

**KENTUCKY**

Fall 2013 | Volume 12, Number 3

# LAW ENFORCEMENT

## **R** PATROLLING Rural KENTUCKY Page 40



Steve Beshear  
Governor

J. Michael Brown  
Justice and Public Safety  
Cabinet Secretary

John W. Bizzack  
Commissioner

**Kentucky Law Enforcement**  
is published by the  
Kentucky Justice and Public  
Safety Cabinet, and is  
distributed free to the  
Kentucky law enforcement  
and criminal justice  
community.

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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.

PRINTED WITH STATE FUNDS

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Kentucky's honor guards proudly serve their agencies and communities, while honoring the legacy of those who have gone before.



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» 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.



## Secretary's Column

# A Hope for Celebration and Justice

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

**T**hursday, May 30 was unusually warm with a clear, picture-perfect blue sky. It was absolutely beautiful. I was driving south on I-65 out of Jefferson County headed to Bardstown to attend the funeral and celebration of life for Bardstown Police Officer Jason Ellis. In front of me, there appeared a seemingly endless line of flashing blue lights. Cruisers from every imaginable agency and jurisdiction with intermittent strobe patterns stretched silently for miles.

I caught up to this convoy and was travelling parallel to it when an officer glanced over to me and, with a nod, opened a spot, inviting me to join in. I turned on my lights and dropped into line with a feeling of profound honor, pride and deep sadness. A young man had been ambushed and murdered, our domestic sovereignty had been attacked, and we were on our way to say goodbye. My thoughts wandered.

In the Spring 2010 issue of this magazine, we proudly reported that Kentucky had gone the entire 2009 year without a single sworn law enforcement officer dying in the line of duty. Since that time, we've had five line-of-duty deaths, none more stunning than the apparent ambush murder of Officer Ellis when he stopped to remove debris from a deserted highway exit ramp in Nelson County.

His death is a loss for all law enforcement. It also is a tragic reminder that peace officers are always targets. Anytime officers are in uniform, in a cruiser or wearing the indicia of their unit, they are subject to attack.

While we still don't know exactly what happened, there are some lessons to be learned from this tragic experience. Although his emergency lights were activated, it does not appear Officer Ellis called dispatch at the time he exited his vehicle to remove branches that had been deliberately placed at the scene. His shift was drawing to a close, but he stopped to carry out his duty to correct a situation that would have been unsafe for motorists traveling at night. It's a sobering reminder of how dangerous this occupation is.

We are all resolved to bring his killers to justice.

I have said it before: For law enforcement officers across Kentucky, heroism occurs the moment you put on your uniform. As soon as you do, you become a target. But in that moment, you also become an instant source of comfort and

security to others, who know they can turn to you in their most trying times.

It is my fervent hope that we can celebrate the heroism of Kentucky's sworn officers for their service to others, not memorialize them for lives lost in the line of duty.

I will never forget my drive that day, and I pray that I will never have to do it again for another who died wearing a badge. 🇺🇸



**Officer Jason Ellis**

Bardstown Police Department  
End of Watch: May 25, 2013

The Kentucky State Police has established an email address for tips leading to the arrest of a suspect in Ellis' murder.

**[Elliscasetips@ky.gov](mailto:Elliscasetips@ky.gov)**



## Commissioner's Column

# All Law Enforcement is Local

JOHN W. BIZZACK | COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

**L**ance Eldridge, who has worked as the director of a law enforcement training academy, retired from a career in the U.S. Army and continues to teach and write about law enforcement issues. He recently published the article, "Policing Mayberry: Misconceptions About 'Rural' Cops." He mentions some interesting facts.

- Nearly 45 million Americans live in small towns or rural areas.
- Jobs, family, lifestyle, "elbow room," and an interest in raising children in communities less vulnerable to gangs and drugs have drawn many to small, rural communities.
- Roughly 75 percent of police departments serve communities of less than 10,000. Those departments employ 14 percent of the nation's 765,000 sworn officers, more than 100,000 personnel.
- In 2004, 45 percent of departments had fewer than 10 officers. In 2008, that percentage increased to 53 percent, employing six percent of the total officers nationwide.
- In 2008, sheriff's offices included 2,358 departments with less than 49 deputies each, accounting for more than 123,000 officers.

During the past several decades there has been a common belief in American culture: Rural crime is infrequent and, for the most part less violent than in urban areas. If one closely examines FBI crime data collected from across the nation, it is clear that recent drops in crime rates is not uniform across all communities — particularly those with a population of 25,000 or less. While those communities that have seen a modest decrease in crime, their murder rates have skyrocketed, climbing at twice the rate of urban areas. Rural areas may have less crime overall than their urban counterparts, Eldridge wrote, but their crime problems are serious. Meanwhile, the ever-present drug culture, often accompanied by gang activities, grows as a persistent challenge for rural law enforcement.

Rural policing, as Eldridge noted, is no longer the stereotypical Mayberry-type policing some usually associated with rural police.

"The officers, deputies and troopers — from village cops to wildlife/conservation officers to state patrolmen — who work in these areas labor under the wrongheaded stereotypes of popular culture," Eldridge said. "Television often portrays a rural lifestyle similar to that found on the Andy Griffith Show and the officers as quaint characters indistinguishable from either Andy or Barney."

It seems safe to say that neither Andy nor Barney dealt with meth labs, narcotics trafficking or organized gang activities.

That is not to say, however, that rural and urban policing demand the same tactics for the same types of crimes. Beyond the readily apparent lack of immediately available backup, rural officers and deputies, often working in isolated environments, face daunting challenges.

Often, rural officers may run into friends, relatives or neighbors at crime scenes as victims, suspects or witnesses. Rural officers have fewer opportunities for interaction with other law enforcement officers. They work for less pay and often endure longer periods of inactive patrol.

On the other hand, rural officers often have more time to act on crime prevention and more time to investigate crimes. In fact, many rural officers perform investigative duties typically assigned to a detective in urban environments.

If a community, regardless of size, demands effective policing and law enforcement, uniform standards for hiring, selection and state-of-the-art training is not only critical, but essential. This is not the anecdotal statement it was just five decades ago. Today, there is ample empirical evidence that the knowledge, skills and proficiency of an officer working in a rural department is as indispensable to the safety and security of a community as it is in an urban department.

Rural policing no longer reflects Andy's Mayberry; perhaps it never did. 🌄

*(For more on rural policing tactics, see pg. 40.)*

## LINE OF DUTY DEATHS

### Nation Experiences 51 Officer Fatalities in First Half of 2013

The National Law Enforcement Officers Memorial Fund, in conjunction with Concerns of Police Survivors, issued a new report stating 51 officers have been killed in the line of duty during the first half of 2013 — a 9 percent increase since last year.

Of these 51 officers, 18 were killed in traffic-related incidents, 17 were killed in firearms-related incidents and 16 died due to job-related illnesses and other causes.

#### Key Facts

- Traffic-related incidents were once again the leading cause of officer fatalities, with 18 officers killed in the first half of 2013 — a 34-year low.
- Firearms-related incidents were the second leading cause of officer deaths, with 17 fatalities. Ambush attacks were the leading circumstance of fatal shootings, with seven officer fatalities.
- Sixteen officers died due to other causes in the first half of 2013, compared to 10 in 2012. Job-related illnesses, such as heart attacks, increased in the first half of 2013, with 10 officer fatalities.

### Kubala Named New Advanced Individual Training Branch Manager at DOCJT



Frank Kubala

Kubala has worked at DOCJT for more than 15 years. He was hired as an instructor in basic training, teaching investigative courses, physical fitness and defensive tactics. In May 2001, he was promoted to supervisor of the Physical Training Section, where he helped build the physical fitness and defensive tactics programs. He was responsible for the purchase and design of the gym weightlifting area. In March 2004, he was transferred to the Investigations Section as supervisor of the AIT branch where he served until January 2012. Under his supervision, the section developed the Kentucky Criminalistics Academy, and Kentucky Investigations was awarded

more than \$400,000 in grants for new equipment and training opportunities for Kentucky law enforcement officers. In January 2012, Kubala transferred to the Patrol/Traffic Section where he has been responsible for patrol, court security and coroner classes.

Kubala began his law enforcement career in 1986 in Hollywood, Fla. He spent 12 years there working patrol, street crimes and SWAT. In 1992 he moved to Kentucky and served as a Lexington Division of Police officer until 1998, five years of which was spent as a Crimes Against Children detective.

