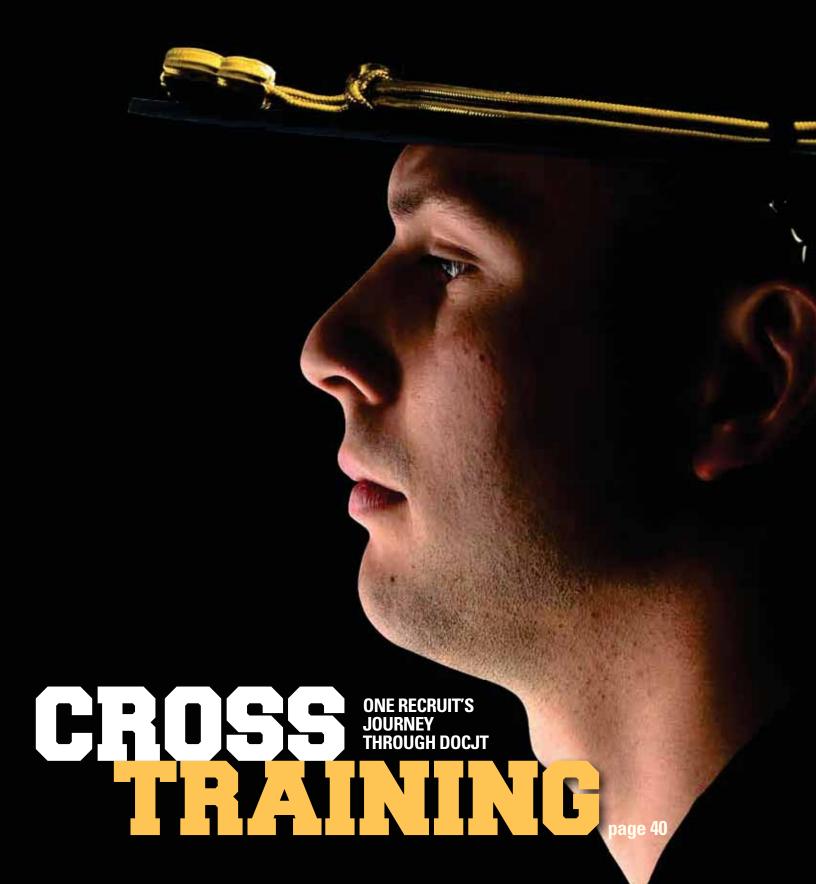


Summer 2013 | Volume 12, Number 2

## LAW ENFORCEMENT



#### Summer 2013

Steve Beshear Governor

J. Michael Brown Justice and Public Safety Cabinet Secretary

> John W. Bizzack Commissioner

#### **Kentucky Law Enforcement**

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This publication is produced quarterly as a training and marketing tool for the Kentucky law enforcement community as well as public officials and others involved with law enforcement or the oversight of law enforcement. It includes best practices, professional profiles, technology and law updates of practical application and news-to-use for professionals in the performance of their daily duties.

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#### **KENTUCKY**

## LAW ENFORCEMENT

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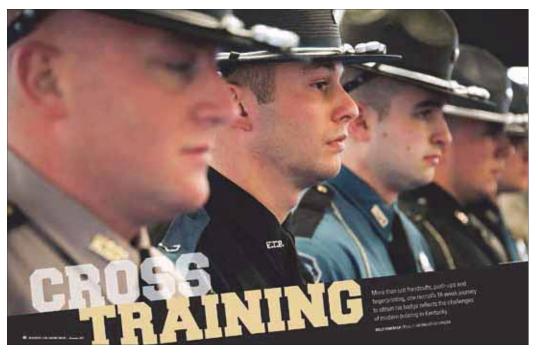


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**KENTUCKY'S EVER-CHANGING FACES**Giving Kentucky's peace officers the tools they need to best serve the ever-changing population.



Address all correspondence to: KLE Staff, Funderburk Building 521 Lancaster Avenue, Richmond, KY 40475 | DOCJT.KLENN@ky.gov



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**TIRED OF BEING TIRED FEATURE** The third of a four-part series

**FEATURE** 

**HEART OF DARKNESS** In Kentucky and across the nation, an epidemic of stalking cases challenges law enforcement authorities.

The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital images. KLE 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.

about law enforcement wellness.



#### Secretary's Column

#### **Legislation Brings Positive Changes**

J. MICHAEL BROWN | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

n April 29, 2010, Lexington police officer Bryan Durman responded to a routine complaint — and paid for that commitment to duty with his life. What was the cost to the man responsible for his death? Twenty years — but under the law at the time, the offender will be eligible for parole next year.

For other offenders, that will change under a law passed in this year's legislative session.

Senate Bill 15, also known as the Bryan Durman Act, increases the amount of time certain offenders serve before meeting the parole board. Specifically, the law adds seconddegree manslaughter and reckless homicide of a peace officer or firefighter acting in the line of duty to the violent offender statutes, and stipulates that the offender must serve at least 85 percent of the sentence if the officer or firefighter was clearly identifiable.

For crimes that result in the death of a peace officer or firefighter who was not clearly identifiable, the offender must now serve at least 50 percent of his or her sentence before being eligible for a parole.

Previously, offenders committing these crimes were eligible for parole after serving only 20 percent of their sentence.

It's a bittersweet accomplishment to see such a law passed — ideally, of course, there'd be no need to carve out enhanced penalties for individuals who target law enforcement officers, or who cause officers harm by extreme indifference to their life.

But the unfortunate reality is that the same uniform that identifies law enforcement and firefighters to those in need, also alerts perpetrators to a potential high-profile target.

The law enforcement community routinely places itself in harm's way to protect others. Senate Bill 15 recognizes the great sacrifice that our men and women in uniform make, and serves as a deterrent to those individuals who may cause them harm.

While the new law won't impact the parole eligibility in the Bryan Durman case, his family can take comfort that the bill named in his honor will help keep his colleagues a little safer.

In other legislative action, the General Assembly passed and Gov. Steve Beshear signed into law House Bill 39, giving law enforcement in Kentucky a valuable tool in fighting crimes involving children and the Internet.

The measure helps child pornography statutes catch up to current technology, particularly where a perpetrator is using "cloud-based computing" that allows child pornography images to be viewed, but not actually stored on an individual's hard drive.

In order to combat child pornography and protect our most vulnerable citizens, it's critical that our laws evolve with technology. This law does that by allowing law enforcement to arrest persons who intentionally view these images, even if they don't physically possess the pictures.

House Bill 39 also prohibits registrants on the Sex Offender Registry from intentionally photographing minors without the parents' written consent, unless the registrant is the parent or guardian, and allows for asset forfeiture in these cases.

In addition, the law gives the Kentucky State Police commissioner administrative subpoena power in very limited cases when a child may be in danger.

For more on Kentucky's new legislation, see p. 74.

Mallho



#### Commissioner's Column

#### **Job Task Analysis Reflects Needs**

JOHN W. BIZZACK COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

t one time, peace officer training was not so much a science as it was a subjective exercise in which police commanders and other veteran law enforcement personnel simply used their best judgment about what skills and topics would probably be useful to teach new officers. This practice evolved in the 1960s and, albeit a slow process, today has emerged with limited subjective elements. Today, law enforcement training is truly a science, empirically based, tested and defensible through the job task analysis.

At the Department of Criminal Justice Training, a job task analysis of entry-level law enforcement officers serves as the foundation for the basic training courses we and Kentucky's other academies — provide to incoming recruits. In essence, the JTA serves as the foundation for policing throughout the state since it identifies and affirms training peace officers require as opposed to what an individual or a shareholder group only thinks is required.

JTA, as a standard practice for determining Kentucky peace officer training requirements, was first initiated in 1996. Since then, eight JTAs have been conducted and the results adopted by the Kentucky Law Enforcement Council, DOCJT and other training academies in the state. Law enforcement and the certified training today is much more defensible, based on essential job tasks performed, and it produces a more qualified peace officer in Kentucky.

Kentucky remains one of the few states basing its law enforcement training on the outcome of empirical research and maintaining state-of-the-art courses based on the results of that data.

In the next few months, DOCJT will field a new job task analysis for entry-level peace officers throughout the state. The first JTA since 2006, the project will be independently conducted by Dr. James Wells of Commonwealth Research Consulting and will include:

- Up to 25 one-day regional focus groups throughout
- · A web-based survey distributed statewide to all law enforcement officers
- · A stakeholders oversight committee
- · An institutional review board to certify all research aspects of the JTA

The empirical results of the JTA will guide the development of training for specific tasks routinely encountered by entry-level law enforcement officers in Kentucky, based on the input of officers in the field. As a result, Kentucky will provide hands-on training to new officers in the work they actually will perform on the job in their respective communities.

The study began in May and will continue through the fall of 2013.

In the past with each entry-level-officer JTA, we have seen an extension of the schedule of the basic training curricula schedule. In the late 1960s, basic training for Kentucky peace officers was three weeks. By the mid-1970s, basic training was extended to 10 weeks, then 16. Today it stands at 18 weeks.

These progressive extensions demonstrate the increasingly complex responsibilities of officers in the field and underscores how training has evolved to improve their abilities to perform their duties. After all, as varied as law enforcement agencies are in Kentucky, the common ground is that all are professional peace officers, certified and trained to the same standards.

We are confident this JTA will be a true reflection of the needs of Kentucky's law enforcement community. All that we do actually begins here. -

John Diggek

#### LINE-OF-DUTY DEATH

#### **Bardstown K-9 Officer Killed in Ambush**



**Officer Jason Ellis** 

Bardstown Officer Jason Ellis was ambushed, shot and killed on an exit ramp from the Bluegrass Parkway shortly before 2:50 a.m. on May 25.

A citizen called 911 at 2:53 a.m. to report an officer had been fatally struck by a vehicle. A Kentucky State Police trooper responded to the scene and discovered that Ellis actually had been shot.

Ellis was en route home following his shift and was in uniform driving a marked vehicle. It is believed that

a subject had purposely placed debris in the middle of the roadway with the intent of setting an ambush. As Ellis removed the debris, the subject opened fire with a shotgun from a nearby hilltop, shooting him multiple times and killing him instantly.

The subject who shot him remains at large, as of publication.

Ellis served the Bardstown Police Department for seven years.

Ellis has twice received the governor's award for impaired driving enforcement and received officer of the year in 2008. He also was a star baseball player at the University of the Cumberlands. He signed with the Cincinnati Reds and played from 2002 to 2005 in the minor leagues.

He is survived by his wife, two sons, mother, stepfather and two sisters.

#### **Batts Receives Back-to-Back ABC Investigator of the Year Awards**



Lauren Batts

Commissioner Frederick Higdon presented Investigator Lauren Batts with the Alcoholic Beverage Control Division of Enforcement Investigator of the Year for 2012. Batts won this award for the second year straight which is an unprecedented accomplishment.

"This award is especially significant because the recipient is chosen by his or her colleagues and then reviewed by an award committee," Higdon said.

Batts began her distinguished law enforcement career in 2005 with Probation and Parole

in Shelby County. She is a graduate of the University of Kentucky with a degree in Sociology with a criminal law focus.

In 2009, Batts joined the ABC Division of Enforcement and was assigned to Jefferson County.

#### **DOCJT Begins Research on New Job Task Analysis**

The Department of Criminal Justice Training recently launched a statewide job task analysis of the job duties of entry-level law enforcement officers. Results of the JTA, which is being conducted by an independent research firm, will update the training requirements for new recruits across Kentucky.

"The JTA of entry-level law enforcement officers serves as a foundation for the basic training courses we — and Kentucky's other academies — provide to incoming recruits," said Dr. John Bizzack, commissioner of DOCJT.

Multiple one-day focus groups throughout the state, as well as online surveys distributed to all Kentucky peace officers, will serve as the basis for the JTA recommendations, explained Dr. James Wells of Commonwealth Research Consulting, Final recommendations will be compiled by an oversight committee composed of ranking law enforcement officials.

Additionally, the JTA will rely on a special advisory group of a dozen law enforcement officers to maintain focus on the reality of daily tasks of entry-level officers.

Final recommendations are expected by the fourth quarter of 2013.

"As varied as law enforcement agencies are in Kentucky, the common group is that all are professional peace officers, certified and trained," added Bizzack. "The JTA is the foundation of basic training, and basic training provides the foundation for Advanced Individual Training.

"This JTA will be a true reflection of the needs of Kentucky's law enforcement community," he concluded. "All that we do actually begins here."

#### **Mosser Receives NHTSA Award**

Kentucky State DRE Coordinator Terry L. Mosser was recognized for his dedication to highway safety, reducing impaired driving and successful DRE implementation, during the 31st Annual Lifesavers Conference. The U.S. Department of Transportation's National Highway Traffic Safety Administration presented a total of 14 individuals and organizations with the agency's top public service award April 15, for their tireless efforts in advancing highway safety throughout the country.



**Terry Mosser** 

"Safety is the Department of Transportation's top priority," said U.S. Transportation Secretary Ray LaHood. "But we can't get there alone. The individuals we recognize today are making a difference by helping reduce highway fatalities and injuries in states and localities across the country."

The Lifesavers conference brings together individuals and public safety groups who all share the common goal of making America's roads and communities safer.

#### **NEW CHIEFS**

#### **NELSON REYNOLDS**

#### **Knott County Police Department**

Nelson Reynolds was appointed chief of Knott County Police Department on Aug. 8, 2012. Reynolds has 17 years of law enforcement experience. He began his career at the Pippa Passes Police Department and then served Knott County Sheriff's Office. He returned to the Pippa Passes Police Department, moving through the ranks to become chief, before being appointed chief of Knott County Police Department. Reynolds graduated from the Department of Criminal Justice Training Basic Training Class No. 260. His primary goal is to add more staff and become more involved in the community through community-oriented policing.

#### **CHARLES SWINEY**

#### **Morgantown Police Department**

Charles Swiney was appointed chief of Morgantown Police Department on March 5. Swiney has more than 24 years of law enforcement experience. He began his career in 1987 with the Bowling Green Police Department and served there until 1994. Swiney also served the Kentucky State Police, Bowling Green post, and retired as a public affairs officer in July 2011. In November 2012, he came to Morgantown as a part-time officer. He was named chief in March. Swiney has a bachelor's degree in police administration and a minor in physiology from Eastern Kentucky University. He plans to add more manpower and professionalize the department to earn the respect and trust of the citizens of Morgantown. He wants a more professional department to serve in a more efficient manner.

#### **MICHAEL KEVIN HENDERSON**

#### **Leitchfield Police Department**

Michael Henderson was appointed chief of Leitchfield Police Department on April 1. Henderson has 22 years of law enforcement experience. He began his career with the Grayson County Sherriff's Office. Henderson also served the Leitchfield Police Department for 13 years and the Kentucky State Police for eight years before being named chief of Leitchfield. He graduated from the Department of Criminal Justice Training Basic Training Class No. 217 and the KSP Academy Cadet Class No. 85. Henderson also attended Western Kentucky University. His goals are to purchase new computers and become more involved in the community through community-oriented policing. Dayshift officers will visit local schools and do a walkthrough so the kids, teachers and staff will know them.

#### **ROBERT KELLY BAXTER**

#### **Augusta Police Department**

Robert Baxter was appointed chief of Augusta Police Department in March 2012. Baxter began his career with the Maysville Police Department serving 23 years before retiring as an assistant chief in 2005. He worked for East Kentucky Power for three years before coming to Augusta in January 2009. Baxter graduated from the Department of Criminal Justice Training Basic Training Class No. 151. His long-term goals are to bring the department up-to-date and focus on communityoriented policing.

#### **In-Car Computers on Their Way to Rural Law Enforcement Agencies**

The Office of the Attorney General purchased MDTs using funds from the Rural Law Enforcement Grant that was part of the American Resources and Recovery Act. The office received the \$3.94 million grant in 2009 to implement the eWarrants program statewide. The eWarrants program is now up and running statewide and distribution of MDTs is the final phase of implementation.

The service rate for warrants has gone from an estimated low of 10 percent in areas using solely a paper-based system to a statewide average service rate of more than 80 percent.



#### **UNITE RX Drug Abuse Summit a Success**

Police agencies must continue to take a tough stand against those who put profits over people, but there are many other things officers can do in areas such as education and treatment that will have an impact, the nation's top drug official told attendees at the second National Rx Drug Abuse Summit, conducted in Florida.

Gil Kerlikowske, director of the White House Office on National Drug Control Policy said the national strategy to reduce prescription drug abuse involves four focus areas: education for prescribers and patients, enhancing prescription drug monitoring programs so they work across state lines, encouraging proper disposal of medications and tougher enforcement to reduce diversion.

"Law enforcement has a unique opportunity to intervene in people's lives that other professions may not have to help those suffering from the disease of addiction. They see people when they're at their worst and could steer people toward help or to locate appropriate resources," said Van Ingram, executive director of the Kentucky Office of Drug Control Policy.

The Summit drew 877 participants from 49 states plus the District of Columbia, Canada and Dominica.



#### KLEC Presents CDP Certificates STAFF REPORT | KLEC

The Kentucky Law Enforcement Council's 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 17 professional certificates; 12 for law enforcement that emphasize the career paths of patrol, investigations, traffic and management; and five certificates for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

The KLEC congratulates and recognizes the following individuals for earning career development certificates. All have demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

#### **INTERMEDIATE LAW ENFORCEMENT OFFICER**

Berea Police Department Robert W. Short

**Carlisle Police Department** George M. Ballard

**Covington Police Department** Justin C. Bradbury

**Eminence Police Department** Leslie T. Rankin

**Henderson Police Department** Allen N. Schrecker

Jeffersontown Police Department Scott T. Hurley

#### **Louisville Metro Police Department**

Barry C. Aden Angel M. Davidson Jacob D. McKnight III Russell A. Miller Robert J. Schroeder Brian K. Walker

**Newport Police Department** Brandon S. Vance

**Paducah Police Department** Joshua D. Bryant

**Pikeville Police Department** Charles R. Blankenship Timothy W. Roberts

**University of Kentucky** Police Department Wesley C. Tyler

Western Kentucky University **Police Department** Brandon Humphries Justin R. Taylor

#### ADVANCED LAW ENFORCEMENT OFFICER

**Berea Police Department** Robert W. Short

**Covington Police Department** David M. Griswold Brian C. Steffen

**Danville Police Department** Jonathan C. Courtwright

Ft. Wright Police Department Daniel L. Hampton

Jeffersontown Police Department Scott T. Hurley Mark A. Timperman

**London Police Department** Gary D. Proffitt

#### **Louisville Metro Police Department**

Matthew T. Glass Daniel T. Montgomery Harry E. Webster Jr. Brent P. Willen

**Madisonville Police Department** Jeffery T. Ethridae

Pulaski County Sheriff's Office Glenard H. Bland Jr.

**Taylor Mill Police Department** Heather N. Mitchell

#### LAW ENFORCEMENT SUPERVISOR

**Covington Police Department** Brian C. Steffen

Franklin County Sheriff's Office Matthew T. Green

#### **Louisville Metro Police Department**

Robert B. Bernardi Robert J. Schroeder

#### LAW ENFORCEMENT MANAGER

**Bowling Green Police Department** Lawrence C. Arnold

**Louisville Metro Police Department** Robert J. Schroeder

**Shively Police Department** Kevin M. Higdon

#### **LAW ENFORCEMENT OFFICER** INVESTIGATOR

**Jeffersontown Police Department** Samuel J. Rogers

Kentucky Department of Fish and Wildlife Resources James E. Heady

Kentucky Office of Charitable Gaming Michael McFarlin

#### **LAW ENFORCEMENT TRAFFIC OFFICER**

**Frankfort Police Department** Paul D. Wise

ADVANCED DEPUTY SHERIFF Franklin County Sheriff's Office Matthew T. Green

Marshall County Sheriff's Office Dennis R. Lewis

#### INTERMEDIATE **TELECOMMUNICATOR**

**Bowling Green Police Department** Kelly M. Davenport Samantha M. McDonald

**Jessamine County 911** Megan M. Buchanan

**Lawrence County 911** 

Jill N. Jackson

Madison County E-911 Donna C. Roberts

**Madisonville Police Department** Sherry L. Wheatley

**Western Kentucky University Police Department** Brenda S. Carver

#### ADVANCED TELECOMMUNICATOR

Jessamine County 911 Cathy D. Raiza

#### LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR

**Boone County Sheriff's Office** David M. Mullins

**Covington Police Department** Matthew J. Hugenberg

**Kentucky Office of Charitable Gaming** Michael McFarlin

**Princeton Police Department** Brain K. Ward

#### **COMMUNICATIONS TRAINING OFFICER**

**Bluegrass 911 Central Communications** Shirley M. Burnside Russ Clark

Western Kentucky University Police Department Brenda S. Carver

#### **DOCJT Competition Shoot to be Conducted in August**

The 22nd annual Department of Criminal Justice Training Competition Shoot will be Aug. 24 at the Boonesboro Range in Boonesboro, Ky. Registration begins at 9 a.m.

For more information, please contact Lora Estes at (859) 622-7399 or lora.estes@ky.gov.



