Arnold.

"My daughter now has a clear indication about what she has to do, and she's basically taken charge of building our supply kit."

Her daughter, Asia, is 14.

"It's interesting, it's fun and, in the long run, it's life and death," Asia said. "I've learned a lot. Wonder if I could make it into a school project?"

More Kentuckians are getting the word and becoming active, according to (Ret.) Major Alecia Webb-Edgington, director of the Kentucky Office of Homeland Security.

"This is our way of trying to make Kentuckians aware of the appropriate reactions to any type of disaster," she explained. "Our Web site has downloadable, easy-to-follow instructions for creating your own family disaster plan that you can tailor to meet the needs of your own family situation."

"And, there are answers to questions you might not even think of until it's too late."

The same information is also available in brochures, at Kentucky Citizens Corps training programs and through Kentucky schools.

While Kentuckians may not face tsunamis or hurricanes, they do face a wide array of po-

tential disasters, both natural and man-made.

Despite popular opinion, homeland security isn't strictly focused on reactions to terrorist strikes, Webb-Edgington explained. Kentucky's Office of Homeland Security is "focused on preparing Kentucky and Kentuckians for any kind of disaster – be it a tornado, a flood or an overturned chemical rail car ... the list goes on and on."

"After all," Director Webb-Edgington said, "we are just as, if not more, susceptible to Mother Nature's wrath as to a man-made disaster."

KOHS will offer hands-on training programs throughout the state via the Kentucky Citizens Corps, a volunteer group focused on lending a helping hand in their communities in case of disaster. (For scheduling information contact your local area development district office.)

Meanwhile, Kentuckians are encouraged to learn the basics of being prepared and protecting their families through the step-by-step guides on the ProtectYour Family Web site.

That's what Reid did, and now he feels much more assured about the safety of his family.

"We've set up emergency contacts, defined how to react whenever we're apart and pinpointed places we'll meet in case some catastrophe occurs," J. P. Reid said. "We'd never even heard the term ICE, but now we all have it programmed into our cell phones. It's one of those 'duh' moments when you realize how simple and important it is*."

"My daughter knows what to do, and so do

I," said Arnold.

A "grab 'n go" emergency supply kits sits just inside the Reid's garage door with canned food, water, first-aid kit and extra medication for Amanda's asthma and Reid's high blood pressure.

"We followed the instructions right off the Web site and again discovered there were critical items we'd obviously need but hadn't thought of," Samantha said.

"And we all know that if the local phone lines are tied up, we should first call Uncle Ned, J.P.'s brother in Oklahoma," she said. "He volunteered to act as a clearinghouse to pass information between us after we learned that local lines may be tied up but long distance lines may be available. That's critical information."

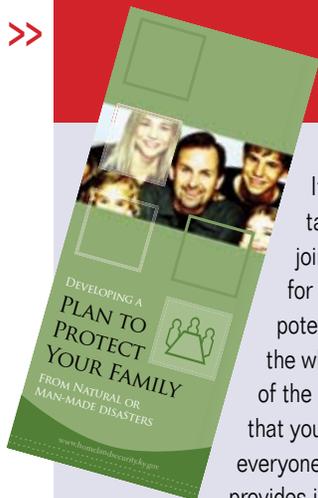
J. P. said it was a burden off the family to know that they have a plan.

"And I – as a husband and a father – feel that we've taken that extra step that may some day make a difference between survival or some other outcome too awful to even think about." 🍷

KOHS recommends all Kentuckians program an ICE or in-case-of-emergency point of contact into their cell phones in case you are incapacitated. This point of contact should be a family member, friend or relative. >>



Family Disaster Plan



It is vitally important to talk to your family and jointly make preparations for a wide variety of potential threats. Ensure the whole family is a part of the planning process so that your final plan addresses everyone's needs. This listing provides just a few highlights of a typical family disaster plan.

Learn more at www.ProtectYourFamily.ky.gov. Remember, in extreme situations, governmental emergency resources may be limited. Be prepared to care for yourself and your family for at least three days.

- Designate a location to meet in case it is impossible to return home or if you have to evacuate. Choose two – one near your home and one outside the neighborhood. Make sure your family knows the address and phone number of both locations.
- Create an emergency supply kit. Make sure that all members of your household know where these supplies are. (See Emergency Supply Kit box on next page.)
- At night, keep a flashlight and a pair of shoes nearby.
- Determine the best escape routes from your home. Identify at least two separate escape routes and practice using them.
- Locate your gas main and other utilities. Make sure the entire household knows where they are and how to operate them.
- Familiarize yourself with emergency plans at places that are a part of your everyday life, such as school, work, church, daycare, etc.
- While making your plan, consider the special needs of children, seniors, persons with disabilities, non-English speakers and pets in your household.

- Create communications card for each member of your household to keep with them at all times. (available at www.ProtectYourFamily.ky.gov)

COMMUNICATIONS

Traditional means of communication may be limited during a widespread emergency situation. It is important that you identify several different ways to communicate with your family and friends. Find out more at www.ProtectYourFamily.ky.gov. Remember:

- Long distance lines often work even if local phone lines do not.
- Designate an out-of-area contact person. Family members should call this person to report their location if they cannot reach each other. Provide your contact person with important names and numbers so they can assist in keeping others posted on your situation, and let your friends and family know whom they can contact to check on you in case of an emergency.
- Cell phone networks are often overwhelmed during an emergency; do not rely on using you cell phone for calls.

- Text messaging on cell phones sometimes works even when the network is overwhelmed.
- Make sure you have at least one phone in your house that does not require electricity to work. Cordless phones and most business phone systems do require electricity.
- Avoid making non-emergency calls.
- Keep coins and important contact information in your family disaster supply kit for pay phones, which sometimes have service restored before residential customers.
- Make sure your entire household knows necessary emergency contact information.
- Program an in-case-of-emergency (ICE) point of contact into your cell phone in case you are incapacitated. This point of contact should be a family member, friend or relative. ■



Emergency Kit



Here is a brief summary of major items necessary for your disaster supply kit to sustain you and your family for at least three days. For details and a comprehensive listing, please visit www.ProtectYourFamily.ky.gov.

- Water: One gallon per person per day
- Food: Ready-to-eat or just-add-water
- Manual can opener
- First aid kit
- Essential medications
- Flashlight
- Radio (battery-operated or manual)
- Batteries
- Cash in small denominations
- Copies of important documents and phone numbers
- Unscented liquid household bleach for water purification
- Personal hygiene items including toilet paper, feminine supplies and soap
- Sturdy shoes
- Heavy gloves
- Warm clothes, a hat and rain gear
- A local map
- Extra prescription eye glasses, hearing aid or other vital personal items
- Plastic sheeting, duct tape and utility knife for covering broken windows

- Blankets or sleeping bags
- Extra keys to your house and vehicle
- Large plastic bags for waste and sanitation
- Special-need items for children and seniors or people with disabilities.
- Water and supplies for your pets.

FOOD FACTS

Keep enough food on hand to sustain you and your family for three days. Remember that you may not have access to electricity or refrigeration and that water may be scarce. Watch your salt content, as salty foods make you drink more water.

- Foods should require very little preparation. Try to avoid things that need water or cooking.
- Make sure it is food your family will eat.
- Remember to include a manual can-opener and utensils in your emergency supplies.
- Ready-to-eat canned foods such as meats, fruits, vegetables, soup, juice, and milk.
- High-energy foods such as peanut butter, jelly, crackers, granola bars and trail mix.
- Small amounts of comfort foods such as candy, sweetened cereals, potato chips, and cookies.

- Dried foods.
- Instant ready-to-eat meals.

WATER WORRIES

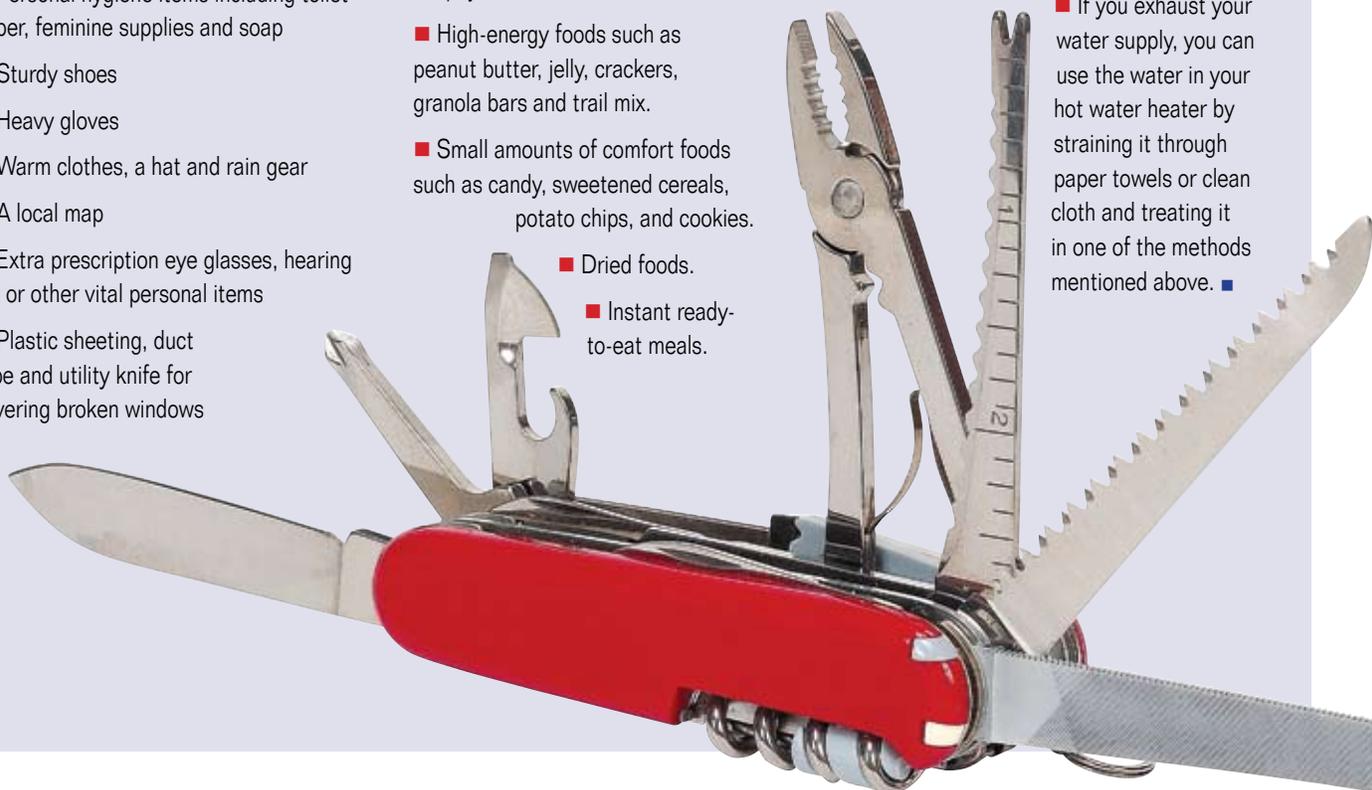
During an emergency, the water supply may be compromised or become contaminated. It's important to make sure you have enough water for everyone in your household to last at least three days.

- Store one gallon of water per person per day (three gallons per person total) in an easily-accessible, cool, dark place.
- Rotate your water supply every six months.
- Water should be stored in tightly sealed plastic containers labeled with the date they will expire (six months after storage).
- Keep a small bottle of unscented liquid bleach for purifying water.

If you have concerns about the safety of your water supply, you can:

- Boil water for at least five minutes at a rapid boil and let it cool before using.
- Add eight drops of unscented liquid bleach per gallon of water and shake or stir. Let it stand for 30 minutes before using. Chlorine smell and taste is normal.

■ If you exhaust your water supply, you can use the water in your hot water heater by straining it through paper towels or clean cloth and treating it in one of the methods mentioned above. ■





PROTECTING KENTUCKY

/Abbie Darst, Public Information Officer

Disheveled, stubble-faced and haunted with a deep look of desperation in his eyes, Harrison Ford—alias Dr. Richard Kimball — clammers across the silver screen, constantly looking over his shoulder to catch a glimpse of the pursuers he knows are much too close. And those relentless pursuers are close. Creeping through back



alleys, splashing through swamps, bursting into confrontations at the edge of an impossibly huge dam, they move ever closer to their quarry, led by granite faced Tommy Lee Jones who continuously shouts “U.S. Marshal! Get outta my way!”

That’s the impression most Americans have of U.S. Marshals, scenes from a blockbuster movie, “The Fugitive” with guns popping, trains crashing, improbable wild car chases and off-the-cuff quips that would put a stand-up comedian to shame. But, as usual, movies are an exaggerated version of reality, although U.S. Marshal John Schickel has seen more than enough cases of daring escapes and thrilling hunts. In fact, the Eastern District of Kentucky’s Fugitive Task Force, led by Marshal Schickel, made nearly 1,100 arrests in 2005 alone.

Leaving the adventures of screenwriters’ imaginations behind, here is a real marshal’s look at his profession and its impact on Kentucky.

Over the past 200 years the U.S. Marshal Service has covered a broad range of authority. What are currently the primary responsibilities of the U.S. Marshal Service here in Kentucky?

The primary service of the U.S. Marshal Service here in Kentucky is the same as the primary mission of the U.S. Marshal Service nationally, and that is, number one, judicial security and security for the federal courts and number two the apprehension of federal fugitives in cooperation with local law



/Photo by Kirk Schla

>> enforcement. Judicial security has always been important for us, but it's even more important now because in the post 9/11 environment we live in today, we feel like federal judges are potential targets for terrorists.

We have had an increase in threats in the last year and it's really kept us busy. We have not tied any of the threats to terrorism, but we have had an increase in threats in the last year. It's hard for me to say exactly why we're having an increase. I think one of the reasons is that the federal judiciary is becoming more and more the point person for issues that divide America. What I mean by that is whatever the issue is – and the Marshal Service doesn't care what

“It's more like hunting, except you're hunting a person rather than trying to solve a crime.”

the issue is – our job is to protect the judiciary. But there are a lot of issues today, which the American people are very divided on and feel very passionate about, and the federal courts and the federal judiciaries many times rule on these issues that divide America, and, in my opinion, that may be what is causing the increase in threats. And I think this will continue because things like property rights, abortion, affirmative action, those are all very important issues, which people feel very passionate about. And unfortunately what happens sometimes is that the issue will then generate threats.

What types of issues do you deal with that are specific and unique to the Eastern District of Kentucky?

Our district is very unique. We have five federal prisons in the Eastern District of Kentucky – more than any other district in the country. And because we're the lead agency in the apprehension of federal fugitives, any time a person escapes from one of these federal prisons in the Eastern District of Kentucky, it's our case. They also generate work for us because every time a prisoner has to go to a court hearing we have to do that too. Unfortunately, in the Eastern District of Kentucky, especially in far eastern Kentucky, in the mountains, there's been a history of corruption in some local law enforcement and so many cases end up in federal court, which normally

would not be in federal court. An example of some of the reputation that eastern Kentucky has is when Sheriff Sam Catron was murdered at a political fundraiser in Pulaski County. The eastern Kentucky mountains present challenges.

I would say along with the prisons and the problems in the eastern Kentucky mountains with drugs and corruption, we also deal with vote buying. These are all things that involve the Marshal Service. The vote-buying trials, the political corruption and the drug problems in the eastern Kentucky mountains are all things that affect the Marshal Service and make our job challenging.

You served as a law enforcement officer with the both the Northern Kentucky University police and the Florence Police Department. How did those 12 years of service prepare you for your position as a U.S. Marshal?

I came up through the academy in Richmond. I was in Basic Training Class No. 67. That background prepared me because the Marshal Service really depends on cooperation with local law enforcement to do its mission. We are the smallest of all the federal law enforcement agencies, and the fact of the matter is, most federal warrants are served by local law enforcement, not federal agents. The cooperation between local law enforcement and the U.S. Marshal Service is something that is critical, and we are very grateful for because local law enforcement in the Eastern District of Kentucky has been so supportive. Being from local law enforcement, I think I tend to understand the challenges that local law enforcement have to deal with more than someone who has never been in local law enforcement.

What is the Central Kentucky Fugitive Task Force and what have been some of its most successful accomplishments?

We have a fugitive task force here in the 67 counties in the Eastern District of Kentucky. And that fugitive task force is made up of deputy U.S. marshals and local law enforcement. We have a police officer from Lexington serving on our fugitive task force. We also have deputies from the Kenton County Sheriff's Office, Boone County Sheriff's Office, Kentucky Department of Probation and Parole and the Perry County Sheriff's Office serving on it, along with five deputy U.S. marshals.

This task force is unique because what we do is we serve warrants on dangerous fugitives. We serve federal and state warrants, so the city of Lexington uses us as their warrant squad for their serious

federal warrants. Any local law enforcement agency that wants us to assist them in serving a warrant on a dangerous fugitive, the fugitive task force will assist them.

We put out a monthly report on the fugitive task force that gives the monthly arrests for the year. Last year we had 1,090 and so far this year we have had 68. A couple of specific examples are in the case of George and Jennifer Hyatt who were the fugitives if you remember who killed the correctional officer down in Tennessee and then they came up Interstate-75 through Kentucky and stopped in Erlanger. Through a cooperative effort with the Erlanger Police Department and U.S. Marshal Service we were able to apprehend them in Ohio, I believe that was back in June or July, but that's one of the high profile cases I can remember. But we arrest people every day.

Protecting federal judicial officials is considered a high priority for the U.S. Marshal Service. What are some of the techniques and devices that you use to best protect these judicial officials?

I don't know that we have any new techniques, but we have some tried and true techniques, which we are doing more of. Our judicial security function is low profile because we really don't want to draw a lot of attention to it. But the best way for the public to get an idea of the way the Marshal Service protects the federal judges is to compare it to the Secret Service protecting the president. Whenever the Supreme Court travels outside Washington D.C., they have a detail of U.S. deputy marshals as their security detail. We just had Justice Antonin Scalia come through the Northern Kentucky/Greater Cincinnati Airport and our district provided the security for that. But in addition to the Supreme

Court we provide security for the five U.S. district judges that serve in our court houses here in the Eastern District of Kentucky and at the federal court houses in Covington, Lexington, Frankfort, London, Pikeville and Ashland. And any time there is a threat against any of those judges, which there have been threats, number one we investigate the threat and number two we provide the protection for the judge. Sometimes that can involve setting up a protection detail for their house and when they travel if that is necessary.



▼ This poster, displaying the U.S. Marshal Service's 15 Most Wanted Fugitives, stands in the hallway outside of the Eastern District of Kentucky U.S. Marshal office located in the federal building in downtown Lexington.



/Photo by Kirk Schlea

>> **When people think of the U.S. Marshal Service, they often think of Tommy Lee Jones in the movie *The Fugitive*. What experiences have you had with specific fugitive investigations in the Eastern District of Kentucky?**

We've had some big fugitive investigations here in Kentucky. Kentucky is known as a hiding place for fugitives because we have a lot of rural hiding places, especially in the Eastern District of Kentucky. The important thing to remember about the Marshal Service is we are not an investigative agency like, for example, the FBI. We are a fugitive hunting agency and a lot of people don't understand the difference. The difference really is pretty simple in that we hunt for escapees and people that are fugitives from justice and the court system.

Ernest Hemingway said, "There is no hunting like the hunting of man. And those who have hunted armed men long enough and liked it, never care for anything else there after." And I think that kind of sums up the

spirit of the U.S. Marshal Service. I've been a detective and worked investigative work, but this is more fun, because you're actually hunting a person. So it is more exciting and you're studying human behavior when you're tracking a fugitive. It's more like hunting, except you're hunting a person rather than trying to solve a crime.

A big case that we had here in Lexington was the Stephen Keller case. He was an insurance executive that was indicted on insurance fraud and he fled the country to Panama. That was one of our big cases here in the Eastern District of Kentucky.

Are there any specific techniques used by the Marshal Service in apprehending fugitives?

We wish that anything goes, but that's not the case. We have to follow the law just like any other law enforcement agency. The Marshal Service has the reputation of being the best fugitive hunters in the world, better than any other law enforcement agency. We have a lot

of practice in hunting fugitives, we have a good network of informants. We use a

lot of electronic surveillance and,

in some cases when it's approved by courts, electronic eaves dropping. If we do

that it has to be approved by the courts. But we

do have a very good electronics surveillance unit that is

headed out of Washington D.C.,

and we get a lot of calls for help from our local

law enforcement for our electronic surveillance unit.

Another thing we do, that is kind

of unique is a way we help local law enforcement,

if they have a fugitive. Let's say someone

commits a murder in Lexington and they know who it is

and that person has fled Kentucky.

We can file what we call a Federal Warrant for Interstate Flight to Avoid Prosecution and make it a federal case. Then we come into the case, and the FBI comes into the case. All the resources of the federal government can be thrown at the case. But after the apprehension is made, that fugitive is returned to the local jurisdiction and prosecuted by the state authorities. So it's really a win-win situation for local authorities because we can catch the fugitive for them if he's from out of state, but they obtain control over the prosecution, which they want to do usually.

We have jurisdiction in the whole United States and all of its territories. Now there's 96 U.S. Marshal districts. When we get a case out of district it's called a collateral lead. If we have something in Texas, we'll call that office there and they'll help us with it. They might even work it unless it looks like they're really getting close to making an apprehension then we would probably send somebody out there. If Texas has something here in the Eastern District of Kentucky, they'd call us and we'd work on their case for them. It's called a collateral lead.

The Marshal Service is responsible for managing and disposing of seized and forfeited properties acquired by criminals through illegal activities. What is your role in the asset forfeiture program in Kentucky and how have the funds from forfeited property benefited Kentucky's law enforcement agencies and communities?

To answer the first part of the question, what is my role? My role is very interesting. In the Eastern District of Kentucky the amount of seized property is substantial because again we have a lot of drug activity, and a lot of times these farms will get tracked down and get seized. All that property goes into my name until it's disposed of by the court. Sometimes it's sold at auction and if that is the case the Marshal Service conducts the auction. And what we've been doing lately is we've been holding the auctions online.

The funds are then distributed back to local law enforcement agencies and we're in charge of that too. We write those checks. So let's say the Lexington police and the FBI seize a bunch of property and the judge rules that it



should be forfeited to those law enforcement agencies. It is divided up on a formulated basis between local law enforcement and federal law enforcement. The Marshal Service has an asset forfeiture division, which actually is in charge of distributing those funds.

Once the agency gets the funds they can pretty much use them how they see fit as long as it is for official duty.

What is your most memorable accomplishment since being appointed as the U.S. Marshal for the Eastern District of Kentucky in 2002?

There are three of them. We had a big escape from the federal prison right here in Lexington where a fugitive went over the top of the building, over the razor wire, on a fire hose and scaled it and then escaped. We apprehended him with the cooperation of local law enforcement in western Kentucky about 24 hours later. The George and Jennifer Hyatt apprehension in Erlanger when they murdered a corrections officer in Tennessee and then escaped to Kentucky is one. The third thing is

the Stephen Keller insurance fraud case here in Lexington where he fled the country.

Those are memorable because they're out of the ordinary. They are things that you can imagine a movie about. When Mr. Keller fled, he took his wife and his children down there and they were living under assumed names in South America. I remember the federal prison escape because it was a daring escape, the kind you might see on television, and the fugitive case out of Tennessee just because at the time it was such a big case in the media.