Kubala holds a Bachelor of Science in Criminal Justice from Florida International University, a Master of Science in Safety & Security from Eastern Kentucky University, and is currently finishing a doctoral degree in Educational Leadership and Policy Studies from Eastern Kentucky University with plans to graduate in December. He defended his dissertation — A Study of Rural Police Leadership Behaviors in Kentucky: A Full Range Perspective — in August.

### Protection Program Grants awarded to Five Kentucky Agencies

Gov. Steve Beshear announced that \$32,848 in state Law Enforcement Protection Program grants have been awarded to five Kentucky law enforcement agencies.



Under LEPP, administered by the Kentucky Office of Homeland Security, appropriate agencies can seek financial help for certain protective equipment items essential in the course of their duties.

In conjunction with the Kentucky State Police, KOHS derives income from sales of confiscated weapons. KSP conducts periodic auctions — only to federally licensed firearms dealers — that generate dollars for the LEPP initiative.

The following agencies were awarded grants:

<b>City of Bardwell</b> , body armor vests, ammunition	\$ 1,200
<b>City of Irvington</b> , body armor vests	\$ 2,200
<b>City of Pippa Passes</b> , body armor vests, patrol rifles, TASERs, ammunition	\$ 8,000
<b>Crittenden County Fiscal Court</b> , patrol rifles, ammunition	\$ 5,700
<b>Pike County Fiscal Court</b> , TASERs, TASER cartridges	\$15,748

### Three Officers Receive Narcotics Officer of the Year Awards

The Kentucky Narcotics Officers' Association presented the Narcotics Officer of the Year award to Lynne Thompson, an investigator in the Attorney General's Office Drug Investigations Branch, and Kentucky State Police detectives Kevin Willoughby and Hector Alcalá.

Thompson, Willoughby and Alcalá were three detectives recognized for their work investigating pill-mill owner Ernest Singleton. Singleton faces up to 20 years in prison following his conviction in U.S. District Court for illegally dispensing prescription drugs to thousands of patients.



## NEW CHIEFS

### **JONATHON SIZEMORE**

#### **McKee Police Department**

Jonathon Sizemore was appointed chief of McKee Police Department on April 9. Sizemore has 13 years of law enforcement experience. He began his career at the University of Kentucky Police Department. Sizemore also served the Fayette County Public Schools Police Department as a school resource officer, and he served the Jackson County Sheriff's Office. Sizemore graduated from the Department of Criminal Justice Training Basic Training Class No. 289. Sizemore is working to update department uniforms and place MDTs into the cruisers. McKee Police Department will be progressive and aggressive to serve the community. The department will be professional, courteous, firm, but fair, and will work hand and hand with community partners to ensure the city is best served.

### **WILLIAM F. SPARKS**

#### **Pembroke Police Department**

William F. Sparks was appointed chief of Pembroke Police Department on April 15. Sparks has 20 years of law enforcement experience. Sparks served in the U.S. Air Force from 1981 to 1992. His unit was attached to the 101st Airborne Division at Ft. Campbell, and he served in Desert Storm. In 1992, he served as a part-time officer with the Christian County Sheriff's Office, Oak Grove Volunteer Fire Department as a Fire Fighter/EMT and as a dispatcher for the Oak Grove Police Department. From 1993 to 2009, Sparks served as an officer for the Oak Grove Police Department and moved through the ranks to become captain. He also served the Guthrie Police Department. Sparks graduated from the Department of Criminal Justice Training Basic Training Class No. 229. Sparks' main goal is to strive to do the best job he can for the citizens of Pembroke, serving his community to the fullest.

### **BRAD STIDHAM**

#### **Perry County Police Department**

Brad Stidham was appointed chief of Perry County Police Department on June 11. Stidham has 13 years of law enforcement experience. He began his law enforcement career with the Perry County Sheriff's Office. He also served the Hazard Police Department. He graduated from the Department of Criminal Justice Training Basic Training Class No. 340. His plans are for the department to grow, because it's a new agency.

### **RALPH GRACE**

#### **Cadiz Police Department**

Ralph Grace was appointed chief of Cadiz Police Department on January 8. Grace has 13 years of law enforcement experience. He began his law enforcement career with the Christian County Sheriff's Office as a part-time bailiff. He also served the Todd County Sheriff's Office. He graduated from the Department of Criminal Justice Training Basic Training Class No. 331. His long-term goal is to add more staff.

### **MERLE EDLIN**

#### **Larue County Sheriff's Office**

Merle Edlin was appointed sheriff of Larue County on March 1. Edlin has more than 21 years of law enforcement experience. He previously served four terms as Larue County's sheriff and of those years, one was a five-year term. Edlin was one of the first graduates of the Western Kentucky Sheriff's Academy. His primary goal is to become more involved in the community through community-oriented policing and continue to provide great service to the people of the county. He says it's a privilege to serve Larue County.

### **JEFFREY BELL**

#### **Hollow Creek Police Department**

Jeffrey Bell was appointed chief of Hollow Creek Police Department on May 23. Bell began his career in 1988 with the Kentucky State University Police Department. He also served the Indian Hills Police Department, Department of Agriculture, Office of the Inspector General and retired from the Anchorage Police Department. His primary goal is for the agency to become accredited through the Kentucky Association of Chiefs of Police.

### **MICHAEL RIGDON**

#### **Mount Olivet Police Department**

Michael Rigdon was appointed chief of Mount Olivet Police Department on June 25. Rigdon began his career in 1977 with the Maysville Police Department and retired from Maysville after 22 years of service. While serving Maysville, Rigdon was a distinguished member of the International Association for Property and Evidence. After a break in service, Rigdon joined the Mason County Sheriff's Office in 2001. Rigdon retired from the Mason County Sheriff's Office in 2011. He attended the University of Kentucky and is a graduate of the Department of Criminal Justice Training Basic Training Class No. 92. His plans are to increase manpower and advance technology. Rigdon also will strive to provide the best service to the citizens of Robertson County.

### **ANDREW WILSON**

#### **Lynch Police Department**

Andrew Wilson was appointed chief of Lynch Police Department on June 17. Wilson has two years of law enforcement experience. He served the U.S. Army reserves for four years. Wilson is a certified telecommunicator and served the Whitley County Dispatch Center before coming to Lynch. He is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 441 and Telecommunications Academy Class No. 77. His plans are to continue the excellent service and growth for the great city of Lynch.

## PRESCRIPTION DRUG BILL

### One Year In, Landmark Prescription Drug Bill Shows Huge Impact

One year after landmark legislation aimed at curbing prescription drug abuse took effect, Gov. Steve Beshear credited the bill with closing non-compliant pain management clinics, reducing the number of prescriptions for heavily-abused controlled substances and decreasing the number of prescription-pill related overdose deaths.

House Bill 1 (HB1), signed into law last spring, included multiple elements to prevent the abuse and diversion of prescription drugs and to enhance law enforcement's tools to investigate illegal prescribing practices.

"A year ago, Kentucky was at a breaking point. Families and communities splintered by prescription drug abuse were crying for help, and HB1 provided key tools to drive out illegal pill mills, curb doctor shopping and decrease unnecessary prescribing," Beshear said. "The impact of this bill can't be measured just in the numbers of pills we've kept off the streets. This bill, I believe, has literally saved lives in Kentucky."

Since the law was passed, 20 non-physician owned pain management facilities have closed and overdose deaths fell from 1,023 to 1,004.

"Nineteen fewer families suffered the pain of a preventable death in 2012 as compared to 2011. Hopefully this downward trend will continue as the full impact of HB 1 continues to develop," said Van Ingram, executive director for the Kentucky Office of Drug Control Policy.

In addition, HB1 required prescribers to register with the Kentucky All Schedule Prescription Electronic Reporting system, which tracks controlled substances dispensed in Kentucky.

In 2011, before HB1, KASPER had 7,545 account holders. Now, more than 24,000 medical providers which are authorized to prescribe or dispense controlled substances by the U.S. Drug Enforcement Agency are registered KASPER users. Each weekday, providers request approximately 17,600 reports.