#### **Annual Blue Knights Motorcycle Ride** to be Conducted Aug. 17

The Kentucky Chapter XI Blue Knights is conducting its annual motorcycle ride on Aug. 17. The ride raises money for the Kentucky Law Enforcement Memorial Foundation. The ride will begin in front of the Department of Criminal Justice Training in Richmond, Ky. Registration begins at 9 a.m. For more information, contact Pam Smallwood at pam.smallwood@ky.gov or (859) 622-8081.

## **DOCJT Unveils New Online Registration System**

STAFF REPORT

he Department of Criminal Justice Training recently launched TRIS — Training and Registration Information System — a new gateway to personnel and training management for Kentucky law enforcement.

"TRIS is a completely automated data system that enables all Kentucky law enforcement managers to coordinate electronic class registration, search the availability of classes, access training records and check on current certification status," explained Dr. John Bizzack, commissioner of DOCIT.

"Kentucky's chiefs and sheriffs deserve significant credit for working with us to identify the need for TRIS. Developed totally in-house and tested by security professionals, TRIS assures confidentiality while opening access to personnel information needed to efficiently and effectively coordinate an agency's training schedules," Bizzack added.

Making records and registration information available online was the result of multiple requests to make training information and registration easily accessible, said Kevin Rader, DOCJT Administrative Division assistant director.

"TRIS makes that information accessible on any computer, MDT, tablet or internet-capable communications device," he said.

Of course, security becomes an issue of concern on any Internet-based system.

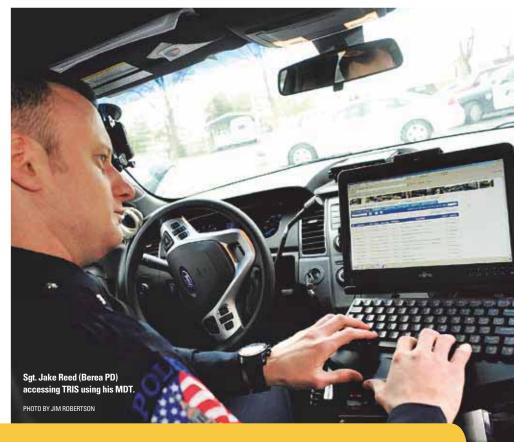
"The TRIS team went to extremes to ensure the security of the system, including security testing by an independent, outside firm" Rader said. "And, as an added security layer, system users initially will be limited to agency heads and authorized users who have completed TRIS training. Regional training programs for TRIS soon will be rolled out across Kentucky.

"DOCJT Information Systems Manager Ande Godsey and Information Systems

Engineer Richard Putnam, along with input from the records and registration staff, deserve credit for developing and initiating a new process that meets the needs of our clientele," Rader added.

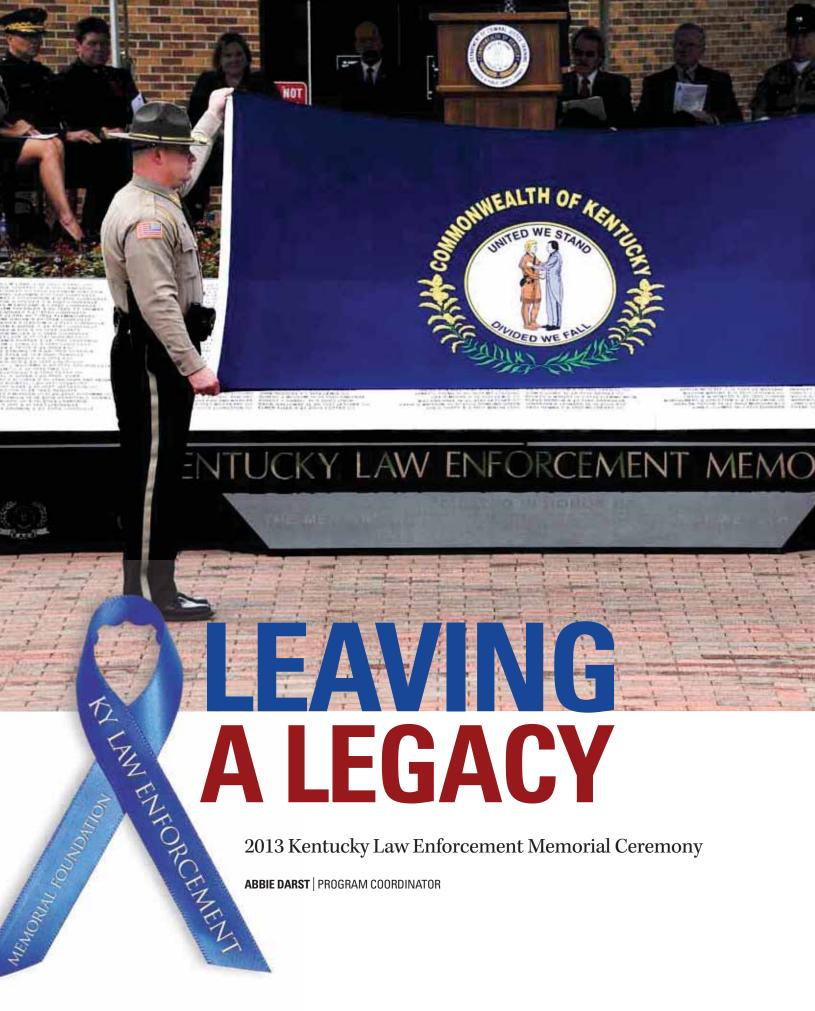
"Registration and records access will now be more efficient, less time consuming, and much quicker," he said.

"TRIS, we believe, will quickly become a major tool in enhancing the effectiveness of managing and scheduling training for Kentucky law enforcement personnel," Bizzack said. 🗪





WEB: https://docjt.ky.gov/tris | EMAIL: docjt.tris@ky.gov





eavy clouds looming overhead held back their tears, as hundreds gathered at the 14th annual Kentucky Law Enforcement Memorial ceremony on May 7 to honor the sacrifice of eight Kentucky law enforcement officers who gave their lives in service to the commonwealth.

"The Kentucky Law Enforcement Memorial monument now contains 509 names," Gov. Steve Beshear announced to those attending. "Behind those 509 names are 509 stories of heroic action, 509 examples of duty and courage that inspire all who wear the badge.

"I can assure you that we in Kentucky do not take you or your commitment for granted," he reminded the uniformed officers present at the ceremony.

Two Kentucky officers were killed in the line of duty in 2012. Hodgenville Police Department Officer Mark A. Taulbee, who was killed in a vehicle pursuit Sept. 16, 2012, and Marion County Sheriff's Office Deputy Anthony Rakes, who was shot to death during a traffic stop Nov. 14, 2012, were honored as their loved ones received flags memorializing their lives and sacrifice.

"It is no small decision to choose this career and go out in the world each day to face violence, abuse, hatred, evil, greed and fear in pursuit of your duty," Beshear said. "But remember, you do not stand alone. And that's really what this memorial represents. It reminds us that throughout history, men and women in the Bluegrass State have stood strong together to protect the public good."

The widow of fallen Lexington Division of Police Officer Bryan Durman also addressed the assembled families and friends.

"Through this tragic event and the death of my husband I have gained peace," she said. "Though it is not the peace I once knew, it is a new sort of normal. And I have found purpose."

Brandy Durman spearheaded legislation which toughens the punishment for those responsible for the deaths of peace officers and firefighters.

"When Braydon (her son) asked me if the bad man who hurt his daddy would be in jail forever, I said, 'Yes.' Little did I know this was a lie," she said. "He will be eligible for parole next year, only four years after my husband lost his life in the line of duty. He only has to serve 20 percent of his original sentence before he will be eligible to be back on the streets again. That's when I drafted a letter to Sen. Alice Kerr."

The Bryan Durman Act was ceremonially signed on April 29, the third anniversary of Bryan Durman's death.

"Everyone wanted to be on board to protect those folks that protect us every day, to do something to give their families a little bit of peace," Durman said.

Bryan Durman's name was added to the monument in 2011.

For more on the Bryan Durman Act, see p. 74.

Abbie Darst can be reached at abbie.darst@ky.gov or (859) 622-6453





**Deputy Marshal Releigh Killion**, U.S. Marshal's Office End of watch: May 24, 1884

**Chief Tom Martin**, Stanford Police Department End of watch: May 16, 1931

**Deputy Thee Madden**, Knott County Sheriff's Office End of watch: March 10, 1933

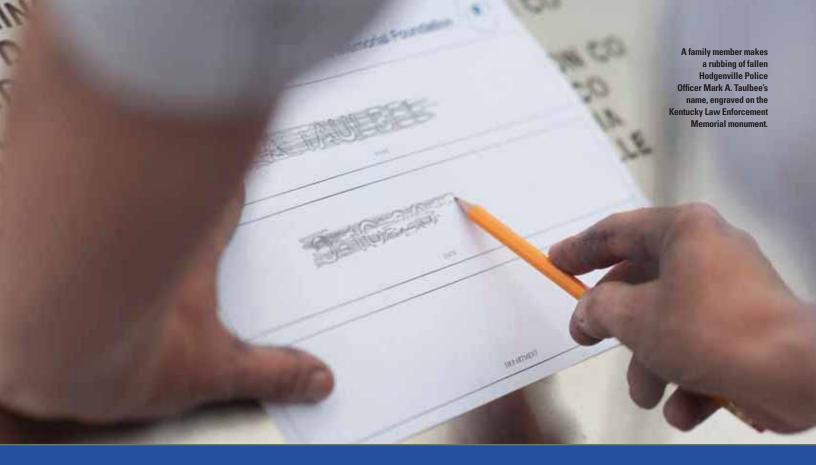
**Captain Vernon Snellen**, Kentucky Highway Patrol End of watch: Feb. 20, 1937

**Deputy Sheriff Bill Baker**, Perry County Sheriff's Office End of watch: March 11, 1950

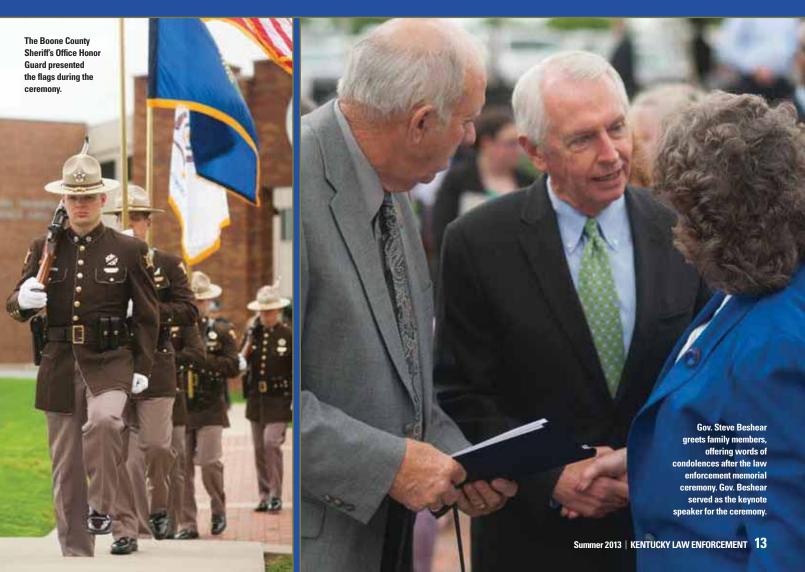
**Deputy Sheriff George Puckett**, Perry County Sheriff's Office End of watch: April 26, 1950

Honor • Integrity • Sacrifice • Hope • Responsibility • Legacy • Honor • Integrity • Sacrifice • Hope • F





Responsibility • Legacy • Honor • Integrity • Sacrifice • Hope • Responsibility • Legacy • Honor • Integrity



# KENTUCKY'S EVER-CHANGING CONTROL CONT

Kentucky's foreign-born population grew at more than twice the percentage rate of the country's average between 2000 and 2011.

Jefferson County schools currently have 122 countries represented in the school system. Kentucky ranks fourth in the nation for increase in foreignborn population in the past decade.

ABBIE DARST | PROGRAM COORDINATOR



n a dark American street, a Cambodian man and his co-worker were stopped by police at 1 a.m. on their way home from work. Their vehicle and descriptions matched those of suspects in a reported armed robbery. Everyone was quiet; everyone was calm. Following procedure, the officers asked the two men to take kneeling positions as they prepared to conduct a search of the vehicle. To their surprise, one of the men immediately collapsed, pleading at the feet of the officers, begging "Please don't kill me!" As he lay sobbing on the pavement, his coworker quickly explained that in Cambodia, kneeling in front of uniformed men is considered an execution position and his friend

had seen people shot in that way during his escape from Southeast Asia.

What was a typical request by these officers — a standard, harmless procedure to protect their own safety - had profound implications for a refugee who had experienced similar situations in a different context in a different country.

Day-to-day law enforcement duties can be complicated by misunderstandings, like this, in cross cultural communications. What if the Cambodian man, fearing for his life, had tried to run?

What if the officers, not knowing why he was fleeing, pursued? How to best handle these cross-cultural situations is a challenge faced by Kentucky officers every day.

There is no doubt that the face of Kentucky's communities is changing rapidly. New immigrant populations settle in weekly, making the Bluegrass their home. Numerous refugee groups have been introduced to the commonwealth from war-torn countries with politically harsh

#### **BE EFFECTIVE**

Officers serve the public, their 'customers,' if you will. Like any other customeroriented enterprise, knowing more about the customers will lead to better service. Law enforcement is the epitome of public service, and most law enforcement officers desire to effectively reach, secure and connect with the communities they serve. Over the past several decades, as Kentucky's foreign-born population has skyrocketed, many officers search for the best methods to continue offering effective service in the midst of widening diversity.

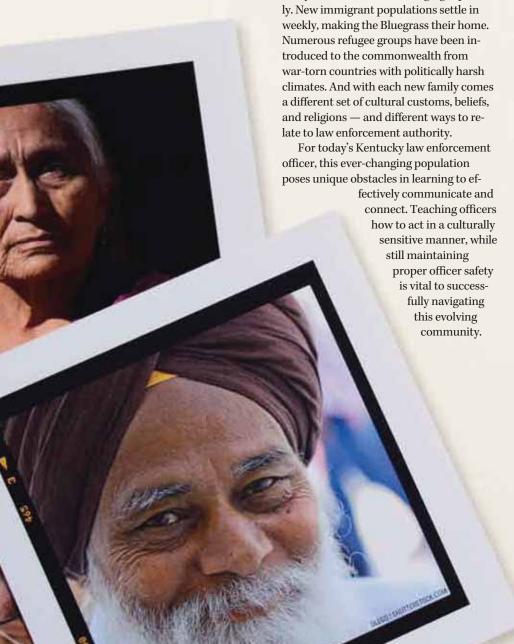
"The acts of approaching, communicating, questioning, assisting and establishing trust with members of different groups require special knowledge and skill that have nothing to do with the fact that 'the law is the law' and must be enforced equally," said Robert Shusta, Deena Levine, Philip Harris and Herbert Wong, the authors of Multicultural Law Enforcement: Strategies for Peacekeeping in a Diverse Society. "Acquiring knowledge and skill contributes to improved communication with members of all groups."

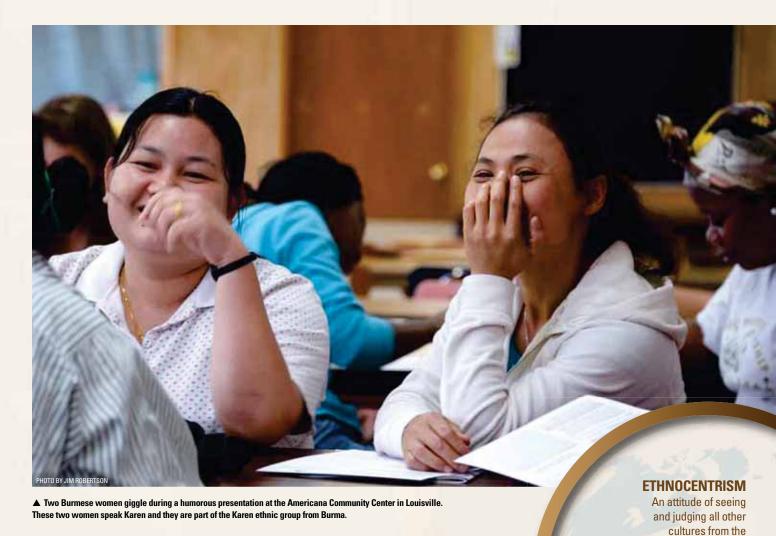
#### **MELTING POT**

For more than a century, the United States has been known as a 'melting pot' of races, cultures, religions and backgrounds inviting all peoples to live together in harmony and freedom. This notion of all newcomers melting together to form one new 'American' culture has been the pervasive description of the United States for generations. But a true look at our nation's past implies a less than harmonious blending of diverse cultures.

"History has never supported the metaphor of the melting pot, especially in regard to the first and second generations of most groups of newcomers," said Shusta et al. "Despite the reality of past multicultural disharmony and tension in the U.S., however, the notion of the melting pot prevailed."

The melting pot analogy assumes cultural assimilation - that individuals and groups from all over the world enter this country and abandon their distinct beliefs, backgrounds, languages and ways of doing things. But one doesn't have to look too hard or listen too closely to know that isn't the case. In Jefferson County alone, there are more than 100,000 immigrants from





122 countries, meaning one in seven Jefferson County residents was born in another country, said Edgardo Mansilla, the executive director of Louisville's Americana Community Center. The center has pro-

vided services to people from more than 90 countries.

"I think the melting pot myth never happened," Mansilla said. "The press talks about this melting pot, but Germans are Germans, Italians are Italians, Jewish are Jewish. So I identify society as a stew. You have potatoes, garlic, onion, carrots and meat. When you have a bite of potato, there is no doubt it is a potato, but you can taste the carrot and onion and garlic. So society is one where we enrich each other's lives, not destroy.

"In Kentucky we have, for the first time in history, the ability to create a new society," he continued.

A big part of effectively policing this new society is knowing and understanding the differences in the cultures that comprise it and how they are integrating their past into Kentucky's future. "In integration, you keep being who you are, but adapt to a new society," Mansilla explained. "In assimilation, you lose who you are."

Because every culture does things differently, successful policing hinges on a willingness on both the part of officers and the communities they serve to seek understanding and learn from what perspective the other is coming.

#### **SOME EXAMPLES**

For example, in some countries, such as Jordan, it is a show of respect for an individual to get out of the car and approach the police officer if stopped for a traffic violation. However, for most U.S. officers, this action poses a threat, the beginning of a hostile confrontation, because it is contrary to the U.S. understanding of proper etiquette when dealing with law enforcement.

Likewise, some individuals from Thailand, Burma, Vietnam, Korea and Japan, especially women, will not look into the eyes of a man. In their culture, to do so

perspective of one's own culture.
Ethnocentrism is a barrier to accepting there is another way, another belief, another communication style, another custom or another value that can lead to culturally different behavior.

may have a sexual connotation. Instead, they will look to the floor and avoid eye contact as a show of respect, Mansilla explained. But officers may perceive such behavior as avoidance or signs of guilt or lying, which could have adverse effects on the situation.

"Ninety percent of the messages people send are not communicated verbally, but by posture, facial expressions, gestures and eye contact (or the lack thereof)," said Shusta et al. "Examples would include misinterpretation of the lack of eye contact, the reaction by some cultures to gesturing >>>



▲ A Liberian teenager attends a presentation on college scholarships and grant assistance at Louisville's Americana Community Center. She is there to assist her mother with paperwork. Though the girl and her mother are fluent in English, Mane and Peole, there is no Liberian written language, therefore the teenage daughter assisted her mother in reading the supplemental materials and gathered more information about college for herself.

>> with the palm or fingers up and the lack of facial expression, giving the appearance of being uncooperative or uncaring. These nonverbal messages can vary across cultures.

"Nonverbal communication is not taught in any culture. How, then, are people of different cultures supposed to understand each other, especially police officers?" continued Shusta et al. "It is more than just a matter of communication and common sense when interacting with people of different cultures."

#### **MULTICULTURALISM**

The policy or practice of giving equal attention or representation to the cultural needs and contributions of all groups in a society; special emphasis may be given to minority groups underrepresented in the past, as through bilingual education.

#### STAY SAFE

In the midst of these marked cultural differences, there are distinct differences in the way various population groups have come to the Unites States. It is important to realize some cultural enclaves have been in the U.S. for generations, and though assumptions may be made on their exterior appearance and features, many are born citizens in the second, third, fourth or more generation. In addition, many immigrants have gone through the process of becoming naturalized citizens. Successful officers steer clear of judgments based on appearance, language or residence.

However, in Kentucky alone, the foreign-born population increased by nearly 75 percent between 2000 and 2011, meaning there also is a substantial amount of relatively new immigrants joining established ethnic communities across the commonwealth.

> "Immigrants must learn a great deal about U.S. laws and the law enforcement system in

general, and the role of the police officer," said Shusta et al. "Many immigrants fear the police because in their native countries police engaged in arbitrary acts of brutality in support of repressive governments (e.g., Central America). In other countries, citizens disrespect police because they are poorly educated, inefficient and corrupt, and have a very low occupational status (e.g., Iran). The barriers immigrants bring to the relationship with police suggest that American officers have to double their efforts to communicate and to educate."