What are some goals you have set for the remainder of your tenure as U.S. Marshal?

I have two goals. One is that we continue to increase our emphasis on judicial security. Quite frankly, I think it has been lax in recent years, and we are really getting that back up to where we think it needs to be. The other thing is the success of our fugitive task force, which has already been a huge success with over a 1,000 fugitives last year and 68 already this year. We had great cooperation with local law enforcement. That has just really been a

successful program.

The fugitive task force went into existence in the mid 80s, but when I took over we added four people. We added more local law enforcement and we put a new commander in charge. He's done an excellent job coordinating the task force. He's really made the U.S. Marshal Service Fugitive Task Force a nationally known organization in just a short period of time.

Drugs are a major problem in many parts of Kentucky, especially eastern Kentucky. What part does the U.S. Marshal Service play in drug enforcement in the Eastern District of the state?

Well, drug enforcement is not one of our primary responsibilities except that we do serve a lot of the arrest warrants for the DEA, so that's a big role we play. And we do participate in the AHIDTA operation, which works on drugs. Any fugitives that would be generated from that we would work on. 🍷

U.S. Marshal for the Western District of Kentucky



Ronald R. McCubbin was appointed by President George W. Bush as the United States Marshal for the Western District of Kentucky on February 8, 2002. The Western District is comprised of 53 counties and includes district offices in Louisville, Bowling Green, Owensboro, Paducah and Fort Knox.

Prior to his appointment as U.S. Marshal, McCubbin had served the Louisville Division of Police since 1987, and was promoted through the ranks to detective. Before joining the police department, he was an emergency medical technician with Louisville's Division of Emergency Medical Services.

McCubbin is a graduate of Louisville Central High

School. He received a bachelor's degree in justice administration from the University of Louisville. McCubbin is also a member of the Fraternal Order of Police, the Sons of Union Veterans and the National Youth Sports Coaches Association. He is a recipient of the Medal of Valor, Life Saving and Community Service awards from the Louisville Police Department.

In 2006, Governor Ernie Fletcher appointed McCubbin to the My Old Kentucky Home Advisory Commission. The My Old Kentucky Home Advisory Commission is made up of 11 gubernatorial appointees. The commission provides ongoing attention to the maintenance, furnishings and repairs of My Old Kentucky Home House Museum and to any addition to the grounds of the My Old Kentucky Home State Park. ■

U.S. 23

KVE opens a commercial vehicle inspection station highway to stifle over-weight coal trucks

/By Lee Mueller, Lexington Herald-Leader Eastern Kentucky Bureau

After spending millions of dollars annually for three decades to repair damage to U.S. 23 by overweight coal trucks, the state has taken the first step to establish what effectively is the first weigh station on the nation's busiest coal-haul highway.

Kentucky Vehicle Enforcement opened a commercial vehicle inspection station near the Floyd-Johnson county line in mid-January, Commissioner Greg Howard said.

Howard said Governor Ernie Fletcher has approved the project, which initially will be open on a random basis using semi-portable scales.

"I don't know about a full facility," Howard said. "They're pretty costly, I think; however, this should do the work for now ... We don't need a big, fancy facility like they have on the interstates."

Still, the modest Floyd County outpost – based in a used mobile home – would stand as a kind of monument to the state's resolve under the Fletcher administration to enforce hauling limits on coal trucks.

During former Governor Paul Patton's adminis-

tration, one KVE officer predicted it would never happen.

"You'll never see a scale on U.S. 23 in eastern Kentucky anywhere," said KVE Maj. Steve Maffett in 2001. "They're not going to let that happen up there."

Although Kentucky's 1986 extended-weight law allows coal trucks to haul 46,000 pounds more than the federal weight limit of 80,000 pounds, officials acknowledge that trucks traveling U.S. 23 between the Virginia line and barge-loading facilities at Catlettsburg frequently hauled more than 200,000 pounds of coal.

Lack of enforcement took its toll in deaths, injuries and road maintenance, critics said. At least 53 people died and 536 were injured in accidents with trucks licensed to haul coal from 2000 through August 2004, according to a Herald-Leader analysis.

Meanwhile, the state spent more than \$110 million to re-surface U.S. 23 between 1996 and 2003.

When Fletcher became governor in 2004, he transferred KVE from the Transportation Cabinet to the Justice and Public Safety Cabinet.





/Photos courtesy KVE

With Fletcher's approval, Cabinet Secretary Steve Pence and Howard, a former Lexington police officer, began weighing coal trucks in April 2004 with portable scales that former officers claimed they could not afford.

More than 77 percent of the trucks weighed that month were issued overweight citations.

A year later, only 44 of 1,167 trucks were overweight on the same roads. At the same time, deaths and injuries involving coal trucks on U.S. 23 have declined, studies show.

The week prior to the station's opening, KVE weighed 240 trucks near the proposed station and cited only three, Howard said.

News of the proposed facility received qualified support from area officials and coal spokesmen.

David Gooch, executive director of Coal Operators and Associates in Pikeville, did not

object to the inspection station, but called for equal enforcement.

"As long as they stop the logging trucks, the Wal-Mart trucks and the overloaded school buses, that's fine with me," Gooch said wryly.

Some officials pointed out that a detour from U.S. 23 onto Ky. 3, about a mile south of the proposed inspection station, will allow overweight trucks to bypass KVE's new facility and rejoin U.S. 23 in Lawrence County.

"I wish they had put it in Boyd County," said Johnson County Sheriff Bill Witten.

KVE officers initially will monitor the bypass route, Howard said.

Meanwhile, he said, truck drivers, coal operators and enforcement officers are now on the same page, "maybe for the first time." 🚚

▲ KVE Officer Dennis Hutchinson uses a portable scale to weigh a truck at the new weigh facility in Floyd County.

◀ KVE officers Jeff Jacobs, Nathan Day and Jamie Rose conduct a weight inspection on trucks on U.S. 23.

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/Photos by Abbie Darst

PROFILE BIO

ELYSE CHRISTIAN began working at the Department of Criminal Justice Training in June 1998. Before working at DOCJT, Christian worked in communications at the Mount Sterling Police Department for eight years, serving as telecommunicator, trainer, coordinator and finally, as supervisor. Prior to a career in law enforcement, she had a lengthy career in sales. She spent 15 years working as a sales manager for a jewelry company. Christian graduated from Apollo High School and attended Brescia College in Owensboro.

Elyse Christian

How did you feel when you were chosen by DOCJT as Instructor of the Year for 2005?

At first, I was really too surprised to take it all in. I appreciated being nominated; it's always nice to have your work recognized, but I never expected more than that.

Later, the response from the people at this agency was just overwhelming. I received congratulatory handshakes, hugs in the hallway, and e-mails from nearly everyone. It was a truly humbling experience.

How were you instrumental in developing the new Law Enforcement Support Team course?

We are so excited about this class.

It all started when the Alexandria Police Department hired a new records clerk, Mary Morscher. The office manager, Melinda Grizzell, looked for a training class Mary could attend. Not finding anything that met their needs, Chief Mike Ward discussed their concerns with our training director, Horace Johnson.

Chief Ward invited me to Alexandria to spend a day with Melinda and Mary, observe what they do and get their input as to what their training needs really were. After that, Margaret Johnson, Amanda Basham, Susan Higgins, Shawn Herron and Billy Fryer worked with me to put the class together. So, it really was a group effort, and we're so pleased with the results.

In addition to classes on customer service, records management, legal issues, and interpersonal communications, the class also participated in the low ropes Leadership Challenge course.

We received such good responses from the basic course we're offering an in-service class this September in Frankfort.

As a result of questions raised in class, Melinda Grizzell put together a Police Records Symposium for personnel in Northern Kentucky. The first conference, held January 31, featured several guest speakers addressing expungement issues.

It's just amazing how this has grown into something so much larger. This is next step to ensuring every employee in a police department really is a part of the team.

Where do you think law enforcement telecommunications training is headed?

Communications has changed so much in the last few years. Not only are police agencies growing, but also there are more combined public safety dispatch centers. The telecommunicator's responsibilities have increased and that has raised the standards for the job. It's not enough to just keep current. We have to anticipate the future.

The Telecommunications Academy has made such an impact across the state. I can only imagine it will continue to evolve to meet the needs and expectations of the community.

Our professional development classes have become much more specialized. Soon after 9/11 we developed a specific class for fire and hazardous materials incidents. This year we're offering incident command and homeland security classes.

We're currently researching the issues involved in remote dispatching from the scene of a prolonged incident, such as a hostage or barricade situation. And the communications dilemma brought on by Hurricane Katrina opened up a lot more questions and concerns about emergency response teams.

What is the most rewarding part of working in the Advanced Telecommunications Section?

Betty Godsey promotes creativity. She encourages us to develop our ideas and see them through. We work together as a section, but we're allowed to pursue our own areas of interest.

The projects I'm most involved with now involve leadership training.

Margaret Johnson and I have developed two 40-hour courses for supervisors and managers and are currently working on a third one for next year.

Though designed with communications in mind, the classes are really appropriate for anyone in a supervisory position. The issues involved in supervising people are the same no matter where you work.

We address interpersonal and written communications, dealing with conflict, budgeting, human resources, time management, teamwork and leadership.

Working on these classes has been very fulfilling. I've even been able to draw on experiences from my sales career, before I became involved in law enforcement.

I also enjoy traveling across the state with in-service classes. I like being able to keep in touch with students. I'm always so proud to see them be successful – doing a good job and being recognized or promoted.

It just makes my day when a former student comes back to class as a training officer, shift supervisor or manager.

How does it make you feel to be known by your peers as one who is very precise and detailed oriented with your work?

Actually, I'm surprised they didn't say picky and bossy.

My parents always insisted that I do my best, and I've kept that, at least in my career. I've never wanted to do something halfway or just good enough.

Fortunately, I work with people who are just as committed to doing their best. None of us wants to put our name on something that isn't the best it can be.

I hear you are a big animal lover. Is that true and why?

Again, that comes back to my family. We all have animals. Some are permanent and some are just passing through, recuperating, on their way to a new home. My cousin, Mark, is better at it than I am, though. His farm overflows with a rescue menagerie.

What do you enjoy outside of DOCJT?

I am particularly blessed with my children. I spend as much time as I can with my daughter and her family. My granddaughter, Riley, is just so much fun.





/Photo by Edliniae Sweat

PROFILE BIO

JERRY BELCHER

retired from the Lexington Division of Police in January 1996 after 27 years of service. He began his career with the Department of Criminal Justice Training in April 1996 with an assignment in Basic Training and served for five years as a training instructor.

In November 2001 Belcher transferred to Staff Services and Planning. Still assigned to this section, he has primary responsibilities for policy formulation, analysis and assisting with maintaining CALEA accredited status for DOCJT.

Jerry Belcher

Tell us about your long law enforcement career with the LFUCG.

In January 1969 I was hired as a police officer by the Lexington Police Department. Except for a temporary assignment to the Training Unit in 1978, I spent my first 18 years as a street officer, including a two-year assignment with the Tactical Unit. The Tactical Unit was what was referred to as a low-visibility unit that concentrated on high crime areas.

In April 1987 I was transferred to the Bureau of Community Services. Community Services was responsible for areas such as crime prevention, traffic safety education, drug abuse prevention and juvenile delinquency prevention. It was in this assignment that I had some of my most rewarding experiences as a police officer. I want to mention that I owe a lot of thanks to Larry Ball, who at the time was the assistant chief in command of that bureau, for bringing me into Community Services.

It was during this assignment that I became

involved with the DARE Program. I was a DARE officer for about nine years and taught the program in elementary and middle schools on a part-time basis until my retirement. Interacting with young people in a capacity other than enforcement gave me a lot of satisfaction.

I also worked with the Police Athletic League, P.A.L., while in Community Services. This was a program in which off-duty officers volunteered their time to interact with young people through athletic programs. P.A.L. was aimed primarily at working with inner-city youth to give them an alternative to becoming involved with gangs, drugs and other forms of delinquency. I was a coach on one of the P.A.L. football teams for about five years. Working in P.A.L. was one of the hardest jobs I ever had as a police officer, but also one of the most rewarding. Some of the relationships I developed with those young people stay with me even today. Occasionally, I will meet a former P.A.L. player and they still call me "Coach Belcher."

In January 1996 I retired from the Lexington Division of Police after 27 years of service.

What are your responsibilities in your current position and how do they differ from your Basic Training days?

My two primary responsibilities in Staff Services deal with accreditation and policy. Jennifer Wilburn and I are responsible for maintaining the CALEA accreditation files. This involves gathering and tracking documentation of compliance with 182 standards. Even though we just recently completed our first re-accreditation process in December, the work on the next re-accreditation cycle has already begun and, in fact, started even before our last on-site assessment.

The other primary responsibility assigned to me is that of policy coordinator. As policy coordinator, my duties include quarterly policy reviews, policy revisions and writing new policy at the direction of the executive staff.

I also assist with maintaining several databases that contain information and statistics for use by the executive staff in such areas as program and training course development.

My responsibilities in Staff Services differ from those I had in Basic Training. In Basic Training, my focus was on helping develop and teach specific topics. Staff Services' duties are much broader in scope in that we generally deal with issues that affect the entire organization, not just a specific branch or section.

What was your role in DOCJT's CALEA re-accreditation process?

First, let me emphasize that the accreditation process is a team effort on the part of the entire agency and I'm just one member of the team. Our success during the last accreditation cycle was the result of the team's hard work.

My role in the process is to help gather and track documentation to show proof of compliance with all applicable CALEA standards. This is a responsibility that must be met on a daily basis. It's easy to fall behind and lose track of needed documentation or fall out of compliance with one or more standards. I guess I can become annoying at times when I'm putting pressure on someone for proofs, but it's the kind of project that you really have



/Photo submitted

to stay on top of. My job is made much easier because so many of our staff are so helpful in not only providing us with proofs, but also by making an effort to stay in compliance with those standards that apply to their particular assignment.

Were you surprised when you were presented a plaque for your role in the CALEA process?

Yes. It's one of the nicest plaques I have ever seen and I really appreciate the recognition. I have it on the wall in my office and will keep it there until my career at DOCJT is over. After that, I'll put it on a wall at home (if Mimi lets me).

Who has been the most positive influence to you during your career and how?

My wife, Mary Ann, or, as a lot of people know her, Mimi, holds that position. We have been married for more than 40 years. She has stood by me through some stressful times and has always been there when I needed someone to lean on and, believe me, there have been a lot of those occasions.

It seems that a career in law enforcement is especially difficult for families due to the nature of the work, the rotating shifts and working weekends and holidays. When our daughter, Kim, was growing up, I, like most police officers, had to be gone from home a lot during evenings, nights and weekends. Mimi was always there to make sure Kim got everything a growing child needs. She was al-

ways there to see that she got to school and to other activities in which she was involved. At times, it was almost like Mimi was a single mom. Through it all she has been the most patient and loving person you can imagine.

She sure took a lot of pressure off me by taking care of the "home front" through all those years. Without her, I'm not sure I would have stayed in law enforcement.

What do you enjoy outside of work?

My greatest enjoyment comes from spending time with our grandkids and family. I probably shouldn't call them kids any longer. They're all in high school. Zack is 18 and a senior. Jerrod, or J-Bug as we call him, is a sophomore and Sarah is a freshman.

We have a tradition in our family where the grandkids spend every Friday night at our house. We have done this since they were infants and, even though they're practically adults now, they still want to come to Mimi and Paw's house on Fridays. As they've gotten older they do tend to go out with friends occasionally on the weekends, but they usually end up at our house if it's Friday night.

Other than spending time with the family and grandkids, my life outside work is probably pretty boring, but that's the way I like it. I enjoy working in the yard and garden and doing the usual handyman stuff when something is broke, although I'm not very good as a handyman. 🛠️



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Photo courtesy of Rock of Ages

A Moving Memorial

Monument to Get 'Peaceful' New Home, Room to Grow

/Jamie Neal, Public Information Officer

◀ An artist's rendering shows an expanded Kentucky Law Enforcement Memorial in its future location in front of the John W. Bizzack Law Enforcement Training Complex in Richmond.

When Constable John Holton of the Augusta Police Department was killed in 1845, it's unlikely that his family envisioned his name engraved on a monument along with the names of every other Kentucky officer killed in the line of duty.

But since the Kentucky Law Enforcement Memorial was built in 1999, historical names like Holton's and those of officers who died after the memorial was constructed have been added to the monument annually to recognize their sacrifices.

Now, seven years later, the memorial is home to 343 officers' names dating from 1845 to 2004 with more being added in May of this year for officers killed in the line of duty in 2005. The memorial is running out of space for more, said Don Pendleton, Kentucky Law Enforcement Memorial Foundation board member and director of training support for the Department of Criminal Justice Training.

To allow for additional names and to give the monument a more aesthetically pleasing location, the KLEMF is planning to expand and move the memorial and the donation pavers that surround it. They will be relocated from their present placement in front of DOCJT's Funderburk Building in Richmond to the grassy area in front of the John W. Bizzack Law Enforcement Complex, Pendleton said.

The project, which will cost an estimated \$200,000, includes adding a wing to each side of the memorial (for a total of two wings or four panels), increasing the space for names by 80 percent and leaving room to construct more panels on either side of the monument, he said.

"It allows room for future expansion for years to come if, God forbid, there is a need," Pendleton said.

Since the memorial was dedicated with 295 names in 2000, most of the additions have been historical names, which are those of officers who were killed in the line of duty in years past but were not originally submitted to be included on the memorial. Of the 48 names that have been engraved on the monument since its dedication, 36 of them have been historical.

The names listed on the Kentucky memorial are based on those that are on the National Law Enforcement Memorial.

The memorial-relocation project also includes landscaping with trees and hedges around the monument, creating rows of concrete/grass seating to face the memorial and moving the American and state flags from their location in front of the Funderburk Building to either side of the monument.

So that the memorial area is seamless, the benefactor section that includes the KLEMF seal will be moved to the patch of land that sits behind the new memorial and between the Funderburk and Schwendeman buildings.

The memorial and benefactor area will face the parking lot entrance to DOCJT so that they are immediately visible to visitors, Pendleton said.

Lack of space has made relocating the memorial necessary, but the KLEMF board had previously discussed moving the monument to a location that would offer it more dignity and focus, Pendleton said. The new area will provide that, he said.

"The goal of the foundation is to design the memorial and the surrounding area to appropriately recognize and honor Kentucky's fallen officers," he said. "The area will be designed to aesthetically provide family survivors, friends, officers and others a peaceful place to show their respect for those who gave their lives in the line of duty."

Rock of Ages, the Elizabethtown company that designed and built the memorial, has been asked to head the expansion project, he said.

The groundbreaking will be scheduled when the KLEMF agrees that it has raised enough money to proceed, Pendleton said.

The board is considering fund-raising activities and is accepting contributions for the expansion/relocations. If you would like to make a donation, contact the KLEMF at (859) 622-2221.

"We realize the need to move the monument and are trying to find additional sources of revenue to accomplish it without impacting our primary mission of providing assistance to law enforcement and their families during their time of need," said Larry Ball, executive director of the KLEMF board and of the Kentucky Law Enforcement Council. ➡ ➡

Law enforcement personnel, family survivors, friends and the citizens of Kentucky can join together to honor Kentucky's fallen officers at the annual memorial service in May. The Department of Criminal Justice Training in conjunction with the Kentucky Law Enforcement Memorial Foundation will host the service on May 18, 2006 at 11 a.m. in Richmond. This solemn occasion affords the opportunity to appropriately honor the officers who gave their life protecting the citizens of the Commonwealth.

Two Kentucky officers killed in the line of duty in 2005 will be honored at the service and their names added to the memorial. Officer Peter Grignon, Louisville Metro Police Department, was killed on March 23, 2005 while investigating an accident. Deputy Roger Lynch, Livingston County, was shot June 2, 2005 when he responded to a domestic violence incident. Names of officers who died in the line of duty in years past but have not previously been recognized will also be honored at this service.

The 25th Annual National Peace Officers' Memorial Day service will be Monday, May 15 in Washington D.C.

The KLEMF will host its fourth annual golf tournament. The tournament is one of the major fundraisers sponsored by the foundation. Funds raised at the event go toward providing emergency, medical and educational assistance to law enforcement officers and their families. For more information contact George Boling at (859) 622-2350.



KLEMF NEWS

Attention law enforcement officers, telecommunicators (current, disabled or retired) or their survivors or dependents, the KLEMF will award 25 \$1,000 educational scholarships for the fall 2006 semester. If the selected recipient is a family survivor of a fallen officer the amount will be increased to \$2,000. The foundation has awarded \$51,000 in educational scholarships to family survivors, officers, telecommunicators and their dependents representing 33 Kentucky law enforcement agencies since 2004. For more information on the program you can access the Web site at www.klemf.org or contact the foundation at (859) 622-2221.



During 2005 the KLEMF provided assistance to 56 law enforcement officers and their families representing 54 different agencies. The money was awarded for:

Death benefits	\$5,000 provided to the survivors of five officers
Emergency	\$13,000 provided to 10 officers and their families
Medical	\$11,100 provided to 12 officers and their families
Educational	\$29,000 provided to 29 survivors and dependents of surviving officers

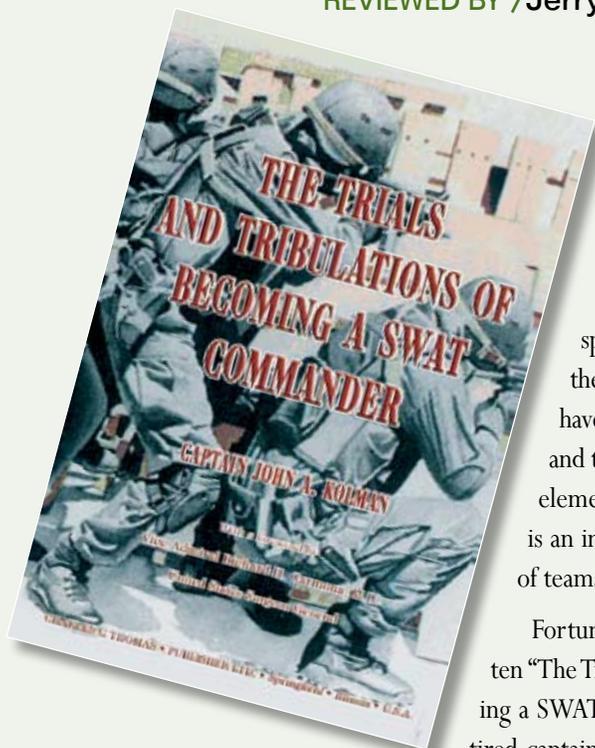
In addition, KLEMF sponsored a fund-raising event for the officers and families of the Biloxi, Mississippi, Police Department. Total funds raised and presented to these Hurricane Katrina survivors was \$9,753.10

Total assistance paid to Kentucky officers and families in 2005 was \$58,600. Counting the Katrina effort, the total assistance paid out by KLEMF in 2005 was \$68,353.10.

The main source of funds for the foundation is the sale of the memorial license plate. Funds are also received from the annual golf tournament and the annual memorial motorcycle ride sponsored by the Blue Knights XI. The proceeds from the sale of pavers, KLEMF items and donations also support the foundation. For information on how you can support the foundation, visit the Web site at www.klemf.org or call (859) 622-2221.