### Kentucky Officers, Department Receive SRO Awards

At the Annual Safe Schools Advocacy Council Conference conducted in Las Vegas, Nev. during the week of July 22, two

Kentucky school resource officers and a local police department took three of the 15 exemplary service in school safety awards given out for school safety initiatives. These prestigious commendations were awarded to:

- Billy King, Nicholasville Police Department (nominated by the Kentucky Association of School Resource Officers)
- Joe Saunier, Lawrenceburg Police Department (nominated by the Kentucky Association of School Resource Officers)

- Owensboro Police Department (nominated by the local school district)



### State Receives \$6 Million for Online Gambling Crackdown

Kentucky received more than \$6 million for its groundbreaking actions to curb rampant, unregulated online gambling in the state.

The settlement stems from the unprecedented action Kentucky took in 2008, when the Justice and Public Safety Cabinet filed suit to seize 141 domain names used to conduct unauthorized and unlicensed Internet gambling in the commonwealth. The case, Commonwealth of Kentucky ex rel. J. Michael Brown, Secretary, Justice and Public Safety Cabinet v. 140 Internet Domain Names, was the first of its kind in this country. Brown added that Kentucky will continue to pursue action against the remaining Internet sites included in the original suit.

### Officers, agencies honored for seat belt and child restraint enforcement

The Kentucky Office of Highway Safety honored 140 officers from 123 agencies across the commonwealth for their efforts to increase the use of seat belts and child restraints in motor vehicles.

"Despite a wealth of data showing that seat belts and child restraints save lives, each year hundreds of unrestrained motorists lose their lives on Kentucky roadways," said KOHS Director Bill Bell. "These officers, their departments and agencies render a great service for public safety by enforcing our occupant protection laws."

There were 746 total highway fatalities in Kentucky in 2012, with 592 killed in motor vehicles. Sixty-two percent of those killed in motor vehicles were not wearing a seat belt.

"Our law enforcement is making a difference, as Kentucky's seat belt usage rate increased by 1.5 percentage points in 2012 — to 83.7 percent from 82.2 percent in 2011," Bell said. "However, there is still a great deal of work to be done. One fatality is too many."

- Division 1 – Grayson Police Sgt. Tony Cantrell
- Division 2 – Pikeville Police Patrolman Russell Blankenship
- Division 3 – Ashland Police Officer Larry Smith Jr.
- Division 4 – Paducah Police Patrolman Melissa Dillon
- Division 5 – Louisville Metro Police Officer Dennis Potet
- KSP/CVE – Kentucky State Police Trooper Nathan Clinkenbeard



# 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**  
**Alexandria Police Department**  
 James A. Brown

**Anchorage Police Department**  
 Matthew E. Hedden

**Bowling Green Police Department**  
 Jonathan D. Vickous

**Covington Police Department**  
 Donald R. Strange Jr.

**Henderson Police Department**  
 Marty E. Wilson

**Louisville Metro Police Department**  
 Kenneth R. Betts  
 Christopher L. Bowman  
 Christopher L. Davis  
 Larry D. Massey Jr.  
 Amy E. Tanner

**Madisonville Police Department**  
 Robert R. Carter III  
 Christopher F. Taylor

**Newport Police Department**  
 Ronnie W. Gross

**Owensboro Police Department**  
 Rebecca L. Bleidt

**Shively Police Department**  
 Jeremy M. Martin  
 Ronnie L. Vittitoe

**Southgate Police Department**  
 Dan J. Johns

Barry T. Pickett II  
 James M. Snider

**University of Louisville Police Department**  
 Robert R. Cox  
 Victor A. Overstreet

**ADVANCED LAW ENFORCEMENT OFFICER**  
**Alexandria Police Department**  
 James A. Brown

**Bowling Green Police Department**  
 Jonathan D. Vickous

**Carlisle Police Department**  
 Robert G. Turner

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

**Madisonville Police Department**  
 Robert R. Carter III  
 Christopher F. Taylor

**Owensboro Police Department**  
 Rebecca L. Bleidt

**Shively Police Department**  
 Jeremy M. Martin

**Southgate Police Department**  
 John M. Christmann  
 Ronnie W. Gross  
 Dan J. Johns  
 James M. Snider

**Taylor Mill Police Department**  
 Timothy L. Bailey

**University of Louisville Police Department**  
 Robert R. Cox  
 Victor A. Overstreet

**LAW ENFORCEMENT SUPERVISOR**  
**Covington Police Department**  
 Gregory J. Jones

**Franklin County Sheriff's Office**  
 Shaka-Tauhid Bridges

**Madisonville Police Department**  
 Robert R. Carter III  
 Christopher F. Taylor

**LAW ENFORCEMENT MANAGER**  
**University of Kentucky Police Department**  
 Paul G. Grant

**LAW ENFORCEMENT EXECUTIVE**  
**Madisonville Police Department**  
 Christopher F. Taylor

**University of Kentucky Police Department**  
 Paul G. Grant

**LAW ENFORCEMENT OFFICER INVESTIGATOR**  
**Covington Police Department**  
 Gregory J. Jones

**Guthrie Police Department**  
 William F. Sparks Jr.

**Louisville Metro Police Department**  
 Matthew T. Glass

**Paducah Police Department**  
 Anthony J. Copeland  
 Justin P. Crowell

**Southgate Police Department**  
 Ronnie W. Gross  
 James M. Snider

**Vine Grove Police Department**  
 Kenneth L. Mattingly

**LAW ENFORCEMENT TRAFFIC OFFICER**  
**Alexandria Police Department**  
 James A. Brown

**Southgate Police Department**  
 Dan J. Johns

**ADVANCED DEPUTY SHERIFF**  
**Marshall County Sheriff's Office**  
 James S. Oakley

**LAW ENFORCEMENT TRAINING OFFICER**  
**Madisonville Police Department**  
 Robert R. Carter III

**LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR**  
**Frankfort Police Department**  
 Alan R. Burton

**Guthrie Police Department**  
 William F. Sparks Jr.

**Southgate Police Department**  
 Ronnie W. Gross

## Kentucky State Police Announce Top Trooper, Detective And Cve Officer Awards

Manchester-resident Sr. Tpr. Charles J. Senters (center) was named 2012 Trooper of the Year. Senters is an eight-year veteran of the agency and is assigned to KSP Post 11 in London. Pikeville-resident Det. Jimmy D. Anderson (left) was named 2012 Detective of the Year. Anderson is an eight-year veteran of the agency and is assigned to KSP Post 9 in Pikeville. London-resident Officer Michael R. Hamblin (right), was named the 2012 Jason Cammack Officer of the Year for the KSP Commercial Vehicle Enforcement Division. Hamblin is a six-year veteran of the division and is assigned to CVE Region 4 based in London.





# REFORMING THE FUTURE



**A** quarter century is a long time to spend in prison — unless you discover dozens of reasons to love it. For LaDonna Thompson, taking the helm of the Department of Corrections five and a half years ago was just another step toward her career-long efforts to better a department she has grown to love. As the second largest department in the state, Thompson oversees one of the largest budgets and is tasked with doing much more than keeping prisoners locked up and off the streets. Both the inmates and staff at the state’s 13 correctional facilities have become a second family to this busy family woman. Her staff says Thompson’s commitment, first to her husband and two children, shapes who she is for her staff and has become an integral part of why she’s so good at what she does.

**You graduated with a degree in psychology and sociology — what led you to a career in corrections?**

When I was in college, they were getting ready to finish Eastern Kentucky Correctional Complex. I didn’t know anything about prisons, other than the fact that my dad was a state trooper, and I knew people went to prison. I thought I’d be able to do school and work a second or third shift, so it wouldn’t interfere with school. I interviewed with them and was selected as one of the first corrections officers at Eastern before it even opened. >>

PHOTO BY JIM ROBERTSON

How Department of Corrections Commissioner LaDonna Thompson learned to run a department she had grown to love

ABBIE DARST | PROGRAM COORDINATOR

>> Then I fell in love with the field, which happens a lot to people who weren't looking to come to corrections. They get in and really have a heart for it, and they end up staying.

**What was it about corrections you fell in love with?**

I really liked working with the people — working with inmates and with the staff. Definitely, a culture exists in the prison system that is not portrayed in any movie or TV show I've seen. Most people who work in corrections do so because they really care about folks. Often, they care about people in the community and want to keep them safe, and that's why they come in. But then, after they begin working, a lot of them find they really care about working with inmates and hope they can make a difference as a role model, encourager or teacher. That's really what they do, whether they realize it or not.