#### **REFUGEE POPULATIONS**

In particular, refugee populations carry tremendous baggage with them in regards to their views and experiences with law enforcement, bringing scars of political persecution and the trauma of war which few Americans can fathom. Such experiences often leave these refugees with immense fear, distrust and mental health issues such as post-traumatic stress disorder.

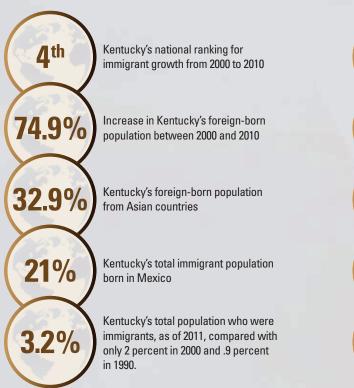
"Both immigrants and refugees come from societies with dictators and civil wars, so [many] arrive with [a form of] post-traumatic stress disorder," Mansilla said. "Seeing an officer approaching with his hand on his gun, the smell of the gun, a picture — anything can trigger memories of a time when you were abused, tortured or saw your family killed. In points during a conversation, a person can snap."

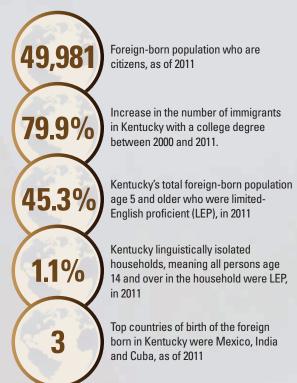
All law enforcement officers should be aware that these PTSD symptoms and triggers are potentially present when they encounter members of international populations.

"Many immigrants come from societies where police are the biggest enemy, not friends," Mansilla explained. "If I go to Buenos Aires today, and they stop me on the street, I will give them a \$10 bill and keep going because what they are asking for is money. That is not the case here. When we see a police officer, we walk the other direction — we don't trust them. It is very hard to understand how police work here. I understand they are for security, but they scare us to death.

"When we are stopped for a potential violation, they come with their hand on their gun, and they are screaming," he continued. "If your hand is on your gun, I don't know if you're going to kill me because that is my experience. Second, you are

## BY THE NUMBERS





screaming, and I  $\dots$  don't understand what you are saying."

Recall the opening example of the Cambodian pleading for his life during a routine stop because of the horrific acts he had witnessed in his home country.

What was a typical request by the officers in that situation, meant harmlessly to keep themselves safe, had extremely negative implications for this particular refugee who had experienced such a horrendous past.

Additionally, officers should be conscience that most individuals want to be cooperative and compliant — they have no intentions of causing unnecessary issues for law enforcement officers, Mansilla pointed out.

"Most families are here trying to start a new life, and they don't want to mess that up," he said. They don't want any trouble. "[They] are worried someone can say something to stop [their] process of becoming a citizen. So 99 percent are trying to be really clear that they don't want to mess up. This is the best opportunity





#### >> GATHER BETTER INFORMATION

Through a partnership with the Louisville Metro Police Department's Fourth Division, the Americana Community Center, has offered pointers to law enforcement personnel on how to ensure the best possible connection with the multicultural community they both strive to serve.

"When dealing with the limited English proficiency, or LEP, population it may be hard to keep in mind, but it is important that you have patience with communication. It won't be immediate, but that doesn't mean you won't get information," said Emilie Dyer, an advocate at the ACC. "When I meet with my clients, I know that whatever they have to say and I have to say, it will take twice as long. Police officers should come into those situations knowing it will take twice as long to get all the information they need — you have to take vour time."

Add to the existing cultural and language barriers the stress of having a police

in a personal situation, and it can potentially take a negative toll on all individuals involved. "Some people may not usually have a problem with English, but when they are dealing with the police, they are under stress," Mansilla said. "When you are under stress, you go back to your maternal language because that is how your brain works. Secondly, you have a small (internal) dictionary and are working your dictionary the best way you can to understand the police officer."

officer involved

Although the majority of Kentucky officers speak only one language, they can take the necessary time and patience to effectively communicate and gather information. Avoiding slang terms or idioms, which can confuse dialogue and miscommunicate intentions or instructions, also helps.

"Do you know what it means to 'pass away," Mansilla asked? "Literally, it could mean anything. 'What's up?' - I keep saying, 'the sky.' When officers ask a question, it needs to be in plain English, not using expressions, and without screaming." Immigrants "are not deaf — we have a problem with our tongues, but we are not deaf. When everyone can talk [calmly], the conversation [is] different."

Mansilla also identified how words such as 'drugs' or 'molest' can easily be misconstrued by the Hispanic population. Drug is a general term used to mean medicine. Mansilla recalled a time he was stopped and his vehicle was searched because when asked if he was on drugs, he innocently answered, 'Yes,' meaning he had taken normal medication. Likewise, in Spanish the term molestar means to bother or annoy. But in a difficult communication exchange, an officer can misunderstand that term to mean molest - and erroneously make an arrest.

#### **COMMUNICATIONS BARRIERS**

"Communication is the most difficult part of policing in a diverse community," emphasized LMPD Officer Jacob Martion, who rides a beat in Louisville's diverse Fourth District. "I want to help out in their situation the best I can, but communication barriers can make that difficult at times."

In many LEP communities it is not uncommon for crimes to go unreported. Whether it's a cultural adversity to involving police in personal situations, a fear of deportation or the language barrier, law enforcement officers are aware that crimes are going unreported and victims are not getting the help they need.

"I've known officers who say, 'We don't want to not know that crime is going on," said Dana Duncan, former community liaison for the ACC. "Even with undocumented people — getting aside from the political part, officers say if someone gets robbed, they want to help. That's what they do. Unfortunately, crime does go unreported and undealt with ... because there is an (innate) fear and distance there."

Mansilla agreed.

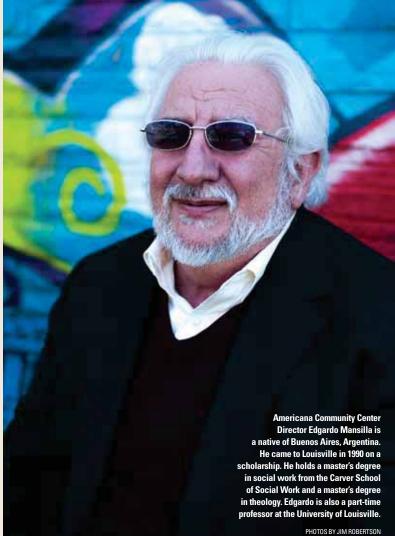
"It is hard for internationals to make phone calls," he said. "I can talk to you now and I know that I have a heavy accent, but I can see your face and can tell you are following me. But on the phone, I don't have a clue what you understand, and I don't understand what you are asking me. So it's really stressful to make that phone call even to 911 because I need to explain and I don't have the vocabulary to explain [my situation].

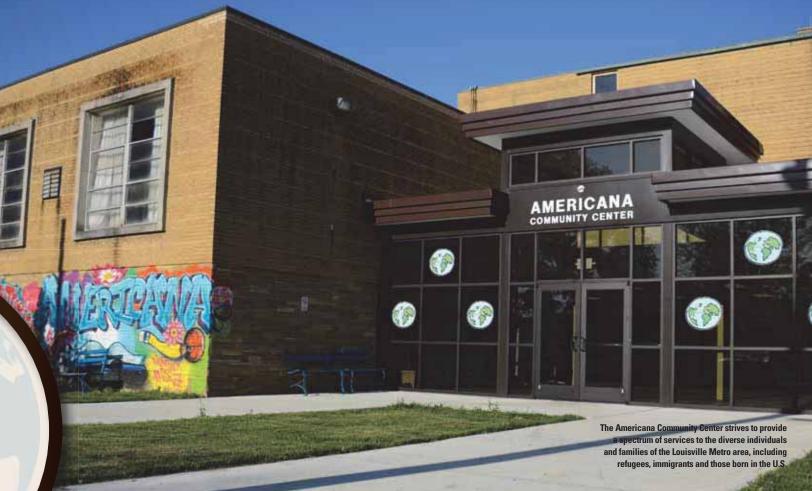
"So the barrier of communication is an impairment to connecting with the police. And if you don't have a friend you can call - Officer So and So - and that officer can understand your English, you don't make that phone call," he added. >>

#### **PREJUDICE**

A judgment or opinion formed before facts are known, usually involving negative or unfavorable thoughts about groups of people.







#### >> KNOWING WHO YOU POLICE

When officers take the extra time to get into their communities and strive to understand the needs, fears and issues of local international populations on a faceto-face, individual level, barriers that keep crime from being reported are eliminated and true relationships form, leading to better communication and community partnerships.

"Having casual, informal ways to bring people together helps tremendously," Duncan said. "It shows everyone that the other groups are just men and women with two arms and legs and are very nice people. As they get to know individuals of different communities, it will help. Hospitality is a big part of these communities, and they might have a meal. There are a lot of ways to build those relationships. It may take time, but it can be a fun process. If done right, it is an opportunity to build some really strong bonds."

In Bowling Green, International Communities Liaison Leyda Becker has partnered with many of the 109 ethnic groups in the area. One of the city's newest initiatives to help international populations better engage local law enforcement and other city service organizations is called the New Neighbors Series. Launched in March, the series is a set of presentations made by members of specific international groups, detailing information on their heritage, cultural beliefs, religious affiliations, foods, customs and more. The first presentation was made by the Nepal-Bhutanese community.

"The presentation is done by the community members themselves, not me," Becker emphasized. "So it is a wonderful way for them to share the most interesting and important aspects of their culture with their neighbors. And it also offers leadership opportunities within the communities."

"An understanding of accepted social practices and cultural traditions in citizen's countries of origin can provide officers with the insight needed to understand and even predict some of the reactions and difficulties new immigrants will have in America," said Shusta et al.

The big picture is simply being aware that people do things differently in different countries, Duncan said. There is no exact flow chart on how every person in each possible ethnic group, religion or culture is going to behave or react, but it is good to present some general ideas and open the lines of communication, Duncan said.

"In community relationships, there has to be an open heart and willingness. Be willing to ask questions," she said.

#### **BENEFITS OF INVOLVEMENT**

Better relationships with various cultural groups can eventually pay even greater dividends beyond better communication and



less cultural frustration. As officers get into communities, make themselves available and engage community members, they will break down numerous barriers, and possibly open the door for recruitment in populations currently under represented in most Kentucky law enforcement agencies.

"We have several officers who really get out there and get involved with the kids," LMPD Lt. Shara Parks said. "They walk through the neighborhoods, and ask the kids about their grades. They reward them with candy if they are keeping their grades up. They talk about sports and, overall, encourage them to excel academically."

These children are encountering the police in a positive, encouraging atmosphere, which may lead them to eventually consider law enforcement as a career and make a difference in the lives of others the way these officers are for them. The potential for that sort of cycle is tremendous because the more diverse the police force becomes, the more effectively it can interact and communicate with the community, leading to even better future relationships.

"Officers understand the importance of their role as sensitive and caring agents of the people they serve, not just as crime fighters who travel from one call to another," said Shusta et al. "Police officers can effectively address a community's needs if they understand the cultural traditions, mores and values of that community."

Making the effort to connect with all members of the community, and meet them where they live, is a win-win for all parties involved.

"Connecting with the community ... is not going to happen overnight, it will take time," Mansilla said. "It's an investment in time. I don't know how long it will take, but if you don't get out and talk with people and become friends, you are never going to earn the trust of the population. We all have to see this as an investment into the future."

Abbie Darst can be reached at abbie.darst@ky.gov or (859) 622-6453.

## Tips for Improving Law Enforcement in Multicultural Communities

Taken from Multicultural Law Enforcement: Strategies for Peacekeeping in a Diverse Society

- Make positive contact with community group members from diverse backgrounds.
   Don't let them see you only when something negative happens.
- 2) Allow the public to see you as much as possible in a non-enforcement role.
- 3) Make a conscious effort in your mind, en route to every situation, to treat all segments of society objectively and fairly.
- 4) Remember that all groups have some bad, some average and some good people within them.
- Go out of your way to be personable and friendly with minority-group members.
   Remember, many don't expect it.
- 6) Don't appear uncomfortable with, or avoid discussing, racial and ethnic issues with other officers and citizens.
- 7) Take responsibility for patiently educating citizens and the public about the role of officers and about standard operating procedures in law enforcement. Remember citizens often do not understand police culture.
- 8) Don't be afraid to be a change agent in your organization when it comes to improving cross-cultural relations within your department and between police and the community. It may not be a popular thing to do, but it is the right thing to do.



## DIFFERENT BELIEFS SAVE LAVS ABBIE DARST | PROGRAM COORDINATOR

here is more to cultural diversity than simply languages and unique customs — diversity also is represented in a plethora of religious affiliations, beliefs and rituals.

A large percentage of Kentucky's foreign-born population has Hispanic or Latino origins. The dominant religion in Hispanic cultures is Catholicism, which does not pose many challenges to religious understanding in the United States. However, many other groups from African, Asian, European and Middle Eastern

countries may bring various religions whose foundational beliefs may present challenges to law enforcement.

For example, Muslim communities are diverse, with varied national, ethnic and cultural roots. Members speak different languages, although they often may know Arabic because of their study of the Koran. Often, and particularly after 9/11, they have been lumped together as "the Muslim community," which does not recognize that for local police departments, Muslim communities in one jurisdiction may be quite

different than those in another, thus requiring different levels of response and types of services, Police Chief Magazine stated.

Keeping an open mind about religious affiliation when interacting with any segment of society results in effective law enforcement

"Why assume everyone has our religion?" asked Edgardo Mansilla, the executive director of Louisville's Americana Community Center."

"Or a religion," ACC's Dana Duncan added.



But religious differences are not specific only to immigrant populations. There also are Amish and Mennonite enclaves throughout Kentucky whose religious views stringently hold them to specific beliefs that have challenged Kentucky laws.

In Amish communities nationwide, fatal collisions between automobiles and buggies aren't uncommon. In November 2011, a Kentucky resident in an SUV crashed into the back of a buggy, killing the 18-year-old Amish driver. These communities have cited their religious beliefs in opposition to using brightly colored triangles, mandated by law on non-motorized or slow-moving vehicles. In Graves County, several Amish farmers served jail time in Kentucky for refusing to use the orange triangle emblems on the rear of their black buggies when using them on public roadways. They objected on religious grounds that the triangular shape represents the Trinity, which they are not allowed to display, and also called undue attention to them against the norms of their religion.

After years of debate and trials, Kentucky's General Assembly gave final passage last March to legislation that would exempt the Amish from a longstanding requirement that they affix bright orange safety triangles on their slow-moving buggies.

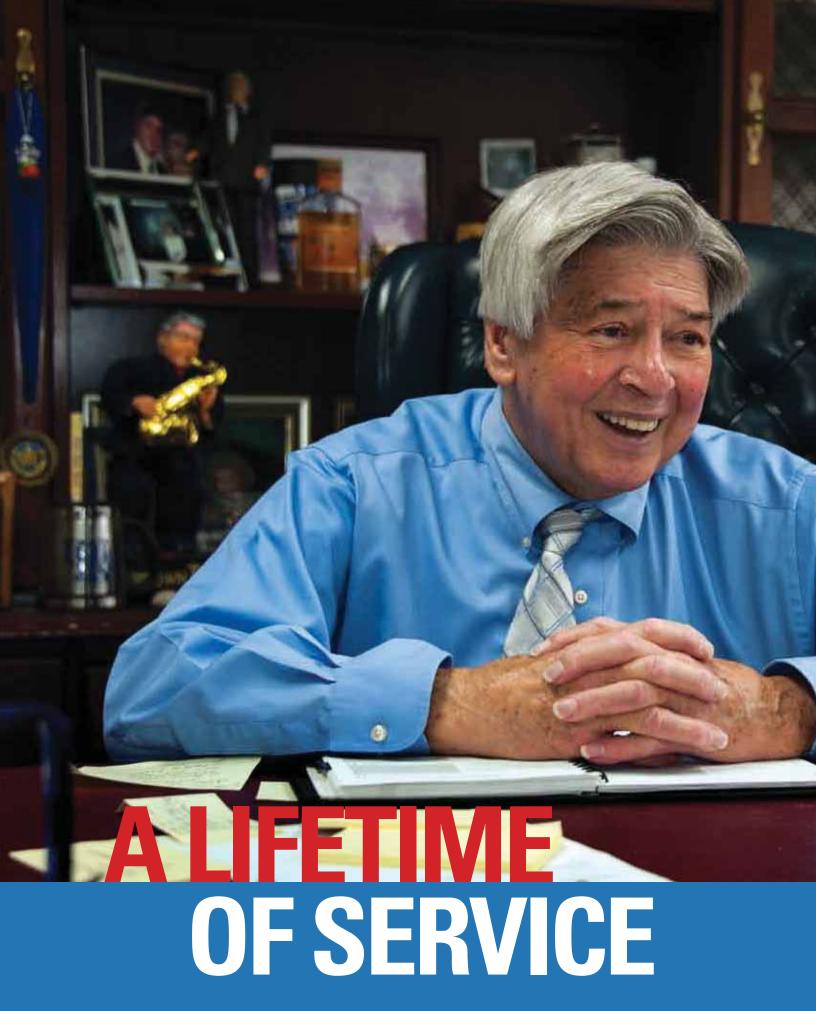
House legislators, voting 75-21, approved a bill that would allow the Amish to use reflective silver or white tape on the backs of their horse-drawn buggies — instead of orange traffic triangles normally required for slow-moving vehicles.

Though not all cases of religious differences end up in long court cases that make national news, differing beliefs can have an impact on the ability and willingness of certain citizens to comply with the law or officers' requested action. 🚄

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■ This Amish buggy in Graves County, Ky. displays the controversial orange triangle previously required by state law on slow-moving vehicles. This particular sect of the Amish community did not oppose using the triangle as other sects did in the area.





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#### Profiling Pike County Sheriff Charles "Fuzzy" Keesee

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

#### >> Do you think you'll keep the ball rolling for an 11th term?

I want to tell [Warren County Sheriff] Peanuts Gaines that I'm going to run again. He's right behind me (in record years of service). I want to scare him a little. People sit here sometimes for a solid hour and beg me to run again. You know what? The people of Pike County have been mighty, mighty good to me. They return me every four years. The first few races I had, they were tough. They got a little easier along the way.

How did you begin your career in law enforcement?

My father ran for sheriff three or four times, and when he got into office, he didn't like it. He couldn't say no to anybody, and lots of times he'd have to. He had a stroke about midway through his term and I was practically sheriff then. He and some of the deputies started talking to me about succeeding my father, and I was fortunate enough to do it.

#### What were your early years as sheriff like?

My first term, I could go out and make arrests unarmed, haul prisoners to LaGrange and have no problem with them. I'm ashamed to tell it, but I didn't even handcuff them, and I had no screen in my private car. People respected law enforcement back then much more than they do now. One time, I had four prisoners and a mental patient. One of the prisoners rode up by me in the front seat and the rest in the back. I said, 'Gentlemen, it will take about an hour to get this fella admitted [in the mental hospital].' I came back and they were still sitting there. It was hot weather and they had the glasses rolled down and doing a good job. They were having a big time. When I got to LaGrange and they saw the spires of the penitentiary, they changed their mind. They said, 'Is that where we're going, sheriff?' I said, 'Yeah, that's where we're going.'

About the last part of my second term I had to start handcuffing people. People now just don't have the respect for law enforcement like they did early on. I stopped working the road about my third term. I would go out lots of times and the deputies would say, 'Fuzzy, you have your gun?' I'd have a little .38 in my pocket. In any situation where it might be dangerous, I'd always go with them.

#### What has kept you coming back term after term?

I enjoy helping people. You know, even if it's not job related, I go out of my way to help people. My door is always open. Many times I have gotten a call to help somebody in their love life. I do that.

#### Tell me about the changes you've seen in law enforcement during the years you've been in office.

I've seen so many changes since I became sheriff. Back then we dealt mostly with alcohol and moonshine. But in the last several years, it's the drug situation. We have an epidemic of drugs all around us here. By the second year of my first term we began to see marijuana. I remember we were told there was a small, private-plane airport here in Pike County and someone was dropping marijuana out there in bales. We sat up there for a while and never did see the drop. Now it's gone to Oxycontin. We have very little meth. We've taken down two small meth labs. Cocaine is big here now, too. It's quickly growing.

When I took office, I ordered \$60,000 worth of uniforms. My father said, 'Boy, you'll break it! You'll go broke!' But I didn't. I put all deputies in the same uniform, and we had marked cars. I believe I was ahead of the curve. Some of the other departments had uniforms, but not many. We went with the color of the state police, but I changed that pretty quick. I had several deputies at that time. They were not trained. Some of them had already served as police officers for another sheriff and for my dad, and they did a good job. They were well trained on the job.