The Trials and Tribulations of Becoming a SWAT Commander

REVIEWED BY / Jerry Huffman, Training Instructor, DOCJT Professional Development Branch



In this post 9/11 society, many people are now beginning to see the importance of special weapons and tactics. For the past five decades tactical teams have responded to critical incidents, and these teams are now an essential element in law enforcement. Training is an integral part in the development of teams.

Fortunately, John A. Kolman has written “The Trials and Tribulations of Becoming a SWAT Commander.” Kolman is a retired captain from the Los Angeles County Sheriff’s Department, where for nine years he served with the Tactical Unit as a SWAT team leader and SWAT commander. He is the founder and former director of the National Tactical Officer’s Association.

In his book, Kolman mirrors a work that first appeared a hundred years ago. “The Defense of Duffer’s Drift” was about a fictitious junior lieutenant charged with the responsibility of defending a shallow river crossing, or drift, during the Boer War (1899-1902) in South Africa. The author of that writing, Captain E. D. Swinton, used a succession of

dreams from which the lieutenant gained valuable insight into what would be required to defend the drift.

Inspired by that style of writing, Kolman introduces the reader to a fictitious officer who moves quickly through the ranks of his department. Each chapter builds on the previous and leads the reader in an evolution of knowledge, judgment and maturity. The book will perhaps benefit a new commander or operator who may become a team leader or commander.

There are 24 principles introduced that a commander will need to be aware of and integrate into his/her duties. Appendix B contains a comparative list of options for both the suspect and SWAT as they relate to hostage and barricade situations. This section especially reminds us that not all situations are the same and tactical teams must be equipped with various options in order to deal with these sometimes complex calls.

The Department of Criminal Justice Training offers training for tactical teams and commanders with the idea of providing options for the decision-making process. Tactical officers must realize the importance of continued training and will find this book a useful tool in their development. 🍀

Catch 'em Cuff 'em!





An Update: Kentucky's Fight Against Drug Abuse

From the marbled halls of the state capital to the lonely stake-out of suspected meth labs on dusty back roads, Kentucky's ongoing fight against illegal drugs has become an all-out brawl, consuming taxpayer dollars, overwhelming law enforcement manpower and taking a terrible toll on the lives of thousands of Kentuckians. Like a boxing match, fights like this are won one punch at a time and Kentucky's anti-drug-abuse initiatives are delivering knock-out blows every day. Meanwhile, vast strides in education and treatment are backing the problem into an indefensible corner. But in Kentucky's lethal game of "catch 'em and cuff 'em", much remains to be done.

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PREVENTION,



ENFORCEMENT, TREATMENT

/Jamie Neal, Public Information Officer

Fifth graders at Burning Springs Elementary enthusiastically waved their hands in the air, anxious to share with their classmates what decisions they had made so far that school day.

Their answers: “What to wear.” “What to have for breakfast.” “Whether to get up or not.”

But in this class in rural Clay County – a community that like so many in Kentucky has felt the effects of methamphetamine and prescription-drug abuse – students are being prepared for the much bigger decisions they may face all too soon, particularly those about drugs and alcohol.

The students are participating in the national “Too Good for Drugs” program being piloted by the state’s Office of Drug Control Policy with fifth graders at Burning Springs and 47 other eastern Kentucky elementary schools during this school year. ODCP has hired drug counselors to administer the program.

Reduction of drug usage among students “is our ultimate goal,” said Heather Wainscott, a branch manager for ODCP.

“Too Good for Drugs,” which promotes drug prevention by teaching life skills like communication, goal setting and

decision making, is just one of the multitude of projects that ODCP has launched since it was created as the state’s head anti-drug agency.

“In just over a year, we have recognized successes on the drug front,” ODCP Executive Director Teresa Barton said. “With the passage of Senate Bill 63 reducing the number of meth labs, and the strides in enhancing multijurisdictional drug task forces, increasing cooperation among stakeholder agencies, and adding drug courts, prevention-education and more treatment beds, ODCP is working to make Kentucky a leader in addressing drug-abuse initiatives.”

Governor Ernie Fletcher established the ODCP with an executive order in September 2004 to coordinate all substance abuse issues and programs in the Commonwealth that receive state or federal funding.

A major part of the agency’s charge is to ensure that Kentucky’s drug problem is addressed through a balance of drug prevention, treatment and enforcement and with programs that can be measured for their effectiveness.

ODCP’s focus is based on the recommendations of the governor’s 2004 Statewide Drug Control Assessment Summit. The 51-member summit called for the creation of the ODCP, and its recommendations have served as the agency’s road map.

“We have tried to stay focused on the recommendations of the Summit,” Barton said. “Any time we’re



/Photo by Elizabeth Thomas





/Photo by Jamie Neal

▲ Brandy Price, a substance abuse consultant at Burning Springs Elementary School in Clay County, works with fifth-grader Courtney Henson on decision-making skills in her “Too Good for Drugs” class. The state’s Office of Drug Control Policy hired Price and other consultants to teach the drug-prevention class, which it is piloting in 48 eastern Kentucky schools.

to that, they reported finding 416 labs, according to the federal El Paso Intelligence Center’s National Clandestine Laboratory Seizure System. (EPIC keeps such statistics, but law enforcement agencies are not required to report their meth lab numbers to EPIC, so their accuracy cannot be guaranteed.)

ODCP will continue to monitor the progress of the meth legislation and remain alert for changes in the illegal meth trade, Barton said. A major concern is super labs – labs that manufacture large quantities of meth – that may be importing a more potent meth (known as ice) into Kentucky.

“We may have solved one problem, but it’s sort of like a balloon,” she said. “You push in one area and think you’ve solved that issue, and then out pokes another.”

The 11-member ODCP staff has been active on multiple anti-drug fronts, including awarding grants to assist drug task forces, providing funding for treatment facilities, creating new regional drug courts in seven circuits and piloting drug treatment programs in jails.

The agency has also:

- established standards for drug task forces.
- worked with a variety of community coalitions and anti-drug organizations.
- held the state’s first conference for narcotics officers.
- created an advisory council on student drug testing.
- assembled a board to determine what counties should receive part of an \$11.5 million grant to implement drug-prevention programs.

But there is still much work to do in attacking Kentucky’s drug problem from all angles, Barton said, including focusing on specific needs of individual communities and expanding drug task forces to cover more of the state.

“We can never deny that local law enforcement is the number one way we’re going to attack the drug problem,” she said.

>> dealing with a new program, we only consider a research-based program.”

Among the Summit’s charges to ODCP was to develop legislation that would impact the drug problem.

As a result, one of the agency’s most significant accomplishments, according to Barton, was the passage of anti-meth legislation in the 2005 General Assembly. The law, which became effective in June, makes

it more difficult to obtain pseudoephedrine – the key ingredient for making meth – and cracks down on the drug’s producers.

“That in itself has been one of the most effective pieces of drug legislation in many years,” Barton said.

Since the state’s anti-meth law – Senate Bill 63 – went into effect in June, law enforcement officers in Kentucky have shut down 130 meth labs. In the six months prior



The agency also must continue trying to assist law enforcement drug task forces with replacing dollars they have lost through federal cuts in the past few years, Barton said.

Between 2003 and 2006, the amount of federal funding the state's Justice and Public Safety Cabinet distributed to task forces and other programs has been cut by \$4 million, according to Van Ingram, ODCP Compliance Branch manager and the agency's main liaison to the drug task forces.

"It's going to be very difficult for a number of the task forces to remain operational if they get cut again this year," said Ingram, a former Maysville police chief. "We'll continue to search for funding to assist law enforcement operations, as well as for the treatment programs and the prevention programs we're involved with."

A long-term source of funding for the drug task forces as well as for other programs is critical for ODCP, Barton said. The lack of money for prevention, treatment and enforcement initiatives is the agency's biggest obstacle, she said.

During the next year or so, Barton said, ODCP's other goals include:

- piloting student drug testing (it has an advisory board on the topic and sponsored a drug-testing conference with the Office of National Drug Control Policy in February).
- working with agencies to implement more drug-testing programs for state employees.
- continuing its research into issues related to methadone (A sample of data obtained from Kentucky's medical examiner said that 50 percent of overdose deaths sent to them involved methadone in combination with other drugs).
- working to continue expanding treatment and prevention programs.
- increasing the number of drug courts.
- collaborating more with local agencies and communities.

- expanding drug task force coverage areas.

"While we have made some strides to expand treatment opportunities in Kentucky, the need continues to grow," said ODCP Deputy Director Karyn Hascal, whose background is in drug treatment.

Working with local agencies, ODCP conducted the first joint conference of Champions for a Drug-Free Kentucky coalitions and the Kentucky Agency for Substance Abuse Policy boards in October.

The mission of both Champions and KY-ASAP is to promote the prevention of alcohol, tobacco and drug abuse as well as the reduction of violence in Kentucky communities. Both organizations, which have local chapters throughout the state, were folded into ODCP in 2004.

"I think we've made a good start, but we've got a ways to go," Sandra Harston, ODCP's Champions coordinator, said of engaging the local coalitions and boards with ODCP.

Barton said working with communities is something that she wants ODCP to do better.

"I would like to see us go into communities as ODCP and pull together the enforcement, look at what treatment is available, look at awareness programs; what are they doing within a community?" she said. "I would like to see us do more on the grass-roots level, to go into a community and say, 'What can we do to help you? According to our statistics, these are the problems that we recognize that are probably in this area. What are you seeing?'"

"Kentucky will never be 100 percent drug free, but if we can continue to create awareness, to educate kids, to educate parents and educate communities about what needs to happen, we can certainly make a huge dent in the problem," Barton said. 🌱

ODCP GRANT AWARD MONEY

DRUG TASK FORCES - \$469,817

- Pennyrite Narcotics Task Force - \$83,556
- South Central KY DTF - \$21,511
- Greater Hardin Narcotics DTF - \$42,317
- Bullitt County DTF - \$17,242
- Bowling Green/Warren Co. DTF - \$32,336
- Barren Co. Community DTF - \$22,719
- Lake Cumberland Area DTF - \$25,579
- Northern KY Drug Strike Force - \$31,734
- Buffalo Trace/Gateway Narcotics TF - \$30,331
- FADE TF - \$53,309
- Louisville Metro Police DTF - \$87,112
- Street Sales Enforcement - \$22,071

JAIL TREATMENT - \$500,000

- Christian County - \$30,000
- Daviess County - \$50,000
- Grayson County - \$69,651
- Hardin County - \$30,000
- Hopkins County - \$63,826
- Kenton County - \$67,766
- Marion County - \$65,291
- Mason County - \$59,640
- Three Forks - \$63,826

OPERATION UNITE - \$1,500,000

- Clay County for construction of a treatment facility - \$750,000
- Pike County for operation of a treatment facility - \$750,000

DRUG COURTS - \$1,700,000

- Hopkins - \$217,900
- Crittenden/Union/Webster - \$199,500
- Boyd - \$180,300
- Carter/Elliott - \$130,700
- Butler/Hancock/Edmonson/Ohio - \$234,700
- McLean/Muhlenberg - \$182,700
- Henderson - \$274,700

EASTERN KENTUCKY SCHOOLS - \$500,000 FOR DRUG-PREVENTION PROGRAM





/Photos courtesy Desert Snow

THINKING INSIDE THE TRUCK, OUTSIDE THE BOX

/Jamie Neal, Public Information Officer



◀ Law enforcement officers inspect a tractor for contraband like drugs and explosives during a training presented by Desert Snow. The company provides officers in Kentucky and around the country with hands-on practice at detecting drug smugglers and potential terrorists on the nation's roadways.

Lying prone on a wooden platform suspended above a shipment of cartons in a truck's trailer, law enforcement officers used their flashlights to probe the spaces in and around dozens of boxes of Radicchio.

But they weren't looking for lettuce.

The officers were inspecting the shipment for inconsistencies – like a group of boxes packaged together but buried deep within the freight – that could mean illegal drugs or bombs were concealed within the cargo.

“They're looking for indicators of contraband,” Desert Snow instructor Shawn Pardazi said.

The officers were among approximately 80 members of state, local and federal law enforcement agencies in Kentucky, nine other states and Canada who recently participated in the Desert Snow training program.

Desert Snow, an Arizona-based company, travels the country with its tractor-trailers to provide officers hands-on practice at detecting drug smugglers and potential terrorists on the nation's roadways.

This training is essential for officers from the Kentucky State Police and Kentucky Vehicle Enforcement, who are in contact with drivers daily and have the opportunity to stop shipments of illegal drugs before they reach their destination, said Lt. Greg Jenkins, who heads KVE's special operations section.

“I think with the number of officers we have and just the sheer number of contacts we make daily on the interstates and roadways, we can make a significant contribution to the battle on drugs in Kentucky,” he said.

Most KVE officers have completed the

Desert Snow training, and all of them have completed the Federal Highway Administration's drug-interdiction training, Jenkins said.

“It's the training we provide our officers that makes it so easy to tell if people are involved in illegal activities,” he said.

KVE has used federal grant money to bring the commercial-vehicle version of the Desert Snow program – which is approved by the U.S. Department of Homeland Security – to the Commonwealth five times since 2001, most recently in November 2005.



“Before the training I had searched cars and commercial vehicles, but I got sick to my stomach at the training because I saw that I had probably let some stuff go down the road that I shouldn't have,” Kentucky State Police Trooper Tim Payne said.

Payne works in Ohio County, where there are two major parkways: the William H. Natcher Parkway and the Western Kentucky Parkway.

In a cavernous storage building in Lexington, officers attended a two-hour orientation and then split into teams for the remainder of the three-day program, during which they rotated through 11 hands-on stations.

Truck tractors and trailers set up throughout the dimly lit warehouse contained hidden compartments, drop-down ceilings and fake

walls. Some were filled with empty produce boxes or wood palettes. They all contained fake drugs or concealed bombs, including the type Timothy McVeigh transported in a rental truck to use in the 1995 Oklahoma City bombing.

“We try to make it as realistic as possible,” said April David, Desert Snow vice president.

Officers also rotated through a series of cubicles that simulated the backs of rental trucks and included cargo like tires, packing peanuts and furniture. Their job was to see >>

Meth is a highly addictive drug that is cooked in homemade labs in residences, vehicles, fields and other settings with ingredients like engine-starter fluid, anhydrous ammonia (a fertilizer used on farms), drain cleaner, lithium batteries (like those in some cameras), pseudoephedrine (contained in common cold and allergy medicines) and others. The process used to make meth is potentially explosive and results in highly toxic byproducts in addition to the drug.





▲ An instructor with the Desert Snow training program talks to law enforcement officers about producing methamphetamine while standing in front of the world's largest working mobile meth lab, according to Desert Snow.

>> beyond the chaos of the cargo and identify illegal contraband.

In addition, America's largest working mobile methamphetamine lab is integrated into the training. To become more familiar with the illegal narcotic, officers learn how to extract ephedrine – the key ingredient in making meth – by actually performing the process on site.

Officers learn how to question truck drivers (played by officers) and operate a database/networking system that profiles locations where contraband has been discovered on specific vehicles in the past.

Training like Desert Snow's has paid off for KVE, Commissioner Greg Howard said. In the past five years, KVE officers have seized:

- 6,612 pounds of marijuana with a total street value of \$13.6 million.
- 69 pounds of cocaine with a street value of \$1 million.
- 231 grams of heroin.

- 1,309 grams of meth.
- 15,419 pills.
- 190 weapons.

KVE officers have made 8,341 criminal arrests since 2001, with 95 percent being drug-related, and seized \$1.9 million in cash, according to KVE.

KVE receives a percentage of the money it seizes from drug traffickers.

"If we want to pick up big drugs, big money seizures, we have to be on our game all the time," Howard said.

On January 30, a KVE officer's attention to a tractor-trailer at a weigh station in London resulted in the agency's largest marijuana seizure ever – 1,300 pounds with a street value of approximately \$1.5 million.

Most of KVE's bulk drug seizures have resulted from their work at weigh stations as opposed to set-up operations, Jenkins said. Officers have found drugs hidden in packages ranging from duffel bags to plastic wrap that was smeared with peanut butter to mask

the smell of marijuana.

All KVE officers are on the lookout for trucks carrying contraband, but the agency – which has 159 sworn officers – fields nine special operations officers who focus on drugs and other criminal issues on the roadways, Jenkins said.

According to Jenkins, the special operations section includes six drug-sniffing dogs used for searching commercial vehicles and schools. KSP fields another 16 dogs. The K-9s have also been called upon to check for contraband in prisons, aircrafts and boats across the state.

While the dogs are requested to visit schools to sniff out drugs, sometimes they are simply brought in as a deterrent, Howard said.

Many of those students are "not going to quit doing their dope, but they are going to stop bringing it to schools," he said.

Howard said the agency is working to expand its special operations section. 🍌



KENTUCKY'S NUMBER ONE CASH CROP



1



2



3



4



5



6

/Photos courtesy Appalachia HIDTA

PICTURE 1: Photo of a large marijuana field (upper/middle portion of photo). Fields of this size were common in the early years of eradication. Success and determination of eradication efforts have made fields of this size virtually extinct.

PICTURE 2: Seedbeds of marijuana seedlings. It is common to seize marijuana plants at this stage. This was not really the case during the early years. Growers start their plants in early spring in seedbeds, indoors and/or outdoors. When plants are mature enough for transplant, growers move them outdoors to the kind of plots seen in following pictures.

PICTURE 3: Pinwheel formations of marijuana plants. Note this field or plot is considerably smaller than the plot in picture 1. Smaller size makes it more difficult to detect and in some

cases may save growers federal jail time. Plot must consist of at least 100 plants for a grower to face federal charges.

PICTURE 4: Again a relatively small plot. You can begin to see how natural light levels can affect the ability to detect plots of marijuana from the sky.

PICTURE 5: Level of light factor is evident in this picture. The marijuana was planted in the middle and along the sides of the gravel/dirt road.

PICTURE 6: The most difficult picture in which to detect the marijuana because light and shadows wreak havoc. The dark patch right of center is marijuana and it appears to bend down and gradually to left and possibly right. ■



State, Local Enforcement Working Together to Target Drugs

/Allison Fleck, Kentucky State Police Media Relations

A new initiative to address illegal drug production, distribution and consumption in the Commonwealth will provide a more concentrated approach to fighting illegal drug activity by developing anti-drug task forces, according to Kentucky State Police Commissioner Mark L. Miller.

Under the supervision of Kentucky State Police Maj. Mike Sapp, commander of the Special Enforcement Branch, the task forces are operating in counties not already covered by a local drug task force.

“Partnerships, information-sharing and improved communication are the key elements behind the success of the task force concept,” Commissioner Miller explained. “Similar established task forces across Kentucky have already disrupted illegal drug activity in their areas of operation. The ultimate goal of the program is to make our communities safer.”

The groups emulate the KSP task forces established in 2001 with funding from Appalachia High-Intensity Drug Trafficking Area. That program partnered KSP with



▲ Kentucky State Police troopers discovered these soft drink bottles, one of which has a plastic tube in it, as part of a working methamphetamine lab in western Kentucky. The drug's producers use the bottles and tubing in a process that turns liquid meth into a powder solid.

local agencies in Pikeville, Campbellsville, Hazard, Perry County and Adair County to target traffickers in designated counties in eastern Kentucky.

Five local agency officers currently participate in drug task force efforts through

Appalachia HIDTA. The new program increases that number across the state to 15. Each drug task force is staffed with local law enforcement officers, KSP drug enforcement detectives and KSP street-level detectives.

Development of the new task forces was made possible by a \$275,000 federal Justice Assistance Grant administered by the Kentucky Justice and Public Safety Cabinet.

According to Sapp, the money would help fill gaps left by cuts in federal law enforcement programs.

“Over the past several years, the Justice and Public Safety Cabinet has been inundated with requests from local agencies asking for the establishment of drug task forces in their areas, but there simply was no funding,” he said.

Under the new program, KSP absorbs the administrative and investigative costs. The grant money offsets personnel costs for participating local departments.

Teresa Barton, executive director of the Office of Drug Control Policy, said the



changes in the drug task force program will benefit Kentuckians.

“I am confident that with implementation of this program, KSP officers can step up to the plate and collaborate with local law enforcement agencies to help them locate and eradicate illegal drug activity,” she said. “We are fortunate in Kentucky to have the high level of professionals in law enforcement who can be a part of formulating solutions to this problem.”

Sheriff Todd Cooper of Ballard County, the first to contribute a detective to this project, said the benefits of the partnership materialized almost immediately. The task force was instrumental in investigating a multi-state methamphetamine drug trafficking organization responsible for distributing the drug in western Kentucky.

Sheriff Keith Cain of Daviess County has also committed a detective to the program.

“Kentucky’s multijurisdictional task forces have proven their effectiveness in combating illicit drug use,” Cain said. “However, there are numerous jurisdictions that are not served by these agencies. Sadly too, cuts in both the federal and state budgets have dealt a devastating blow to these specialized entities. So it was welcome news when KSP agreed to fund similar initiatives throughout the Commonwealth. This partnership with local law enforcement enhances our collective capabilities in ridding our community of this menace.”

“We have experienced an immediate positive result with this program,” added Shelby County’s Mike Armstrong. “This program has eliminated jurisdictional boundaries and assisted our detectives in taking case investigations to a higher level. I have nothing but great things to say about the direction we are going with KSP.”

In addition to Ballard, Daviess and Shelby

counties, agreements have been approved for Lebanon, Springfield and Scottsville, as well as Franklin, Meade, Allen and Harrison counties.

The drug task forces target the production, distribution and use of marijuana, cocaine, prescription drugs and methamphetamine, said Sapp. The methamphetamine industry has grown exponentially in recent years, he added.

“The meth industry has become a huge problem, with makeshift labs in car trunks, kitchen sinks and outbuildings, especially in rural areas,” Sapp said. “Even though Senate Bill 63 has produced a drop in statewide meth lab numbers, the drug pipeline from Mexico has become more organized and sophisticated. That means law enforcement must similarly become ever more aggressive and organized.”

KSP DRUG INTERDICTION FOCUSES ON PROTECTING THE INNOCENT

While KSP—like other Kentucky law enforcement agencies—focuses on boosting its drug interdiction efforts throughout the state, it is also moving to protect the most innocent victims of meth labs.

“While shutting down local meth labs and interdicting the transportation of meth into the state remains a high priority with the Kentucky State Police, we must not forget that children are often the innocent victims of this destructive drug,” said KSP Commissioner Mark Miller. “Children from families involved in cooking, dealing and using meth often have physical and emotional problems that must be addressed to avoid long-term damage.”

In partnership with the Kentucky Cabinet for Families and Health Services and the Office of Drug Control Policy, KSP developed special backpacks for first responders who are removing children from meth lab environments. The backpacks contain protocols for law enforcement and medical personnel and personal protective equipment for social service workers. They also contain temporary protective clothing and various hygiene products such as soap, toothbrush, toothpaste and shampoo, for children who need to be decontaminated at the scene. Crayons, a

coloring book and a small toy are also included to help ease the transition to foster care.

“We have also allocated \$30,000 to fund baseline medical exams for these children for the purpose of early detection of any medical complications they might have from meth lab exposure,” says Miller. Instructions on how to apply for this funding are also included in the backpacks. ■



▲ Lt. Gov. and Justice and Public Safety Cabinet Sec. Steve Pence (left) helped KSP Major Mike Sapp (right) and Major Lisa Rudzinski (center) assemble special backpacks for meth lab first responders at a news conference in November, 2005.