**What are some aspects of DOC's role most people probably don't recognize or know you are responsible for?**

We do a lot of work with families and victims in the department, which is fairly new. We've always worked with victims and been responsive to families when they called with questions or issues, but now we are doing some innovative things.

One of the outreaches we do is a family engagement session. We talk to families about what to expect once their family member is incarcerated. Family members visit, make calls and send mail, and they really don't know what to expect. They have a little bit of fear if they haven't been involved in the system, about what is going to happen to their loved one. So we do sessions to answer questions about what that's going to be like.

In addition, if a family member has been locked up for 10 years, what can they expect? They will be on parole, and we tell families what to expect as far as our involvement with them. We also talk about what they might experience with people coming back who have been incarcerated for quite some time.

I think we are the only state doing this to that degree, from the beginning to the end of incarceration, and we do it statewide.

We also do a lot of outreach with kids. We partnered with a documentary crew — and I don't do that often, because I don't do prison for entertainment. But, we worked with Louisville community activist, Christopher 2X, who put together a documentary. He and a film crew came to the LaGrange prison and we pulled about 12 inmates of all ages, some who just came into the system, and some who had served quite some time, to be interviewed. All the participants were in prison for murder or manslaughter; their crime involved a gun and took place in Jefferson County. They talked about the epidemic of gun violence. It's one thing to say, 'Don't get involved with guns or drugs,' but to hear these guys talk about what it had done to their lives and how that one action had ruined it, was very moving.

Christopher 2X plans to take the documentary to Louisville schools and local neighborhoods kids, and show them that these are people you know, not a movie, but you know them, their brothers or their families. So we are very involved in projects we think will be helpful to the community.

**In 2007, you received the Breaking the Glass Ceiling award and in 2008 became the first female commissioner of DOC — how do you view those accomplishments for women in your career field?**

First, I think the reason I received the Breaking the Glass Ceiling award and the reason I was able to become commissioner, was because of the women in corrections, before I even thought about being in corrections, who really paved the way. There were many strong women who came into the department at a time when the opportunity for movement wasn't there. They made those opportunities for movement because they came in and showed that it was a good thing to have women on the yard. The inmates behave differently when a woman is working. I think it is intimidating for anybody who works in prison today, but for them to come in and be the first women, set a standard and do a good job, it showed the people in charge there are smart women who could do good work and make good decisions. Then they started being promoted into higher positions. So for me to be able to get to where I am, I have to give a nod to those women who were here before me.

*... being in this position, I have a responsibility to really do a good job. Sometimes you don't realize you are a role model for people because you are just trying to do a good job and have a heart for making a difference.*



Commissioner LaDonna Thompson makes it a point to visit each prison facility around the state as often as possible. This allows her to stay in touch with her staff such as Warden Clark Taylor at the Kentucky State Reformatory in LaGrange.

PHOTO BY JIM ROBERTSON

Second, receiving those awards and being high profile because I am the first female, is a very big responsibility. I didn't realize that at the time. Then I started getting emails or notes, and still do to this day, and not even from women in the field, but from young women in college who were doing research. It made me realize that being in this position, I have a responsibility to really do a good job. Sometimes you don't realize you are a role model for people because you are just trying to do a good job and have a heart for making a difference.

I do think they used me as a role model — not because I am a female commissioner, but because I was a correctional officer and became commissioner. That's what I see more as an example in the field. Of course I knew these people and worked with them, and that made it a little easier. There are times commissioners aren't appointed in that way — coming up through the ranks.

**When you first took over as commissioner of DOC, what were some of the biggest challenges you sought to tackle? What were some programs or initiatives you first implemented?**

Let's talk about re-entry. When I became

commissioner, I really wanted people to do better. We love success stories in this department. Before re-entry became a buzz word, we really wanted to see what we could do to help inmates be successful. House Bill 463 really was an opportunity to do some of those things that we would have never done.

Many of our changes had to do with teaching the staff to have a different philosophy working with inmates, especially probation and parole because they have a greater opportunity to keep people out of the system. Years ago, you were a successful parole officer if you revoked offenders and sent them back to prison. We talked with them and said, 'Success is keeping people out, making sure they are doing the right thing, they've got jobs and they are doing well with their families. That is a success story.' It's not that I called everybody together and said, 'Tomorrow, we're no longer trying to catch people violating their parole or probation.' It took a while to get people used to the changes because our role is to keep people incarcerated if they are messing up. But maybe there is a better way to keep people from making mistakes if we can give them some tools.

The governor put together the re-entry task force and we are working with other agencies in the state to demonstrate that people going home and staying out of prison isn't just a corrections issue. We need workforce development, transportation, housing and mental health officials to work with us. Veteran's Affairs works with us a lot. We've spent a lot of time working with those entities so they understand what we need to make these people successful. It's not a corrections thing, but it's a Commonwealth of Kentucky thing — it's a society thing.

**How often do you get to visit your staff in the field?**

Not as much as I want to. That's the biggest thing I missed moving through the ranks. I do try to get to some regional events where I can see groups of people. I am a member of the Kentucky Council on Crime and Delinquency, and I go to a lot of events there. I do some after-hours activities with them — they've talked me into doing some crazy things. I've run a 5K race with some parole officers. I shimmied down a 200-foot building, repelling with them. I grew up in the system, so I know a lot of them and I try to get to their reunions and special events. >>



Teaching responsibility to inmates, every Kentucky prison offers a dog training program. Inmates teach the canines — many rescued from certain euthanasia — to obey instructions and be good companions.

PHOTO BY JIM ROBERTSON

» And I try to go to those special events for inmates too, such as graduating from GED programs. I do get out a lot, but not as much as I wish I could. I'd like to go every day if I could.

### **With so much going on, do you also have a family?**

I do have a family — I am a tired woman. I have two sons and I spend a lot of time with them. I don't know where it gets squeezed in. My oldest son is a senior in high school this year, and he just finished his Eagle Scout.

I am the treasurer for my sons' scouts and serve as a merit-badge counselor. He is on the football team as well, and I make every game I can. My younger son also is a scout, working up the ranks. He's in the band and just decided to be on the golf team. So they are very busy.

I do mesh my work and personal families because I have a heart for them both. I took the scouts to the reformatory for Veteran's Day. The boys did a flag retirement ceremony for veteran inmates. We have a Boy Scout group at the reformatory for mentally-challenged inmates. They never had performed a flag retirement ceremony, so they participated with our kids as a combined ceremony for the Veteran's Club at the reformatory, which was very cool. So I do a lot of mixing like that, because I want my sons to see what it's like at the prison and it's a way they can give back.

### **What was it like to take the helm of a department you had worked in for nearly 20 years?**

Because I did come up through the system, I think I had an easier time with the staff.

It also helps when I'm with legislators considering changes. I know right away how changes are going to impact my field personnel. Talking to the staff, I think they like the fact that they have somebody who has been in the trenches representing them.

Those years of experience definitely were helpful for me implementing House Bill 463. The bill's prison reform and cost savings initiatives were one of the biggest changes we've had. When they were talking about who would be released and how that would work — I would know how it would work and how we would implement that. Years ago they changed the law to give credit to parolees for time they spent outside. I spent a year in court defending how we implemented that law. I don't think I could have gone through that without having worked in records. If I had to answer some questions without that background, it would have been very tough.

It also has its down sides. I'd hate to say I lost some friends along the way, but that's the reality. People think because you know them and care about them, maybe they could do something and not have to be accountable for it. Or if a promotion was up, they thought they'd have extra points. When they found that wasn't the case, a few were upset. But it was about the work and what was best for the department. It was tough at first, but got easier over time.

### **What do you enjoy most about working for DOC?**

I love working with the people, that's not just the staff. I like working with the inmates and the parolees. I hear from them, and they will drop me notes about how things went because of something we implemented. They literally will write thank you notes from the field. After the documentary we did with Christopher 2X, the inmates said, "Thank you for letting us participate" — they felt like they were making a difference.

I love the staff, I'm not kidding about being in the field every day — that's where my heart is and I miss being with them. That's my favorite part — being able to spend time with them and to develop them.

I have a commissioner's leadership program. One of the components of the program is mentoring. We find staff members who are younger in the system and develop and mentor them. I'm really tied to that. I try to spend as much time with those people

we select each year to be in that leadership program, so they get to know us. They come up with some great ideas, and it's fun to work with them and see the things they think of. Then we put together teams to implement those ideas.