#### How did the establishment of Peace Officer Professional Standards affect your

That was the best thing that ever happened to Kentucky sheriffs' offices — mandatory training. I can tell a big difference in the officers who come back after attending



many changes since I became sheriff. Back then we dealt mostly with alcohol and moonshine. But in the last several years, it's the drug situation. We have an epidemic of drugs all around



training. They are more confident and know what they're doing. And they feel much better, too.

#### Tell me about some of the crimes or cases that have stuck with you over the years.

I have seen a lot of things in this office. One time one of my deputies called me and, over in the Peter Creek area, one of the deputies was going into a house to make an arrest where he knew the fellas. Well they disarmed him! He was sort of bow-legged and they shot between his feet and took his weapon. It was late in the evening — almost dark — when we got over there. I had two other deputies with me, and I told the fella driving to turn his red lights on. We were using red lights then that were round, not like we have now. About that time, KABOOM! They shot our light right off the car.

We used to go out and raid a lot of moonshiners. Let me tell you another little story. In my second term, I had a fella taking me around to campaign. We went to one house and this man's wife was on the porch sweeping. She said, 'Hey buddy, here's the fella who got your moonshine!' Later we were in a restaurant on Second Street talking about that when the fella came back in there and said, 'Sheriff, that's my liquor you've got. I'd like to have it back.'

I worked a case once where a fella got some other people to kill his wife. That was a difficult case for me because it was a hired killing, and when it happened, I pretty well knew who had it done. At one time we had a rash of bank robberies. Then once, I arrested a fella for killing this young man. A friend of mine called and said, 'Fuzzy, you know that fella you arrested? He's threatened to kill you and me, too.' But you know, he never tried.

#### What is one of the greatest joys you have had during your service as sheriff?

Well, I have a section of the road named after me. It's Paul Patton Highway, but the governor said, 'Just let Fuzzy have the corridor.' They did a big thing on that, brought the TV cameras out and everything. It was a two-lane road when I was growing up, and now it's a four lane. I never dreamed then it would be a four lane and I sure never thought it would be named for me. >>





▲ Pike County Sheriff Fuzzy Keesee looks through memorabilia from his early days as sheriff in a display case located in the county courthouse. Keesee has served Pike County as sheriff for 10 terms and worked for the office before then under his father's tutelage.

#### >> How many deputies have you lost in the line of duty during your tenure?

I have had three officers killed in the line of duty, one by gunfire and two by impaired drivers. It was a sad thing. I went to the scenes of all three who were killed. The one who was killed by gunfire, he had two other deputies with him. He had

> arrested this fella before. He lived in a single-wide mobile home and was laying on the couch in his

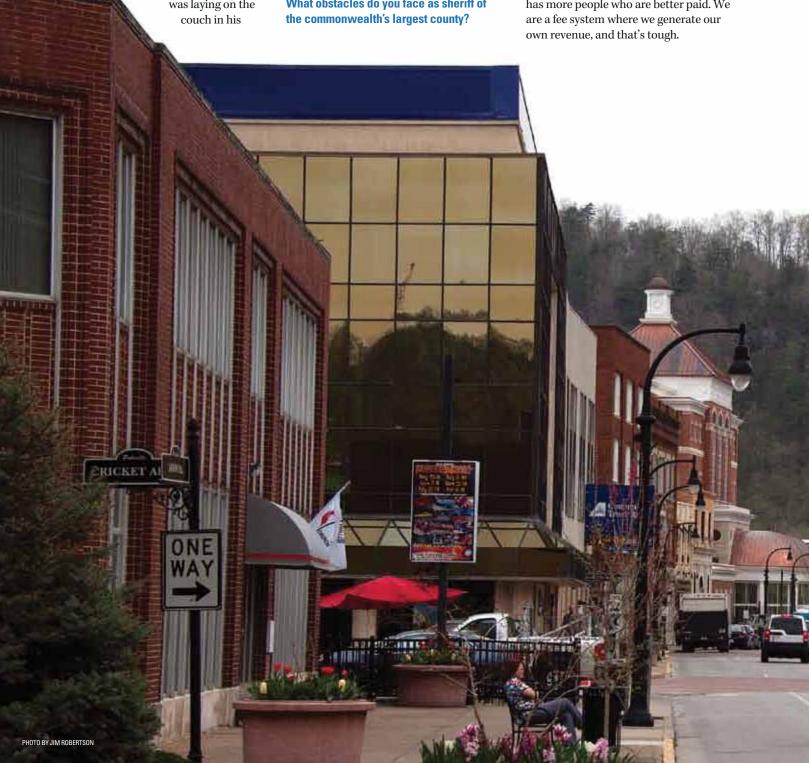
front room, drunk and cursing. The one deputy who was shot told the other two deputies to watch him while he went to the back door. And when he did, he was shot five times, three of them hit him in the head. It was so sad.

When I got to all three scenes, it brought tears to my eyes when I saw my deputies just lying there on the ground. It's a sad time when you lose your deputies.

What obstacles do you face as sheriff of

Living in the largest county in this state, our funding system for the sheriff's office is archaic. It's absolutely unreal. In my opinion, the sheriff is the stepchild of county government. It really is. I have about 12 road deputies now and that's not enough for this county. I could use 40 to 50 deputies in this county, but I don't have the money to pay them.

We can only pay our deputies about \$10.50 an hour. That's unreal. Even the jail has more people who are better paid. We are a fee system where we generate our



We take care of a lot of funerals, sometimes seven or eight a day. We get no compensation for that — we just do it to pay respect to the victims' families. It has always been a custom in this area. People used to say, 'Fuzzy Keesee has been to more funerals than the funeral director.' I used to attend them all. But people respected me for taking care of funerals. They know I don't get paid for that, and since gas has gone up so high, it's a terrible expense. But we do it to respect our community's deceased.

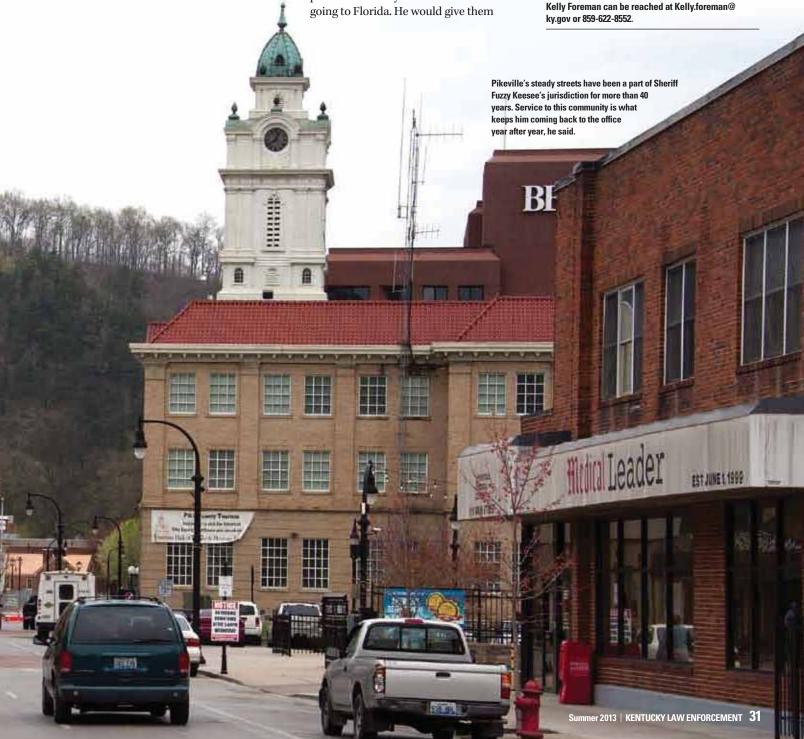
### Once the days of rounding up moonshiners ended, what type of crime has caused you the most grief?

The drug problem now is terrible. Back in the day they might hide a few little pills here and there, but we have busted a lot of drug dealers in recent years. We had the opportunity to arrest a fella who was working at the landfill and sold drugs to inmates. We worked on the case five or six months and finally were able to get him indicted. He lived in the northern part of the county and he had runners going to Florida. He would give them

\$10,000 to go and bring drugs back. He had a real good business going. We indicted three of his runners under the organized crime law and sent them to prison.

### Do you have any advice for young officers just beginning their careers in law enforcement?

I'd tell them just to be good people. They should go to college and get a degree in law enforcement. Stay clean — don't get into any trouble growing up.







In Kentucky and across the nation, an epidemic of stalking cases challenges law enforcement authorities.

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



Roxanne met Ben one evening when she and some friends were listening to their favorite band play at a local pub. Beneath the lights and sounds of the club, the two hit it off right away. Ben was charming and shared the same taste in music as Roxanne. He was a mechanic and shared Roxanne's interest in vintage cars. So when Ben asked for her phone number, Roxanne didn't hesitate to share it.

The next morning at 6 a.m., Roxanne sleepily answered a phone call from wideeyed Ben wanting to meet her for breakfast. When she declined because of a hectic schedule that day, Ben called back later asking for a dinner date. Hesitantly, Roxanne joined Ben at the same pub where they first met for a quick bite before she had to return home to her daughter.

Aside from being somewhat antsy even a little pushy — about spending time with her, Roxanne didn't find Ben's behavior immediately alarming. But over time, his constant insistence that he see her grew even more demanding and Roxanne found herself not only irritated by his advances, but also fearful of his behavior when she rejected him.

After two months, Roxanne called it quits. Ben, however, refused to give up.

"He would start calling her up to 20 times [a day,]" said Dr. TK Logan, a nationally-renowned stalking expert and University of Kentucky professor. "You can imagine if you had started dating someone, then, right away they're calling you that many times. So she broke up with him, and he began stalking her. It took one year and nine months before she reported the stalking, and by then it seemed to have escalated to him messing with her brakes on the cars and more. She talked about how scared she was for her life when she went to the police. They said, 'We don't have proof that it's him."

Roxanne and Ben's names are fictional, but the victim and offender Logan referred to are not. Officers took a report for the victim, and she filed a harassment charge. A mediation was attempted at the county

attorney's office, Logan said. He agreed to stay away from her.

"He gave her three weeks and, of course, it started up again," Logan recalled.

This victim, however, was resourceful and turned the tables on her stalker. She hired a private investigator who helped her collect evidence and they put a surveillance camera at her home to catch her aggressor in the act of sabotaging her car.

"Stalking is a good heads up of nothing good," Logan said. "Nothing good is going to come from stalking. It is dangerous and should always be taken seriously. Stalkers' imaginations begin where ours end. You can't possibly even know what stalkers are going to think of. So when you talk about tactics, it is really difficult."

#### UNDERSTANDING THE STALKER

The Sexual Assault Prevention and Awareness Center has classified stalkers into categories ranging from rejected and resentful stalkers to intimacy seekers and incompetent suitors. While a popularly distributed categorization, Logan noted that it isn't always helpful when it comes to understanding stalkers.

'What's most helpful, to me, is to look at the classification that has been used based on victim-offender relationship,"



Logan said. "You have intimate partner/exintimate partner stalkers, acquaintances and strangers. You can ask some meaningful research questions. For example, who is most likely to be dangerous? How do we know they're more dangerous? What are characteristics of stranger stalkers versus intimate-partner stalkers?"

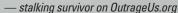
A variety of studies have compared those three types of stalkers to isolate information that is helpful to law enforcement and prosecutors as well as victims and those who seek to bring more awareness to this type of crime. What's most important to know first, though, is that all stalking is dangerous and should be taken seriously, regardless of the relationship or genders of the victim and offender, Logan said.

"Stranger stalking is rare," Logan said. "You're going to see that typically when you have someone who is more in the media. Your Hollywood celebrities — but even locally - someone on the news, legislators, people like that. Accessing those people is already kind of hard, which is one of the reasons that situation is a little bit less dangerous."

Comparatively, acquaintance stalkers have more information about their victims and often know more about routines and

#### **OutrageUs.org**

can remember I would go to Meijer's at night because 10 years ago, it was the only store that was open 24/7. And I would sit there all night in the Meijer's little coffee shop because I knew he wouldn't find me there. And I knew that I could stay there and eat something and read a book, and then I'd go back and shower and go to work the next morning. It's a miserable life."



Visit OutrageUs.org to hear more about experiences of stalking victims, the impact of stalking and tools for fighting back.



relationships. Intimate partner stalkers are the most likely to turn to violence, studies have shown.

"Partner stalkers are more likely to threaten," Logan said. "Of those stalkers, across the three types, who do actually threaten, partner stalkers are more likely to follow through. They are more violent, they are more life-interfering, they are more persistent, they're more likely to escalate and they're more likely to use a dangerous weapon."

Understanding the ways in which stalkers prey is equally as important as defining their relationship with the victim. Logan identifies the common tactics of stalkers in four main dimensions.

"If he is tracking her or monitoring her in any way, you can be 99 percent sure you have a stalker, not a harasser," she said. "There are a whole lot of ways he can track her. It might be through technology or it might be through following her.

"Second, is what I call life invasion," Logan continued. "That's where victims are getting constant phone calls, text messages, emails, Facebook messages — whatever kind of unwanted contact they're being barraged with. Then you have intimidation tactics. So there are threats, but also a lot of confrontations — a lot of blocking her in with cars, messing with her on the road — that we don't hear a lot about." >>



Finally, stalkers often interfere with their victims' lives through sabotage or attack, she said.

"Maybe he's attacking her, which is dangerous, but also he's ruining her life in other ways — her reputation, her job — a lot of women's jobs are hurt," Logan said. "They have to take off work, he's being banned from her work, and that looks bad on her. It may be financial. I just read a news article where a man ordered 20 pizzas in his ex-wife's name on her credit card. There are other ways to attack besides physical and sexual."

#### **STALKING IN KENTUCKY**

In a recent study by the National Institute of Justice and the Centers for Disease Control and Prevention, Kentucky was ranked No. 1 in the nation for the highest rate of stalking, Logan said.

"The latest CDC study showed that nationally, one in six women will be stalked in her lifetime," she continued. "But in Kentucky, it's one in four. Part of that, I think, is because we have no protections for stalking victims, including dating violence. It is going on with our young people and we're not doing anything about it. Some states have a stalking protective or restraining order, but [Kentucky doesn't] have that."

Among the myths that complicate the adjudication and understanding of stalking is the complaint that prosecuting the crime is difficult. Logan noted it is true that prosecuting stalking can be hard because the victim has to participate in helping to collect data when there often is no crime

■ Dr. TK Logan is a professor in the Department of Behavioral Science, College
of Medicine and the Center on Drug and Alcohol Research at the University of
Kentucky, with joint appointments in psychiatry, psychology and social work. She
has spent the past 15 years researching issues relevant to violence against women.

scene, per se. Despite the lack of victim protections, however, Kentucky's stalking law is effective and unique, Logan said.

"A course of conduct is the first component," she said of the law. "That means two or more acts. The law allows us to look at a number of acts and put them together — legal and illegal. That is very important. You also can easily get evidence of these things. If he's stalking her out in public, there probably are witnesses."

Secondly, the stalking behavior has to cause reasonable fear of physical harm or sexual assault to meet the guidelines for a misdemeanor charge, or a fear of death to meet the felony requirements.

"Our law is unique in that if someone beats me up, it doesn't matter whether I'm afraid or not, you can make a charge," Logan said. "How I feel about it doesn't matter. But with stalking, we need that victim interpretation of the behavior."

This component of the law gives the victim the power to say the behavior isn't about "love gone wrong," but instead about crossing a line of acceptable behavior, Logan said.

"I always ask the question, 'How do you know if someone is afraid?" Logan said. "They don't have to say they're afraid. If they are changing their life around — we're all busy. No one wants to change routines, change jobs, move, ask work to screen calls or whatever — because of another person. Those are some pretty good indicators and provide evidence and witnesses of the fear."

Finally, Kentucky's law deems that investigators must show the behavior is unwanted and serves no legitimate purpose.

"It is important that we have some documentation that he has been told she doesn't want to have contact," Logan said. "If he has been notified in some way, how did he react to that?"

Kentucky's stalking law allows for both explicit and implicit threats, Logan said. Not all stalkers are going to make verbal threats against their victims. Exhibiting implicitly-threatening behavior, such as following or watching someone, legally poses a threat.

"Everyone goes back to, 'Oh, we can't do anything about stalking because the law is too hard," Logan said. "I just told you what the law is. Does that sound hard? Two or more acts that cause fear, that are unwanted and have no legitimate purpose. What is hard about that?"

#### UNDERSTANDING THE VICTIMS

When victims first report their stalker to law enforcement, making sense of the story often can be complicated by adrenaline and a wide range of emotions.

"If she is calling law enforcement for these reasons, it's probably a dangerous situation or pretty severe," Logan said. "It's very hard to tell a stalking story. It may look really minor or coincidental. The second piece is, we don't always understand why victims act the way they act.

"If you're so afraid, why did you call him up?" Logan continued. "Why did you get in the car with him?' I think what we need to understand is that they just want peace. They're adrenalized. They're not thinking. They don't know what to do. For us to judge their reactions without understanding the bigger picture is another way, I think, we go wrong."

Adrenaline can affect a person's memory. Victims often experience shame and embarrassment regarding their situation. Some victims may turn to substances — even legitimate prescriptions — to deal with the constant anxiety, Logan added.

When a victim does report, Logan said the officers receiving the information have a lot more power than they may think to help the victim. Even if there is not enough evidence to make an arrest — yet — officers can validate the victim's feelings and empower them with information. Logan recommends officers explain five "STEPS."

- **S See it for what it is.** If the victim understands the behavior is stalking, acknowledge that.
- **T Threat assessment.** Talk about the fact that stalking is dangerous, establish the threat level.
- E Evidence collection. Encourage her to collect evidence by documenting what has happened and preserving corroborating evidence of the stalking.
- **P Protection strategies.** She has to be active for her own protection.

ow much do you know about stalking? The Stalking Resource Center and the National Center for Victims of Crime have put together a brief quiz to test your stalking knowledge. Scan this QR code or visit http://stalkingawarenessmonth.org/quiz to take the quiz yourself.



Encourage the victim to create every barrier she can to make it as hard as possible for the stalker to continue the behavior.

**S** – **Support.** Tell the victim to reach out for support any way she can. Talk to family, friends, work, neighbors - anyone who can be trusted to help with her safety and emotional support.

Arming victims with information will help them understand their role in collecting evidence to support a criminal charge against their offender. Validating their stories can give them the strength to help themselves.

Providing information and support is just the beginning, though. Studies have shown that in cases where protective orders were issued and arrests made, stalking behavior reduced significantly, Logan said.

"In two studies with women we recruited out of court who were being stalked the year before that protective order, we found the protective order stopped stalking in one-half to two-thirds of cases," Logan said. "That means that one-half to onethird continued to violate the protective order. But just the intervention of the protective order stopped some of the stalking. So holding stalkers accountable for their behavior seems to have an impact on the behavior."

Logan acknowledged that stalking cases can be frustrating for officers when they have no control over victims' actions or the final outcome of the case.

"They get frustrated, I know, after they make an arrest then the suspect gets released and they don't get prosecuted," she said. "But if protective orders can get half or two-thirds of stalkers, an arrest will stop some of them. Yes, officers are still going to see those frustrating cases. And in those cases, we need to intensify the efforts and hook up the victims with support ... so she can take the other steps she needs to keep herself safe.

"The FBI has stalking on their list as one of their risk factors for assassinations," Logan continued. "I just don't understand why we diminish this behavior. There are two kinds of violence. Targeted violence and general violence. When you have targeted violence [like stalking], that

means to the predator, only one victim

will do. And it's very likely this is going to continue."

Kelly Foreman can be reached at Kelly.foreman@ky.gov or (859) 622-8552.

# **Cyber Stalking — Another Tool for Savvy Stalkers**

echnology has made the stalker's job much easier. There are a plethora of ways stalkers can reach victims without coming anywhere close to them. However, it has also made the victims' job of combatting stalking and collecting evidence that much easier, too.

"The thing with technology is that with your cell phone, for example, texts you can block," said Dr. TK Logan, stalking expert and University of Kentucky professor. "You can privatize your Facebook or get off Facebook. There are ways to deal with cyberstalking that, in a way, are a little bit easier. You can't stop someone from following you. But you can counter some of that technology."

The National Institute of Justice defines cyberstalking as the use of technology to stalk victims. Phone calls, faxes, Internet chat rooms, email — the options for how stalkers could contact their victims through technology are nearly endless in our cyber-driven society.

"Although cyberstalking does not involve physical contact with a victim, it is still a serious crime," the NIJ website states. "The

increasing ubiquity of the Internet and the ease with which it allows others unusual access to personal information have made this form of stalking even more accessible."