In 2004, KSP made the largest interstate cocaine seizure (739 pounds) in the nation during that year, according to the Drug Enforcement Agency.

From 2003 through 2005, KSP made more than 17,000 drug-related arrests. Between 2004 and 2005:

- troopers from Post 12 - Frankfort - seized 4 pounds of processed marijuana, 2 pounds of methamphetamine and 25 grams of cocaine as a result of a traffic stop in Shelby County, with a total street value of more than \$50,000.
- troopers from Post 7 - Richmond - seized more than 800 pounds of processed marijuana in Jessamine County, with a total street value exceeding \$750,000.
- troopers from Post 11 - London - seized 20 pounds of processed marijuana, with a street value of more than \$20,000 in Laurel County.
- troopers from Post 16 - Henderson - seized 20.3 ounces (1.270 pounds) of crack-cocaine in Union County.
- troopers helped eradicate more than 500,000 cultivated marijuana plants across Kentucky in 2005, with a street value of over \$1 billion. ■





/Photos courtesy UNITE

OFFICERS PLAY BIGGER ROLE IN DRUG WAR THAN JUST MAKING ARRESTS

/Dale Morton, UNITE Communications Coordinator

Melanda Adams hit rock bottom. The daughter of Clay County Schools Superintendent Doug Adams, Melanda had resorted to making methamphetamine to support an OxyContin drug habit and had endured horrendous abuse inflicted by her boyfriend. Staring up from the pit of despair, she pleaded for help.

Then one afternoon, as she cowered in a closet, came a knock on the door – that unmistakable sound signaling freedom was about to be traded for incarceration. Her arrest, she believes, opened opportunities for a second chance at life.

Today, Melanda relates that sobering experience as a rescue by “my little blue angels” from Operation UNITE. Over the ensuing months Melanda successfully completed a drug treatment program. She now shares her story as a light of hope to others battling addiction.

Before April 2003, when Congressman Harold “Hal” Rogers created Operation UNITE in his Fifth Congressional District, Melanda might have become just another casualty, a faceless statistic of the drug epidemic sweeping across southern and eastern Kentucky.

“It was painfully obvious that we were not going to be able to arrest ourselves out of this problem,” said Karen Engle, executive director

of UNITE. “There is a need to provide treatment for those who are addicted and education to prevent others from becoming caught in the destructive cycle. That’s what Operation UNITE is all about – combining investigations, treatment and education to bring about positive change.”

UNITE’s investigative arm has been very successful. Law Enforcement Director Dan Smoot said through December detectives had opened 3,232 criminal cases (26 of which were adopted for federal prosecution), conducted 42 drug roundups, dismantled 51 methamphetamine labs, and removed or seized drugs with a street value of more than \$5.3 million.



These drugs included more than 35,000 pills, 17 pounds of cocaine, 11 pounds of methamphetamine and 83 pounds of processed marijuana.

“We are extremely pleased with the success of our law enforcement drug task forces,” Engle said. “Their success has been phenomenal, but it alone is not enough to change the drug culture that permeates this region.”

UNITE’s efforts, Engle explained, are centered around strong community coalitions.

chian Regional Commission grant, DEC teams will partner with UNITE coalitions to help ensure the safety of children exposed to drug use and production. (See KSP sidebar page 2).

“The living conditions these children are subjected to are unimaginable to most of us. Many of them go hungry, are ignored, live in toxic, filthy homes, and witness things a child should never witness,” Congressman Rogers said. “This is a life or death situation for these kids. Besides the fact that mom or dad is on

ty to participate. If you are really serious about quitting drugs, it’s going to work for you.”

Kentucky is recognized as a model for the national program, which was first introduced in the state in 1993. Three years later the Administrative Office of the Courts’ drug court program was established. Since February 2004, UNITE has provided \$3.2 million to fund 17 drug court programs serving 20 counties in the Fifth Congressional District.

Jane lamented that she had used marijuana all her adult life, mostly as a means to escape verbal and physical abuse inflicted by her now ex-husband.

“I tried to keep it hid. Most people in a domestic violence situation that’s what they do,” she explained. “I dealt with it the best that I could (but) used marijuana as a way to deal with that. Thank God I never got into the other drugs.”

Law enforcement officials need to educate themselves about the drug court program to learn how they can be part of the long-term solution, said Paul Hays, UNITE’s deputy law enforcement director and former KSP post commander.

Hays said officers can:

- participate as part of the multi-disciplinary drug court teams.
- identify low-level drug dealers who sell to support their own habit as candidates.
- coordinate with prosecutors to speed up plea agreements relative to participants.
- act as a conduit of information for participants.
- share successful transformation of participants at graduations, to businesses, to other officers, as well as to the general public.

“Not everyone involved with drugs is a bad person,” Hays said. “They may have just made some bad choices and need our help.”

“You (UNITE) have made more progress than the law ever made,” Jane commented. “All law enforcement was interested in before was locking them up. You can’t rehabilitate anyone that way.”

◀ LEFT: Roundup was conducted in Letcher County on November 8, 2005. Helping UNITE were members from the Letcher County SO, Whitesburg PD, Jenkins PD, Fleming-Neon PD and KSP. RIGHT: Drugs, guns and money were recovered by Operation UNITE during a search in Lee County on July 14, 2005.

Comprised of representatives from all segments of society, coalitions mobilize individuals and give them ownership in finding solutions to their specific needs. As of January 1, there were 37 active coalitions – one in each of the 29 counties of the Fifth Congressional District, seven on college campuses and a special organization of faith-based motorcycle enthusiasts.

City, county, state and federal law enforcement officials are active participants in coalition activities, including but not limited to:

- anti-drug youth programs such as soccer, fishing and basketball
- family support and after-care programs
- Court Watch – a volunteer program to track all aspects of drug-related cases as they move through the judicial process in a non-adversarial way
- Neighbors UNITED – a program similar to Neighborhood Watch
- UNITE Clubs – nearly 700 students in 11 schools have registered as active members, with another 57 schools requesting start-up materials
- working with businesses and members of the medical communities to educate them about local problems and potential solutions.

Later this year, law enforcement representatives will become part of drug-endangered child interdisciplinary teams. Created by the University of Kentucky through an Appala-

chian Regional Commission grant, DEC teams will partner with UNITE coalitions to help ensure the safety of children exposed to drug use and production. (See KSP sidebar page 2).

In 2005, community coalition members were instrumental in helping push for passage of Senate Bill 63, which strengthened police efforts to crack down on meth production and toughen regulation of Internet pharmacies.

Teresa Barton, director of Kentucky’s Office of Drug Control Policy, said the new law is having its desired effect. Addressing representatives of the Kentucky Press Association in January, Barton noted that since the bill took effect in June 2005 the number of meth labs discovered has declined nearly 70 percent.

One of UNITE’s greatest successes has been drug court, which offers non-violent drug offenders an opportunity to reclaim their lives through an intensive supervision and treatment program. Drug court is a non-adversarial team approach to criminal behavior due to drug addiction.

Participants undergo long-term treatment and counseling, sanctions, incentives and frequent court appearances under a judge’s supervision. Successful completion of the program, which takes between one and two years, results in dismissal of the charges, reduced or set-aside sentences, lesser penalties, or a combination of these.

“Drug court is very valuable to this area,” said Jane (not her real name), one of 14 women who have given birth to a drug-free baby while in a UNITE-funded drug court program. “More people ought to be given an opportuni-



KENTUCKY ERADICATION TASK FORCE EARNS NATIONAL AWARD

/Phil Tursic, Senior Analyst, Co-manager, Appalachia HIDTA Intelligence Service Center

The Office of National Drug Control Policy recently recognized the Kentucky Marijuana Eradication Task Force as a Distinguished model program, awarding it the Director's Service Award.

The award was presented to the KMETF in honor of its accomplishments within the National Marijuana Eradication initiative. The award recognizes those who directly and significantly contributed to eradication efforts

in 2005, according to the ONDCP.

Task Force Commander Lt. Ed Shemelya, Kentucky State Police; Lt. Col. Karlas Owens, the Kentucky Army National Guard's counter-drug coordinator; and Special Agent Wendy Haney of the U.S. Forest Ser-

vice accepted the award in January during the ONDCP National Marijuana Eradication Conference in Washington.

The KMETF, an initiative supported by the Appalachia High-Intensity Drug Trafficking Area, is comprised of law enforcement officers from the U.S. Forest Service, U.S. Marshal Service, Drug Enforcement Administration, Kentucky Vehicle Enforcement, Kentucky State Police and numerous local agencies. Based with AHIDTA in London, the KMETF works full time during eradication season with the support of the Kentucky Army National Guard and the Civil Air Patrol.

During the eradication season, the task force consists of about 125 members that are engaged in the many facets of the eradication effort under the leadership of the KSP. In the off-season the mission of the task force continues, with the focus on indoor-grow investigations and extensive planning for the upcoming eradication season with the KSP, U.S. Forest Service and Kentucky Army National Guard. Additionally, KMETF pilot, aircrew and ground team personnel receive extensive safety training. This training has paid significant dividends; the KMETF has not experienced serious injuries or accidents



since its inception.

The KMETF is proactive, intelligence-fueled, innovative, and it is the standard by which other marijuana eradication operations could be measured:

- **Proactive** – It works the problem year round through investigations and arrests as compared to eradication programs that respond when or if a marijuana plot is discovered.

- **Intelligence-fueled** – Its daily operations and eradication missions are based upon intelligence from numerous sources, including pre-growing season aerial plot spotting, aerial observations including plot locations from previous growing seasons, cooperating individuals, investigative information and the Appalachia HIDTA Investigative Support Center.

- **Innovative** – It has incorporated GPS plotting technology in its operations and is the only eradication operation in the nation using the Rappel Special Patrol Insertion and Extraction System. This system allows for rapid insertion of personnel via rappelling using only one rope as opposed to a rope for each person.

The Appalachia HIDTA KMETF leads the marijuana eradication effort in the Commonwealth. During 2005, Kentucky law enforcement eradicated 506,412 plants statewide. The KMETF eradicated almost 90 percent (455,202 plants) of that statewide total. This represents a significant increase from 2004, when the KMETF eradicated 342,011 marijuana plants or 71 percent of the statewide total. Additionally in 2005, the KMETF seized 1,144 pounds of bulk marijuana, made 174 arrests and seized 90 firearms and \$171,915 in cash and property.

To say the KMETF disrupted marijuana availability is a gross understatement. With one plant producing one pound of marijuana and with a sales price of \$2,000 per one pound, the KMETF prevented more than \$912 million from getting to the marketplace. The influx of \$912 million into any market - legal, grey or black - would generate powerful shifts in the dynamics of that market, specifically supply and demand, money supply and earnings. In 2005, the hard work and dedication of the individuals and agencies of the Appalachia HIDTA KMETF effectively reduced the supply of marijuana available for sale in the United States.

Efforts like the KMETF's would not have been possible without the support of Kentucky's congressional delegates, especially U.S. Rep. Hal Rogers of the Fifth District, AHIDTA Director Frank Rapier said.

The success of any task force is measured in part by its ability to facilitate greater efficiency, effectiveness and cooperation among and between participating agencies at the local, state and federal level. Collocation of different law enforcement agencies to allow for and enhance resource sharing is vital to this endeavor. The extent of information sharing and interagency cooperation fostered by the KMETF proves that separate counter-drug agencies are not only working together but are also doing so in an effective and efficient manner.

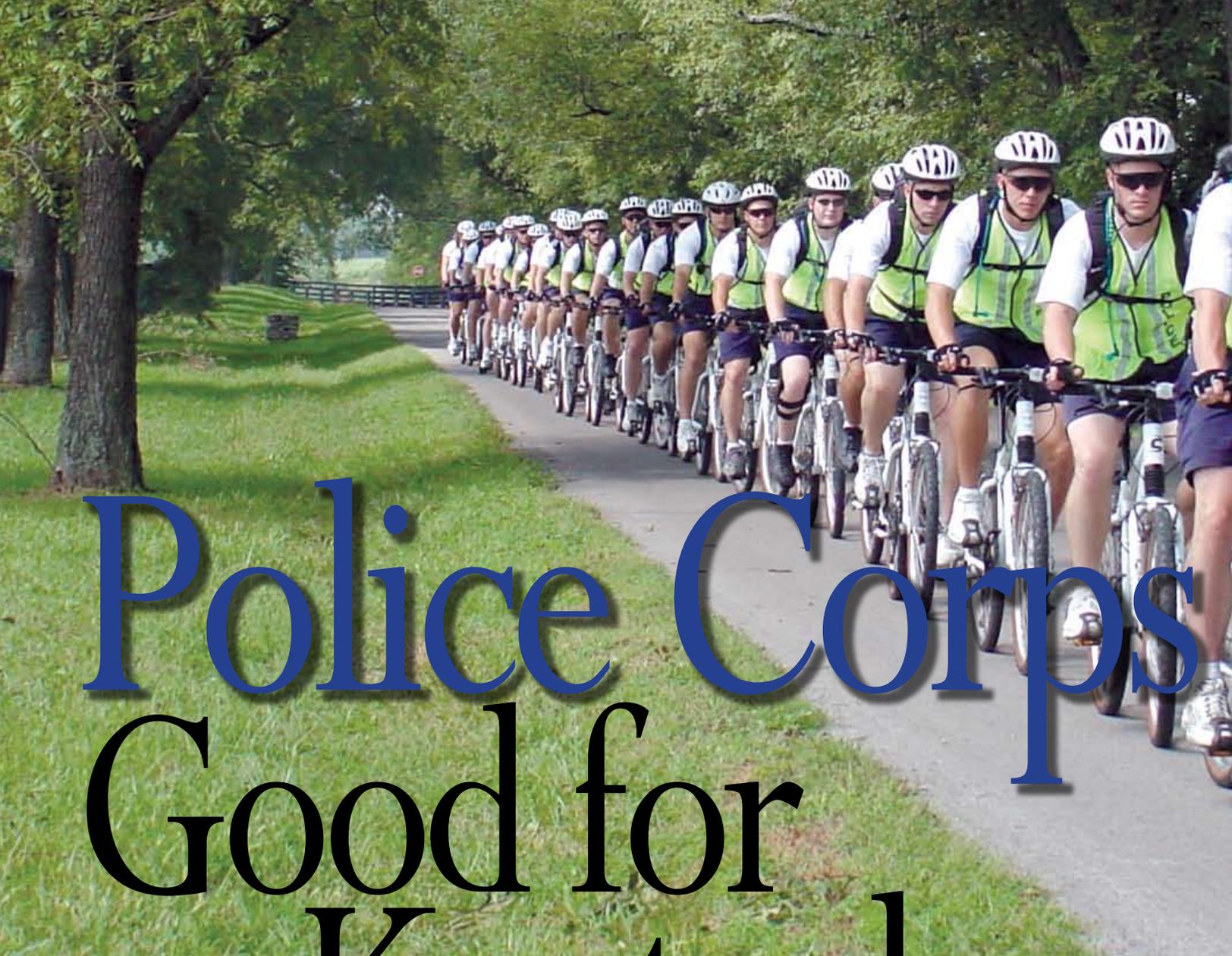
The vision statement of the Appalachia HIDTA was born when the late President Ronald Reagan stated, "There is no limit to what a man can do or where he can go if he doesn't mind who gets the credit." This vision is alive, well and thriving within the Kentucky Marijuana Eradication Task Force. 🌿

▼ (From left) Director John P. Walters of the Office of National Drug Control Policy; Lt. Col. Karlas Owens, counter-drug coordinator for the Kentucky Army National Guard; Lt. Ed Shemelya, Kentucky State Police Cannabis Suppression Unit; Supervisory Special Agent Wendy Haney, U.S. Forest Service; and ONDCP Deputy Director Scott M. Burns pose for a photo after the Kentucky Marijuana Eradication Task Force receives an award from the ONDCP.



Photos courtesy the Office of National Drug Control Policy





Police Corps Good for Kentucky

Reflecting on eight years of success and contributions to the Commonwealth

/Abbie Darst, Public Information Officer

More than 90 participants, 31 sponsoring agencies and \$6.9 million culminated to create what was a very successful and productive program that served the Commonwealth for eight years – the Kentucky Police Corps.

Launched in 1997, the Kentucky Police Corps program was part of a federally funded, enhanced training program with the goal of recruiting college-educated candidates by offering scholarships in exchange for a com-

mitment to serve four years with a Kentucky law enforcement agency. By November 2004, when PC Class 6 graduated from Department of Criminal Justice Training's program, Kentucky Police Corps had matured into a distinguished program, winning numerous accolades.

"The early days of the Police Corps program were very interesting," said DOCJT staff assistant David Hobson, who helped establish Police Corps in Kentucky. "The people in Washington, D.C. presented us with a skeleton of a plan and we had to create some of

the processes that are taken for granted today. For example, the Peace Officers Professional Standards program was not in existence at the time we started Police Corps, so we had to implement procedures for such things as suitability testing, drug testing and background investigations of the candidates. It was a challenge that I enjoyed and a great opportunity to work with and learn from former director, Bernie Thompson, the first Kentucky Police Corps director."

The Kentucky Police Corps program had successfully assisted local police departments



/Photo courtesy Police Corps

▲ Police Corps Class 4 during a bike field exercise. Bicycle training was one of several areas that was unique to Police Corp training.

and sheriffs' offices in selecting and training highly skilled, educated and capable officers. Its 92 graduates each completed 23 weeks of rigorous training, all designed to build the skills, confidence, attitudes and ethics that characterize outstanding law enforcement officers.

"It was a win-win situation for not only the department but for the applicant," said Chief John Kazlauskas of the Owensboro Police Department, which sponsored five cadets from PC Class 5. "They came very highly recommended, and I felt that the training was excellent. This group has proven to be excellent officers. They were well worth the time and

effort spent."

Funding, however, was cut, and by March 2005, while DOCJT awaited its fate as one of the finalists for three nationwide Police Corps academies, the entire program was closed.

Police Corps had been identified as one of 150 programs to be eliminated from the federal budget in 2006. The U.S. Department of Justice's Community Oriented Policing Program, became virtually non-existent.

Now that the Kentucky Police Corps program has come to a close, it is important to reflect on its accomplishments and contributions to Kentucky's law enforcement agencies and the communities they serve.

The Kentucky Police Corps taught us many new lessons and strategies that we have incorporated into our basic and advanced programs with plans for many more in the future, said Fran Root, DOCJT Basic Training Branch manager and former Police Corps director.

"I am proud to have played a role in this project and more importantly, I retain fond memories of the times, trials and triumphs with our students and staff. As with all of our Basic Training graduates, our main reward comes with tracking their progress in service to Kentucky's communities," Root said.

How Police Corps Differed From Regular Basic Training

Police Corps training went beyond typical recruit training in both depth and scope, meeting and exceeding existing state requirements.

Recruits attending the regular 16-week basic training academy at DOCJT receive approximately 660 hours of certified instruction. The first two Police Corps classes attended 18 weeks of training. After 2000, Police Corps cadets attended a 23-week Police Corps training receiving more than 1,300 hours of certified instruction. The additional hours of instruction were provided by expanding sections of the basic curriculum, providing instruction in areas not covered in regular Basic Training and through a guest speaker forum.

"I felt a great sense of pride then, as I do now, and I guess I always will about even being involved in such a program," said Paul Headley, who graduated from the first Police Corps class

and is now a DOCJT instructor. "The Police Corps Program was an opportunity to be a part of a dynamic new strategy of recruitment that was good for all who were involved – the recruit, the agency, the Commonwealth and the communities we served. The fact that the process was so selective and we were being held to higher standards and expectations than that of the regular basic training recruits instilled an increased sense of accomplishment in me than if we had been average. We did not regard ourselves as being better than any other recruit, we just had to work harder to achieve more."

Some of the most expanded areas of instruction were the Spanish language and leadership challenge course components. The leadership challenge course exercises were expanded from nine hours to 49 hours. Police Corps increased the Spanish training from nine hours to 180 hours and provided a two-week Spanish language immersion trip in Mexico to give the cadets the best opportunity to achieve fluency in the language.

"We have a huge Spanish-speaking population here," Nicholasville Police Chief Barry Waldrop said. "It has been a huge help that these officers came with abilities and the knowledge to teach themselves from Police Corps and the desire to train further in speaking the language. Several of them have become pretty good at it."

The Nicholasville Police Department sponsored five Police Corps cadets from 2001 to 2004.

The immersion program also proved beneficial in numerous ways to agencies in communities that do not have a high Hispanic population.

"It was good for the applicants to be immersed in the language program because it gave them a good understanding of what it's like to live in a different environment and allowed them to gain a different perspective on other lifestyles," Owensboro's Kazlauskas said. "That's important for someone going into law enforcement. It builds character in the officer."

Numerous other categories were expanded and many more were added to better train and equip the Police Corps cadets for service in their sponsoring agencies.

Benefits to Kentucky's Agencies

The federal Police Corps program was originally created by the Violent Crime Control and >>

Police Corps Extras

CURRICULUM UNIQUE TO POLICE CORPS:

- Tactical Police Mountain Bike Certification
- Clandestine Weapons
- Incident Command
- Public Speaking
- Ground Fighting
- Manual Traffic Control
- Patrol Observations
- Numerous off-campus field exercises
- Autopsy Observation including a visit to State Medical Examiner's lab
- Drown Proofing

GUEST INSTRUCTOR FORUMS:

- Post Traumatic Stress
- Surviving Officer Injury
- High Profile Case Investigation
- Media Relations
- Auto Theft Investigations
- Terrorism
- Family Relations

Law Enforcement Act of 1994. The act addressed violent crime by helping state and local law enforcement agencies increase the number of officers with advanced education and training who are assigned to community patrol. The Kentucky Police Corps program fulfilled this mission in the Commonwealth by placing more than 90 college-graduate, highly trained peace officers in small- and medium-sized agencies throughout the state at no cost to agencies.

"The biggest asset of Police Corps officers is the intelligence level," Waldrop said. "They are sharp, bright young men and women. They were more professional and carried themselves better, and their training was more advanced and you could see how it made a difference."

Through Police Corps, agencies received a fully trained, POPS-certified officer with a four-year college degree, and each agency was assured service by its Police Corps officer for a minimum of four years. For many small departments in Kentucky, retaining qualified officers for that length of time is virtually impossible.

"The Police Corps cadets are probably better trained, plus you have the commitment and that's worth a whole lot," Bardstown Police Chief Charles Marksberry said. "With a four-year commitment, you know you have them for a while."

Bardstown Police Department received one of the first four Police Corps graduates in 1999.

In addition, the sponsoring agency did not take responsibility for the cadet until he or she completed training. While cadets attended training at the academy, the Police Corps program provided all the uniforms, equipment and lodging necessary; a \$400 weekly stipend and health insurance. For participating Kentucky agencies, Police Corps practically eliminated recruiting expenses. Also, during the first several years of the pro-

gram, agencies were given \$10,000 annually as a salary supplement for their Police Corps-trained officers.

The agencies were not the only ones to benefit from the program. In the eight years that Kentucky's Police Corps program existed, it dispensed more than \$2 million in tuition-reimbursement scholarships to the cadets who graduated from training and completed (or are in the process of completing) their four-year commitment to their agencies.