I am a very hands-on commissioner — which is good or bad according to which staff you talk to. I'm very tied to what they do.

**What are some initiatives or programs you want to highlight?**

One initiative we've taken involves preserving the history of the department. The University of Kentucky had some grant monies, and they asked me what I would like to do with them. I'm a history fan, and I thought it would be great to bring all the living commissioners together for a luncheon and ask them about what it was like when they came in — what were their challenges and things that happened. It was a really good day. There were five of us. It was hugely interesting to hear that a lot of the same things that I came into were difficulties for them as well. One of the biggest issues common to the group is the budget

and doing all the things we are tasked to do as the DOC, not just keeping people safe. It is very expensive, as any family knows, to feed, clothe and provide medical assistance for people, and then throw in the mental health costs we have. Couple all that with education requirements and substance abuse treatment and corrections is an extremely costly part of the commonwealth's budget. But these are the things we are tasked to do, and I think we do a very good job with the limited resources we have.

Another big thing for me is the task of trying to let people see how professional this agency is and what a great staff we have that works under the radar and does a tremendous job. I think Kentucky is a very safe place to live. I think our corrections system is a very good one.

We treat inmates fairly. We are not nasty and rude to them. Our motto is firm, fair and consistent. That's how we treat inmates. I think that's why we have a good system because they know we are going to be fair. They may not like the answer, but they know what to expect. They know they won't be treated in a way that shouldn't be done, and if it they are, it will be addressed.

Also, we are fully accredited through the American Correctional Association. Our institutions have been for many years. Probation and Parole was accredited in 2006. Training was re-accredited in 2011. Then about a year ago, there were two places that weren't accredited — central office and correctional industries. We wanted to show the field that we didn't just think it was important for them. We wanted them to know, if it's important, it's important for all of us. And in July, we went through the process and received 100 percent for central office and industries. The fact that we have five areas of the department accredited allowed us to receive the Golden Eagle award. That was a lot of work, and I'm really proud that this is the first time it's been done. Every part of the department had to work together. The Department of Juvenile Justice received the Golden Eagle last year, and now we are one of only two or three states that have both its juvenile justice and corrections fully accredited with Golden Eagle status. 🇺🇸

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**Corrections Commissioner LaDonna Thompson chats with a few guards at the LaGrange Reformatory. She says interacting with the staff at each facility is her favorite part of the job.**

PHOTO BY JIM ROBERTSON

# ‘ULTIMATE DISPLAY OF **Respect**’





Kentucky's honor guards proudly serve their agencies and communities, while honoring the legacy of those who have gone before

**ABBIE DARST** | PROGRAM COORDINATOR



► Boone County Sgt. Chris Hall proudly displays the American flag. Hall has served the Boone County Honor Guard since 2006.

PHOTO BY JIM ROBERTSON



Proper flag folding techniques are a difficult, but essential element for honor guard members to learn during the Lexington Division of Police's honor guard training course.

PHOTOS BY JIM ROBERTSON



Honor Guard Commander Patrick Brannen has served with the Fish and Wildlife honor guard for 16 years.

**O**n a warm spring morning, the wind ripples through the flag, standing proud and tall at attention. The sun gleaming down through sparse clouds reflects off brass buttons, shining forth from a dignified queue of officers. Each stands still, with honor and dedication etched in his face like names on the tombstones he guards. They grip rifles, burnished and ready for their salute. These officers' service marks an unparalleled dedication and respect for their fallen brethren, comrades — friends.

On average, a law enforcement officer in the U.S. is killed in the line of duty every 57 hours. It is critical to have trained personnel prepared to honor their memory in proper protocol, said Lexington Division of Police Lt. Mike Wright. Across Kentucky, numerous agencies have taken the initiative to answer that need and be prepared to honor their fallen brethren.

"I wanted to do it to show respect for people gone before me, show respect for military organizations," said Boone County Maj. Mike Hall of why he personally participates in the agency's honor guard. "It's one of the most prestigious things I've been a part of in law enforcement — to be a part of a funeral ceremony showing respect for a fallen officer."

Hall, the commander of Boone County Sheriff's Office honor guard, has served in the unit since its inception in 1987. Boone County's eight-member honor guard has offered its services for numerous memorial ceremonies for fallen officers and military

personnel, including traveling to Washington D.C. to take part in National Police Memorial Week.

"The thing that stands out in my mind was one trip to Washington D.C. — we formed a cordon to receive family survivors," Hall said. "To see a 3-year-old child of a fallen officer walk in between our cordon wearing his daddy's uniform is one of the most heart-wrenching events you'll ever see. But you feel like you're doing them a service by being there and honoring them and their service."

Created in the mid-1990s, the Kentucky Department of Fish and Wildlife Resources' honor guard also was created with the same purpose of honoring fallen officers, especially those who fall under the umbrella of conservation. KDFWR stands ready to perform services in any part of the state when they are called upon — and have even performed details in other states when asked, Honor Guard Commander Patrick Brannen said. In early June, an Arkansas conservation officer and local sheriff were attempting a water rescue at a house boat, when their boat was swamped and they drowned. KDFWR sent members of its honor guard to the Arkansas service to assist with the casket watch.

"In our department, we receive a gold patch on our uniform for honor guard participation," Brannen said. "When you put that patch on, you represent every conservation officer who has ever existed — especially those who have given their lives in the line of duty."

*“We represent every military serviceman, we represent every citizen who lives in the United States and that's a big responsibility. It is the ultimate display of respect.”*



Nicholasville Police Officer Burke Rhoads attended the Lexington Division of Police's honor guard training in June. As part of that training, he participated in a mock funeral.

PHOTO BY JIM ROBERTSON

## MORE THAN MEMORIALS

Although an honor guard's primary function is to honor fallen officers, active and retired, these ceremonies, fortunately, do not constitute the majority of their assignments. Boone County, for instance, averages about 50 details per year, not including funerals, Hall said.

In addition to funeral services such as casket guarding, flag folding and a 21-gun salute, an honor guard's repertoire of services can include:

- Presenting colors at opening ceremonies
- Marching in parades
- Participating in memorial ceremonies
- Presenting at gubernatorial inaugurations
- Participating in Memorial Day and Veteran's Day events

"I guess it really hit me what it meant to people when we went to the National Wild Turkey Federation banquet and presented colors," Brannen said. "While we're standing [in front of the assembly], they asked all the veterans to stand. When they stood, these guys had tears in their eyes.

"It really hit me, this has a lot of meaning," he continued. "This is more than just me — we represent every officer who's ever put on the uniform. We represent every military serviceman, we represent every citizen who lives in the United States and that's a big responsibility. It is the ultimate display of respect."

No matter what the event, the officers who are part of an agency's honor guard desire to serve their communities and citizens with a respectful distinction you can't find just anywhere. Finding individuals

who live up to that distinction can be a tedious process.

In Lexington, Lt. Wright has developed a process for appointing new honor guard members. Each member of his 20-person unit responded to a department notice looking for interested members. Wright brings each applicant in for an interview and inspection. Each person will go through military drills to see what he or she knows, or how coachable he or she is if there is no previous experience, Wright explained.

"I gauge how they look in uniform and how they take care of small details," Wright said. "In the interview process, I'm looking for commitment and availability. I consider their past work record, seniority and performance appraisals in the job they do generally now. >>



>> “I’m looking for somebody who has a knack for extra attention to detail that goes above and beyond,” he continued. “They will look that much sharper in uniform.”

A person’s personality and character traits also play a major role in his or her ability to successfully commit to an honor guard. Qualities such as flexibility, being a team player and patience are vital, Wright said. Because many members of Lexington’s honor guard, as with many others across the state, have a military service background, their experience with various drill techniques helps them tremendously. However, there are variations in protocol and style between branches of the military, so flexibility and teamwork are essential to forming a sharp, well-executed honor guard unit. In addition, details such as casket guards require extreme patience and composure, Wright said.

“It’s not an easy thing to stand perfectly still for 15 minutes when the widow is there bawling her eyes out or telling stories,” Wright said. “But we have to remember that the whole purpose is for that family and fallen officer. We’re fulfilling their request, and it’s not about us.”

Brannen agrees a position on an honor guard isn’t for everyone.