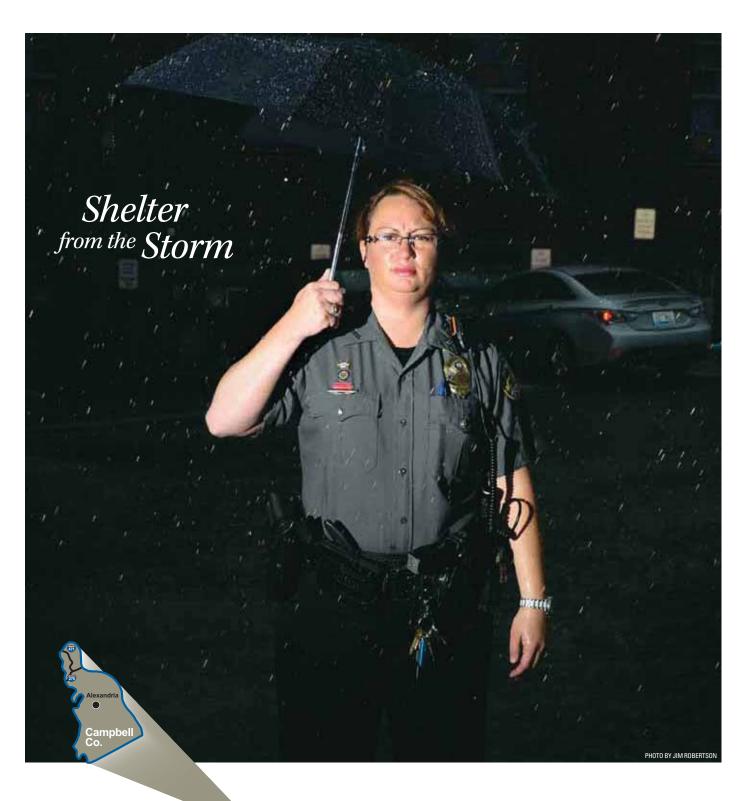
However, Logan said she does not view cyberstalking as a separate threat from the traditional understanding of stalking, but instead an additional tool for savvy stalkers to harass their victims.

"Unfortunately, what we do know from research is it's very rare that predators will only use technology," she said. "So, if you take away the technology, you're not going to take away the stalker."

But victims can be just as savvy with using technology to their advantage.

"Now you have some great evidence," Logan continued. "Voice mails, pictures — all that should be preserved. Now you have a camera on your phone, so if he's messing with you on the road, you can take pictures of damage right away. That's evidence."

# **EVERYDAYHEROES**





Alexandria Police Officer

# **Natalie Selby**

ABBIE DARST | PROGRAM COORDINATOR

### fficer Natalie Selby, at only 35, has already experienced and contributed more in her personal life and professional career than many do in a lifetime. Selby says she has "grown up in law enforcement," and her drive to begin programs such as an Explorers Post, Rape Aggression Defense classes and a northern Kentucky Crisis Intervention Team training group demonstrate how instrumental she's been to the success of the Alexandria Police Department. Selby began her career at the Northern Kentucky University Police Department, and has served in Alexandria for nearly 11 years. Newly married to T.J. Selby of the Erlanger Police Department, the two find problem-solving inspiration as they share stories and issues encountered in their law

When I was in eighth grade, I remember filling out a questionnaire, called Career Passport. I had to answer questions on a Scantron sheet. They ran it through a machine and it came out with different job options. I was going through and I saw something about law enforcement and thought, 'That'd be pretty interesting.'

enforcement positions.

Once I got into law enforcement, I started realizing I was taking calls where it seemed like there was something wrong with people. It's one of those things where you do the best you can, but you don't know what to do. But I felt myself really being drawn to these people because I felt so bad for them. Then, in 2004, I found out my sister, Nancy, was diagnosed as paranoid schizophrenic and bi-polar and I was like, 'My gosh, what are we going to do?'

In 2009, I went through the Crisis **Intervention Team training,** or CIT, and it really jumpstarted me back into police work, so to speak. I learned a lot about mental-health issues and medications. It was not just helping me professionally, but personally too, because my mom and dad and my sisters, Nancy and Sarah, have all dealt with various mental-health issues.

The whole team that taught us CIT are my mentors. When Louisville Metro Sgt. Pam Oberhausen, a female sergeant who works at a huge police department, stood in front of the class and said she has several

# Shew I had to do something. To me, it's always better to do something than doing nothing.

mental illnesses herself, I almost hit the floor. I couldn't believe she was saying that. It gives me cold chills thinking about it. Because I, myself, having so many family members with mental-health issues, wasn't going to scrape by. I deal with depression and anxiety - I take medication every day

After a CIT course, people feel more comfortable talking about things going on in their family. Everybody has skeletons in their closet; everybody has things they don't want to talk about. It is good to be positive and not dwell on negative things in your life. You've got to push forward and keep going one day at a time. It's about changing the way you think.

### CIT really helps me relate to people more,

and it helps them see me as a human being instead of the mean, nasty police officer who took them to jail three to four weeks ago, or a year ago and thinking they're going to get the same treatment again. That's one reason I love working in Alexandria because we are a very, very community-oriented police department.

As police officers, we experience a lot of the same things that people on the street deal with. We're no different than they are. We all have financial problems. We all have relationship problems. But we have the uniform on, and that makes people view us differently.

We operate with the Kentucky Data Interoperability system. They made a special spot for me in KDI where I can file information on anyone I'm working with in CIT. Sometimes people suffering from mental health issues, not all, but some, can get violent and cause trouble. I started thinking from a hostage negotiator's standpoint. Wouldn't it be nice for me to keep track of all the people I'm working with? So, I decided when I met different people, I was going to sit and talk with

them and get as much information as I could about their family, medications and who to contact in case of emergency.

### One particular person I work with, as a CIT officer, only has one family member

that will have anything to do with her. That one person takes her to the grocery store on Fridays and brings her back. She has no real life. She's one of my special people because a lot of people I work with who have mental-health issues have family members to help. But this lady doesn't have anybody. I knew I had to do something. To me, it's always better to do something than doing nothing.

I teach the Rape Aggression Defense **classes** — I'm really passionate about them. For the longest time it was just me teaching and I'd find other instructors to help. Amy Schworer, who now works at Erlanger Police Department, quickly became my mentor. We now have six people certified to teach. I'm the program coordinator and teach classes as well.

For my very first class, I snatched every woman who worked in the office and got them involved. There has only been one time we've advertised the RAD class in the paper. We had so many people sign up I had to call in reinforcements.

I was a police explorer. I really enjoyed being a police explorer. The experience was great, so I wanted to run the Alexandria post right when I first started the program.

**Explorers start at age 14**. We set the kids up for an interview using a packet we would use to hire officers. We conduct a background check; we check with their school to see behavior reports. I would say, since 2007, maybe 30 kids have gone through our Explorer program. -

Abbie Darst can be reached at abbie.darst@ky.gov or (859) 622-6453





More than just handcuffs, push-ups and fingerprinting, one recruit's 18-week journey to obtain his badge reflects the challenges of modern policing in Kentucky.

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



o you remember your first year of law enforcement? For some, the recent memory of completing the academy and starting a new beat may be as clear as yesterday. For more seasoned officers, those days may be fogged by a career's worth of cases, investigations, court testimonies and suspects.



Every four weeks, a new group of fresh, anxious and curious police recruits begin their 18-week journey at the Department of Criminal Justice Training, Derek Faught was one of those recruits.

The newest member of the Fort Thomas Police Department, Faught, 24, walked through DOCJT's doors for the first time expecting to earn the tools he needed to perform at the top of his new career. What he left with was a new appreciation for the complexities of law enforcement, a new group of brothers and sisters in blue from across the state and a new outlook for his future.

# **WEEK ONE: EXCITED, ANXIOUS**

"I was just excited to get down here most of all because I knew this was the beginning of my career in law enforcement," Faught said, in the weeks following his entrance to the academy. "I was kind of nervous, just because I came in with high expectations for myself, and I felt pretty confident. But I didn't know if I would be surrounded by a bunch of guys who already had some experience or military experience, so I was curious about the guys in class with me."

After arriving on Sunday evening and settling into the Thompson Residence Hall, bright and early on Monday morning



But every time I daydreamed about my life, I came back to law enforcement. This is what I'm supposed to do and where my heart is.

PHOTOS BY JIM ROBERTSON

# Week 1

VEDNESDAY

THURSDAY

FRIDAY

SATURDAY

Faught and his fellow recruits faced their first challenge — the Peace Officer Professional Standards' physical training entrance test. A former Georgetown College football player and someone who has always enjoyed hitting the gym, Faught passed the test with ease. He set his sights then to achieve one of DOCJT's most prestigious awards, the Outstanding Performance Award for Physical Fitness, given to recruits who have met the highest physical training standards by graduation.

By lunchtime that first day, Faught began to get a glimpse of what his next four-and-a-half months would look like. At noon, he was immersed in the history of policing and learned about the types of training he would receive. That evening he studied the DOCJT honor code and later was named the honor code representative for his class.

"At first the schedule was a lot to get used to," he said. "I didn't appreciate how busy I was going to be. The first few days it caught me off guard. But everybody was accommodating and tried to help us do our best. I feel like the goal was not to try to break us, but to help us accomplish as much as possible. After that first week it wasn't a problem." >>

# WEEK 1 SCHEDULE:

- Physical training entrance test
- History of policing
- Academic exam pre-test
- Law enforcement paradoxes
- Problem-based learning
- **₫** Ethics
- Introduction to law
- Legal resources
- Criminal justice systems
- Constitutional considerations

# >> WEEK TWO: SPANISH

Throughout his education at Georgetown, Faught drifted toward a possible career in campus ministry.

"But every time I daydreamed about my life, I came back to law enforcement," he recalled. "This is what I'm supposed to do and where my heart is."

With that dream in mind, Faught declared a college major in Spanish hoping it would be a skill he could put to work as an officer. He was right, and by Monday of the second week of the academy, Faught began honing those skills.

"The Spanish we got in the academy was a more practical Spanish than what I really dealt with in college," Faught said. "It was helpful learning the commands and everyday Spanish, buffing up on that. [Instructor Fernando] Alfaro knew I had a Spanish background, so he would use me in skits to demonstrate commands we were learning. It was fun - I enjoyed it."

# **WEEK THREE: FAMILY**

By the third week, days full of classes learning proper handcuffing techniques and intricacies of the Kentucky penal code were becoming routine. But there was one thing missing.

"It has been different being away from my wife," Faught said. "We don't spend a lot of time apart. It has taken some getting used to."

Faught and his wife, Sarah, had been married nearly two years when she and other members of his family attended a crucial part of Basic Training — the law enforcement families orientation — in

"She buys in [to the training], she week three. knows it's a one-time thing," Faught said. "The weeks go by fast."

Like many officers before him, Faught also got a taste of how the demanding and often-complicated schedules of law enforcement can mean missed holidays and special occasions.

"We were apart for our anniversary," he said. "It fell on a Monday, so that weekend before I surprised her with a weekend away, took her out, made time to enjoy each other's company, went out to dinner and just caught up."

Sarah is interested in law enforcement, Faught said, and ironically, her identical twin sister's husband also began a career with the Lexington Division of Police recently, which has helped create a culture of understanding and support.

"They support me," Faught said of his family. "Obviously, in law enforcement they understand the risks involved. But they know I'm getting good training, am with a good department and am getting the tools I need."

# WEEK FOUR: VEHICLE OPERATIONS

There's no denying that law enforcement is a fun career — a leading decider when some choose to pick up the badge. One of the most exhilarating parts of the job comes behind the wheel. It's also one of the most dangerous risks.

"I didn't expect to be trained so well on driving," Faught said. "I expected a general overview, but we have been exposed to a lot of scenarios. I was pleasantly surprised. It's very practical. I drive an SUV, so I'm not used to a sedan. It was neat to get out and push the cars to the limits. It really allowed me to have more trust in the car."

Accelerating properly out of a turn, driving safe in the rain, how to safely pursue a suspect - all are critical skills on the road.

"I didn't know there were so many subtleties involved in tactical driving. I feel like this part of the training gave me an edge and the best opportunity to be calm when it does happen. It was nice to encounter issues in a controlled setting." >>



# Weeks 2, 3, 4

THURSDAY

FRIDAY

SATURDAY



I didn't expect to be trained so well on driving. I expected a general overview, but we have been exposed to a lot of scenarios. I was pleasantly surprised. It's very practical.

### **WEEK 2 SCHEDULE:**

- Spanish, cultural awareness and minority relationships
- Preparation for patrol
- **Defensive tactics: control principles** and tactical handcuffing
- Penal code introduction
- Effective communications
- Radio procedures
- Physical training exercises
- Vehicle operations

# WEEK 3 SCHEDULE:

- ✓ Vehicle operations
- Penal code: firearms and weapon offenses
- Physical training exercises
- Defensive tactics: tactical handcuffing
- Penal code: theft and related offenses
- Bias crimes
- ☐ KYOPS
- Academic exam
- CJIS MDT
- Law enforcement families orientation

# **WEEK 4 SCHEDULE:**

- Vehicle operations: low-light evening range exercises
- Physical training exercises
- Report writing
- Legal: vehicle offenses
- ☐ Report calls: roll call, practical evaluation
- Defensive tactics: tactical handcuffing



I'm j<mark>ust blown away</mark> by the instructors and how experienced and knowledgeable they are. Everyone seems to have come from a successful career — good cops with good reputations.

PHOTOS BY JIM ROBERTSON

# >> WEEK FIVE AND SIX: LEGAL

In week five, Faught and his classmates began receiving a heavy dose of legal training. Introduction to search and seizure, probable cause and search warrants, warrantless search and seizures and arrests were on the docket for the week in addition to ongoing physical training and defensive tactics.

Like most of the television-viewing public, Faught admitted he enjoys all the cop shows on TV. He recalled watching a show once about a real-life murder and wondering at the time why investigators didn't search the house immediately.

"Now I know you have to have probable cause for a search warrant," he said. "It was eye opening. I didn't realize how much was involved to gain the legal right to enter and search. There are pretty subtle rules you have to follow. It's a somewhat complicated part of the law.

"I am really pleased with how knowledgeable and helpful the attorneys are," he continued. "It's interesting. As a private citizen I had certain assumptions about

the law. Now I'm beginning to realize how much is covered in it. As an officer, I want to know the law like the back of my hand so I can know what to charge."

Faught's impression of DOCJT's instructors spreads beyond the legal staff, he said. As he continued to learn from the ranks of men and women within the agency, he had nothing but praise for them.

"I'm just blown away by the instructors and how experienced and knowledgeable they are," Faught said. "Everyone seems to have come from a successful career good cops with good reputations. I think the most dangerous officers to criminals are the ones who are most knowledgeable and have common sense, know the laws and what they can and can't do. We're getting that here."

### WEEK SEVEN AND EIGHT: **DUI/BREATH TEST**

Only one subject of study secures two full weeks of the recruits' time in basic training - DUI. Encounters with drivers and other individuals who are under the influence

# Weeks 5, 6, 7,

THURSDAY

of alcohol or drugs can be nearly a daily occurrence. Understanding in what way they are impaired and to what degree they are influenced is critical to discerning how dangerous they are to themselves and the greater community behind the wheel of a

In the first week of DUI training, Faught and other recruits studied the effect of alcohol in the human body, began working with breath-test instruments and considered the legalities of a DUI charge. While nearly all DOCJT training is done in a facilitated, hands-on style, it doesn't get much more hands on than in the second week of

"I thought it was really neat to be able DUI training. to apply our training with someone who is under the influence — some who are actually drunk," Faught said of the drinking

Drinking subjects are brought into a subjects. controlled environment during week eight allowing recruits the most realistic training available as they practice field sobriety testing. The subjects drink while under observation of DUI instructors and meet certain levels of intoxication so recruits can monitor and test the results.

"It was helpful to see how effective the tools are they give us," Faught said. "I remember several times we were either directly on their exact blood alcohol level or just a few hundredths of a place off. I thought that was pretty impressive, just by the tests we were running them through that we could actually tell what the level was. It also was good to see that some of those guys, who you could tell were seasoned drinkers, performed pretty well on the field sobriety test. We had to rely more on the Horizontal Gaze Nystagmus, because you can't fool that." >>>

FRIDAY

## **WEEK 5 SCHEDULE:**

- Principles of law enforcement tactics
- Physical training exercises
- Interviewing introduction
- Legal: introduction to search and seizure, probable cause and warrants, arrest of persons
- **Defensive tactics: custodial** searches/frisks
- Spanish arrest commands
- Penal code: Disorderly conduct
- Handling disputes

## **WEEK 6 SCHEDULE**:

- Legal: justifiable use of force
- Kentucky uniform citations
- Physical training exercises
- Defensive tactics: escort and joint lock control
- Disorder: practical evaluation
- Vehicle stops (English and Spanish)
- Defensive tactics: escort takedowns
- Academic exam
- ✓ Legal: DUI law

### WEEK 7 SCHEDULE:

- Breath test operations
- Alcohol in the human body

# SATURDAY

- Principles and theory of the breath test instruments
- Initial operation of breath test instruments
- Breath tester instruction and lab
- Preparation and presentation of court room testimony judicial review
- Breath test legal considerations
- Breath test practical evaluation
- Breath test courtroom testimony and hearings
- □ BTO final exam

## **WEEK 8 SCHEDULE:**

- Driving under the influence: orientation and statement of the problem
- DUI detection phases I and II
- ✓ DUI phase III: HGN
- Physical training exercises
- Defensive tactics: escort takedowns and pressure point control tactics
- DUI drinking subjects
- DUI preparation and presentation of courtroom testimony
- Determination of DUI on drugs
- DUI final exam





100 100 260

THURSDAY

FRIDAY

SATURDAY

### >> WEEK NINE: PHYSICAL TRAINING/ **DEFENSIVE TACTICS**

By the mid-point of the academy, physical training and defensive tactics are so tightly engrained in the recruits' weekly activities that sweat becomes as much a part of their routines as sleep. For Faught, though, pushing through was less about meeting graduation requirements and more about reaching personal goals. Not only did he want to proudly receive the physical fitness award he decided to pursue in the beginning of the academy, but he also wanted to train his body for the long haul.

"We saw videos of guys in prison, and in the interviews they asked, Why did you kill the cop?" Faught said. "Their answer was, 'I thought I could. He was out of shape and didn't hold himself well.' This is one profession where your appearance can determine whether you face resistance."

Luckily for Faught, he enjoyed the physical activity and being in the gym. He also appreciated the value of not only being in shape for the fight, but knowing how to fight effectively when the time arises.

"With defensive tactics, it's neat to feel like I can be confident going into a conflict," Faught said. "I like knowing that I can stop the threat without hurting someone, that I can subdue them and maintain both of our safety."

# **WEEK 10: VEHICLE STOPS**

"I think being a civilian and watching police videos, you see officers pull people over and you kind of think it's a very informal thing that a cop stops someone and starts talking to them," Faught said. "Whereas, there should be quite a bit of tactics and strategy that go into that stop to keep yourself at the highest advantage."

Safety is the utmost priority during a traffic stop, and instructors devote a good deal of time in week 10 to making sure recruits understand how important proper tactics are to staying safe on the road. For Faught, it is a concept that sunk in deep.

"One thing the academy did really well was bring about the reality of, Hey, you do a dangerous job every day," he said. "You're not going to know when that time comes. You could pull over a nice-looking female, and she may have a weapon on her. You never know what's going to happen, you always have to be prepared for it." >>

### **WEEK 9 SCHEDULE:**

- Vehicle stops: DUI practical evaluation
- Introduction to the Homeland Security organization
- Kentucky Homeland Security concerns
- Agricultural threats
- Defensive tactics: defensive counterstrikes
- ✓ CPR/AED
- First aid
- Physical training exercises
- Collision: classroom

# WEEK 10 SCHEDULE:

- Physical training midpoint evaluation
- Collision: practical evaluation
- Spanish tactical commands
- Defensive tactics: shoulder pin restraint system
- Vehicle stops practical evaluation
- Warrant service
- Practical exam
- Legal: evidence law
- Tactical concepts of patrol

One thing the academy did really well was bring about the reality of, 'Hey, you do a dangerous job every day. You're not going to know when that time comes.



# >> WEEK 11 AND 12: FIREARMS

In his childhood, Faught spent time hunting and shooting with his family, so he entered the academy with a comfort and familiarity for firearms. However, his experience was limited, he said, and he was anxious to improve and learn proper

"I had dealt more with shotguns," techniques. Faught said. "I shot pistols growing up, but that wasn't something I was extremely familiar with. It was nice to take how I used to shoot a handgun and go through actual training, tweaking the mechanics of my shooting and really improving my

The dangerous reality of his impending accuracy." career continued through firearms training as he was introduced to new weapons, like the assault rifle, he said.

"The AR-15 I wasn't very familiar with before the academy," he continued. "Seeing what an impressive and deadly weapon that is made me really appreciate that we have them, and that people out in the public have them as well. It gave me a new respect for that weapon."

# WEEK 13 AND 14: DOMESTIC VIOLENCE AND CRIMINAL INVESTIGATIONS

By week 13, little more than one month of training remained. Recruits reached new heights academically and continued to practice the tactical skills they'll need in their new careers. But this week, a new weight of reality is levied as they study the types of cases where officers see the worst. Homicide. Domestic violence. Elder abuse. Sexual assault. Death scenes.

"I really came into the academy not knowing how often domestic violence happens and just how often people don't get along in their own families," Faught said. "The academy did a good job of preparing me to see the bad in people. I guess I was kind of naïve in my thinking that all families, at their core, are healthy. But there was a strong emphasis that we are going to deal with domestics a lot. You have to shield yourself from getting upset when those victims don't feel like they can leave, so they won't leave a person who is constantly beating on them or treating them badly."