"The assessment of the total value of the Police Corps program to the law enforcement community will not be fully appreciated for several years," said John Lile, who was the Police Corps director until the programs disbandment. "It is my belief that the Police Corps program has served as the baseline for the future law enforcement leaders of Kentucky. Hopefully, the investment made will pay dividends through the development of these young, professional peace officers who will better serve their communities – a goal well worth the expense of training."

Headley's Police Corps experience is making a difference in a way few probably thought of after he and the other three members of the first Police Corp class in Kentucky left the academy.

"In my position as a law enforcement training instructor today, I hold the recruits to very high standards of performance and accomplishment," he said. "I believe that the reason my expectations are so high is directly related to my Police Corps training experience. In the Police Corps program they set the bar very high and we wanted to go even higher."

▼ A member of Police Corps Class 3 attempts the 50-foot high tower exercise while blindfolded. PC 3 graduated in 2001.



INSPIRING TOMORROW TODAY

DOCJT's First Training the Trainer Instructor Conference a Success

/Abbie Darst, Public Information Officer

“Grab ‘em by their hearts and their minds and bodies will follow.” That’s exactly what Valerie Van Brocklin did in her opening session with law enforcement instructors from across the state at the Academy Instructor Conference hosted by the Department of Criminal Justice Training January 4 to 6.

The three-day conference, the first of its kind in Kentucky, featured numerous high-quality presenters covering a range of topics from emotion-centered learning theories to ways to develop effective Power Point presentations. More than 100 instructors from the Louisville, Lexington, Kentucky State Police and DOCJT training academies gathered to learn a variety of new and updated techniques to make their personal teaching styles more efficient and more effective in the classroom.

“‘Inspiring Tomorrow Today’ was the title and theme of the conference and that’s what we do every day as instructors,” said J. R. Brown, supervisor for the DOCJT Leadership Development Section and one of the coordinators for the conference. “I am very pleased with the results and overall we had very good comments from the participants.”

The idea for developing the conference came from a one-day instructor’s training program in Maryland and is based on the American Society for Law Enforcement Trainer’s International Conference. DOCJT instructors have attended the ASLET conference for several years, including Leadership Development Section Instructor Cindy Hale. In fact, Hale discovered some of the speakers for the January training conference at the ASLET conferences.

“The instructors’ conference was a great experience,” DOCJT Instructor Lindsay Hughes said. “I was impressed with the variety of guest instructors and their diverse backgrounds and experience. Listening to professional instructors explain their philosophies and systems can only make me a better instructor.”

Outside presentations included Brocklin’s “Grab ‘Em by Their Hearts and Their Minds and Bodies Will Follow,” U.S. Secret Service instructors discussing “Assessment Tools for Performance-Based and Simulation Training” and Dr. Patricia Robinson’s “Smart Cops – Dumb Choices.” Robinson spent 13 years as an instructor at the University of Wisconsin and served the Madison Police Department in Wisconsin

for nine years.

“I especially enjoyed and benefited from the session that the Secret Service did on scenario-based training, or what we refer to as practicals,” DOCJT Telecommunication Instructor Margaret Johnson said. “I really want to incorporate some of that information into our academy. I hope this will be the first of many more annual conferences to come for instructors.”

In addition to these outside presenters, the conference also featured locals. Ofc. Jim Wood of the Louisville Metro Police Department presented a section on technical issues in training. Sgt. Alice Leffler, a 23-year veteran from the Jeffersonville Police Department in Indiana talked about motivational leadership, focusing on the book “FISH!” by Stephen C. Lundin, Harry Paul and John Christensen.

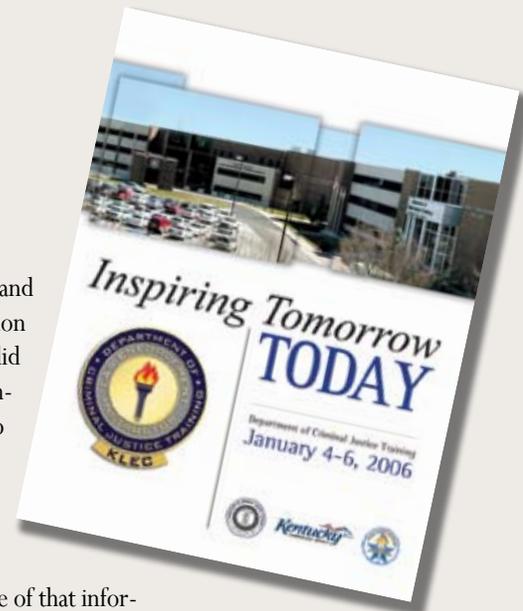
“FISH!” offers an opportunity for trainers to deliver an academic ambiance to the classroom filled with energy and passion – leaving students feeling as though they are the most important person in the class, Leffler said.

DOCJT staff members Walt Tangel, Bobby Ricks (retired), Jerry Belcher, Thomas W. Fitzgerald and DOCJT Commissioner John W. Bizack also made presentations during the conference.

“The conference was wonderful, and the information proved to be interesting as well as useful,” Johnson said. “The presenters were first rate and I also took some pointers from them that will assist me in being a better instructor.”

Brown sees this first instructor conference as the beginning of better things to come.

“Basically by doing this we save money by bringing people here for training instead of them having to travel across the country,” he said. “This is an effective, efficient way of training Kentucky’s trainers. Next year we plan to try and make it bigger and better and open it up to all KLEC-certified instructors, not just academy level.”



Kentucky Law Enforcement Professional Associations

KENTUCKY ASSOCIATION OF CHIEFS OF POLICE – KACP

President: Mack E. Brady
Phone: (270) 831-1295
Secretary: Pat Aldridge
Phone: (859) 622-6187
Fax: (859) 622-6606
E-mail: kychiefs@eku.edu
Web site: www.kyapc.org



The Kentucky Association of Chiefs of Police was formed in 1971 to secure official and personal cooperation among law enforcement executives and the citizens of Kentucky. The membership consists of more than 500 Kentucky law enforcement executives including police chiefs, sheriffs, state and federal law enforcement administrators and railroad police. The KACP office is located on the campus of Eastern Kentucky University in Richmond.

The KACP is involved in many law enforcement programs to assist police chiefs, sheriffs and other law enforcement executives. The KACP accreditation program allows accredited agencies to demonstrate they have met accepted standards for efficient and effective operations. The association provides member discounts for testing materials and gives financial assistance to law enforcement students, Special Olympics, the Kentucky Law Enforcement Memorial Foundation, Concerns of Police Survivors and the FBI National Academy.

KACP holds an annual training conference to provide opportunities for law enforcement executives to network with their peers, browse the largest law enforcement vendor show in Kentucky and receive quality training.

KACP membership runs from January 1 to December 31 of each year. More membership information and an application can be found on the KACP Web site.

Executive Board:

First Vice President, Chief Shawn Butler,
Independence Police Department

Second Vice President, Chief Wayne Hall,
University of Louisville Police Department
Third Vice President, Chief Michael Kendall,
Paris Police Department
Treasurer, Chief Deputy Roger Holbrook,
Rowan County Sheriff's Department
Sergeant at Arms, Chief Greg Reeves,
Georgetown Police Department
Executive Director, Craig Birdwhistell

FRATERNAL ORDER OF POLICE – FOP

President: Martin D. Scott Jr.
Phone: (270) 746-7485
Fax: (270) 746-7812
E-mail: preskyfop@aol.com
Web site: www.fopky.org



The Kentucky State Lodge Fraternal Order of Police, Inc., is an organization of law enforcement officers sworn to uphold and enforce the law under all legal circumstances equally among all citizens regardless of race, gender, religion or national origin. The FOP works to improve the conditions of law enforcement officers at the local, state and national levels by using the legislative and judicial processes to enhance training, pay and conditions of employment.

Executive Board:

Vice President, Berl Perdue
Secretary, Denis Spalding
Treasurer, Don Brashear
National Trustee, Mike Hettich
Chaplain, Tim Davis

KENTUCKY SHERIFFS' ASSOCIATION – KSA

President: Bruce Hampton
Phone: (859) 234-7135
Fax: (859) 234-5008
E-mail: hcscd@adelphia.net
Web site: www.kentuckysheriff.org
The Kentucky Sheriffs' Association is a statewide



organization of sheriffs and deputies, that promotes the professionalizing and quality of the office of sheriff through the legislative process. The association strives to maintain, ensure and encourage a high standard of ethics and integrity in the office of sheriff. The association supports the KSA Boys and Girls Ranch to allow underprivileged children to attend summer camp. Also, the association facilitates training for sheriffs and deputies across the Commonwealth. The board of directors meets monthly, and the association hosts an annual conference each December.

KENTUCKY STATE POLICE PROFESSIONAL ASSOCIATION – KSPPA

Executive Director: Sonny Cease
 Phone: (502) 825-1625
 Fax: (502) 875-1688
 E-mail: scease@ksppa.net
 Web site: www.ksppa.com



The KSPPA is a non-profit, fraternal association composed of Kentucky State Police personnel. The association was organized to promote fellowship and cooperation among its members, to promote the social, professional and economic condition of its members and to advance the professional reputation of the Kentucky State Police through the interchange of technical knowledge in police work. The association also works to foster true police ethics, promote the public interest as affected by the services of the KSP and provide fair, impartial and professional police services to the citizens of Kentucky.

For more information on KSPPA membership please visit www.ksppa.com/form.htm or call (502) 875-1625.

Executive Board:

President, Joe Milam
First Vice President, Phillip Ballard
Second Vice President, George Gyurik
Sergeant at Arms, Curtis Wood
Secretary, Tanya Clark
Treasurer, Bowman Stone
Chaplain, James Hodge

KENTUCKY WOMEN'S LAW ENFORCEMENT NETWORK – KWLEN

President: Linda Mayberry
 Phone: (859) 622-2067

Secretary: Jennifer Lube
 Phone: (859) 797-5685 or
 (859) 258-3600
 E-mail: jlube@lfucg.com
 Web site: www.kwlen.com



The Kentucky Women's Law Enforcement Network strives to maintain its commitment to help its members grow in professionalism, knowledge and confidence by sharing the variety of talents and experiences that the organization and its members have to offer. KWLEN's mission is to create a network, open to all women and men in the criminal justice field, which promotes career development for the empowerment and unity of its members.

The organization's goals include encouraging members to set and actively pursue goals; creating a program for mentoring women in law enforcement; providing a mechanism of advocacy and support for its members to voice concerns and address issues, providing training that will develop its members; establishing a network of professionals to serve as a resource for developing skills, professionalism and effective leadership; and assisting and supporting its members in maintaining a balance between their professional and personal lives.

To find out more about joining KWLEN visit the Web site for a downloadable membership form.

Executive Board:

First Vice President, Debbie Marasa-Holly, St. Matthews Police Department
Second Vice President, Melanie Watts, Bowling Green Police Department
Secretary, Jennifer Lube, Lexington Division of Police
Treasurer, Bella Wells, Lexington Division of Police
Historian, Jacqueline Pickrell, Kentucky State Police

KENTUCKY PEACE OFFICERS' ASSOCIATION, INC. – KPOA

President: Andy Carter
 Phone: (859) 599-1880
 E-mail: andycarter@alltel.net
 Web site: www.kpoa.info



The Kentucky Peace Officers' Association is a professional, educational association for sworn peace officers from across Kentucky. Organized in 1935 and incorporated in 1941 as a non-profit corporation, the KPOA is the Commonwealth's oldest professional

organization for law enforcement officers. Full-time, sworn Kentucky peace officers and those employed full time as law enforcement administrators or instructors, provided they have prior experience as sworn peace officers are eligible for active membership. Retired peace officers are also eligible for active membership. The KPOA mission is to advance the science and art of police administration and crime prevention, develop and disseminate approved administrative and technical practices and promotes their use in police work. KPOA also fosters police cooperation and unity of action, and the exchange of ideas, information and experience among the police officers of this state, and encourages adherence of all police officers to high professional standards of conduct.

Those interested in becoming a member of KPOA should submit an application. Membership dues are \$25 annually. More information on membership and an application form can be found at <http://kpoa.info/forms/Membership.pdf>.

KENTUCKY LAW ENFORCEMENT ISSUES CONSORTIUM – KLIC

Coordinator: John W. Bizzack
Phone: (859) 622-6165
Fax: 859-622-3162



The Department of Criminal Justice Training, in cooperation with the Justice and Public Safety Cabinet, designed the Kentucky Law Enforcement Issues Consortium to maintain and further collaboration and broad consensus on issues facing Kentucky law enforcement. The KLIC committee is comprised of the top leaders of Kentucky's five professional law enforcement associations.

The consortium also includes additional chiefs and sheriffs and other law enforcement executives from across the state. Its purpose is to advise the administration on identifying and examining top issues, proposing action plans and providing support for implementation of items critical to public safety throughout the Commonwealth.

KLIC was established at the direction of Lt. Governor Steve Pence who also serves as Secretary of the Justice and Public Safety Cabinet. It is also the first formal consortium of its kind in Kentucky designed to harness police executive and professional association leadership to further develop the positive and progressive evolution of local, rural and state law enforcement throughout the state. KLIC has established a balanced, galvanized voice for law enforcement to address its concerns to the administration, legislators and local elected officials.

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<http://docjt.ky.gov>



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MDT Safety

Does the use of Mobile Data Terminal's (MDT) decrease observation skills for patrol officers? / **Amy Reister**, Administrative Specialist III, Basic Training Branch

Basic Training recruits at the Department of Criminal Justice Training are required to have eight hours of Mobile Data Terminal training. This training usually takes place on Tuesday of week four in the Basic Training Academy. The course is designed to instruct officers how to perform and complete transactions through the LINK, NCIC and NLETS criminal justice information systems. Training includes the actual use of an MDT as well as practical exercises. Successful completion of the course certifies an officer for one year. A four hour re-certification course is offered regularly by the DOCJT Telecommunications Section. This particular course is also offered on-line.

Twenty new MDTs were obtained by DOCJT to be used for training through homeland security funds.

The purpose of the MDT is to enhance officer safety by creating an easier way to obtain necessary and vital information quickly. Although, the equipment is useful, it can also be a distraction.

MDTs have the probability of decreasing the observation skills of patrol officers. Therefore, officers are faced with the challenge of being aware of safety concerns while using modern technology.

"Surveys are given to in-service students who are already certified operators. Most all of the students already have experience using the MDT in the car," Advanced Telecommunications Instructor Mike Keyser said. "In-service courses always do a critique at the end of training classes to get suggestions for future course offerings and to look for ways to improve our classes. This particular survey was an offspring of that concept. I had the idea last year during a discussion with a recertification class about officer safety, but I could not get everyone involved. With the on-line training course they have to complete the survey before they can move to the next block of instruction, so it is a way of requiring participation. Information from the survey will be used by our section for future class discussions in on-line classes. It will also be shared with the Kentucky State Police since they are the state network provider."

The survey asks operators if their agencies have a written policy concerning the security of the MDT, and if they were provided a copy. Around 87 percent of the officers surveyed in two on-line in-service classes said 'yes' with several individuals responding that they did not know if their agency had a policy. The majority of officers indicated that they do have a copy of the policy, while five individuals responded they did not.

Officers responded that the MDT has helped make their job easier. Participants listed numerous instances where the equipment has been

distracting while operating their patrol car. Among some of the responses are: running off the shoulder of the road, crossing over the yellow line into oncoming traffic and nearly rear-ending another vehicle.

"The MDT is not intended to replace the radio. We recommend that officers not use the equipment while driving the vehicle," Keyser said.

Participants in the survey listed having internet access, computer games, DVD players, e-mail and personal pictures on their MDTs, which increase the risk of distraction while on duty. Agency policies should include specific use for additional functions installed on the equipment.

"Officers should be reminded that the MDT does not take the place of old fashion police work," Evaluation Section Supervisor Oakie Greer said. "Officers need to be aware of their surroundings; you should not drive while operating the equipment; it could decrease or greatly limit your powers of observation. I am afraid the dependence on technology is already causing a decline in observation skills for patrol officers. We train recruits that two of their most important traits as a patrol officer are their powers of observation and curiosity. If a police officer is not paying attention to his surroundings he loses a valuable tool in police work, their own senses." 🐾

/Photo courtesy Ashland P.D.



HITTING THE STREETS WITH BASIC TRAINING



/David Stone, Training Instructor

/David Pence, Training Instructor

If experience is the best teacher, the Basic Training recruits at the Department of Criminal Justice Training are getting quite an education. Since the curriculum was expanded to the 16-week format in 1999 (now 18 weeks), all recruits have been exposed to a modular training learning method.

Modular training takes valuable classroom instruction and applies it periodically to realistic role-play exercises. Each recruit has the opportunity to work through a “street” experience during the modular evaluations under the watchful eye of a certified instructor. Instructors offer constructive feedback that the recruit can use during future scenarios or on the street when he or she gets back home.

Each recruit in Basic Training is exposed to a vast amount of information from classroom lectures, facilitation and practical exercises. There is no doubt that many recruits wonder which tactics or concepts will work in the real world. Modular evaluations offer the opportunity to evaluate a recruit’s comprehension and application of classroom material, thus providing some answers.

“Being able to go out and actually participate in cases really helps emphasize and reinforce our training and helps make officers feel like they are out on the street,” said Andrew Staggs of the Nicholasville Police Department who graduated from Basic Training Class 365 in January. “It’s very helpful in making what we learned believable.”

There are currently five modular evaluations in the basic schedule. A sixth module is being considered for the 2007 curriculum. Like the curriculum,

each modular evaluation increases in difficulty and complexity.

All recruits begin with a basic theft report in the third week of training. They are given basic instruction for handling this call through classes in interpersonal communication, note-taking and report writing. A few weeks later, driving and radio skills are added when they get a disorder call. The recruit will have to use his/her new skills to break up an argument and resolve a conflict. As a twist, one party in the call will have an outstanding warrant. This provides a chance for the recruits to put their defensive tactics training and legal knowledge to work. This is also the first time they make an arrest in a modular scenario.

In week four, the recruits are evaluated on working a traffic stop. This module gives them the opportunity to apply vehicle placement, officer safety and interpersonal skills in one setting. Actor recruits are used as moving violators, and the recruit being evaluated must apply what he/she has learned in the classroom.

During the second half of the academy, recruits work in two-person units. In week 11, the challenge is to apply new material to a modular evaluation called Property. The recruits have to work together over a two-and-a-half-hour call to process a burglary, theft or arson crime scene and develop evidence for court.

Finally, in week 16, the same two-person unit responds to, investigates and processes a crime scene, develops and interviews/interrogates witnesses and, eventually, makes a probable-cause arrest for the individual's crime (domestic violence, child maltreatment, assault or robbery). This provides them a chance to combine their entire academy classroom knowledge in a practical way.

Each recruit will work through a scenario as an officer on one call, then become an actor in another type of call either later that day or the next day. Uniform scripts and props are used.

As the recruits watch their classmate work the call, they can see the direct impact of different styles on the situation. They may develop their ideas about how people should be treated based on how they felt the officer han-



dled the situation. Conversely, actors might see something in the way they were treated that they can use in their own presentations. Recruits often discuss their strengths and weaknesses after the modular is completed. This peer evaluation has proven successful in getting recruits to help each other through the training process.

The feedback from recruits about the modular evaluations is consistent; most say that they learned more during these scenarios than they did in the classroom. Nearly all indicate they prefer this type training. Although they learn the information in the classroom, most feel experience is still the best teacher.

“The practical exercises are a great tool for us as law enforcement recruits because they allow us to meet and overcome the challenges we will face once we are officers,” said James E. Miskanin, Jr., Covington Police Department, Basic Training Class 365. “The exercises give us a competitive edge and allow us to hit the ground running.”

▲ Springfield Police Department recruit Sue Mudd takes a suspect's fingerprints during a Basic Training module. Mudd was part of Basic Class No. 335, which graduated in December 2003.

◀ During week 16 of Basic Training, recruit classes complete the Crimes Against Persons module. Until this year, week 16 marked the end of recruit training and this module provided them a chance to combine their entire academy classroom knowledge in a practical way.

Biloxi Relief Effort



/Photos courtesy David Pence



Giving *the* Best Gift

◀ Toys came from all over the country for the families of the Biloxi, MS emergency services. The halls of the Lopez-Quave Public Safety Center were packed with gifts from several states.

▼ (front row) Gail Pence, former DOCJT employee Jennifer Rollins, and DOCJT instructor Stella Plunkett. (back row) Biloxi Asst. Chief Rodney McGilvary, DOCJT instructor David Pence, Biloxi Capt. Harold Windom and Jon Plunkett.

▼ Santa takes a well deserved break as he spreads holiday cheer at the Biloxi Holiday party.

Kentucky DOCJT recruits and staff provided a holiday meal for nearly 300 officers and family members and toys for more than 150 children / **Abbie Darst, Public Information Officer**

Officers from the Biloxi Police Department found out what the spirit of Christmas was really about this holiday season.

Basic training recruits from the Department of Criminal Justice Training provided a special holiday event for their counterparts in the hurricane-ravaged Mississippi department December 18. This event was in response to the immense need created by the devastation of Hurricane Katrina, which left more than 30 Biloxi police officers and their families with nothing.

The DOCJT began assisting the Biloxi Police Department immediately following Hurricane Katrina, raising money to provide food, water and supplies for the officers and their families. DOCJT Instructor Joe Wallace, a former Biloxi officer, headed the original relief efforts.

“The recruits and staff saw the photos that Joe Wallace brought back and we knew right away we had to do something,” said Horace Johnson, director of DOCJT’s Training Operations Division.

“The officers of the Biloxi Police Department have worked many long hours under stressful circumstances while trying to put their own lives back together,” said DOCJT Instructor David Pence, coordinator of the event. There were at least 34 officers from the department that lost everything. We thought it would be great if we could give them a chance to sit down together for a great meal and some down time, even if only for one evening.”

Immediately, the DOCJT staff, recruits and local community members began raising money for the special holiday event. They raised enough to feed approximately 275 officers and family members and gathered gifts for more than 150 children as well. Donations totaled \$9,753.10. Approximately 500 people attended the event.

“We weren’t there to give ourselves a pat on the back – giving in its true form is anonymous,” Pence said. “When you take yourself out of it and step back, it was very moving just to watch. These people were so gracious and very resilient. I want to thank everybody who made this event possible through both their time and donations.”