“It takes a special person who has a little more energy or puts more thought into what he’s doing,” he added. “The [officers] who come out to do this type of detail, there is something a little more about them. They really care about their agency. They believe in what they’re doing and they want to participate a little more.”

#### **PRACTICE MAKES PERFECT**

Once the right person is chosen to join an honor guard, he or she still must be trained on how to properly execute the duties of the unit. In Boone County, they enlisted the assistance of the Marine Corps to train their initial honor guard members. In its infancy, the unit drilled five days a week for a couple hours a day.

Lexington’s unit originally attended a training camp in Minnesota each year. But in 2007, Lexington took the knowledge learned

◀ During the honor guard school presented by the Lexington Division of Police, honor guard members are taught how to properly conduct a 21-gun salute and three volleys.

PHOTO BY JIM ROBERTSON

from years of attending the training camp, members' experience and internal resources and created a weeklong training course of its own. The Kentucky Law Enforcement Council-certified course has since provided honor guard training to about 25 agencies in Kentucky and surrounding states, including fire departments.

"It's especially good for agencies starting their own (honor guard) from scratch or for agencies that have one but have not had formal training," Wright said about the training course. "We start from square one, covering the very basics."

The course, a balance of classroom instruction and practical exercises, kicks off with a history of honor guards, formations

and inspections. Attendees are taught drill techniques; funeral planning logistics and protocol; how to perform manual of arms, flag folding and identifying the appropriate times and protocol for both a 21-gun salute and three volleys, among many others. The week ends with a mock funeral, where attendees wear dress uniforms and perform every aspect of a line-of-duty-death funeral detail.

KDFWR honor guard has attended Lexington's honor guard course. In addition, they practice once a month to keep up their skills and accuracy.

At Boone County, with 50 details worked each year, they consider every detail practice, Hall said.

Regardless of whether an agency participates in five or 50 details per year, their main objectives are to serve their agency and community while honoring those who have laid down their lives in service to their communities.

"The knowledge that we are there for the community and being able to serve the community in that capacity is rewarding," Hall said. "We're not just showing respect to people and the flag, but also showing off our agency as well, because we are very proud of who we are and what we do." 🇺🇸

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(From left to right) Boone County Sheriff's Office Honor Guard members Deputy Adam Schepis, Sgt. Chris Hall, Deputy Matthew Sauerbeck and Sgt. John Roth present colors for the Quaker State 400 truck race in June.

PHOTO BY JIM ROBERTSON





# CULMINATING A YEAR:

Fort Thomas recruit completes his first year in law enforcement

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



**I**nstead of cake and candles in honor of the one-year anniversary of Fort Thomas Police Officer Derek Faught's entrance into the police academy, Faught spent his day with radar gun in hand, stopping violators and keeping the streets safe.

It's just another day now in the life of a cop. The past year has been a long road for Faught. On July 9, 2012, he began his journey through the 18-week Department of Criminal Justice Training basic academy. With an eye on the light at the end of the proverbial tunnel, Faught suffered an injury in week 15 that brought an abrupt halt to his new career path. But after an unexpected surgery and a few



PHOTOS BY JIM ROBERTSON

# Year 1

WEDNESDAY

THURSDAY

FRIDAY

SATURDAY

months of rehab, Faught rejoined the academy to graduate March 1, 2013.

"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 lacking — the application of it. It's just a matter of getting out there and doing it now."

The following Monday, reality began to sink in as he settled into the driver's seat of a new patrol car. With a 14-week field training program ahead of him, in his first day Faught experienced making his first arrest and vehicle search resulting from a traffic stop — a task with which he'd soon become all too familiar.

In his fourth week of field training, Faught had arrested six more people and was beginning to learn the routine.

"It was quick — quicker than I thought it would be," he said of the first time he handcuffed an alleged criminal. "I feel a lot different now even from that first

arrest. There's still a twinge of nervousness there, but I don't notice it as much as I did in that first arrest."

In the following weeks, Faught worked a couple domestics, arrested several drunk drivers and encountered a handful of juveniles who were up to no good.

"I've been surprised by some of the juveniles we've come across who already are getting into trouble and heading down that road," he said. "At 14, I wasn't even thinking about that stuff. I've just been surprised that sort of activity starts really early."

"Field training was stressful, I'm not going to sugar coat it," Faught continued. "But it was really good. I got a lot of different viewpoints from different guys. That was the really neat part — getting to see how each guy does his job a little differently because they have that discretion. Some guys focus on traffic, some guys really try to work drugs, but they all come together

and do their job well. It really flavored my style of doing things because I took a little bit from each person."

Faught also began to get a taste of how much of his new job is law enforcement and how much is details.

"There are so many subtle little things you have to remember it amazes me," he said. "There are so many little things to do each night. I battle getting home on time because there's so much to remember to do at the end of a shift. Download all your videos, do the activity sheet, download any pictures you took of crimes or property damage, download reports and gas up the car. With not having take-home cars, we have to take all this stuff out of the car, make sure you don't tick off the next guy for leaving trash in there or something. Checking the back seat to make sure nobody left anything and getting all the stuff off the MDT before you shut it down so you don't have to come back. >>

>> "That's a lot," Faught continued. "That has been the biggest surprise — all the little things it takes to do this job well."

### LESSONS LEARNED

Faught and his wife, Sarah, are transplants into the affluent and tightly-knit Fort Thomas community. During his field training program, Faught said his fellow officers from the community made an effort to introduce him to folks in the area and help him learn his way around.

"A lot of times people say, 'Oh, I haven't seen you around here before,'" Faught said. "I tell people, 'I'm the new guy, I just got hired not too long ago.' Another nice thing about Fort Thomas is that most people have a positive perception of the police. I mean, I wave at everybody. Everybody wants to wave at the cops. It's nice."

While the people are friendly, learning to talk to them in his new role has been a significant lesson for Faught.

"My training officers laughed at me because I would wait for people to talk to me," Faught said. "As a police officer, when you show up at a scene, people want you to tell them what's going on. If you show up at someone's front door and you don't speak immediately, they are thinking the worst."

No matter how friendly you are or how innocent your intentions may be. That badge and uniform makes them think, 'I'm in trouble,' or, 'Someone I know is hurt.' You really have to take charge and get that information out, because it freaks people out when they don't know why you're there."

Using different communication techniques to accomplish a goal when talking to criminals also is a developing skill, he said.

"I arrested a guy who blew .25, which is really high to be driving," Faught continued. "When I was doing my field sobriety tests, I was just trying to keep him from falling into traffic. When he was being argumentative with me, at first I tried to say, 'You're going to do this...' Instead, my FTO said, 'Let's try to be overly friendly to get him to do the tests.' That was kind of a learning process to take a step back and say, 'Hey, even if he's being argumentative, try to work with him to do as many tests as possible so I can build up my case in court.'"

### TRAFFIC

Largely due to the city's proximity to interstates and metropolitan cities, Fort >>

“Using different communication techniques to accomplish a goal when talking to criminals also is a developing skill.”

Finally working the road on his own, Fort Thomas Police Officer Derek Faught helps travelers during a federal traffic enforcement detail along Interstate 275.

PHOTO BY JIM ROBERTSON





# Year 1

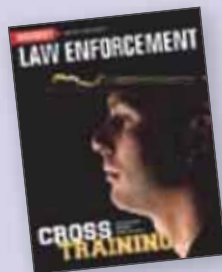
THURSDAY

FRIDAY

SATURDAY

◀ During his field training, Officer Derek Faught worked with several Fort Thomas officers who helped him develop his own style of policing.

PHOTO BY JIM ROBERTSON



For more about Faught's 18-week academy experience, see pages 40-57 of *Kentucky Law Enforcement* Summer 2013 issue, available online at [docjt.ky.gov/publications.asp](http://docjt.ky.gov/publications.asp)



PHOTO BY JIM ROBERTSON

“Faught said becoming a father and caring for his young son has made him more aware of the atrociousness of crimes against children.”

>> Thomas officers spend a great deal of their time on shift working traffic, Faught said. “I talked to my brother-in-law in Lexington (who began policing around the same time as Faught) and he said they’re so busy going from call to call, he hasn’t made five traffic stops in his entire field training. I make five a day — at least. Whatever city you’re in, you just have to find what is going to help you be successful there.”