The bitter truth of law enforcement is that most people don't need help unless something is wrong. And in many cases, they don't call until the severity of their

situation is outside the realm of their own control. Sadly, sometimes officers might be too late.

"It's one of those things that you have to deal with yourself before you can really get used to it," Faught said of the darker side of policing. "I don't know that you should ever get used to seeing someone suffering. I'm kind of — I don't want to say eager — but wanting to get that first death out of the way. That first bad traffic accident. Hopefully, then I can say, Well, I've dealt with it before, I can handle it again.' But you will always have that human element, crimes that shock you, that are so brutal it will shock you even if you are more seasoned.

"I think at the academy, at least in the hypothetical realm, I began to really understand, 'Hey, there are things you're going to have to deal with," he continued. "All the instructors related those things. One instructor talked about one of the wrecks he worked and there was a mother and two or three little girls in the back seat. The mother was killed in the accident, and all he remembers was one little girl saying, 'Where's my mommy?' He talked about going home and just weeping — he was so deeply affected by it. In some situations, that's the appropriate response. If you lose that, maybe you shouldn't do this job anymore. I don't want to get cold to it." >>



# leeks 11, 12, 13,

VEDNESDAY

THURSDAY

FRIDAY

SATURDAY

# WEEK 11 SCHEDULE:

- ✓ Firearms
- Penal code: damage to property/arson
- Physical training exercises
- Handgun day range exercises
- Defensive tactics: impact weapon/ collapsible baton system
- Crime scene photography
- Penal code: burglary and related offenses
- Building search
- Tactical concepts of patrol
- Crime scene search

# WEEK 12 SCHEDULE:

- Crime scene evidence collection and handling
- Physical training exercises
- Homeland security and coordination legal issues

- Defensive tactics: impact weapon/ collapsible baton system
- Legal: suspect ID
- Handgun day range exercises
- ✓ Academic exam
- Legal search and seizure practical evaluation
- Legal: interrogation law
- Defensive tactics: GAGE fighting
- ☐ Interviewing
- ☐ Fingerprinting
- Penal code: inchoate offenses

# **WEEK 13 SCHEDULE:**

- Penal code: homicide, assault and related offenses
- Death scene
- Elder abuse
- Physical training exercises
- Defensive tactics: transports/ placing/removing persons

- Penal code: sexual offenses
- Legal: domestic violence law
- Defensive tactics: weapon retention and disarming
- Handgun day range qualification
- Sexual assault

## **WEEK 14 SCHEDULE:**

- Missing persons
- Child maltreatment
- Physical training exercises
- Juvenile law and public offenders
- Handgun low-light evening range exercises
- ✓ Interrogation
- Legal: officer liability
- Criminal investigations
- KHS: biological and public health contaminants
- ☐ KHS: cyber crime
- ☐ Legal: controlled substances law



# >> WEEK 15: INJURY

On Friday afternoon, Faught was wrapping up another week, anticipating the weekend with Sarah and catching a glimpse of the light at the end of the proverbial tunnel. Graduation was just three weeks away.

"I was in defensive tactics and we were boxing, practicing some of the strikes we learned," Faught said. "I had boxing gloves on and we were doing everything safely. I came across with a right hook on a guy's face and I actually didn't even know at the time that I hurt my thumb. But when I took the glove off, my thumb was curled up in such a way that I couldn't extend it. It was my shooting hand. I thought it was just dislocated, but when the doctor tried to put it back in place, he said he thought I had torn a tendon in my thumb, and it was going to require surgery in my right hand."

The injury's severity and the need for surgery meant Faught was leaving the academy.

"Obviously, I was pretty upset when I was at the hospital," he continued. "I had actually hurt my neck a few weeks before doing a lift. I thought that was going to send me home. I pulled it so badly I couldn't turn my head more than a few inches. But over a weekend, I was able to recover from that. And then, I thought, 'this little bitty injury I didn't even know happened was going to send me home."

The injury, surgery and healing process took Faught out of the academy for three months. Luckily, he said his chief, Mike Daly, and the rest of his department were very supportive during this time. And while the injury was a setback, he knew he could get back on course and finish his training in due time.

"It was kind of bittersweet," Faught said of the hiatus. "The biggest bummer was that, obviously, I wanted to get started working, start my Field Training Officer program and all that. But also, not being able to graduate with the guys I spent the

majority of the academy with was tough. I went for the graduation, caught up with everybody and congratulated them, but it was definitely hard not to be able to experience some of the stuff at the end of the academy with them.

"But, on the other hand, I also got to go home," Faught continued. "My wife is pregnant right now and we're due in June. I got to go to some of the ultrasounds with her and spend some of that time I might not have been able to if I was already working full time on a shift. We also bought a house while I was home. So there was good and bad."

Fort Thomas allowed Faught to work in the office, participate in some investigations and work on a community business program while he was away from the academy. Having that opportunity before he began patrolling full time was a blessing, he said. He learned street names and locations, began meeting business owners in the community and built relationships with other officers in his department.

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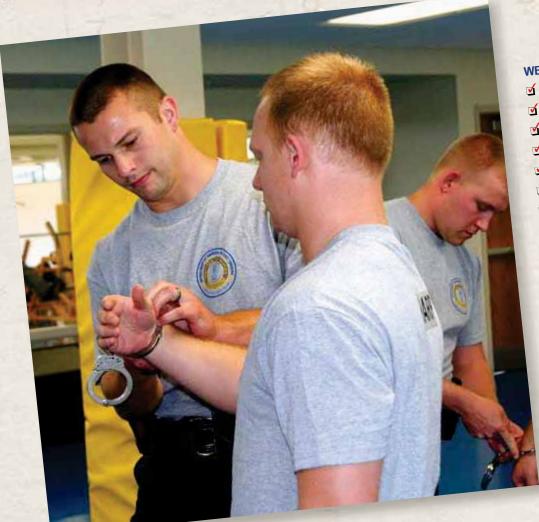
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# Weeks 15 & 16

THURSDAY

FRIDAY

SATURDAY



But when Jan. 30 rolled around, he was ready to get off the bench and finish the game.

# **WEEK 16: COMING BACK**

"Initially when I came back, it was kind of strange being back in Richmond," Faught said. "Not seeing the faces I was used to -Iknew those guys weren't going to be down there anymore, but I think still, in the back of my mind, I was expecting to see the

same people. Seeing the instructors again, they kind of remembered me, so that part was good. And my new class, I bonded with them quickly and picked up where I left off with my last class, forming new friendships and relationships.

"I benefitted from the fact that I got to go through the academy with basically 60 different recruits," he continued. "That's kind of a neat thing about it. Now I have 60 different contacts all across the state." >>

# **WEEK 15 SCHEDULE:**

- ✓ Academic exam
- Physical training exercises
- KHS: explosives and IEDs
- Investigation practical evaluation
- ✓ Defensive tactics: less lethal
- Long gun exercises: shotgun/rifle
- Criminal organizations
- Controlled substances practical evaluation
- Long gun low-light evening range exercises

# **WEEK 16 SCHEDULE:**

- Physical training exercises
- Protection and security
- Penal code: escape
- KHS: incident command systems overview
- Mental illnesses
- Defensive tactics: chemical agents
- Suicide attempts
- Defensive tactics: baton confrontational situations
- Patrol special circumstances
- KHS: law enforcement prevention and deterrence of terrorist acts



For 16 weeks, recruits hone their defensive tactics skills in the gym with a group of instructors who are exceedingly well trained in their craft. They explain and demonstrate day in and day out what the recruits will face when a suspect becomes combative. For officers who have never been engaged in a physical altercation, anticipation of the day when someone might attack them might make them uneasy. To ease that concern, in week 17 the recruits met

Each of the physical training and defensive tactics Red Man. instructors don a fully-padded, fire-truck red body suit and helmet and transform into the role of a combative suspect known as Red Man. Recruits are run through a series of drills such as running on foot and jumping a wall in pursuit of the suspect. Finally, the confrontation begins at full pace and the recruits must make the instructors

"I'm a little anxious and looking forward to it at the comply. same time," Faught said prior to the event.

Also during the week, the recruits are sprayed with OC spray — a form of pepper spray — and must be able to fight through it before they can wash the sting from their eyes. Instructors express to the recruits that they want them to know how it feels when it's sprayed, the likelihood that it will get in their eyes, too, and that they are capable of continuing their needed work despite the pain.

"I have been pepper sprayed before," Faught said, laughing. "Not for anything bad. So it's not like a fear of the unknown. It is a fear of the known!" >>





Week 17

VEDNESDAY

THURSDAY

FRIDAY

SATURDAY

# WEEK 17 SCHEDULE:

- KHS: law enforcement prevention and deterrence of terrorist acts
- Defensive tactics: exams and evaluation
- ✓ Academic exam
- ✓ Practical exam
- Legal pretrial procedures
- Physical training exercises
- ☐ Graduation exercises





I'm excited, I'm nervous. I feel like the knowledge is there — the legal knowledge. It's the experience I'm lacking the application of it. It's just a matter of getting out there and doing it now.

# >> WEEK 18: GRADUATION

In the final week, all the I's were dotted and T's crossed. The final details were tied up and all eyes began to focus on Friday's graduation. On Thursday evening, recruits rejoined their families for a final class about how their lives were about to change and what they could

Faught was tested along with his classmates on the final exit exam to meet the physical standards for graduating officers. Despite the setback of his injury, Faught battled back to meet his original goal, capturing the Outstanding Performance Award for Physical Fitness.

"It was difficult because I couldn't lift for three months," Faught said. "Initially I lost a lot of strength in my bench press. In the running, I felt like I was still good. I tried to do the things I could do when I was home. At the midpoint test I maxed all the lifts. I didn't quite max it out this time, so I was kind

of mad about that. But I felt good. I felt like I was at a disadvantage and was still able to come back and do well."

On Friday morning at 7 a.m., recruits ran their final drill. By 8 a.m., their graduation exercises began. Their uniforms were sharply pressed, their shoes shined and their hats straightened.

Faught was joined by his wife, Sarah, his sisters, parents, in-laws and extended family and friends. From the crowd, they cheered as his name was read aloud and he walked across the room to receive his honors and certificate of completion.

"I'm excited," Faught said on his graduation day. "I'm nervous. I feel like the knowledge is there - the legal knowledge. It's the experience I'm lack- $\operatorname{ing}$  — the application of it. It's just a matter of getting out there and doing it now."

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# Week 18

THURSDAY

praduation.



## WEEK 18 SCHEDULE:

- Physical training exit test
- Legal trial and sentencing procedures, preparation for court
- Lethal force decisions: practical evaluation
- Firearms tactical range evaluation
- Legal pretrial conferences
- Overview of Advanced Individual Training
- Graduation exercises
- Law enforcement families: realities of law enforcement
- Graduation ceremony





# **Sheriff Tony Hampton**

**Scott County Sheriff** 

Tony Hampton was born in Georgetown. When he graduated from Scott County High School, he began working at the Scott County Detention Center, which fueled his desire for law enforcement. Upon graduation from the Department of Criminal Justice Training in 1995, he began his career at the Scott County Sheriff's Office as a deputy. This was the first step in his quest to achieve his goal to be elected sheriff. He went on to serve the Georgetown Police Department, and from there to being chief at Stamping Ground. He left to work for the Kentucky League of Cities where he served as a law enforcement specialist until he was elected sheriff. His goals during his first term as sheriff are to advance technology within the office and obtain Kentucky Association of Chiefs of Police accreditation. This year he was elected to the Kentucky Sheriffs' Association Board of Directors. Hampton is the proud father of three children: Michael, Payton and Luke.

### How did your positions as chief and with **Kentucky League of Cities help in your** transition to sheriff?

Serving as the police chief of Stamping Ground and working with KLC definitely helped prepare me for my new role as sheriff of Scott County and taught me what is necessary to apply for and receive grants.

As chief in Stamping Ground, I learned how to develop and use a budget, experienced working with other government leaders and learned the effective use of available resources. During the five years I worked at KLC, I was a law enforcement specialist for the Eastern District of Kentucky. My job was to work with more than 100 police departments,

**Scott County is consistently one of the** fastest-growing counties in the state and we will continue to work hard to keep pace with that growth.

helping them implement policies and procedures toward increasing officer safety and minimizing liability exposure. Along with members of the KLC, Kentucky Association of Counties, DOCJT, KACP and Public Agency Training Council, I served on a policy committee, which developed model policies and procedures for law enforcement agencies across the state. I was a member of the Safety Grant committee, which provided funds to member police agencies for safety-related equipment (including ballistic vests and TASERs).

### What strategies have you used to improve your office since becoming sheriff? I was able to segregate the duties for tax

collection among the clerical staff, which currently meets and exceeds auditor recommendations. I implemented rank structure within the sheriff's office, breaking down and defining the duties among the deputies to provide a more organized workplace and improve the efficiency of day-to-day operations. I enlisted appropriate tech support to update our computer systems to include a Scott 75 County Sheriff's Office website, Scott Co. which allows citizens to look up tax information. I have improved Georgetown ( the technology in the office by updating computers and using computer programs that will allow information sharing between my agency and other local emergency services. I developed partnerships with other agencies and organizations within and outside of the community. Our agency purchased a K-9 German Shephard

(Hugo) for drug detection and

tracking which is the first K-9

unit this office has had in more than 20 years. I recently added a bike patrol unit for use during localized special enforcements. Through a partnership with Scott Countians Against Drugs we have installed a prescription drug takeback box in our office lobby, which has been a great resource for our community to drop off unwanted or expired prescription medicine. This drop box receives approximately a pound of these medications per day. Through a strong working relationship with the Georgetown Police Department, we have formed a joint Special Response Team and continue to explore other joint operations which would benefit the community.

### What are your long-term plans and goals for the office?

We have applied for KACP accreditation, completed a site assessment, and are working to update policies and procedures to meet or exceed accreditation standards. Our goal is to be accredited by the end of this summer, which would make us the 10th sheriff's office in the state to become accredited. My continued vision for the future is to build on these changes and improvements, in order to become the most efficient and professional sheriff's office possible. Scott County is consistently one of the fastestgrowing counties in the state and we will continue to work hard to keep pace with that growth.



# **Chief Stewart Walker**

### **London Police Department**

Stewart Walker joined the London Police Department in 1996 as a patrolman and moved through the ranks of first line supervisor/sergeant, school resource officer, administrative lieutenant and operations lieutenant before being named chief in 2010. Walker graduated from the Department of Criminal Justice Basic Training Class No. 250.

### What helped you and your department strive for excellence?

In today's culture, police officers are often portrayed in a negative light. To change that perception, our department has taken measures to engage and heighten positive interaction within the community, including a departmental web-site and Facebook page, which provides a link between the police department and citizens of the community. Activities such as these have allowed us to become much more transparent in our policing, which benefits all of us. Our department is accredited through the Kentucky Association of Chiefs of Police. We have maintained this accreditation for approximately 14 years, and we are proud to say we will be applying for another fiveyear term in 2014. My officers view each assignment as an opportunity for positive interaction with those who live, work and play in our community. It is the vision of our department for officers to view each task as a "special" service to the community while demonstrating fairness, honesty and adhering to high moral and ethical standards in everything we do.

### How do you relate to everyone in the community?

I was born and raised in this community and understand firsthand what is It is my goal to make additional training, education and resources available to my officers as we face the daunting challenges prescription-drug abuse imposes.

London

needed from a law enforcement perspective. I continuously strive to make a positive difference in my community. I lead my department by being out front and visible. I participate in the planning of community events and programs to facilitate good police/event interaction with organizers, business owners and community leaders. Programs such as DARE, the Rape Aggression Defense program, Community Watch programs and the Community Fingerprint program are a few of the unique opportunities my department uses to foster quality community relations.

### What were some highlights of the 2013 **National Rx Drug Summit, and what** impact will it make on your department?

Nationwide, prescription-drug abuse remains the highest crime category for drug arrests. Last year, the Centers for Disease Control and Prevention reported more than 475,000 emergency department visits attributed to the misuse of prescription drugs. State partners reported more than 1,000 Kentuckians die each year from prescription drug overdoses. This means that more Kentuckians are dying from drug-overdoses than traffic accidents. Law enforcement alone cannot win this fight. My department remains committed to partnering with other law en-Laurel Co. forcement agencies, prosecutors, health care providers and the public to combat the epidemic of prescription drug abuse. It is my goal

to make additional training, education and resources available to my officers as we face the daunting challenges prescription-drug abuse imposes. My department will continue to improve public education

and awareness through DARE programs and community education projects. To divert prescription drug abuse activity and identify dishonest doctors within our community, we will continue supporting Kentucky's prescription drug monitoring program. We will continue to encourage and establish public trust to make anonymous reports to the department regarding suspicious activity in their neighborhoods.

### What are your long-term plans and goals for the department?

My long-term vision includes increasing the number of school resource officers, breaking ground on a new department facility, installing traffic cameras to monitor priority intersections, maintaining our law enforcement accreditation and upgrading department-issued service weapons. I remain committed to community outreach efforts that leave a positive impact on the youth of our community. This year I will sponsor a program to bring a nationally known presenter to speak to local high school students on bullying, drug abuse, abstinence and moral values. As I move







PHOTO BY JIM ROBERTSON

f there ever was a county in Kentucky to fall victim to harsh criticism and stereotyping, Harlan County would be it. Between negative media portrayals and entrenched, stagnate historical glimpses, Harlan has obtained a reputation as one of Kentucky's poorest, scariest and deadliest counties.

But a venture to this southeastern tip of the state reveals a small community beautifully nestled in the Appalachian Mountains. In winter, its snow-covered caps are reminiscent of a ski town and the thick summertime foliage transforms it into a colorful, picturesque scene in mid-autumn. But the county's quaint charm doesn't stop at its beautiful landscape.

"Harlan is a good county," said Harlan County Sheriff Marvin Lipfird. "We have good, hardworking, God-fearing people."

The Harlan County Sheriff's Office reflects the same characteristics, in part, because its 21 sworn officers mostly are from the area — "born and raised," Lipfird said. Lipfird has served as sheriff for seven years, following in the footsteps of his father, who served as chief of Evarts Police Department for more than 30 years.

"For a lot of kids, their heroes are sports figures. Mine is my father, and I'm proud to say that," he said. "I always wanted to be like my father. He was a big man — well respected in the county."

Similarly, as sheriff, Lipfird has garnered the respect of his deputies and community by focusing on providing the best for his staff and community members.

"We have a good work environment," said Harlan County Sheriff's Deputy James Davis. "[Sheriff Lipfird] will do anything he can to help you, whatever you need. He keeps us with topof-the-line equipment. Sheriff Lipfird is probably one of the best bosses I've ever had in my life."

### RELEASING THE 'STRANGLE HOLD'

From the start of his tenure, Lipfird has been passionate about eradicating the epidemic prescription-pill abuse facing Harlan County. As a former Harlan city police officer, Lipfird said he was aware that there was a tremendous issue with prescription-pill diversion, but wasn't aware of its breadth until he got further into the county during his campaign for sheriff.

"Prescription pills have a strangle hold on us," Lipfird said. "I began to see the traffic in and out of places and learned it was people dealing dope. So I thought, 'If I'm going to do this, I'm going to do it right." >>



Lipfird and his deputies actively and aggressively pursued the drug problem. He recalls areas in the county where people literally stood in the middle of the street and sold drugs to those in vehicles stopped at traffic lights or stop signs. As he addressed complaints at community meetings he said to his staff, 'I hope what these people are wishing for is what they want.'

"We declared borderline martial law," Lipfird said. "We've cleaned up the county a lot. But it didn't get messed up overnight; it's not going to get fixed overnight, either."

In an effort to turn a dark spot in the community into a ray of light for its members, Lipfird began using seizure and forfeiture laws to their fullest extent.

"I like to say I mastered the forfeiture law," Lipfird said. "I can't do anything about how long someone spends in jail, but I can do something about the toys people come back to."

The "toys" the Harlan County Sheriff's Office receives as forfeitures from drug dealers in the county are then sold back to the citizens of Harlan.

"It's our way of giving back to the community and allowing people the opportunity to buy really nice items for a big discounted price," Lipfird said.

### 'DO SOMETHING DIFFERENT'

In the midst of his efforts to clear out the drugs and clean up the county, Lipfird also initiated a chaplain's program to better the lives of his deputies and citizens. A close friend of Lipfird's and lay minister, Bill Ball, wanted to help the agency in any way he could. In the beginning phase, Bill would pray with deputies before drug raids and served as a confidential listening ear for officers who needed to talk about issues with which they were dealing.

"One day we went on a raid and this dope dealer had a wad of cash, but there were holes in the floor of the mobile home, kids were walking around in saggy diapers, and it looked like a third-world country," Lipfird recalled. "It really bothered me and Bill, and we knew we had to do something different."

From that point, the sheriff's office created a stringent screening process for volunteer ministers to join the chaplain program, and it grew tremendously in services provided. The chaplains developed a back-to-school bash, giving every child in the county a backpack full of basic school supplies for free. The bash, set up like a fair, offered hot-air balloon rides to children, carnival games, music and singing.

In addition, the local hospital became involved and provided free school physicals in an off-site clinic.