KCPP

ASSESSED COMMUNITIES



BROOKSVILLE

County: Bracken
Population: 601
Size: .6 square miles
Class: Fifth Class
Mayor: John Corlis
Chief: Martin Hause

Sheriff: Mike Nelson
Date of assessment: December 12 to December 16
Sites assessed: Brooksville City Hall & Fire Department; Brooksville Police Department and City Utilities; Brooksville Farm Supply; Bracken County Water District; Kentucky Transportation Cabinet – Bracken County Maintenance Facility; Bracken County Courthouse; Taylor Elementary School; Bracken County Health Department; Bracken County High School; Bracken County Middle School; Brooksville Head Start; Stewart’s Bracken County Farm Center

Police Department/Fire Building; Cave City Convention Center; two private tourist attractions



GLASGOW

County: Barren
Population: 13,614
Size: 14.7 square miles
Class: Third Class
Mayor: Darrell Pickett
Chief: Gary Bewley

Sheriff: Barney Jones
Date of assessment: December 5 to December 9
Sites assessed: Barren County High School; Glasgow High School; Wal-Mart; Barren County Courthouse; Glasgow Water Company (three locations); Western Kentucky University Glasgow Campus; T.J. Samson Community Hospital; Glasgow Middle School; Barren County Middle School; Red Cross Elementary School; Austin Tracy Elementary School; Park City Elementary School



CADIZ

County: Trigg
Population: 2,443
Size: 3.5 square miles
Class: Fifth Class
Mayor: Lyn Bailey
Chief: Hollis Alexander

Sheriff: Randy Clark
Date of assessment: October 31 to November 4
Sites assessed: Cadiz Water Plant and Sewer Plant; Barkley Lake Water District; Trigg County Hospital; Trigg County Elementary School; Trigg County Middle School; Trigg County High School; Cadiz City Hall and Police Department; Trigg County Courthouse; Lake Barkley State Resort Park Lodge



GREENSBURG

County: Green
Population: 2,443
Size: 1.9 square miles
Class: Fifth Class
Mayor: George Cheatham
Chief: John Brady

Sheriff: Tim Stumph
Date of assessment: November 14 to November 17
Sites assessed: Greensburg City Hall, E-911 Center and Police Department; Greensburg Fire Department; Green County Health Center; Central Farmers Supply Company; Green County Elementary School; Green County Middle School; Green County High School; Green County Technical School; Greensburg Wastewater Treatment Plant; Greensburg Water Works



CAVE CITY

County: Barren
Population: 1,920
Size: 4.3 square miles
Class: Fourth Class
Mayor: Bob Hunt
Chief: Billy Minton

Sheriff: Barney Jones
Date of assessment: December 5 to December 9
Sites assessed: Caverna Elementary School; City Hall/



HODGENVILLE

County: Larue
Population: 2,787
Size: 1.7 square miles
Class: Fourth Class
Mayor: Roger Truitt
Chief: John Cottrill

Sheriff: Bobby Shoffner
Date of assessment: November 21 to November 23

Sites assessed: Larue County High School; Larue County Middle School; Larue County Intermediate; Hodgenville Elementary School; Larue County Courthouse; Hodgenville Waster Water Treatment; Hodgenville Water Plant; Abraham Lincoln Birthplace N.H.S.; Factory



JACKSON

County: Breathitt
Population: 2,407
Size: 2.7 square miles
Class: Fourth Class
Mayor: Michael Miller
Chief: Clyde Caudill

Sheriff: John Turner

Date of assessment: November 7 to November 10

Sites assessed: Appalachian Regional Manufacturing/On Shore Partners; Betty Watts Memorial Water Plant; Breathitt County Courthouse; Breathitt County High School; Breathitt County Judicial Center; Breathitt Farm and Home, Inc.; Hazard Community and Technical College/Lees Campus; Sebastian Middle School; Highland Turner Elementary School; Jackson City Hall; Jackson Independent School District; Jackson Waste Water Treatment Plant; Kentucky Mountain Bible College; Marie Roberts Caney Elementary School; Middle Kentucky River Hospital; Rousseau Elementary School



LONDON

County: Laurel
Population: 7,653
Size: 7.7 square miles
Class: Fourth Class
Mayor: Ken Smith
Chief: Elijah Hollon

Sheriff: Gene Hollon

Date of assessment: October 31 to November 4 2005

Sites assessed: Aison Automotive; Bush Elementary School; London Elementary School; Sublimity Elementary School; North Laurel High School; South Laurel High School; North Laurel Middle School; South Laurel Middle School; Wal-Mart Super Center; Mary Mount Medical Center; London Christian Academy; Flowers Bakery of London; Kentucky Utilities Company Business Office; Laurel County Sheriff's Office; London Police Department; Kentucky State Police Post 11; Wood Creek Water Treatment Plant; London Corbin Airport



LOUISA

County: Lawrence
Population: 2,007
Size: 1.3 square miles
Class: Fifth Class
Mayor: Teddy Preston
Chief: Kevin Adkins

Sheriff: Garrett Roberts

Date of assessment: October 31 to November 4

Sites assessed: American Electric Power; BPI Bulk Plant; Dynegy Plant; Lawrence Board of Education; Lawrence BOE Transportation Facility; Lawrence County Courthouse and E 911; Lawrence County Health Department; Lawrence County High School; Louisa City Hall, Fire and Police; Louisa Water Plant; Louisa Maintenance Garage; Louisa Fire Station No. 2; Louisa Upper Elementary School; Louisa Lower Elementary School; Louisa Waste Water Treatment Plant; Stat Ambulance Service; Three Rivers Medical Center; Tower Hill Communications sites; Trinity Christian Academy



MADISONVILLE

County: Hopkins
Population: 19,321
Size: 17.8 square miles
Class: Fourth Class
Mayor: Karen Cunningham

Chief: Bobby Lane Johnson

Sheriff: Frank Latham

Date of assessment: November 28 to December 2

Sites assessed: Hopkins County Courthouse; City of Madisonville Municipal Building; Lake Pee Wee Water Filtration Plant; Madisonville Municipal Airport; Madisonville Community College; six private facilities; Madisonville North Hopkins High School; Hopkins County Central High School; James Madison Middle School; Browning Springs Middle School; Southside Elementary School; Pride Avenue Elementary School



MCKEE

County: Jackson
Population: 856
Size: 2.3 square miles
Class: Fifth Class
Mayor: Dwight Bishop
Chief: Robbie Peters



>> Sheriff: Tim Fee

Date of assessment: December 5 to December 8
Sites assessed: Allen Company at Clover Bottom; Gray Hawk Head Start; Jackson County 911 Dispatch; Jackson County Courthouse; Jackson County Farm Store; Jackson County High School; Jackson Middle School; Jackson County Vocational School; Jackson County Water Plant; Kentucky Transportation Cabinet – Jackson County Maintenance Garage; McKee City Hall; McKee Elementary School; McKee Water Plant; Pine Grove Head Start; Sand Gap Elementary School; Tyner Elementary School



OWINGSVILLE

County: Bath
Population: 1,515
Size: 2.2 square miles
Class: Fourth Class
Mayor: Don Kincaid
Chief: Douglas Ray Toy

Sheriff: Randall Armitage

Date of assessment: November 27 to December 1
Sites assessed: Bath County Ambulance Service; Bath County Courthouse; Bath County Courthouse Annex; Bath County Health Service; Bath County High School; Bath County Medical Center; Bath County Middle School; Bath County Water District; Bethel Elementary School; Bethel Volunteer Fire Department; Cave Run Lake Dam; Duke Energy; Olympian Springs Volunteer Fire Department; Owingsville City Hall; Owingsville Fire Department; Salt Lick Elementary School; Salt Like Volunteer Fire Department; Sharpsburg Volunteer Fire Department



PADUCAH

County: McCracken
Population: 25,565
Size: 19.5 square miles
Class: Second Class
Mayor: William Paxton
Chief: Randy Bratton

Sheriff: Frank Augustus

Date of assessment: November 14 to November 18
Sites assessed: Community Christian Academy High School; Paducah Middle School; Clark Elementary School; Lourdes Hospital; Barkley Regional Airport; Paducah Water Works; Hendron Water District; Reidland Middle School; Lone Oak Middle School; I-25 Bridge; Ashland Fuel Terminal; Paducah Police Department; Paducah Fire Department; Mercy Regional EMS; Western Baptist Hospital; Paducah Tilghman High School; Paducah Wastewater Treatment Plant; Paducah City Hall; McCracken County Courthouse; Paducah-McCracken County E-911 Center; Trans-Mon-

tagne Fuel Terminal; Executive Inn/Julian Carroll Convention Center; Carson Four Rivers Center for the Performing Arts; Lone Oak High School; Heath High School; Reidland High School; St. Mary's High School



RADCLIFF

County: Hardin
Population: 21,894
Size: 11.5 square miles
Class: Second Class
Mayor: Sheila Enyart
Chief: Donald Bloodworth

Sheriff: Charles Williams

Date of assessment: December 12 to December 16
Sites assessed: Wal-Mart; Brandenburg Telephone Company; Radcliff Waste Water Treatment; North Hardin High School; John Hardin High School; Radcliff Middle School; Radcliff City Hall; Radcliff Police Department; Radcliff Fire Department Headquarters; U.S. Post Office; Pirtle Springs Water Treatment Plant; Bluegrass Middle School; New Highland Elementary School; Rineyville Elementary School; Vine Grove Elementary School; James T. Alton Middle School; Challenger Learning Center; five private facilities

KCPP Announces First Communities for 2006

The Kentucky Community Preparedness Program has selected the first 15 communities to participate in its 2006 assessments.

The KCPP is the Department of Criminal Justice Training's homeland security initiative that strengthens the security of Kentucky communities by identifying potential vulnerabilities and recommending possible solutions. After its highly successful first year, the program received an additional \$1.2 million to assess 30 communities in 2006.

"The program has been very well received in every community we have visited," KCPP Director Chuck Melville said. "We look forward to continuing the program this year because we see how it is making a difference."

The 15 communities that make up the first round of 2006 assessments are

Corbin (Whitley)	Hopkinsville	Russellville (Logan)
Dry Ridge (Grant)	(Christian)	Shelbyville (Shelby)
Elkton (Todd)	Middlesboro (Bell)	Versailles (Woodford)
Fulton (Fulton)	Mount Sterling (Montgomery)	Whitley City
Hartford (Ohio)		(McCreary)
Hazard (Perry)	Paintsville (Johnson)	Winchester (Clark) ■

KCPP COMBINES INFORMATION AND LOCATION TO CREATE INFORMATION SYSTEM

/Jacinta Feldman Manning, Public Information Officer

The Kentucky Community Preparedness Program is creating a visual technology that will link information and location to provide vital data to first responders when they answer emergency calls.

Using Geo-coded addresses and GPS coordinates gathered in the field, two assessors are compiling a statewide database of all the sites the teams visited during the first 60 community assessments. The database, which is linked to a detailed map of the state, shows geographically all of the information that the teams have collected and the location of each site in relation to the others.

KCPP plans to provide the completed geographic information system to the Kentucky Office of Homeland Security for use in its Intelligence Fusion Center.

This GIS is taking the work the assessors are doing in Kentucky communities to the next level.

"In the past the product we returned was reports to communities and individual sites, which are extremely important, but this system will take all that same information and give it to the people who are going to be responding in an emergency situation, and hopefully it will be able to improve response," said Jarred Ball, one of the GIS's creators. "We want to analyze the information so it can be used by first responders to mitigate, respond to and hopefully even prevent acts of violence."

Ball and assessor Kevin Kelly began building the GIS in December.

The database started as a way to electronically keep track of and categorize all the sites the teams had visited. But Ball, who has a degree in Geotechniques from Eastern Ken-



▲ Kentucky Community Preparedness Program assessors Jarred Ball and Kevin Kelly work on a geographic information system that will show geographically all the sites the teams visited during the first 60 community assessments. KCPP will give the completed GIS to the Kentucky Office of Homeland Security for use in its Intelligence Fusion Center.

tucky University, and Kelly, who attended training on the specific software they are using to create the database, envisioned something that could show the sites spatially.

"We realized that we could expand what we were creating beyond just a typical database," Kelly said. "By making the GIS we could actually map where we have been. We are still providing all the same information that a database could, but now we are representing it geographically."

The two created a base map of Kentucky, with all its roads and transportation grids, and linked the database to it. On the map, the assessors are plotting each site that was assessed, with a link that shows a picture of the facility and information that would be pertinent in an emergency situation, such as the kind of facility, size of the building, and how many people are there on average.

"This is exactly the kind of information

that we need to house in the Intel Fusion Center for response teams to be able to take immediate action," KOHS Director Alecia Webb-Edgington said. "Although a terrorist may never hit one of our small communities, we could have a special-response-team call out there. By having access to this information, we will be able to brief these first responders on necessary facts as they respond to the scene."

The Kentucky Community Preparedness Program is the Department of Criminal Justice Training's homeland security initiative that strengthens the security of Kentucky communities by identifying potential vulnerabilities and recommending possible solutions. The program focuses on prevention of hostile acts and crime in small- and medium-sized communities through a system of risk assessments and recommendations for improved security

"The GIS is an excellent example of how the Kentucky Community Preparedness Program is branching out beyond its original mission of assessing communities," KCPP Director Chuck Melville said. "Our team is always looking for ways that we can improve security across the Commonwealth, and we believe that this database is going to provide a wealth of information that will do just that."

By late April the two assessors expect to have the first 60 communities completed, and then they will begin to work on adding the information gathered from the 30 communities that are being assessed this year.

"We believe this is going to be a tool that others can use," Ball said. "It is going to give people who respond a heads up as to where they are going." 🌿



Chief Greg Cummins

Greg Cummins was born in and has lived in Bracken County all of his life. He graduated from Bracken County High School in 1970. Cummins joined the Augusta Police Department in 1979 and is a graduate of Basic Training class 149.

He was appointed chief of Augusta Police Department in 1994. He is a member of the Kentucky Association of Chiefs of Police and of the Fraternal Order of Police Limestone Lodge Number 5. Cummins is also a member and past president of the Augusta Rotary Club.

His hobbies include restoring and showing Chevrolet Chevelle muscle cars, collecting antique stoneware and researching local history. He is responsible for researching four Bracken County law enforcement officers' names to have them added to the law enforcement memorials in Washington D. C. and Richmond. One of the officers listed is the first documented officer killed in the line of duty in Kentucky.

Chief Cummins is married and has a 14-year-old daughter.

“Citizens know they are welcome to call or come into the police department to discuss their problems or concerns.”

What aspect of your life helped shape your career as a law enforcement executive?

I joined the police force after first working in a factory for seven years. I wanted a job that would let me be outside working with the public. I joined the department as a part-time officer. My older brother was on the Augusta police force as a patrolman at the time I joined. He was the one who told me of an opening. He later became chief, and we worked together for 15 years. I found out I liked the work and the people in the community.

What are your thoughts on the state approaching the drug problem through prevention, treatment and enforcement?

I am in favor of drug treatment programs as long as it does not hurt law enforcement. I am against taking away from law enforcement funding to put into treatment. I believe less law enforcement equals more crime and that a high percentage of crime is coming from drug violators.

You have served on the Augusta Police Department since 1978; what have been your major accomplishments since becoming chief?

I have seen the crime rate go down and my community become a safer place to live and raise our children. The department has been updated with computers. We use computers to do our daily logs and reports. We are also able to correspond with other departments via the Internet. We have recently started using the e-Crash online reporting system. Also, extra patrol cars have been added and officers now have cars to take home.

How effective is the communication between the police department and the public?

I believe the communication between the police department and the public is very good. Citizens know they are welcome to call or come into the police department to discuss their problems or concerns. All officers are trained in and practice community-oriented policing. I personally know over 90 percent of Augusta's residents and where they live (population 1,450). They know if they have a problem they can either come in to see me, or they can call and I will go to them.

Do you have any comments or thoughts on the police retirement system in Kentucky?

Approximately 8 to 10 percent of Kentucky police officers have no retirement provided by their employers. This is wrong and needs to be changed. Kentucky cities are required to abide by the Peace Officers Professional Standards in hiring police officers. They are required to send their officers to a 18-week basic training and an additional 40 hours of training a year. Officers are now required to sign a three-year contract with the department that sends them through the academy. All of these changes have made Kentucky police officers more professional and better trained. I believe it should be made mandatory that Kentucky cities should also be required to provide adequate retirement for their officers. If the city can prove this would be a financial hardship then the money should come out of the Kentucky Law Enforcement Foundation Program Fund. 🍷



Sheriff Gene Hollon

Gene Hollon, 63, has served as the Laurel County sheriff for more than 12 years. Before becoming sheriff of Laurel County he was a detective for the London Police Department, a chief deputy for the Laurel County Sheriff's Office, a sergeant for the Winchester Police Department and a fire chief for Campground Fire Department for 17 years.

His hobbies include hunting, camping and spending time with family. He and his wife Edna have been married for 42 years. They have one son, Jerry Keith Hollon; two daughters, Brenda Kathleen Hollon Southerland and Sharon Lynn Hollon Dalrymple; and five grandchildren. One son, Kenneth Eugene Hollon, is deceased.

“Working closely with the radio and television media has been instrumental in helping to keep the public aware of the happenings in Laurel County.”

What are your thoughts on the state approaching the drug problem through prevention, treatment and enforcement?

Over the past several years Kentucky has been implementing a more aggressive approach to dealing with the problems associated with drug abuse. Stiffer penalties being handed down by the judicial system along with new laws being regulated by Kentucky legislation are helping tremendously to combat these problems. The new laws that were passed on precursors to produce methamphetamine and also the limited sale of these items have been very effective in fighting the war on drugs. The funding that has been made available to agencies for school resource officers is also a great help in being able to get the word out to the students of Kentucky about the dangers of drug abuse. Treatment facilities being funded through the UNITE program and also the drug education programs will have a big impact on drug abuse in Kentucky.

How has training improved over the past 10 years at the Laurel County Sheriff's Department?

The training that is given to Kentucky law enforcement officers by the Department of Criminal Justice Training is second to none in the country. Prior to my tenure as the Laurel County Sheriff, deputies being certified was an uncommon thing in the county. Since 1994, all officers have been trained by the Department of Criminal Justice Training, and this has given the people of Laurel County a more professional and productive sheriff's department.

What is the most rewarding part of serving as a member of the Kentucky Law Enforcement Council's Peace Officers Professional Standards committee? What other boards do you serve?

Being a member of the POPS committee is very rewarding because it allows law enforcement officials throughout the state to have a voice in what the qualifications are for each officer to meet before he or she officially becomes a candidate of law enforce-

ment. I am also a member of Appalachia HIDTA's executive board, Appalachia HIDTA's Kentucky board and chairman of the 911 Board.

How effective is the communication between the sheriff's department and the public?

The communication the sheriff's department has with the public in Laurel County has been excellent for the past 12 years. Our department has been able to keep the public abreast of statistics and arrests that have been made, plus we have given the public the opportunity to be involved with the local Crime Stoppers program. Working closely with the radio and television media has been instrumental in helping to keep the public aware of the happenings in Laurel County. Also working with community-watch programs to help in getting them started and aiding them in their respective communities.

Who has been the most positive influence for you during your law enforcement career and how?

My most positive influence came from the first sergeant that I ever had, Robert Claypoole. His devotion to this city, department, and above all, his attitude to the men under his command were unreal. His influence on my career has been very positive, and I still realize this more and more each day. I think back to his training and the way he instilled loyalty and compassion for people and his men. This was the way I wanted to live my life. He was a long-time member of the Winchester Police Department and retired with full honors.

What special projects do you have going on at this time?

Our street-level drug program has taken off and is starting to hit its full potential. Our involvement with the homeland defense and participation in all tabletop exercises with other law enforcement agencies in the area is also a new initiative. 🇺🇸



Sheriff Randy Clark

Randy K. Clark, 45, is the sheriff of Trigg County. He grew up on a rural farm in Trigg County and worked for his father in a logging operation. Clark worked as an EMT for the Trigg County Hospital Ambulance Service. While he worked there, he attended Hopkinsville Community College and received an associate's degree in law enforcement technology.

In 1982 he was hired as a deputy sheriff and worked for three years before running for sheriff at age 24. Clark was elected as the youngest sheriff in Kentucky and has been re-elected for four terms. He is the father of two daughters and a son – Kyle Clark, 19; Billie Clark, 7; and Matthew Clark, 9. He has a very dedicated staff of two office deputies, two patrol deputies, a court bailiff and a process server. He says his staff makes his job much easier.

“In order to improve the respect and image of the Kentucky sheriffs’ offices, it is vital that we recruit and train professional and qualified persons in the sheriffs’ offices of Kentucky.”

What are your thoughts on the state approaching the drug problem through prevention, treatment and enforcement?

Law enforcement as well as society must approach both aspects of drug abuse. We must pursue prevention and treatment, but we cannot ignore the enforcement aspect. It will take law enforcement as well as the community to combat drug abuse.

How have Peace Officers Professional Standards affected your agency?

I have a small agency, and it has been difficult to recruit and retain personnel. It is also difficult to send officers away to the academy. However I was on the Kentucky Sheriff's Board of Directors when POPS was implemented and was very much in favor of POPS. I began sending my deputies to in-service in 1986, long before it was required by statute. In order to improve the respect and image of the Kentucky sheriffs' offices, it is vital that we recruit and train professional and qualified persons in the sheriffs' offices of Kentucky. I am pleased with the progress sheriffs' offices' have made since POPS was implemented.

The Trigg County Sheriff's Office is located in a small community across from the Ohio River. How do you deal with the urban influences in a rural area?

We are 90 miles west of Nashville, Tennessee, and 60 miles east of Paducah, Kentucky, along Interstate-24. Our youth and community are influenced by persons from urban areas. Sometimes they are negative influences, but we also have many positive influences and ideas from persons moving into our community.

One way we deal with the influences is by having a very open communication between citizens. We also strive to work very closely with other agencies to improve communication with them and to share knowledge and information.

Who has been the most positive influence on you during your law enforcement career, and how?

My parents, teachers and coaches all were a tremendous influence on my childhood and my decision to enter law enforcement as a career. My father was a very hard-working, honest person. Both my father and mother not only taught their children respect and discipline but they also led by example.

I hear that teamwork plays a major role at your agency. Tell us about the camaraderie among your staff.

We are a small community of approximately 13,000 residents. It has always been very important for my agency to have a close working relationship with other agencies. Not only are we very close to each other at the Trigg County Sheriff's Office, but we also work very closely with the other agencies in Trigg County and surrounding counties. We are not only friends in the workplace but also in our private lives.

What future projects do you have planned for your office?

We have worked hard to improve our technology inside of the sheriff's office in recent years. One future project is to implement mobile data terminals in the near future. 🚗

New Chiefs of Police Across the Commonwealth

RANDY DURBIN – SEBREE POLICE DEPARTMENT

Randy Durbin was appointed chief of the Sebree Police Department January 3, 2006. He is a lifelong resident of Sebree and has been with the department for eight years. Durbin plans to work more closely with the schools, children and the elderly.

CHESTER PALMER – STAMPING GROUND POLICE DEPARTMENT

Chester Palmer was appointed chief of the Stamping Ground Police Department August 3, 2005. He began his law enforcement career in Union Springs, Alabama, in 1989. Palmer joined the Scott County Sheriff's Office in 1992 and transferred to the Georgetown Police Department in 1995 where he was a detective prior to his appointment with Stamping Ground.

SCOTT HARMON – AUBURN POLICE DEPARTMENT

Scott Harmon was appointed chief of the Auburn Police Department in October 2005. He began his law enforcement career with the Logan County Sheriff's Office in August 2003. While there he received the Governor's DUI award. He left the sheriff's office in January 2005 to start a career in company investigations in the Nashville area. Harmon joined the Auburn Police Department in August 2005 and plans to build on the DARE program in the schools.