On his anniversary, Faught worked his first federal overtime traffic detail. As routine as they often may seem, traffic stops can be a solemn threat to any officer’s safety. With that in mind, Faught is working to find a balance between enforcing the law and helping those citizens with whom he comes into contact.

“I feel bad giving a ticket [for lack of insurance] to a guy who says, ‘Thank you, have a good day, I couldn’t do what you guys do, it’s too dangerous,’” Faught said. “I know I’m doing what I need to do, but the biggest thing is I want to know what to advise people to help them out. Like on a

traffic stop, the guy most likely does have insurance. I believe him. But he’s from out of state and he can’t provide that to me, so that’s a charge. I want to be able to provide him with the advice to get out of that ticket if possible. I told him, ‘As long as you show up to your court date with proof that you had insurance on the day I stopped you, they should drop the charge.’

“That to me was important — to learn the little tips you can tell people to help them out,” Faught continued. “I’m not out here just to irritate people. I’m out here trying to make the road safer. With insurance, sometimes people say you’re kind of picking on somebody. Well, you may feel that way until that person hits you and you can’t get anything out of insurance because they didn’t have it. These are laws for a reason.”

#### ON HIS OWN

By his anniversary date, Faught had only been on the road independently for about two weeks. His field training program was extended by the birth of his and Sarah’s

# Year 1

SATURDAY

FRIDAY

THURSDAY

DAY

8

first child — a son, Xavier. Faught's commitment to safety on each shift already was a considerable priority, but Xavier's birth reinforced the desire to get home each night to his family.

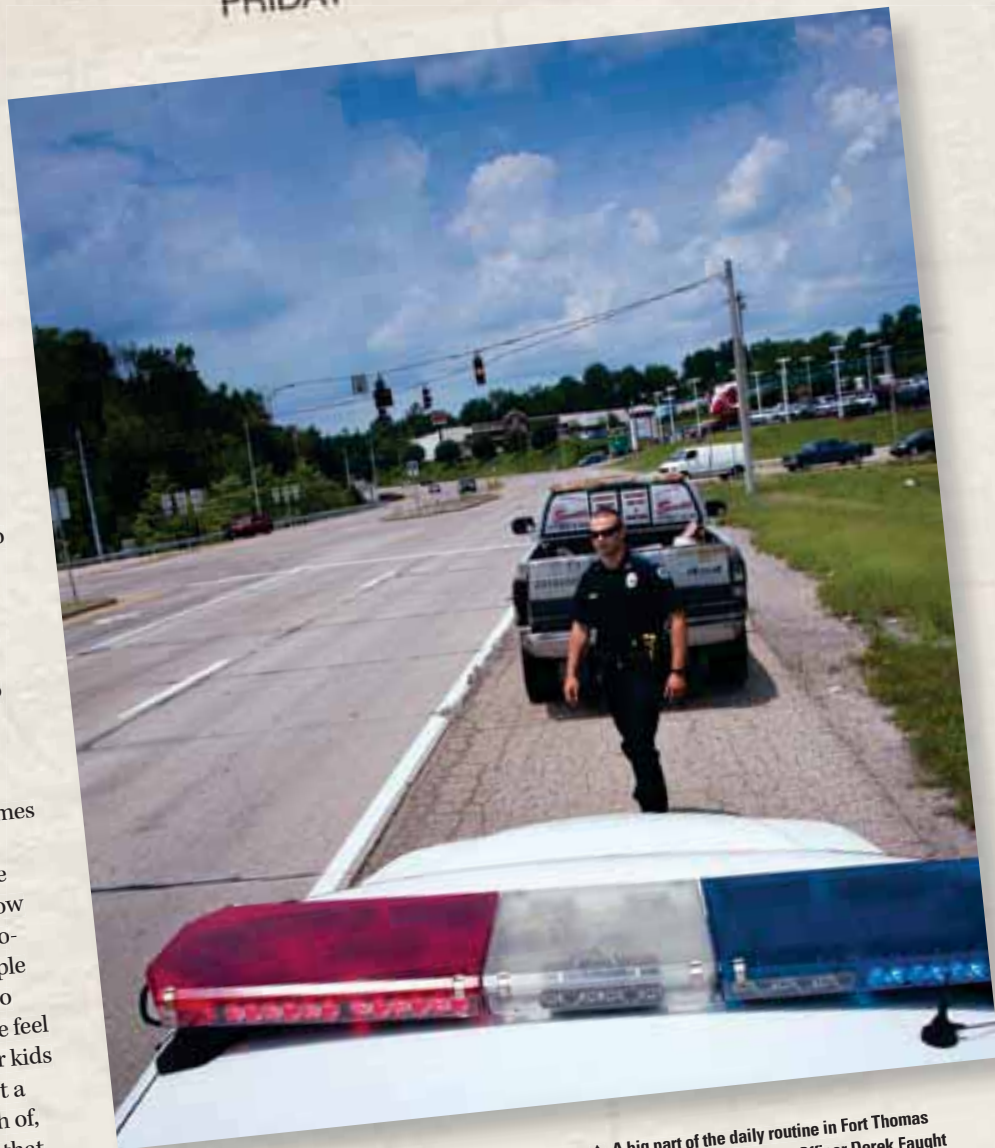
"Not only do I not want to die — obviously everybody wants to preserve their own safety — but if he had to grow up without a dad, that would be horrible," Faught said. "Not being there for him, not being able to provide for them factors into my thoughts. Obviously I have life insurance and Sarah and Xavier would be well taken care of if anything did happen. But it is a sobering thing to think that if I'm not safe, I may not be able to go home to them."

Faught said becoming a father and caring for his young son has made him more aware of the atrociousness of crimes against children.

"That kind of thing just horrifies me even more now," he said. "Realizing how vulnerable they are gives me a new motivation to protect children from people who prey on them. Having a child also makes you appreciate the way people feel about their kids — even though their kids might be criminals. You might arrest a person you wouldn't think too much of, but when you take into perspective that he or she is someone's child, it adds another layer to it."

Despite the difficulties, dangers and hurdles of the job, Faught said he still can't imagine doing anything else. Now that he's on his own, he has an opportunity to be proactive and shape his policing style into the kind of career he has dreamed about.

"I'm enjoying putting some real-world experience with the information I learned



down at the academy and developing relationships with the guys at the department," Faught said. "While I was at the academy, I felt pretty much detached from everything here in Fort Thomas. Now I'm getting the experience and forming good relationships. I love it."

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▲ A big part of the daily routine in Fort Thomas is traffic. Fort Thomas Police Officer Derek Faught makes it his goal to help citizens on the road and make the community streets safer.

PHOTO BY JIM ROBERTSON

well-meaning  
well-meaning  
well-meant (wĕl' mēnt)  
**well-ness** (wĕl' nis) n.

# Live Well. Within Your Means

## PART IV.

ABBIE DARST | PROGRAM COORDINATOR

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

You are embarking on the **last article** 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.





Officer Smith pulls into his agency's parking lot 30 minutes early for his shift. He searches the back lot for a parking space before pulling in beside a glistening black oversized truck, chrome rims sparkling in the sunlight. He shuts off the engine of his 1996 reliable sedan and walks toward the front door. As he makes his way toward roll call, he hears two officers discussing weather predictions. One hopes for clear blue skies to take his brand new boat to the lake for the weekend, while the other looks up the forecast for his upcoming cruise getaway with his wife. Officer Smith sinks into the closest chair, thinking about what it would be like to drive a shiny new truck, trying to remember the last time he was able to take a vacation and wondering why everyone else seems so much better off than him.

That pang of envy attacks us all now and then, looking around at what the Joneses have and wanting the same nice house, car, boat or motorcycle. But in the midst of your jealous >>



>> pity party, as you ask yourself how your friends can afford the finer things in life, have you stopped to consider that maybe they can't?

"Stress-related consumerism is an officer's attempt to move from the bottom reaches of the biological rollercoaster to the top by making novelty purchases," Gil Martin said in his book "Emotional Survival." "The cycle can become quite overwhelming for some officers who purchase a new vehicle or recreational toy and find themselves working every available off-duty job or taking all the available overtime in order to meet the financial obligations of the purchase. The cycle can become quite consuming."

There's no doubt that law enforcement is a stressful career that can take its toll on an officer's physical, mental and emotional wellness, but an officer's financial wellness, or lack thereof, can be affected by the job and affect an officer's job performance. As Martin explains, a law enforcement officer's stressful job can trigger a dangerous and wearisome cycle, robbing many officers of a sense of a rewarding career and life.