The back-to-school bash eventually led to a partnership with Christian Appalachian Project Share, or CAPS, and their donations and supplies eventually amounted to three warehouses of resources from clothing for kids and supplies for housefire victims, to food donations and even Gatorade for Little League teams, Lipfird

"We got to the point where our chaplain's program was multifaceted," he said. "They were available when we needed them. On raids, we would send the kids with the chaplains. The chaplains would ease them, give them toys and ... get them food if they were hungry. If [the parents] weren't unruly or out of line, we wouldn't let the kids see us put them in handcuffs.

"There is more to law enforcement than just enforcing the law," Lipfird continued. "This program is one I'm really proud of."

In 2008, the Harlan County Sheriff Chaplain Board became a legally established non-profit organization. Now the agency is in the process of developing a junior chaplains' program and an Explorers group.

"Kids actually are more dedicated when they get into something than adults," Lipfird said. "We want them to see there is a different side of law enforcement than what they see on "COPS" or "CSI." There is a human element there — a very large human element."

### **BREAKING STEREOTYPES**

But for Harlan County, "COPS" and "CSI" aren't the only TV stereotypes to overcome. Now in its third season, the FX TV series called "Justified" has portrayed life and law enforcement in Harlan County in a less-than-favorable light. Following the life and work experiences of a fictional U.S. marshall for the Eastern District of Kentucky, the show portrays Harlan as a dangerous place, eaten up by drug deals, prostitutes, murders, crooked politicians and incapable law enforcement officers.

"We were known as Bloody Harlan at one time, and it's still rough in some places, but it's not like it was in the 1930s and 40s," Lipfird said of such portrayals.

Deputy Davis agrees.

"I have to explain it to some people and they take it too far and think it's real," he said. "From what I've seen (of the show) I shake my head at it. It's not accurately portrayed. I see it as a drama with just the name of Harlan County given to it."

In an attempt to set the record straight and show Harlan County's Sheriff's Office in an accurate and positive light, Lipfird and his staff have agreed to filming a show about rural law enforcement on National Geographic television.

For Lipfird and his deputies, showing the truth behind the people, the county and the profession they love, respect and serve is very important.

"I think law enforcement is a career that you do not choose, it is something you are called to do," Davis said. "It takes a certain person and a special person to do this job. As long as I can remember that's all I ever wanted to do.

"Personally it's not difficult for me to police in the county I was born, raised and went to school," he continued. "I would prefer to do that so I can make a difference in my own community and help the people I know personally."

Making a difference in the lives of his citizens is listed at the top of Lipfird's career highlights.

"Seeing people and talking to people that say, 'You saved my life,' that's my biggest accomplishment as sheriff," he said. "Not all the arrests or awards, but the changed lives. Some people have to hit bottom before they realize there's still an up. And we are truly able to change lives in a positive manner."

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▼ In the hills of eastern Kentucky, coal mining is deeply engrained into both the heritage and the economy. Harlan County has numerous coal mining sites that deputies drive past every day. Keeping a cruiser clean is difficult, Dep. James Davis said of the layer of coal dust that blankets the county roads he patrols.





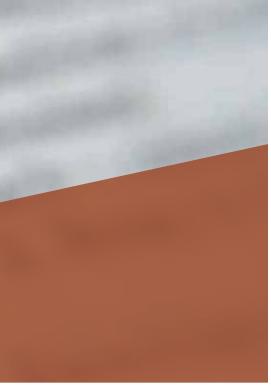


# ing ginine

ABBIE DARST | PROGRAM COORD NATOR

# Wellness — wel'nis): the state of good mental, physical and emotional health.

You are embarking on the third of a four-part series about overall officer wellness. Every law enforcement officer is faced with similar life stressors as the rest of the public, such as family matters, hectic schedules and financial shortfalls. But throw in shift work and the accelerated pace of a high-risk job, and law enforcement officers easily can lose balance and fall off the Wellness wagon in their physical, emotional and even mental health. This series of short wellness-based articles will help Kentucky's officers take a closer look at aspects of their overall Wellness practices and shortcomings and be encouraged and motivated to make a positive change.





veryone has had days where they feel tired, groggy or fatigued at work. As the shift seems to drag on, you get up from your desk to walk around to clear your head, or you roll down the windows of your cruiser to get a deep breath of fresh air, hoping to revitalize

your exhausted mind and weary eyes.

But imagine feeling that way every shift, every day, every week — possibly for years on end. For about 40 percent of North American law enforcement officers, that is the case, according to an American Medical Association study. The study, published in December 2011, included a cross section of nearly 5,000 law enforcement officers, of which 40.4 percent screened positive for at least one sleep disorder. This figure may not come as a shock to many officers who see shift work, long hours and minimal sleep as a normal and expected part of the job. However, there are numerous adverse health, performance and safety risks associated with sleep disorders and extreme fatigue, according to the AMA study. >>>



### >> DIAGNOSING A DISORDER

However, not everyone who has trouble sleeping or finds themself sleepy and fatigued on the job actually has a disorder. Dr. John Dineen, a pulmonary and sleep medicine specialist for the Lexington Clinic, explained three basic criteria that must be met in order to classify someone's experience as a disorder.

"It's not a disease if you only allow yourself three hours of sleep at night and then come to work sleepy," Dineen said. "You have to take advantage of the opportunity to sleep before we call it a sleep disorder."

An individual who goes to bed at midnight after watching the news and then gets up at 4 a.m. because they have an hour-long commute to work, may indeed feel sleepy all day at work, Dineen said.

"That is not a disorder," he said. "Because [they] have not allowed themselves the opportunity to sleep fully."

There also must be a consequence associated with a lack of significant sleep. There are individuals who can sleep for only four or five hours and yet not feel sleepy at all, Dineen said.

"I've had people come in and say, 'I only get five hours of sleep, what's wrong with me?" he said. "Then my question to them is, 'How do you feel?' If they say they feel

fine, then they don't have a disorder. There has to be a consequence before we label them as having a disorder. "

The symptoms or issues also must be persistent and have a significant duration. Generally, issues lasting a minimum of one month qualify as persistent and more than three months is considered chronic, Dineen said.

"So when taking a sleep complaint, we ask those three main questions: Do you give yourself enough time to sleep? Is there a consequence — are you sleepy, are you drifting off at work, are you unable to stay focused on the task at hand? And how long has it been going on?" Dineen explained.

### **COMMON SLEEP STEALERS**

Obstructive sleep apnea, insomnia and shift-work disorder are the three most common sleep disorders among law enforcement officers, the AMA study found. OSA was by far the most common, with 33.6 percent of study participants suffering from the disorder.

Apnea means not breathing, so sleep apnea describes a disorder where a person stops breathing while sleeping, Dineen explained. Dineen, who is a lung specialist trained in lung diseases and critical care, began seeing more and more sleep-related breathing disorders. In order to better help these patients, he trained to become board certified in sleep medicine.

For an individual suffering from OSA, when the muscles in the neck and back of the tongue begin to relax, the space at the back of the tongue narrows and is eventually blocked completely, keeping air from moving in and out, Dineen said. The brain then recognizes the person has stopped breathing and initiates a fight or flight response, arousing the person from sleep and allowing him or her to open the airway and breathe again.

"It's like a stopper in a sink all night," Dineen explained. "If this happens often enough, the person doesn't get refreshing sleep. For sleep to be refreshing you have to get enough - at least seven hours - and it has to be continuous. So if sleep is constantly interrupted by this choking, the person wakes up and is not refreshed, though he or she has been in bed for a while."

Harrodsburg Police Officer Tony Godbey suffered with OSA for years before he was diagnosed last year.

"I experienced extreme snoring and felt tired all the time," Godbey recalled. "I'd fall asleep during the day, or while watching traffic I could feel myself getting groggy. Though I was in bed for eight hours, I was sleeping the equivalent of two hours."

Unrefreshing sleep takes a toll on one's body, both physically and emotionally, the AMA study showed.

"I was told it will wear your heart out," Godbey said of the effects of OSA.

Citing another article titled, "Impact of Long Hours on Police Officers and the Communities They Serve," the AMA study hypothesized "that fatigue — likely due to reduced duration and quality of sleep and untreated sleep disorders - may play an important role in police officer unintentional injuries and fatalities."

Untreated sleep disorders and chronic sleep deficiency increase the risk of motor vehicle accidents and on the job errors, as well as possibly causing higher rates of ulcers, absenteeism and depression, according to AMA's study. >>

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# NELLNESS BEING TIRED PARTIL

"I usually don't ever take off sick," said Frankfort Police Lt. Steve Sutton. "That's how my captain knew something was up and asked me what was going on."

Sutton also suffers from obstructive sleep apnea, and a sleep study demonstrated the condition woke him up 18 times an hour throughout the course of a night.

"I felt tired non-stop, I was more cynical on the job," Sutton said. "On night shift you might be able to get away with that more, but not on day shift when dealing with people."

For Sutton, his OSA actually seems to be an after effect of another sleep disorder, with which he has dealt for several years. As a married father of two children, Sutton decided he needed to switch from night to day shift to be more active in the life of his family. Sutton had dealt with bouts of insomnia for years while working night shift, when he started his career in 1996.

Work-shift sleep disorder affects about 10 percent of night and rotating shift workers, AMA cites.

"The human body was never meant to work from 11 p.m. to 7 a.m., so we

The human body was never meant to work from 11 p.m. to 7 a.m., so we are going against our own internal circadian rhythms when we work night shift.

are going against our own internal circadian rhythms when we work night shift," Dineen said. "Some can adapt to it and some cannot."

"I came to day [shift] and thought my problem would be solved, but it really got worse," Sutton recalled.

Possibly because he had worked night shift for more than 10 years, once he switched to day shift, his body never has been able to effectively switch to sleeping at night, rather than during the day, Sutton said.

"It's not uncommon for me to go to bed at 9 p.m. and still be awake at 11 p.m. or midnight," he said. "Then, after two or three hours at work I would catch myself nodding off — I never did that on night shift. And I began wondering, 'Why am I not able to stay awake?"

At that point, Sutton participated in his first sleep study and was told by the doctor that he just needed to give himself time to readjust to the new sleep schedule and in two to three months he'd be fine. After six months, he didn't notice any difference and he began gaining weight because his extreme fatigue left him too tired to exercise, he said.



"I used to run a mile or two every day and bench press 365 pounds, but now I can't [do that]," Sutton said. "And it is directly tied to a lack of sleep."

The weight gain and lack of exercise has sparred the onset of OSA, as well, doubling one sleep disorder on another.

Like Godbey, Sutton uses a Common Positive Airway Pressure, or CPAP machine, to treat his OSA. For Godbey, the use of the CPAP machine changed his life, allowing him to sleep restfully through the night, and even allowing his wife to sleep better.

"I feel so much better the next day. My spouse feels better," he said. "I never get sleepy during the day now."

Unfortunately, Sutton hasn't found the perfect answer for his sleep disorder. Though the CPAP machine does help him sleep more restfully, it does not address his other issues which leave him in a constant state of tiredness.

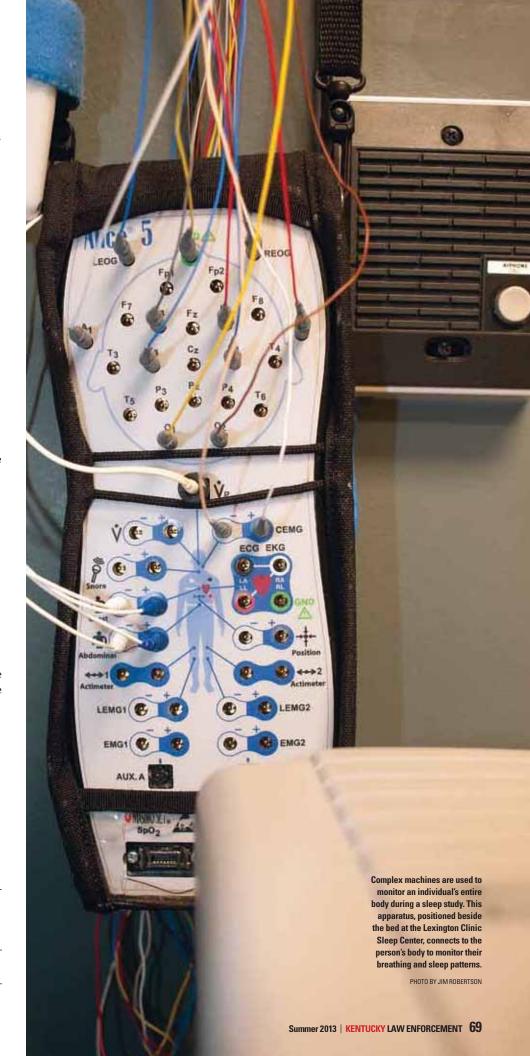
Chiefs and sheriffs must educate themselves on the types of sleep disorders from which officers typically suffer and be aware how common they are. Knowing the potential for sleep disorders among the ranks allows better understanding of workers who may be having issues focusing, or recognizing an officer who may not be well suited for third-shift work and working with them to move them to a shift for which they are better suited.

"Not everyone who does shift work gets shift-work sleep disorder," Dineen said. "Only about 10 percent of the people get it. There has to be an individual susceptibility. Thinking about the police force, you obviously have to have shifts, but recognize that there are some people who may not be able to accommodate the 11 p.m. to 7 a.m. shift. There are some people who can work it with no problems, and then there are those who are not ever able to make the adjustment."

Being aware that constant feelings of fatigue and sleepiness are not normal by-products of a law enforcement career and being willing to seek help and guidance to fix the problem is the first step to maintaining an overall sense of wellness.

"Workers have a responsibility to come to work alert," Dineen emphasized. "Recognizing the importance of coming to work refreshed is wholly the responsibility of the employee."

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KELLY FOREMAN |
PUBLIC INFORMATION OFFICER

# Leadership 9112

# FOR NEW SUPERVISORS, LEARNING PROPER LEADERSHIP SKILLS IS AN EMERGENCY

Leadership 911 is the first course in leadership development for dispatch personnel who recently have been promoted or who may have promotional opportunities in the near future. Students participate in practical-based exercises designed to develop or enhance their supervisory abilities.

The next Leadership 911 course will be taught Nov. 11 to 22, 2013.

In small-town Kentucky where the community's public safety staff know each other well and work together daily, a traumatic incident like an officer-involved shooting can evoke intense emotions and complicate a delicate situation.

"When a dispatcher takes that call — we're human," said Amanda Basham, Advanced Telecommunications instructor at the Department of Criminal Justice Training. "Even though we've been trained to hold our

emotions and take care of business, we're human. If the supervisor is screaming, crying and basically rendered ineffective, what do you think the dispatchers are going to do? Exactly the same thing. If supervisors are in control of their emotions and the situation, their attitude and emotions will be mirrored. You will see a calmer, more controlled dispatch center with dispatchers who, in turn, will be calmer with the callers and get help a lot faster and more effectively."



In Leadership 911, new and would-be dispatch supervisors' learn skills they need to maintain their calm in situations like the one above and on any other day in the call center. The 80-hour course provides training in everything from emotional intelligence and situational leadership to public speaking and generational workplace diversity.

"I get excited every time I get to teach this class," Basham said. "I know these are tools they need, and they are here because they want to be here. Maybe they've just been promoted and may be they are a little nervous or don't know what to do. Or, they want to be promoted. They are on the promotion list and they know the buzz words. They know situational leadership, but they don't know anything about it yet. Either way, they are usually hungry for the information."

The course is specifically geared at a portion of the dispatching population that previously was left out, Basham said. Courses always have been available for full-time dispatchers to meet their minimum eight hours of advanced individual training each year. Additionally, the Telecommunications Executive Development course meets the needs of supervisors, managers and directors already in leadership. Previously, there was not a mid-level course for those who were new to supervision or hoping to move up the ranks.

"Leadership 911 was developed for the first-time supervisor or people who are on the promotional list," Basham said. "It gives them tools they need to be a leader. Some of these people have no background in supervision. We cover topics like, what it's like, what they can expect in transitioning from one of the dispatchers to supervising them. Whether or not they can still be friends."

In the beginning of the course, students receive advanced ethics training, which addresses making decisions as a supervisor when faced with an ethical dilemma. Immediately following, 32 hours of the class is devoted to situational leadership, which is team taught with Leadership Instructor Bryan Cole and includes a case study of the movie "Twelve O'clock High." It is identical to the situational leadership training law enforcement receives as part of the Academy of Police Supervision, Basham said.

In the beginning of the course, students receive advanced ethics training which addresses making decisions as a supervisor when faced with an ethical dilemma.

The second week of the course includes necessary leadership skills like public speaking. While 911 communicators spend their days talking to strangers on the phone, Basham said, speaking in public is not as natural for some as it may seem.

"There is a sense of being anonymous behind that microphone in a call center where no one can see you," she said. "Speaking in public is a completely different thing, and for some of these students, making presentations in class to their classmates is the first time they've stood in front of someone and talked. I've even reminded them, 'You talk to thousands of people every day.' But they can't see you."

The main focus, though, is more about how the students would speak in front of a 911 board, city commission or fiscal court if they were making a proposal for their call centers.

"It is important because depending on who governs you, they are the people who give you the funds to buy those new chairs you need for the call center," Basham said. "We discuss knowing your audience and how to appear professional. Because, for instance, if you go to a city commission meeting and they're all wearing suits and you come in with a Harley Davidson t-shirt, tennis shoes and blue jeans, they're probably not going to give you what you want."

Students are responsible for reading and responding to "Common Sense Supervision" and "Lincoln on Leadership" as well as completing out-of-class assignments and a significant amount of research.

"I tell them right off the bat, if you came here for a vacation for two weeks, you're not going to get it," Basham said. "It is pretty demanding."

Student Randall Orange has been a dispatcher for 28 years and currently works for Madisonville Police Department. Because of his lengthy career, Orange said he has had the opportunity to study situational leadership before, but that Leadership 911 has allowed him to gain an even deeper understanding of the leadership style.

"To me, all the leadership classes are just great," Orange said. "It's not only what they teach, but the networking opportunities too while you're here with other supervisors. When we did the low-ropes challenge course that first day, the whole class came together as one big team. After that, it's been unlike any of the other classes I have taken."

Overall, Basham said nearly all the responses she has had to the new class have been as positive as Orange's experience.

"It's amazing to me to see how people blossom in this class," she said. "Hopefully after this class they will attend the Telecommunications Advanced Leadership of Kentucky, because they become eligible to attend after this course. It's a great opportunity for them to attend every year with guest speakers on various topics from all over the state and new information every year about things like administrative law, changes in technology and current leadership principles. We encourage them — don't stop at this 80-hour course. Take everything you can get your hands on."

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# GASESTHAT SHAWN HERRON | STAFF ATTORNEY, **DOCJT LEGAL TRAINING SECTION** CHANGED U.S. LAW

### THOMPSON V. CITY OF LOUISVILLE, 362 U.S. 199 (1960)

In 1959, Thompson was discovered by a Louisville police officer during a business check, "dancing by himself." When asked, he said he was waiting for a bus. The bar owner told the officers Thompson had bought nothing from the café/bar, but later evidence suggested he'd had a "dish of macaroni and a glass of beer." He was arrested for loitering. Outside, he became very argumentative with the officers, so he also was charged with disorderly conduct. At his subsequent trial, it was undisputed that he had provided his home address, that he had money sufficient to meet his needs and that a bus was scheduled shortly that would have taken him to his home address. The café manager testified he was a regular customer and his conduct, "shuffling his feet in rhythm with the music of the jukebox," disturbed no one.

The Court convicted Thompson. Because state law at the time provided for no appeal for such a minor charge, Thompson sought and received stays of judgment to allow him an opportunity to seek an appeal. The Supreme Court granted review, finding that "although the fines here are small, the due process questions presented are substantial." Upon review, the Court noted that Thompson's alleged conduct clearly did not meet the elements of the

loitering ordinance in effect at the time. Further, with respect to the disorderly conduct charge, the Court noted that there was nothing on the record that suggested he did anything more than argue with the officers about the reason he was under arrest, as there was no indication that he "raised his voice, used offensive language, resisted the officers" or engaged in any problem behavior.

The U.S. Supreme Court reversed Thompson's convictions and remanded the case back to the Police Court for the City of Louisville.

### ASHTON V. KENTUCKY, 384 U.S. 195 (1966)

Ashton went to Hazard in 1963, during a "bitter labor dispute," to make an appeal for unemployed miners' aid. He published a pamphlet making claims about the Hazard police chief, the Perry County sheriff and the co-owner of the Hazard Herald, the city's newspaper, and alleged all three were involved in criminal activities involving the strike. All three sought criminal charges against Ashton, who was tried under the then-state law of criminal libel, defined as "any writing calculated to create disturbances of the peace, corrupt the public morals, or" that might lead to an indictable act. Malice and falsity also were essential elements of the crime. He was convicted, and the conviction was upheld

by the appellate court, which defined the charge as "the publication of a defamatory statement about another which is false, with malice."