CHRIS EVITTS – CLAY POLICE DEPARTMENT

Chris Evitts was appointed chief of the Clay Police Department November 17, 2005. He began his law enforcement career with the Providence Police Department in November 2004. Evitts joined the Clay Police Department June 5, 2005. He has hired one new officer and hopes to hire another within six months. 🍌

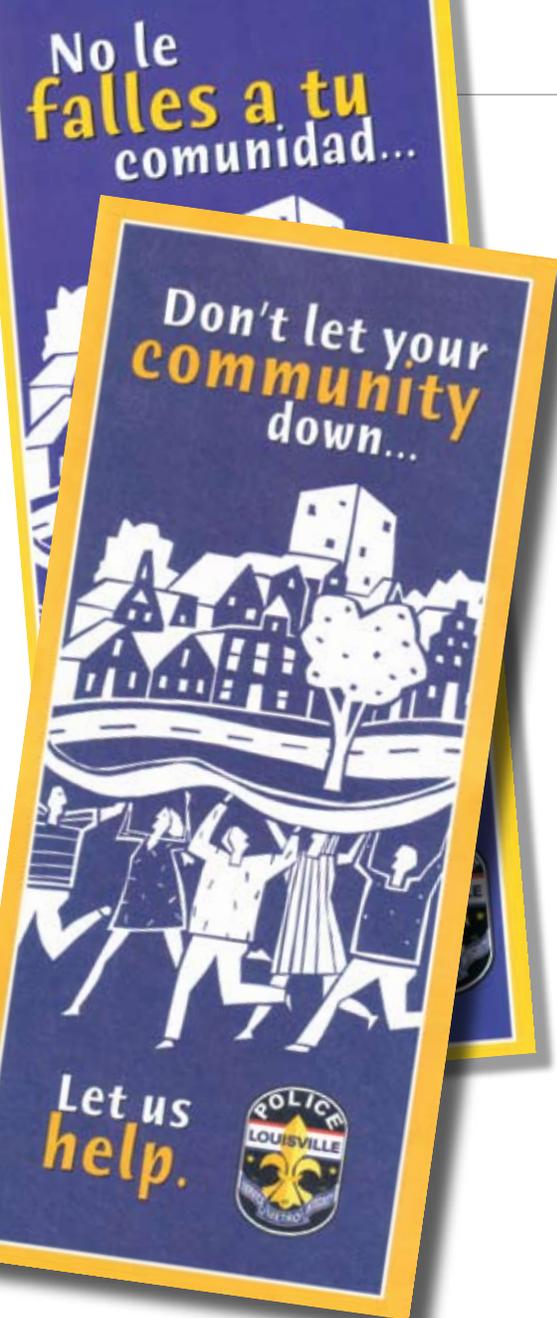
Kentucky Peace Officers' Association presents the

2006 Kentucky Law Enforcement Firearms Championship

- ▶ Includes nine regional shoot-off competitions
- ▶ Open to all active, full-time or retired federal, state and local law enforcement and corrections officers in the state of Kentucky.
- ▶ Each competitor must compete in a regional match to be eligible for the championship match
- ▶ Awards will be presented in Class A through Class C as well as state champion

For more information on the competition or for a registration form visit: www.kpoa.info.

Regional Competition Schedule			
Date	Host Agency	Contact	Phone
April 1	Louisville Metro PD	Sgt. John Jawor	(502) 574-7096
April 8	DOCJT	Karen Cassidy	(859) 622-2303
April 15	Owensboro PD	Sgt. Tony Powell	(270) 678-8854
April 29	Ashland PD	Capt. Todd Kelley	(606) 327-2080
May 13	Hardin Co. SO	Maj. R. Baker	(270) 765-5133
May 13	Paducah PD	Sgt. Rob Estes	(270) 210-5946
May 20	Northern KY Airport PD	Lt. Dan Gramke	(859) 767-3119
May 20	Bowling Green PD	Det. Michael Lemon	(270) 393-4696
June 3	Lexington PD	Ofc. Todd Johnson	(859) 255-7586 or (859) 254-2926
Championship			
June 11	Louisville Metro PD	Sgt. John Jawor	(502) 574-7096



EFFECTIVE COMMUNITY POLICING

Louisville Metro Uses Technology as an Effective Strategy for Community Involvement / **Alicia Smiley**, Media and Public Relations Specialist, LMPD

in its policing efforts.

LMPD began its entry into the technological world of community policing following the appointment of Robert C. White as police chief in January 2003. A strong proponent of community policing, White spent countless hours listening to the community's concerns and looking for additional avenues to engage and communicate with citizens. After several months of discussion, the department began using CitizenObserver as one of its first tools to connect with the tech-savvy public. LMPD unveiled the program for residents and businesses that wanted to stay informed about crime in their area.

The community is encouraged to log on to the department's Web site, where they can find directions for free registration to CitizenObserver.com. Since its introduction nearly a year and a half ago, more than 5,000 businesses and countless residents have taken advantage of the communications network, which allows them to receive immediate computer or pager alerts about crime in their area. The two-way communication enables the department to inform the public about missing persons, fugitives and unsolved cases, while also allowing citizens to relay tips to the department.

The first few months of White's appointment were spent immersing him in the local culture by keeping tabs on the local news of the day, paying particularly close attention to those stories that were affecting his department. He

noticed a primary theme that ran through all the media, regardless of whether the story focused on a rape, murder or car theft. The metro police had far too many phone numbers. Citizens who wanted to get involved in helping the police were thwarted at nearly every attempt simply because the media advised the public to contact each investigator individually.

White found that to get involved as a citizen, he would literally have to make a note of the investigator's name and the number for that person's division or unit. He quickly learned that paper and pencil weren't always handy and that the act of writing was nearly impossible when listening to the radio news while driving to work. Making matters worse, on the few occasions when White was able to actually call an investigator, he was often greeted by a recorded message. It became apparent that the department's attempts to reach out for the community's assistance were often met with frustration and apathy.

The simple solution was a centralized, non-emergency number that would be easy to remember and resonate in the public's mind. A crime-tip hotline, 574-LMPD (5673), was introduced as a pilot program in 2004. The hotline found a perfect home in the department's Office of Community Relations. The sworn officers and civilians in that office were accustomed to dealing with the public on a number of levels, ranging from investigative matters to routine requests. More importantly, the staff

The history of community policing often includes making officers more visible to the public through the use of meet-and-greet patrols, specialty units such as motorcycles, bicycles or horses and officers attendance at community events. While all of these ideas have proven to work toward the reduction of crime, they don't take into account the ever-changing landscape of the 21st Century. Cell phones, personal digital assistants and computers can also be used by police departments and the citizens they serve as effective tools in the fight against crime. With a population of nearly 700,000 people covering 386 miles, the Louisville Metro Police Department is always on the lookout for new and improved ways to use the eyes and ears of every citizen

► The Louisville Metro Police Department's Web site allows citizens to provide information to the department regarding crime in their neighborhoods.

could ensure that nearly 98 percent of phone calls to the hotline would be answered by a live person, 24 hours a day, 7 days a week. Investigators and callers alike would no longer have to wait to receive or provide information. Now, intelligence could immediately be gathered and relayed in real time, often while officers were still in the field conducting investigations.

Prior to the creation of the hotline, the department participated in weekly media spots featuring "Louisville's Most Wanted" and "Louisville Law and Order." These spots were quickly tagged to include the new crime-tip hotline. Citizens with information on fugitives or criminal activity were urged to call 574-LMPD. A tracking system was established to log all incoming calls with the date and time received, nature of the call, where the call was routed (if applicable) and the call disposition. The hotline was also promoted on the department's Web site, www.lmpdky.org, and included in safety and education pamphlets. The number has also found its way onto giveaways such as key chains, pencils and other promotional items.

LMPD Quick Tip Resources

By Phone: The Louisville Metro Police Department Crimetip Hotline can be reached at (502) 574-LMPD (5673)

On the Web: Community members can submit a 'quick tip' on the LMPD Web site at: www.louisvilleky.gov/MetroPolice/QuickTip.htm

Around the house: LMPD created handy quick tip cards. The 8.5 x 11 tri-fold card lists questions regarding criminal activity. The card reads "Don't let your community down ... let us help."



The first few months of the hotline's existence proved to be a success, with the number of calls gradually inching their way up each week. By the time the hotline was officially launched during a media blitz in April 2005, 574-LMPD had received more than 1,000 calls and was instrumental in arrests for two homicides and closure in nearly 100 other cases. Statistics for 574-LMPD show nearly 1,000 calls resulting in an average of 50 arrests each month. Much of the hotline's success rests with its easy-to-remember number and the media's repeated use of the number when reporting on criminal activity.

A billboard marketing campaign by students at Sullivan University and Maloney Outdoor Advertising also proved to be invaluable in getting the word out to the public. Forty billboards featuring the slogan "Got Crime? Call 574-LMPD Crimetips," were strategically placed throughout the Metro Louisville area. Local, well-known personalities such as ministers, business owners, radio deejays, LMPD division majors and others were recruited to participate in public service announcements touting the crime-tip hotline. Insight Cable Television and Metro Government Television agreed to feature the public service announcements in their daily rotations.

During the launch of the crime-tip hotline, local businesses were asked to get involved in crime-fighting efforts through the development of quick tip cards. The marketing team of Texas Roadhouse created an 8.5 x 11 tri-fold card with a list of questions regarding criminal

activity. The card reads "Don't let your community down ... let us help," and features the department logo on the front and the crime-tip hotline on the inside panel. Inside the card, citizens are encouraged to write the department about suspected criminal activity including location, type of activity, dates and times, suspect(s), suspect(s) description and any additional information. Once completed, the self-addressed, postage-paid card can simply be dropped into any mailbox. The information is then forwarded to the Community Relations Office and distributed to the appropriate personnel.

Quick tip cards are prominently displayed at a number of locations, including Texas Roadhouse restaurants, Thornton's gas and quick marts, satellite offices for the public health department, public schools and numerous churches. Nearly 30,000 cards have been distributed throughout the metro region, including 10,000 cards printed in Spanish.

In the future, residents of Metro Louisville can expect to see 574-LMPD gain its own Web site. Citizens will be able to review and print public details of newly opened cases as well as cold investigations from the comfort of their home, office or PDA. The Web site will allow people to provide additional intelligence while the Web master continuously monitors and updates the site. The culmination of these efforts will make it easier than ever before for the citizens of Metro Louisville to become partners with LMPD in 21st Century anti-crime initiatives. 🍌

Crawford v. Washington Part II

Implications of the Confrontation Clause of the Sixth Amendment to the United States Constitution

/Thomas W. Fitzgerald, Staff Attorney, Legal Training Section

[Ed. Note: This is Part II of a two-part article reviewing legal issues associated with the decision of the United States Supreme Court in this case.]

The *Crawford* decision involved a criminal defendant's constitutional right to confront his accuser(s). In its decision, the U.S. Supreme Court specifically addressed the issue of whether a criminal defendant's constitutional right, under the Sixth Amendment of the United States Constitution's Confrontation Clause, that is – the right to confront his or her accuser(s), was violated when the defendant was not afforded an opportunity to cross-examine his accuser.¹ The constitutional guarantee of the Sixth Amendment provides in part, that: "in all criminal prosecutions, the accused shall enjoy the right ... to be confronted with the witnesses against him."²

In this article there will be presented an examination of some case law decisions over issues that have been implicated with the changes announced by the Court in the *Crawford* decision.

Hearsay

On September 22, 2005, the Supreme Court of Kentucky decided the *Bray*³ case involving the following facts: "Just before midnight on November 7, 1982, Ernestine Goins, a resident of Alabama, received a telephone call from her sister, Audrey Bray. Audrey told Goins that she was scared and needed to talk. Audrey told Goins that she was looking out her front windows and could see appellant sitting at the bottom of the hill. She said he had been sitting there for quite a while and she knew it was appellant because she heard him coughing and could see him lighting his cigarettes. She stated that she could see appellant carrying a flashlight and she feared for her life. Goins told her to call emergency services, but Audrey responded "I done called, and they won't come because it's a domestic problem and the law won't get involved until there has been someone hurt."⁴ During the early morning hours of November 8, 1982,

police responded to and investigated a mobile home fire in Marshall County, Kentucky. The mobile home burned to the ground. Inside, the police found the bodies of Audrey Bray and her mother, Effie York. Each woman had a gunshot wound to the head. The appellant in the case, Steven Bray, was Audrey's husband and Effie's son-in-law. Steven Bray was charged.

The case was first appealed prior to the *Crawford* decision. The Court originally held that Audrey's statements to her sister, identifying Steven Bray as the person sitting near her residence were properly admitted pursuant to the present sense impression exception to the hearsay rule. In *Crawford*, the State of Washington played Sylvia Crawford's tape-recorded statement to the jury where she described to the police information concerning the stabbing, even though Michael Crawford was not given the opportunity to cross-examine her. Sylvia did not testify at the trial because of the state's marital privilege, which generally prevented a spouse from testifying without the other spouse's consent.

The prosecution asserted that Audrey Bray's statements, in this case, was spontaneous and were directed to her sister. "Audrey Bray's statements were not made under formal conditions that would give a witness time for reflection; they bear greater resemblance to 'casual remark[s] to an acquaintance.'"⁵ Steven Bray asserted that: "because Goins lived in Alabama and could not have prevented the crime, the only plausible reason for the telephone call was testimonial, i.e., to let Goins know that if she (Audrey) were subsequently killed, appellant was the perpetrator." The Court however disagreed, providing: "Both the content and the context of the conversation indicate that Audrey telephoned Goins in the throes of fear, not to provide evidence for use at a future trial, but to seek advice and assurance. She had already sought help from the police to no avail. Her frantic statements to Goins describing her ongoing observations were not indicative of the calculated reflections engaged in by one seeking to preserve evidence."⁶

The Kentucky Supreme Court held that Audrey Bray's "fearful statements over the telephone that a crime may occur do not alone establish" the standard articulated in the *Crawford* decision that: "circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial..." are the types of statement that would be considered as testimonial.⁸ The Court held the statements by Audrey Bray were not testimonial in nature, thus not within the type of hearsay absolutely precluded by the *Crawford* decision and that the admission of her statements did not violate Steven Bray's Sixth Amendment confrontation rights. Bray's conviction of two counts of murder and one count of arson in the first degree was affirmed.

Dying Declaration

In another of the cases decided by the Kentucky Supreme Court in 2005, the Court held that the "victim's statements to a 911 operator, an aunt and a friend identifying defendant as the shooter were admissible as dying declarations."⁹ John Patrick McCreary was indicted for two counts of murder in Jefferson County, Kentucky. Both the male

victim and the female victim were shot multiple times inside the home they shared. Before losing consciousness, the female victim made a series of dying declarations over the telephone identifying her cousin, McCreary, as the shooter. McCreary did not testify at trial, but presented an alibi defense. His first trial ended in a mistrial when the jury was unable to reach a verdict. The second trial resulted in a conviction on both counts of murder. This appeal followed and his judgment of conviction was affirmed.¹⁰

McCreary argued, "the introduction of highly prejudicial hearsay statements denied him his right to confront the witnesses against him (as provided by the *Crawford* decision). The female victim made three separate dying declarations during a very short span of time. Each was made to a different person: a 911 operator, an aunt and a friend. All three of the statements were consistent with one another, and all three identified McCreary as the shooter. There is no issue concerning the authentication or identification of the three telephone calls. Both the aunt and the friend had called the residence of the victims and at trial identified the female victim as the one with whom they spoke. The 911 operator also called the female victim [back] after the initial call was disconnected."¹¹

The *Crawford* Court provided a definition of testimonial as: prior testimony at a preliminary hearing, before a grand jury, or at a former trial; and to police interrogations.¹² As such, the Kentucky Supreme Court stated "reliance by McCreary on *Crawford*, is misplaced."¹³ The three statements were admitted under the Kentucky Rules of Evidence, section 804(b)(2) as a dying declaration. The U. S. Supreme Court recognized in footnote 6 of that [*Crawford*] opinion that "although many dying declarations may not be testimonial, there was authority for admitting those that clearly are."¹⁴ Therefore, the Kentucky Court did not commit an error in overruling the motion to suppress the three statements.

Excited Utterance at Crime Scene

While this article was being written, the following case was docketed with the U. S. Supreme Court. In *Com. v. Foley*¹⁵ the Supreme Judicial Court of Massachusetts considered the following facts: police received an emergency call that indicated a 12-year-old boy had run to a neighbor to report a "husband ... beating up his wife." Arriving on the scene, the first officer announced his presence and observed the home in disarray. Proceeding up the stairs, still announcing his presence, the officer encountered the adult victim and four children, crouched on a bed. The victim was crying and the children looked horrified. The officer asked, "Where is he?" and one of the children pointed to the other bedroom. The officer found the defendant, put him in handcuffs, walked him outside and turned him over to the custody of another officer. The officer then returned upstairs to assess the situation, including determining if anyone was seriously injured or needed medical attention. The officer spoke with the adult victim, who had red marks on her neck, scratches and red marks on her chest, and a torn shirt. She was shaking and crying. She assured the officer she did not need an ambulance and she did not want emergency medical >>

>> attention. The officer remained in her presence, trying to direct her attention to ascertain what happened and how [she got] the red marks. After approximately 30 to 45 minutes, she was able to tell him about the events of the evening.

The victim identified the defendant as her assailant, giving extensive details about the attack and the factors that triggered it. At trial, the adult victim invoked her marital privilege and, therefore, was unavailable to testify. The officer was allowed to testify to her statements at the scene under the spontaneous utterances exception to the hearsay rule.¹⁶ The defendant was convicted by the jury on the charge of assault and battery and the defendant appealed the conviction.

The Massachusetts Court first opined “Questioning by law enforcement agents meant to secure a volatile scene or determine the need for and provide medical care is not interrogation. The officer’s initial question, ‘Where is he?’ asked while searching for the perpetrator, was not police interrogation. Neither were his initial questions on returning to the adult victim, asking about her need for medical care. The purpose behind the questioning was law enforcement’s community care-taking function, not prosecution of a crime. Nothing in the record indicates that the declarants’ intent in making their statements was testimonial.”¹⁷ In distinguishing between the initial scene and one that had already been secured, the Court further explained “statements made in response to police questioning after the scene was secure and the victim had assured the officer she did not want emergency medical attention were made in response to investigatory interrogation. As such, they were testimonial per se. The statements covered in detail the events of the evening, including the identity of the perpetrator and the elements of the crime.”¹⁸

Therefore, when this “testimony” was admitted in the absence of the opportunity to cross-examine the declarant, the Sixth Amendment right to confrontation, as announced in the *Crawford* decision, was violated.

In this case, two questions have been presented to the U. S. Supreme Court for review:

- 1) Does a victim’s excited utterance describing the assault to the police responding to the crime scene become a product of police interrogation within the meaning of *Crawford* as soon as the declarant declines emergency medical care?¹⁹
- 2) Is every statement made in response to police questioning per se testimonial within its meaning from *Crawford*, unless the questioning is meant to secure a volatile scene or establish the need for medical care?

Law enforcement will continue to be confused by the *Crawford* decision. One reason for this is due to the lack of a general definition for the opinion’s critical concept, that is, the testimonial statement. Questions remain over how our Courts will define the term testimonial along with the scope of exceptions enumerated in the *Crawford* decision. The uncertainty will continue to exist due to the fact that the definition is uncertain, and its application may cause problems, es-

pecially in domestic violence situations, and child abuse cases as well. In the past, it was routine that statements made during a 911 call, and to emergency medical responders at the scene, along with statements made to the investigating police officers, would be used as an alternative method of proof. Whether such statements can be used after *Crawford* will likely depend on how broadly courts define testimonial statements.

Officers should consult with their legal counsel for assistance and guidance when dealing with case law interpretation over *Crawford* decision issues. 🍌

¹*Crawford v. Washington*, 124 S. Ct. 1354 (2004)

²*Constitution of the United States, Sixth Amendment*

³*Bray v. Com.*, 177 S.W.3d 741 (Ky.,2005)

⁴*Id* at 744

⁵*Id* at 745

⁶*Id* at 746

⁷*Id* at 746

⁸*Crawford v. Washington*, 124 S. Ct. 1354, 1364 (2004)

⁹*McCreary v. Com.*, unpublished/noncitable, 2005 WL 387285 (Ky.,2005)

¹⁰*Id* at 1

¹¹*Id* at 3

¹²*Crawford v. Washington*, 124 S. Ct. 1354, 1374 (2004)

¹³*McCreary v. Com.*, unpublished/noncitable, 2005 WL 387285 at 4, (Ky.,2005)

¹⁴*Id* at 4

¹⁵*Com. v. Foley*, 833 N.E.2d 130 (Mass.,2005)

¹⁶*Id* at 132

¹⁷*Id* at 133

¹⁸*Id* at 133

¹⁹*Criminal Law Reporter*, Vol. 78, No. 15, January 18, 2006

Homeland Security Web Sites

/ Shawn Herron, Staff Attorney, Legal Training Section

Within the next year, law enforcement agencies across the state may be called upon by local and state emergency management to be involved in several ongoing homeland security/emergency management initiatives. These projects involve identifying and typing resources and increasing involvement in emergency response exercises. Many of these projects require a familiarity with certain federal documents, such as the National Response Plan, the Resource Typing System, the Target Capabilities List and

the Universal Task List.

To that end, agencies are recommended to regularly check the following two Web sites that provide timely access and on-going, up-to-date information.

The first site is www.nimsonline.com, which is a free site on which you will find the most recent memos, and many other informative documents, concerning the National Incident Management System. The second site is the Lessons Learned

Information Sharing, www.llis.gov, which requires registration and verification prior to access. The LLIS is a national network of lessons learned and best practices for emergency response providers and homeland security officials. It is an excellent source for lessons learned posted by emergency responders in the United States and beyond, and is also a source for certain FOUO (For Official Use Only) documents such as the Universal Task List and Target Capabilities List. ■

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For official information contact the NIMS Integration Center at: NIMS-Integration-Center@dhs.gov

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NIMS Alert
February 8, 2006

More About 10-Codes and Plain English

WASHINGTON – In Washington, DC, if a police officer says 10-50, he or she is talking about a car accident. Across the line in Montgomery County, Maryland, 10-50 means an officer needs help. And that's the way it is across much of the country, 10-codes used in one jurisdiction are not the same as those used in another. That's why it is important that responders and incident managers use common terminology. There simply is no room for misunderstanding in an emergency situation.

The use of plain language in emergency response is matter of public safety, especially the safety of first responders and those affected by the incident. It is critical that all local responders, as well as those coming into the impacted area from other jurisdictions and other states as well as the federal government, know and utilize commonly established operational structures, terminology, policies and procedures. This is what NIMS and the Incident Command System (ICS) are all about - achieving interoperability across agencies, jurisdictions and disciplines.

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A Review of the 'PLAIN VIEW DOCTRINE'

/ Michael S. Schwendeman, Staff Attorney, Legal Training Section

The Fourth Amendment to the United States Constitution is something that law enforcement officers come to know, if not always love. They have to learn and apply a plethora of rules and doctrines that the U. S. Supreme Court has handed down over the years that flesh out the skeleton of the Fourth Amendment prohibition against unreasonable searches and seizures. Of these doctrines, one that seems to be a source of some confusion in the law enforcement community is the doctrine of "plain view." Failure to correctly apply this doctrine could result in seized evidence being excluded. Therefore, a review of what plain view is, and what it is not, is in order.

The primary case setting forth and explaining the plain view doctrine is the 1990 case of *Horton v. California*.¹ Officers had sought a search warrant for Horton's home in connection with a robbery in which Horton was implicated. The affidavit described the weapons and the proceeds of the robbery as what were being sought. However, the warrant that was issued by the magistrate only authorized a search for the proceeds. While searching for the specified stolen jewelry, the officers were naturally alert for other evidence related to the case. In the course of the search, the officers located a .38 caliber revolver, an Uzi submachine gun and two stun guns. These weapons matched those described by the victim. Other weapons were found that did not match the witness's descriptions, and they were not seized. Horton appealed the seizure,

ultimately reaching the U.S. Supreme Court.

The issue before the Court was "[W]hether the warrantless seizure of evidence of a crime in plain view is prohibited by the Fourth Amendment if the discovery of the evidence was not inadvertent."² Prior case law suggested the discovery had to be inadvertent to be admissible. The Supreme Court definitively put this issue to rest, holding that inadvertence was not required for the evidence to be admissible under plain view.

In discussing its holding, the Court made clear what was required for the plain view doctrine to apply. Merely seeing the evidence in plain sight was not sufficient. There were "additional conditions that must be satisfied to justify the warrantless seizure. First, not only must the item be in plain view; its incriminating character must also be 'immediately apparent.' Second, not only must the officer be lawfully located in a place from which the object can be plainly seen, but he or she must >>



also have a lawful right of access to the object itself.”³ (Emphasis added.)

Restated, the plain view doctrine has three parts: (1) The officer must lawfully be in a location he or she has a legal right to be; when (2) he or she observes something it must be immediately apparent is evidence of a crime; the officer may seize the item without a warrant if (3) the officer has the right to be where the item is. The doctrine has been clearly restated in two more recent Sixth Circuit cases, *U. S. v. Bishop* (2003)⁴ and *Boone v. Spurgess* (2004).⁵

In *Bishop*, a deputy sheriff had observed suspicious behavior by Bishop while Bishop was seated in his parked car. When Bishop disappeared after the deputy had turned away to speak to another person for 30 seconds, he became concerned about his safety. Walking to Bishop’s car, he observed the barrel of a handgun poking out from under a cushion on the driver’s seat of Bishop’s car. The deputy was aware of Bishop’s reputation for violence. The weapon was unattended in an open car, and he was therefore also concerned with public safety. He seized the weapon and found it was loaded. Bishop was charged with being a felon in possession of a gun. Bishop sought the suppression of the weapon as evidence. The sixth Circuit restated the plain view rule as “(1) the officer is lawfully positioned in a place from which the object can be plainly viewed; (2) the incriminating character of the object is immediately apparent; and, (3) the officer has a lawful right of access to the object itself.”⁶ The Court upheld the seizure on the alternative grounds of officer safety, the community caretaker doctrine, as well as plain view. It was deemed contraband under Tennessee law as it was either concealed or, if the owner had a concealed carry permit, it was improperly stored.

In *Boone*, the Court restated the plain view doctrine from *Bishop* in a case where there was a dispute over whether a search of Boone’s vehicle after a minor traffic accident was lawful. The Court noted that it was not disputed that the apparently concealed handgun was evidence of an immediately incriminating character, as it was a clear violation of Ohio law. The dispute arose over the first and third parts, as Boone maintained the officer could

not have seen it from outside, and therefore must have unlawfully entered the vehicle to see the weapon. The *Boone* Court made clear the distinction between parts one and three:

The final requirement, that the officer have a lawful right of access to the object, is meant to guard against warrantless entry onto premises whenever contraband is viewed from off the premises in the absence of exigent circumstances, . . . but does not bar the seizure of evidence in a parked car, The difference between “lawfully positioned” and “lawful right of access” is thus that the former refers to where the officer stands when she sees the item, and the latter to where she must be to retrieve the item.⁷

Plain view will not apply when officers are not where they have a right to be when they observe incriminating evidence. *Shamaeizadeh v. Cunigan*, (6th Cir., 2003).⁸

In the *Shamaeizadeh* case, officers had re-entered Shamaeizadeh’s home twice after previously searching it pursuant to a search warrant. They did not have a fresh warrant for the subsequent entries, therefore, their presence in his home was unlawful. The evidence seized in the subsequent searches was ultimately suppressed and the case dismissed, with the officer’s claims of plain view being rejected by the Court. Since the officers were not lawfully positioned when they saw the incriminating evidence, plain view was inapplicable.

The experience of this writer in talking to officers around the Commonwealth is that it is the third part of plain view that is often misunderstood, forgotten or ignored. Officers must understand that being lawfully positioned when the incriminating item is observed is not the same thing as right of access. An anecdotal case in rural Kentucky a few years ago illustrates the problem. A deputy on patrol in his county in 2001 observed a Coca-Cola vending machine with NASCAR driver Dale Earnhardt’s picture on it in the carport of a home. The machine was clearly visible and facing the street. The deputy was aware that a number of these machines had been stolen in recent weeks after Earnhardt’s death. He was also aware how improbable it was that the Coca-Cola Company would enter into a contract to place one in this house’s

carport with little or no foot traffic. He reasonably concluded it was a stolen machine. The deputy’s attempt to do a “knock and talk” failed when the occupants would not come to the door. To his credit, he made inquiry with the sheriff’s office as to whether he could enter the property to look at the machine without a warrant. The legal advisor for the agency was consulted, who unfortunately gave the bad advice that it would be permissible. The deputy entered the carport, and wrote down the machine’s serial number. A check of the reports of stolen Dale Earnhardt Coca-Cola vending machines quickly confirmed it was stolen.

However, the case was never prosecuted. The Commonwealth’s attorney advised that the entry onto the curtilage of the home without a search warrant, exigent circumstances or consent, made this an unlawful search. The evidence of the machine would be suppressed. The argument that it was plain view went nowhere. While the deputy was lawfully positioned in a public roadway, and the incriminating nature of the item was immediately apparent, it failed on the third prong of plain view. The deputy did not have right of access, so the search was unlawful.

In conclusion, officers and deputies are urged to carefully consider the three parts of the plain view doctrine, and to strive to comply with it. If you are in doubt as to whether plain view applies, secure the scene and get a search warrant. 🚫

¹496 U.S. 128, 110 S.Ct. 2301.

²496 U.S. 128 at 130.

³*Id.* At 136 - 137.

⁴338 F.3d 623.

⁵385 F.3d 923.

⁶338 F.3d 623 at 626.

⁷385 F.3d 923 at 928.

⁸338 F.3d 535.

Following ▶▶ Directions

/ Shawn Herron, Staff Attorney, Legal Training Section

Law enforcement officers give directions every day. Sometimes it is directions to the local mall, sometimes it is directing traffic at a wreck, but other times, it may be giving directions to an unruly subject.

Within the last year, the U.S. Sixth Circuit Court of Appeals has handed down two opinions, *Sample v. Bailey* and *Solomon v. Auburn Hills Police Dept.*, and the court's decision in each turned upon the giving of directions by the officers involved.

In *Solomon v. Auburn Hills Police Dept.*, 389 F.3d 167 (6th Cir. 2004), Francine Solomon took her six children and several of their friends to a movie theater. Solomon was planning to take the younger children to a G-rated movie, while her son (18) and his girlfriend took the older children to an R-rated movie in the same complex. She explained her plan to the clerk, who offered no objection, and bought the tickets. Once inside, however, her son was not permitted to take the children to the R-rated movie because he was not their parent. Solomon explained the situation to the ticket taker, but was still refused, and the clerk directed her to management. The manager stated that the theater's policy would not permit her to do what she had planned. Eventually, she took the younger children into the theater showing the R-rated movie, and they were all seated. However, security guards then told her that she and the younger children could not stay, because they had not purchased tickets for that particular movie. She refused to leave, because "she was following the manager's instructions." The theater summoned Officers Miller and Raskin, of the Auburn Hills (Michigan) Police Department, "both of whom were between 230 and 250 pounds and over 5'8" in height."

The officers found Solomon inside the theater and told her to leave. She told them she'd purchased tickets and tried to explain, but Miller and Raskin again instructed her to leave. Miller told her she was under arrest for trespassing and grabbed her arm, and she momentarily resisted. Miller then told her she was under arrest for assaulting him. Raskin, however, asked her to step into the lobby to talk to them, and she agreed. Solomon and her entire party proceeded toward the lobby. As they entered the hallway outside the theater, Solomon handed the toddler she was carrying to her son's girlfriend. In the lobby, Raskin "motioned for Solomon to walk toward him," which she did. Miller then "came up behind her, grabbed her arm, and attempted to leg sweep her." She stumbled but did not fall, and then yelled at Miller about what he'd done. The two officers grabbed her by each arm, "threw [her] up against a wall and knocked her face into a display case." They gave her no verbal direction, and she did not resist. Raskin placed a handcuff on her right wrist, and Miller "pushed up against Solomon with his entire body weight," pinning her. "Without uttering any instruction to Solomon, Miller forcibly bent her left arm behind her." As a result, Solomon's left elbow was badly broken and required two operations, and subsequent extensive ongoing physical therapy.

Solomon pled guilty to minor charges in the incident and then filed suit against the police department and Miller under 42 USC 1983. Miller moved for summary judgment on the basis of qualified immunity.

In the second case, *Sample v. Bailey*, officers Prexta and Bailey, of the Akron, Ohio, Police Department, searched for a burglary suspect believed to be hiding in a business. They found the suspect,



Christopher Sample, hiding in a cabinet on an upstairs floor. Bailey “opened the left cabinet door with his left hand, while his right hand held his gun.” However, Bailey apparently did not communicate with Prexta as to his intention to open the cabinet door. Bailey properly stood to one side as he opened the door, and inside the two officers saw Sample, with his back pressed against one side wall of the cabinet and “his legs curled up tight towards his chest.” Bailey pointed both his flashlight and his handgun at Sample and “ordered him to make sure his hands were visible at all times and to come out of the cabinet.”

Bailey later stated that when he ordered Sample out, Sample did not immediately respond. At this point, Prexta was on the right side of the cabinet, on his knees, but Bailey apparently did not realize where his fellow officer was located. Prexta holstered his handgun and “tried to effect an arrest,” by attempting to grab Sample by his left arm to pull him out of the cabinet. Bailey, however, did not see what Prexta was doing, and instead, became concerned about

Sample’s movements. Bailey stated that Sample did not “show his hands” as he directed, but instead, he saw Sample reach inside his jacket. (Prexta, however, did not see Sample take this action.) At this point, Bailey fired a total of seven rounds, and struck Sample several times.¹ Prexta, whose gun was holstered, retreated toward the staircase when the gunfire erupted. Bailey, also, was retreating as he fired, and lost sight of Sample in the process. Bailey moved around a piece of furniture to bring both Sample and Prexta into view. Prexta was calling for an ambulance at that time. Sample fell partially out of the cabinet. Sample later stated he was just reaching for a cigarette, and apparently he continued to do so while he lay on the floor bleeding. (The sergeant on scene, who arrived after the shooting, stated that Sample was apparently trying to remove his jacket, stating he was “hot,” and the responding paramedic made a similar statement.) Sample did not have a firearm.

Sample’s statement, however, was different. He agreed that he was hiding in the cabi-

net, and that the door was opened. He was instructed to “come out with your hands up.” He attempted to get out of the cabinet, and swung his legs out, and with his hands raised, reached up to the top edge of the cabinet to pull himself out. At that point, he was shot. (Later, a detective investigating the shooting stated that Sample told him that he was shot while reaching for his cigarettes.)

Sample pled guilty to the criminal charges. He then filed suit under 42 U.S.C. §1983 against Officer Bailey, Police Chief Matulavich and the City of Akron, arguing violations under state law, as well as a violation of his Fourth Amendment right to be free from excessive force during an arrest. Bailey moved for summary judgment under qualified immunity, and the trial court denied that motion, finding that “when the facts were taken in the light most favorable to Sample, he had alleged a violation of a clearly established constitutional right,” and that there was a “genuine factual dispute” as to Bailey’s actions. Bailey requested an interlocutory appeal. >>

>> Both cases went to the U.S. Sixth Circuit Court of Appeals on the respective officer's appeals of the trial courts' decision to refuse their request for summary judgment on the basis of qualified immunity.

In its analysis of the *Solomon* case, the Court noted that Miller's "overly aggressive actions could have violated Solomon's Fourth Amendment right to be free from excessive force during an arrest." The Court went on to state that there was absolutely no testimony (or evidence) that Solomon posed any immediate threat to the officers. Solomon was approximately half the weight of each of the two officers. She made no attempt to flee and was complying with Raskin's instructions when Miller grabbed her. Miller gave her no specific verbal direction as to what he wanted Solomon to do. In addition, while the Court agreed that she'd been told by Miller that she was under arrest while in the theater itself, the officers' subsequent actions, such as asking her to step out to the lobby to discuss the matter may, in fact, have negated any impression that she was under arrest.

“In both of these cases, the Court focused on the instruction, or lack of instruction, provided by the law enforcement officers to the criminal defendant.”

To receive qualified immunity, pursuant to *Saucier v. Katz*,² a defendant (the officer) must satisfy both prongs of a two-step inquiry.³ First, the plaintiff must allege a violation of a constitutional right – in this case, a violation of the Fourth Amendment and its prohibition on excessive force, based upon their version of the incident, that the constitutional violation alleged has occurred. An allegation of a use of excessive force falls under the Fourth Amendment's "reasonableness" standard – in other words, to be successful, the plaintiff must put forth proof that the officer's use of force was unreasonable. (In this inquiry, the officer's subjective intent is immaterial, and did not disagree that Miller did not intend to cause such a serious injury, the Court will only consider whether the officer's action is objectively reasonable under the circumstances.)

The second prong of the analysis concerns whether the right was clearly established. The right to be

free of excessive force during an arrest has been long recognized. The Court agreed that it "must remember to consider the reasonableness of the officer at the scene, *id.*, and keep in mind that officers must often make split-second judgments because they are involved in 'circumstances that are tense, uncertain, and rapidly evolving.'"⁴ The Court noted that it could find that an officer had made a mistake with regards to the need to use a particular level of force, and still award the officer qualified immunity from lawsuit if that mistake was reasonable under the circumstances. To determine if a particular use of force was reasonable, the Court set forth several factors – including "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."⁵

In this situation, the Court noted that the underlying offense was trespassing, that there was no allegation that Solomon posed any immediate physical threat, that she was "surrounded by her children,

including toddlers," and that "she bore no weapon, and she made no verbal threats against the officers." The Court also considered "the size and stature of the parties involved," finding a "stark contrast" between Miller's small size and the two burly officers who were double her weight. The Court emphasized that Solomon was complying with Raskin's direction when Miller acted "with unnecessary, unjustifiable and unreasonable force."

The Court upheld the U.S. District Court's denial of qualified immunity to Miller.

In the *Sample* case, the Court noted that Sample was responding to an order to "exit the cabinet, and therefore some movement was to be expected." Prexta had holstered his weapon, indicating that he did not perceive a threat. (Of course, just because Prexta did not see Sample make a threatening move does not mean it did not occur.)

Again, using the *Saucier* analysis, the Court examined whether a constitutional violation had occurred. In this situation, deadly force was employed, although Sample did survive. In *Tennessee v. Garner*, the Court had ruled that the Fourth Amendment prohibited deadly force “to seize an unarmed, non-dangerous suspect.”⁶ Under the facts as alleged by Sample, there was no indication that Bailey was “faced with a serious threat of physical harm to himself or his partner which would necessitate the use of deadly force.” The Court noted that “[n]othing about the movement of Sample’s right arm would be threatening to a reasonable officer.” The Court continued, stating that “Sample was attempting to comply with Bailey’s command to exit the cabinet.” (Although Bailey argued that Sample was reaching into his jacket and other testimony tended to support that allegation, at this stage in the case, the Court is obliged to accept the plaintiff’s allegations.) When Sample was ordered to get out of the cabinet, “some movement was to be expected” and “Sample’s mere action of moving his arm to grab the top of the cabinet would not cause a reasonable officer to perceive a serious threat of physical harm to himself or others.” The Court agreed that it was “objectively unreasonable for Bailey to order Sample to remove himself from the cabinet and then to perceive Sample’s movement of his right arm outward as a threat” sufficient to justify deadly force.

Again, as in *Solomon*, the second prong of the analysis concerns whether the right was clearly established in a “more particularized, and hence more relevant, sense,” and the “contours of the right must be sufficiently clear.” In other words, the defendant officer must be given fair warning as to the right they are accused of violating. In 1988, in *Robinson v. Bibb*, the sixth Circuit had noted that a suspect “ha[s] a right not to be shot unless he [is] perceived to pose a threat to the [officers or others].”⁷ As such, the Court found that the right Bailey was alleged to have violated was clearly established at the time of the incident.

The Court upheld the denial of Bailey’s request for qualified immunity.

In both of these cases, the Court focused on the instruction, or lack of instruction, provided by the law enforcement officers to the criminal defendant. In Sample, the criminal

suspect was, he alleged, doing exactly what he was directed to do when he was shot. In *Solomon*, as well, the criminal suspect was, initially, specifically following specific directions given by one officer when she was grabbed from behind by the other officer and physically forced into a position that caused a serious physical injury she had not been given verbal direction or the opportunity to cooperate without suffering injury. Certainly just because an officer gives direction does not mean that a subject will comply, but failing to give direction at all reduces, if not eliminates, the possibility that an individual will be able to cooperate without injury to themselves or the officer.

These cases emphasize the need for officers to give clear verbal direction to those they are attempting to control and to be aware of the physical movements necessary in order for subjects to in fact take the action the officer requires.

As a final note, in both of these cases, the Sixth Circuit Court of Appeals found that there was sufficient evidence presented by the plaintiff to deny summary judgment on the basis of qualified immunity to the defendant officers. This does not mean, however, that upon further discovery, the officers’ actions will not be found to be reasonable and justified. ■

For full-text versions of these cases see:
Sample v. Bailey
<http://caselaw.lp.findlaw.com/data2/circs/6th/044174pv2.pdf>

Solomon v. Auburn Hills Police Dept. and Officer David Miller
<http://caselaw.lp.findlaw.com/data2/circs/6th/031707p.pdf>

¹*Bailey also stated that he did not realize how many times he fired, which is a common phenomenon in an officer-involved shooting. In addition, he stated that because of the echoes in the room, he thought Sample was firing back.*
²533 U.S. 194 (2001).

³*Id*

⁴Quoting *Graham v. Connor*, 490 U.S. 386, 397 (1989) .

⁵*Burchett v. Kiefer*, 310 F.3d 937, 944 (6th Cir. 2002).

⁶471 U.S. 1 (1985).

⁷840 F.2d 898 (6th Cir. 1988).

THE 'HOUND' CAN Sniff

New technology available to locate drugs as accurately as a blood hound's nose / NLECTC

A bus driver transporting high school students thought he smelled marijuana. He stopped the bus, secured it and called school administrators, who alerted the South Texas Specialized Crimes and Narcotics Task Force. Although no marijuana was found, using Hound drug sniffer technology, officers immediately determined that two pills found on the bus were an illicit substance, allowing the school to resolve the problem immediately instead of waiting weeks for a laboratory analysis.

Since November 2003, the South Texas Task Force has been field testing the Hound system for Sandia National Laboratories. In addition to the school bus incident, the Hound system has saved time, lives and money on numerous occasions, according to Task Force commander Jaime Garza.

"Ever since 9/11 we have become more aware of what is being transported along the highway," said Garza, whose task force operates out of Kingsville, approximately 40 miles south of Corpus Christi.

In 2003, the task force approached the Border Research and Technology Center, part of the National Institute of Justice's National Law Enforcement and Corrections Technology Center system, in search of advanced drug detection technology.

According to Director Chris Aldridge, BRTC responded by facilitating the transfer to the task force of the Hound system, a front-end sample collector and pre-concentrator technology that Sandia developed for use with commercial off-the-shelf drug and explosives detectors. Sandia loaned the equipment to the South Texas task force in exchange for feedback on the system's operation. Sandia also trained the task force and was available for troubleshooting any problems.

The task force has had plenty of opportunities to test the Hound technology.

"In southern Texas we have heat, humidity and everything else working against us. It's a good place to test technology, because this is a tough climate," Garza said. He explains that the task force tries to circumvent heavy traffic in cocaine, heroin and other hard drugs.

It also combats increasing amounts of methamphetamines and their precursors. The South Texas task force operates in a busy area along Highway 77, where the Hound system has played a key role in handling a variety of incidents, such as:

- Identifying liquid and crystal methamphetamine after a routine traffic stop by local law enforcement in summer 2004. The technology not only enabled officers to make a multimillion-dollar





Photos courtesy Sandia National Laboratories

seizure, it may have also saved lives because quick identification of the presence of meth enabled officers to immediately treat the incident as a HazMat situation.

- Clearing a tanker truck that had arrived at a nearby military base without the proper inspection seals on its cargo. The technology did not identify the presence of any chemical or explosive substances on the truck, allowing delivery to proceed.
- Locating traces of gunpowder on a decomposing corpse, helping the Texas Rangers with an investigation.

The sample collection and preconcentration technology is a miniaturized version of technology originally developed for the U.S.

Transportation Security Administration (formerly the Federal Aviation Administration). It collects samples by drawing in vapor from the airspace very close to the suspicious object or area. An operator may also swipe a suspicious area to collect a sample. The commercial detector is capable of detecting narcotics in nanogram concentrations (including the residue left in fingerprints). Sandia describes the Hound system as portable, inexpensive, fast and easy to operate, with a low false alarm rate.

Garza makes it clear that the Hound system is used only with probable cause, and that it is just one tool of many used by his officers. Those other tools include drug-sniffing dogs and a combination of “instinct, experience and knowledge,” he said. 🐾

▲ The Hound II system can be used to draw in vapor from areas that could be contaminated with fingerprints containing illicit drugs. The front-end sample collector can be removed for less weight and better ease of use. A collection medium from the Hound can also be used in swipe mode.

◀ After the sample is collected (either through swipe or vapor mode), the cartridge is inserted into the preconcentrator where the sample is flash-heated and then delivered to the Vapor-Tracer2 detector, a commercial unit that identifies if any drugs or explosives are present.

KY OPS Adds e-Intelligence Reporting



The e-Intelligence program has been online since late December.

Nearly every law enforcement agency in Kentucky is now able to electronically report potential terrorist or other criminal activity in real time to analysts at the state's Intelligence Fusion Center.

The state's Office of Homeland Security awarded a \$139,629 grant to the Kentucky State Police to add e-Intelligence to its electronic-reporting system, which is called Kentucky's Open Portal Solution, or KY OPS.

Through e-Intelligence, law enforcement officers can inform KSP intelligence analysts at the Fusion Center of suspicious behavior that could be related to terrorism or other crime, such as a person parked along an interstate bridge taking photos of infrastructure that wouldn't usually be considered photogenic, according to KSP.

The KSP analysts at the Fusion Center decide what to do with the information.

The Fusion Center, which is being developed by the state's homeland security office, is intended to serve as the chief intelligence-gathering center in the Commonwealth.

"The Justice Cabinet needed to find the fastest way to identify possible terrorist and other criminal activity," KSP Lt. John Carrico, who helped develop and works with KY OPS, said of the addition of e-Intelligence. "Now every police department in the state can provide the fastest most accurate information at no cost to the department."

KY OPS, which was created specifically for Kentucky, went online in 2000 with one application, e-Crash. The program, headed by the Justice and Public Safety Cabinet, allowed officers to submit vehicle collision reports electronically. Now the system includes programs for reporting crime, traffic citations and warnings and other information.

More than 90 percent of law enforcement agencies in Kentucky use at least one of the KY OPS applications, Carrico said.

KY OPS is available to all agencies, and training is free.

For more information about the program, contact the Kentucky Office of Homeland Security at (502) 465-2081.



KENTUCKY

LAW ENFORCEMENT

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Kentucky Justice and Public Safety Cabinet

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