The Court concluded that making an offense of conduct, the volatility of which is subjective, "makes a man a criminal simply because his neighbors have no selfcontrol and cannot refrain from violence." The Court noted that when First Amendment rights are implicated, the Court must look closely at such vague laws. Instead, such laws must be narrowly drawn to address only the "supposed evil." The Court reversed Ashton's conviction.

Although Kentucky abolished such common-law offenses in 1975, it is still essential for a criminal law to precisely state what it is prohibiting. Statutes that do not clearly state the prohibition, especially those involving Constitutional rights such as the First Amendment, are unconstitutional.

### **GREENE V. LINDSEY, 456 U.S. 444 (1982)**

In 1975, three tenants of a Louisville public housing project sued Jefferson County Sheriff Joe Greene, among others. Previously, deputy sheriffs, following Kentucky statute at the time, had posted the tenants' apartments for forcible detainer actions, by securing a summons to the door of each apartment. All three stated they did not

learn of the eviction proceedings until after default judgments had been entered and they were served with writs of possession. By that time, their opportunity to appeal had lapsed. They argued that the notice procedure did not provide for "constitutionally adequate notice." Specifically, there was testimony that the deputies were aware that previously, the notices often were removed from the doors by other

The Court agreed that personal service is intended to guarantee actual notice of a pending legal action, and that although posting works in many instances, it "does not satisfy minimum standards of due process." The Court noted that in practice, the deputies would make only a single visit, and if no one was home, would post the notice. There appeared to be no provision for additional attempts at personal service, perhaps at different times of day. It suggested sending notice by mail, in addition to posting, would go a long way to providing for adequate notice to residents, but declined to specify how the additional notice would have to be accomplished.

The Court affirmed the decision of the Court of Appeals, finding the three women were not provided with adequate legal notice of the action.

### OLIVER V. U.S., 466 U.S. 170 (1984)

Kentucky State Police narcotics officers went to Oliver's farm in Russell County, to investigate an allegation that he was cultivating marijuana. They entered his farm through a footpath that led around a locked gate, past No Trespassing signs, eventually finding a marijuana field more than a mile from Oliver's home. (The Court noted that the field was highly secluded, bounded by woods, fences and embankments and could not be seen from any public access.) Oliver was charged for the marijuana in federal court, and the U.S. District Court ruled that Oliver did, in fact, have a reasonable expectation of privacy in the area where the marijuana field was located. The Sixth Circuit reversed that decision. Upon Oliver's appeal, the U.S. Supreme Court granted review to clarify confusion that had arisen concerning the open fields doctrine first enunciated in Hester v. U.S., 265 U.S. 57 (1924).

The Court noted that the open fields doctrine was founded specifically upon the "explicit language of the Fourth Amendment," which extended privacy protections only to the "persons, houses, papers, and effects." The touchstone of the Fourth Amendment has always "been the question of whether a person has a 'constitutionally protected reasonable expectation of privacy." It does not protect the subjective expectation, but only that expectation "that society is prepared to recognize as 'reasonable." The Court agreed an individual "may not legitimately demand privacy for activities conducted out of doors in fields, except in the area immediately surrounding the home." Historically, the common law "distinguished 'open fields' from the 'curtilage' and extended protections only to that area in the curtilage.

The Court agreed that even though Oliver took steps to conceal his criminal activities from public view, and the intrusion was, under Kentucky law, a trespass, such factors are irrelevant to a Fourth Amendment assessment. The Court reversed the Sixth Circuit's decision.

The tension between open fields and curtilage is an ongoing one and later cases, especially U.S. v. Dunn, 480 U.S. 294 (1987), have fleshed out the parameters of the two doctrines. But the core principle remains; there is no expectation of privacy in anything located in the open fields and away from the curtilage. However, persons (and their personal effects) continue to have a reasonable expectation of privacy even if they are located in the "open fields."

### GRIFFITH V. KENTUCKY, 479 U.S. 314 (1987)

In 1986, the case of Batson v. Kentucky, 476 U.S. 79 (1986) was decided, ruling that a defendant could establish a case of racial discrimination when a prosecutor used challenges to strike members of the defendant's race from the jury. (The burden would then shift to the prosecutor to provide another explanation for the strikes.) At the time Batson was decided, Griffith, in a similar situation in the same court, had already been convicted and was in the appeals process. Griffith argued the Batson decision should be applied retroactively to his case.

The Court emphasized that every case must be analyzed on its own merits to

determine whether it will take retrospective effect, to cases that are on direct appeal. The court agreed that "failure to apply a newly declared constitutional rule to criminal cases pending on direct review violates basic norms of constitutional adjudication." As it further noted, since the Court may only rule on actual cases and controversies, "each case usually becomes the vehicle for announcement of a new rule." Once decided, however, it is only equitable to apply the rule "to all similar cases pending on direct review." This is done by "instructing the lower courts to apply the new rule retroactively to cases not yet final."

In some cases, however, a new rule is a "clear break" with existing precedent, a true sea change. In U.S. v. Johnson, 457 U.S., 537 (1982) the Court agreed in such cases, the Court will find a "newly-minted principle nonretroactive." The Court also looked to Stovall v. Denno, 388 U.S. 293 (1967), in which it held retroactivity to depend on "(a) the purpose to be served by the new standards, (b) the extent of the reliance by law enforcement authorities on the old standards, and (c) the effect on the administration of justice of a retroactive application of the new standards." Under the clear break exception, a new Constitutional rule would not be applied retroactively to cases on review, "if the new rule explicitly overruled a past precedent of this Court, or disapproved a practice this Court had arguably sanctioned in prior cases, or overturned a longstanding practice that lower courts had uniformly."

The Court reexamined the "clear break exception," concluding that the fact that a new rule breaks with past precedent has no bearing on the inequity of applying the rule to "only one of many similar situated defendants." The court held that a new rule of criminal prosecution was to be applied retroactively in "all cases, state or federal, pending on direct review or not yet final." The case was remanded back to Kentucky for further proceedings.

As a result of this decision, cases that are still under appellate review when a new U.S. Supreme Court decision is rendered on the same legal principle are subject to review, followed by possible remand and retrial, even some years after the original trial. 솓

DANA TODD | DOCJT GENERAL COUNSEL

# **NEW LEGISLATION**



### SB 8/HB 354

With involvement of local law enforcement agencies, schools must adopt an emergency plan including lockdown procedures and practices for controlling access to the school facility, such as access from exterior doors.

### **SB 56**

Digital, video or audio recordings of school activities in which a student is alleged to have been injured, are to be retained according to the schedule set forth in statute.

### **SB 97**

Effective with 2015 to 2016 school vear, local school boards may require school attendance up to the 18th birthday.

### **SR 35**

A task force will be convened to review the Unified Juvenile Code to resolve ambiguity and inconsistency.

Certain students may carry an epi pen at school where the need is documented and under certain circumstances.

- This legislation makes it a class A misdemeanor for a sex offender registrant to take a photo or video of a minor without written consent from minor's parent
- · Expands asset forfeiture to include certain Chapter 531 offenses
- · Enables KSP to issue an administrative subpoena for internet service provider accounts where there is reasonable cause to believe child exploitation or in any child sex investigation (relating to certain Chapter 510, 530 and 531 offenses).
- Prohibits against use of electronic communication to solicit sex from a minor by explicitly stating that the offense is complete at the time of solicitation without regard to whether the defendant met or attempted to meet the minor.
- · Makes possession of matter portraying a sexual performance by a minor now includes the intentional "viewing" of child sexual performances.

### **HB 290**

Child fatality and near fatality review panel is created with enumerated responsibilities and memberships.

### **SB 15 (BRYAN DURMAN ACT)**

This legislation adds causing the death of a peace officer or firefighter while acting in the line of duty, even where the charge is a class C or D felony, to the list of "violent offenses" qualifying the defendant for increased incarceration prior to parole eligibility.

Second class cities may hire police and fire applicants older than age 50.

### **SB 84**

Certain jail employees in certain counties, with approval of county judge/executive, shall have authority and power of peace officers while transporting prisoners and acting in capacities entailing the maintenance of custody of prisoners. Jailer is liable on official bond for conduct of jail transport officers.

### **SB 120**

Statutory line-of-duty death benefit for police officers and firefighters (lump sum payment and tuition to surviving family

members) will also be available to public university police officers (who are now no longer referred to as safety and security officers).

The Kentucky Law Enforcement Council reorganized to include additional mandatory members including representatives from Kentucky State Police, Department of Criminal Justice Training, Louisville Metro Police Department and Lexington Division of Police training academies.

### **HB 167**

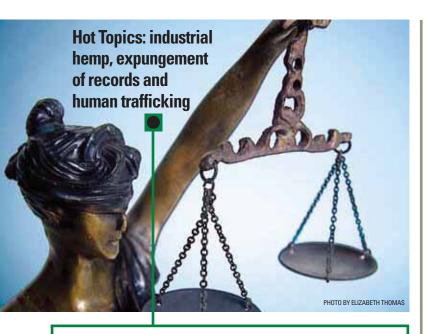
United States military training and service as a firefighter, emergency medical technician or paramedic shall be reviewed and accepted toward certification as a firefighter, EMT or paramedic in Kentucky.

### **HB 167**

The Kentucky Intelligence Fusion Center is officially created within the Kentucky Office of Homeland Security to improve intelligence sharing among federal, state and local agencies.



This summary is intended only to give agencies notice of new 2013 legislation. For more in-depth coverage of new legislation, refer to Kentucky Revised Statues and to Department of Criminal Justice Training's website and legal updates.



### **SB 50**

Industrial hemp is excluded from the definition of marijuana in KRS 218A.010 and will be studied and regulated by the Commonwealth of Kentucky; growers will be licensed and regulated; failure to abide by license may result in forfeiture of grower's ability to grow hemp in Kentucky.

### **HB3**

This legislation dramatically expands the responsibilities of law enforcement to screen for and investigate human trafficking, which is broadly defined. It revises many legal definitions found throughout the criminal code. It includes new reporting, training and victim services requirements; expands asset forfeiture; requires creation of a new unit within Kentucky State Police related to human trafficking; provides for civil causes of action by victims of human trafficking against defendants in criminal cases and punitive damages for forced labor; expands child sexual abuse multidisciplinary team functions and expands forgery in the second degree to include coercion with respect to a written

instrument in the course of human trafficking.

### HB 217 (EMERGENCY — **EFFECTIVE IMMEDIATELY)**

Before a schedule II substance or a schedule III substance that contains hydrocodone may be prescribed, a medical history or mental-health examination must be obtained and the prescription may not extend beyond 14 days after a procedure. Additional requirements were imposed in order to operate a pain management facility or to prescribe certain controlled substances, including hydrocodone.

### HB 1 (EMERGENCY — **EFFECTIVE IMMEDIATELY)**

This legislation is related to special taxing districts and "special purpose governmental entities." It includes ambulance, emergency and fire protection services; airport services; and other public safety entities, which will be regulated by this new law. Agencies that may be impacted by this bill are urged to seek legal counsel locally to determine what new responsibilities may be imposed by this law.

Mini-trucks (lightweight Japanese kei class utility vehicles) are illegal on a public highway unless engaged in farm, construction, maintenance or snow removal and only during daylight hours, unless for snow or emergency maintenance.

### **SB 67**

A person who is found incompetent to stand trial cannot keep or obtain a driver's license. Once revoked, an incompetent person cannot get the license back until found to be competent or until the criminal case is dismissed.

### **SB 114**

Definition of "hazardous materials" now conforms to the meaning found in federal regulations. Any commercial driver's license holder who is driving a commercial vehicle must negotiate railroad-grade crossings by slowing to check for an approaching train, remaining still at crossing if tracks are not clear and maintaining sufficient space to drive across without stopping and only with sufficient undercarriage clearance.

### **HB 164**

Auto insurance cards may be in either paper or electronic format. If proof of insurance is provided to a peace officer in electronic format, the officer may only view the image of the insurance card and no other content on the mobile electronic device, such as a cell phone.

Vehicles leased by government entities may be equipped with an official plate only while the vehicle is in use by the government entity.

### **HB 174**

This legislation creates new requirements for transit tags used where a vehicle is transported out of state by a seller.

### **HB 441**

Any person who fails to pay a toll required by the Kentucky Public Transportation Infrastructure Authority may have his or her vehicle registration, for the vehicle used in the commission of the toll violation suspended or withheld until fines are paid or the violation, is determined not to have occurred. >>





### >> HB 222

Crime-victim addresses must be protected in certain government documents, including voter registration, where requested by the victim, by applying to the secretary of state.

### **SB 78**

The Crime Victim's Compensation Board may negotiate binding fee settlements with providers of services to claimants. All debt collection ceases upon filing a claim for a debt expense covered by CVCB, but only upon finding that criminally

injurious conduct occurred, that conduct resulted in injury or death and police or court records showing prompt reporting to the police. Failure by the victim to cooperate may justify reduction or denial of benefits, except in cases of sexual assault and domestic violence. CVCB may award financial support for lost wages. Total CVCB compensation may not exceed \$25,000 and the award amount must be reduced by restitution, insurance, emergency funds, public monies and donations made to benefit the victim.

### New laws related to fish and wildlife



### HB 261

No later than January 1, 2014, administrative regulations related to the sale of mounted wildlife specimens shall establish a recording system. This legislation sets forth penalties including restitution to KDFW for illegal taking, buying, selling, transporting or possessing certain whitetailed deer, antlered elk, bear, turkey or bobcat, in addition to other penalties, fines and costs.

Coyotes may be taken at night with or without use of lights.

### **HB 150**

This legislation revises multiple Fish and Wildlife licenses and tags including combination lifetime hunting and fishing licenses for seniors and disabled American veterans.

KSP is no longer required to verify that CCDW license applicants have been residents of Kentucky for six months prior to applying. KSP has 60 days instead of 90 days to process the application and either issue or deny the license.

### **HB 167**

CCDW license training requirement shall be deemed to have been met where an applicant presents documentation that the applicant is an active or discharged member of the United States Army, Navy, Marine Corps, Air Force, Coast Guard or Reserve who has met handgun training and qualification requirements.

### **HB 8 (EFFECTIVE IMMEDIATELY)**

This legislation adds additional synthetic drugs to KRS 218A.

This legislation creates new filing requirements for petitions for expungement, including requirement that KSP and the Administrative Office of the Courts certify eligibility for expungement.

### **HB 41**

Certain defendants may request DNA testing after conviction of a capital offense, a class A and B felonies, or any other violent offense. It requires courts to consider the request if upon testing and analysis, the verdict or sentence would have been more favorable to the

defendant, testing will produce exculpatory evidence, the evidence still exists, the conviction was from a trial or pursuant to an Alford plea, the requested testing is for other than "touch" DNA and the petitioner is still incarcerated or under supervision. In all cases where the DNA analysis is favorable to the petitioner, the court is required to hold a hearing. Neither the prosecution nor defense will be required to pay for DNA testing in capital cases.

### **HB 161**

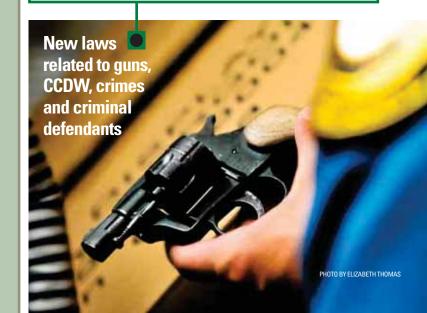
Theft by Unlawful Taking values and penalties have been adjusted. Probation eligibility is also impacted where property is valued at more than \$10 million.

### **HB 177**

Clarifies that the Kentucky Stolen Valor Act relates to intentional fraud for the purpose of "direct or indirect monetary gain" for misuse or misrepresentation of military service history, awards, decorations or rank.

### **HB 279 PASSED UNDER VETO**

Government shall not withhold benefits, assess penalties or exclude from programs or access to facilities and shall not burden a person's freedom of religion unless the government proves a compelling governmental interest and has used the least restrictive means to further that interest.





# **Book Review**

Dana Todd | Associate General Counsel, DOCJT

# Sticks and

**Stones** Defeating the Culture of Bullying and Rediscovering the Power of Character and Empathy



But when we hear about a suicide by a teen girl who was "slut-shamed" to the point of hanging herself or when we hear that lesbian, gay, bisexual, transgender kids (or kids presumed to be LGBT) are ostracized simply because they do not fit rigid social norms for hair and clothing styles it seems time to take action. Children are killing and cutting themselves because of abuse by peers. Something needs to be done.

As a community of first responders, the impulse is to strategize about standing up for the victim and shutting down bullying behavior with swift and decisive action — and then moving on to solve the next crisis. But real life and real solutions to bullying are neither simple nor obvious.

Emily Bazelon, editor, researcher, attorney, journalist and mom had written about bullying extensively prior to publication of her new book, "Sticks and Stones." Bazelon recaps the research first. By definition, bullying involves three components: a power imbalance, a course of conduct, and verbal or physical assaults. A single incident of namecalling, a joking insult or a shoving match between equals does not constitute bullying. Bullying tends to happen when there

are onlookers. Bullies are not all alike (Bazelon reviews five distinct types) and some children are both aggressors and victims. One disturbing statistic for law enforcement and the legislation to keep in mind: Bullies are four times more likely than others to become criminals.

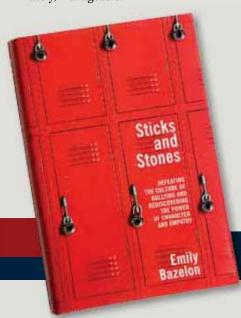
Nothing about bullying or bullycide is simple. Children who commit suicide do so for complex reasons, often connected to depression that predates any episodes of bullying. Indeed, it may be their depression which incites aggressors to target them. Parsing a victim's role in an interpersonal conflict is certainly nothing new to law enforcement. Bazelon's observation that "people who deserve help sometimes make mistakes in the way they ask for it" could apply to any number of the victims police officers deal with on a daily basis.

Though bullying by children has been around ever since there have been children, Bazelon illuminates one enormous innovation to bullying — the Internet, and more specifically, social networking. Social networking has impacted not only the methodology of bullies, but the viral nature and round-the-clock access bullies now have to attack victims. In nine out of 10 face-to-face bullying incidents, the bully is being watched by peers. Think of faceless members of a crowd yelling "Fight! Fight!" in a hallway or cafeteria. In studies reviewed by Bazelon, the victim is defended by an onlooker less than 20 percent of the time. With the advent of social networking, however, the attack can occur in the virtual presence of an unlimited number peers, who egg on the victimization via "comments" and "likes" - an online equivalent of "Fight! Fight!"

and both the attack and the egging on can be carried out without ever seeing the victim's face.

Bazelon presents at least three models of school programs that change the school's culture, decrease bullying, improve the learning environment and even improve academic test scores. Consistent among these are empathy building, problem solving, and careful documentation by victims and schools. Bazelon brings good news in that once the majority of kids find bullying behavior unacceptable, it tends to stop.

Bazelon uses both personal accounts and academic research to help us sort through the incredibly subtle and complex dynamics at play in our public schools without quick fixes, moralizing or facile commentary. Perhaps the most valuable lesson for law enforcement is that when social norms, whether on the playground, at the school administrator's office, in the home and, perhaps, on the street no longer accept picking on the weakest link, the nuanced and complex issues will become, if not neatly resolvable, at least understandable and ultimately, manageable. -



by Emily Bazelon, Random House, New York, NY, Feb., 2013

# STRANGE STORIES FROM THE BEAT

## >>> Half-naked, drunk woman flees police in power wheels truck

A 29-year-old woman was arrested after she allegedly crashed into a mobile home and tried to get away using a Power Wheels truck. The woman was speeding when she rounded a corner and hit the under panel of the home. She allegedly got out of the car with only a sweatshirt on and tried to drive away in a child's battery-operated truck. Police arrived and found



## >> Man dressed as **Batman delivers** fugitive to police

A man dressed as Batman walked into a Yorkshire police station and handed over a wanted man to officers. The wanted man had been sought by police in connection with a number of alleged offenses and was later charged with handling stolen goods and fraud-related offenses. Batman's identity, however, remains unknown.





# **D**runk prison guard shoots finger to remove wedding ring

A federal prison guard is charged with shooting his own finger in a drunken attempt to remove his wedding ring during an argument with his wife, police said.

A criminal complaint said the guard told officers he was "trying to get rid of his wedding ring" and decided to "shoot it off." The gunshot badly mangled his finger, but didn't remove the ring, police said.

The guard is charged with disorderly conduct and was cited for firing a weapon within city limits and reckless endangerment.



A 47-year-old Florida woman, was arrested after she allegedly called 911 to ask police to help her get back the \$50 she spent on marijuana and cocaine. During the two calls she made to 911 that evening, she claimed she had been the victim of a theft. When local authorities responded, she explained that she had second thoughts regarding the purchase after realizing the transaction left her broke until her next social security disability check arrived.



### "X Factor" << hopeful allegedly stole car to get to reality show audition

Police in Louisiana say their pursuit of a stolen Pontiac Grand Prix ended with a forced spin-out and the arrest of a man - who told them he took the car because he had to get home so he could make it to a second audition for the Fox reality show "The X Factor."



>>> IF YOU HAVE ANY

funny, interesting or strange stories from the beat, please send them to jimd.robertson@ky.gov



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