### GETTING THE CYCLE ROLLING

Behavior and marketing research has established that certain individuals, when feeling mildly depressed or unfocused, find themselves feeling more energetic if they purchase something. Known as 'retail therapy,' mood-induced shopping sprees by women generally lean toward smaller purchases that are easily absorbed into one's budget. On the other hand, feel-better purchases made by men tend to be big ticket items, such as boats, cars, trucks, campers and power tools.

"The typical law enforcement spending pattern, unfortunately appears to be more closely linked to the traditional male spending pattern," Martin said. "The items officers tend to purchase are large and they typically are not absorbed within the next budget cycle. It does feel good to make the purchase, however."

It is that good, uplifted feeling that makes the cycle so hard to break. The good

“*The National Institute of Justice lists personal financial problems as a risk factor for fatigue and stress in cops, and the National Institute of Mental Health cites financial problems as a potential catalyst for the onset of depression.*”

feeling lasts until the first payment, but the payments may last four or five years, Martin said. And since the payments are not easily absorbed within the family budget, the officer finds him or herself working extra jobs or as much overtime as possible to make the payments. Working longer hours puts more stress on the officer and he or she feels depressed and bogged down by work, so a little more retail therapy is sought — and the cycle continues.

"This cycle robs the officer of any sense of financial security across the span of the occupational career," Martin said. "Many officers, without having a sense of proactive control of their finances, experience significant distress economically, in spite of enjoying an occupational career that is generally free of lay-offs and downsizing ...."

### FEELING THE CRUNCH

A 2011 study undertaken by the Boston College Center for Work and Family found a critical link between financial difficulties and decreased employee productivity. The study showed that financial distress may have a direct impact on employee health and well-being, which can reduce worker productivity and increase absenteeism. Simply put, when people are worried about money, they don't focus as well at work. >>



# Transportation

# Food

# Utilities



# Housing

# Debt

# Misc.



>> This would not be a favorable implication in any career field, but particularly for law enforcement officers. Constant mental distractions leading to a lack of focus can be dangerous.

"I tell them this job is very stressful," said Sharon Davis, who helps teach recruits about financial wellness the day before graduation at the Department of Criminal Justice Training. "When you are out there, the first thing you want to do is get home safely. The last thing you need is to be worrying about your finances. You don't want to get a phone call from your wife (or husband) about a bill and how you're going to pay it, because you lose your concentration."

The National Institute of Justice lists personal financial problems as a risk factor for fatigue and stress in cops, and the National Institute of Mental Health cites financial problems as a potential catalyst for the onset of depression.

"[Officers] working long hours or multiple jobs may spread themselves too thin, becoming vulnerable to assaults and traffic accidents," said Dean Scoville in his article "Financial Literacy for Cops." "It makes sense for law enforcement officers to make the most of the money they have now. And that means getting out of, and keeping out of, debt."

## WITHIN YOUR MEANS

Considering the 2012 Wage and Salary Survey Report by the Kentucky League of Cities lists \$30,000 as the police officer median salary statewide, it's obvious law enforcement isn't a career choice for getting rich and living lavishly.

"You decided on this profession knowing what the pay is, so you have to live a modest lifestyle," said DOCJT Instructor Gary Wilson, who also teaches financial wellness to graduating recruits and their families. "There is nothing magical about it — your intake has to be more than your output. If your output is more than your intake, you're in trouble. That's it."

During the Realities of Law Enforcement portion of the law enforcement

families training presented to recruits and their families the night before graduation, Wilson and Davis stress to new officers the importance of getting and staying debt free as a means to having a happier, more satisfying career and family life. At the beginning of their presentations, Wilson and Davis ask recruits to write down their income and a list of all debts. These figures are given to the class leader to find an average. The averages are used to develop a mock budget, showing recruits how to begin taking control of their finances. Recruits are encouraged to fill out their own budget sheets using actual figures from their personal income and bills.

"I ask about the average cost of a house and how many credit cards they have," Wilson said. "The average is three. That shocks me, because I'm thinking one. I ask how many have a minimum of two cars in their households, and we talk about car payments. Then I start working in where we can save money."

Starting with solutions as simple as not withdrawing cash from ATMs owned by banks other than your own to avoid fees, to cutting eating out or going to movies, Wilson and Davis show recruits how to slowly free up money to redirect toward debt payoff.

"I understand that what I'm showing them is like trying to climb Mount Everest, you feel like you will never get there," Davis said of the presentation. "So I go back to when they first started at the academy. I ask, 'When you walked in and saw all those books piled up, were you overwhelmed? But in 18 weeks you covered all that material. And you did it one little bit at a time.' I tell them getting out of debt is the same way — you start out and it's just a little bit at a time."



And Davis and Wilson both speak from experience. When Wilson and his wife committed to paying off their debt, it took 11 years, but now they live completely debt free, including mortgage free. Davis and her husband also, have followed the same rules they teach, and live a debt-free lifestyle.

Once officers have paid off their debt, the next step is saving and planning for the future. According to a CNN Money report, 50 percent of Americans have less than a three-month cushion and 27 percent have no savings at all. For officers serving in a hazardous profession, setting up their families to be prepared to manage financially if [the officer] is hurt or killed should be a top priority.



“*Making financially-sound decisions, learning to live within one’s means and committing to saving for the future all are part of practicing financial wellness.*”

“It is so important that you be out of debt for your loved ones,” Wilson said. “I’m not saying you have to be totally debt free, but you have to put yourself in a position that if you lose an income or something occurs — a family emergency — you have to be able to survive.”

But even in the likely case that an officer is not harmed in the line of duty, he or she still can provide a richer life for his or her family by properly handling income and savings.

“Finances are what cause most divorces — arguing over money,” Wilson emphasized. “Staying financially on your feet causes less stress, less marital problems and makes life a lot easier all the way around.”

Making financially-sound decisions, learning to live within one’s means and

committing to saving for the future all are part of practicing financial wellness. Though it is often a forgotten part of an overall wellness outlook for law enforcement officers, it can have profound effects on the overall wellness and productivity of officers over the course of their careers.

“Officers who have a sense of financial security are in a position to free themselves of anger and frustration at their employers,” Martin said, “and continue to invest energy into the professional goals that typified the earlier years of their careers.”

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# EXPRESS YOURSELF:

## How you communicate can be your most powerful tool

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

A good attitude and polite demeanor may not be your initial response toward someone whose idea of communication includes a few choice words about your career selection and suggestions about what you can do with those handcuffs.

But how you communicate with the public can determine the outcome of any situation. And that positive attitude may be the one thing that keeps you safe.



“*Good communication skills can (in many cases, not always) diffuse violent altercations before they explode, get people to do what you want them to and help create a positive relationship with the public.*”

As a rookie in a large, mid-western police agency, Sgt. Charles E. Humes Jr. was taught the value of talking to people with a positive attitude by a seasoned officer who had seen the difference it makes. Humes wrote in “Law Officer” magazine that following the officer’s advice and showing respect to those who don’t always deserve it has paid off more than once in his lengthy career.

“Undoubtedly, the most important concept he taught me was the fact that the most used and powerful tool you possess is your mouth (or, to be even more accurate, your communication skills) and how you use them,” Humes wrote. “Good communication skills can (in many cases, not always) diffuse violent altercations before they explode, get people to do what you want them to and help create a positive relationship with the public.”

Exercising good communication is something most of us have been hearing about since grade school. While the topic isn’t novel, it is one that needs constant consideration on the streets, especially when cynicism begins to set in and one bad call runs into the next.

“Undeniably, we become hardened to the horrors of life,” Humes wrote. “What may seem very routine to us can be a traumatic experience to those we protect. Talk to victims the way you would want another officer to talk to your wife or child.”

Vinton (Iowa) Police Officer Eric Dickinson also wrote an article for “Law Officer” about an encounter he had with a citizen, and soon thereafter, the citizen’s husband. Dickinson stopped a woman one winter morning in a school zone whose windshield had only a “softball-sized hole cleared in the ice,” he said.

Dickinson explained the danger of her vision being obstructed — especially around the elementary school — and cited her for the violation. The next morning, Dickinson was called to the police department to talk to the woman’s husband.

“As I got closer to the PD, I began to anticipate the same kind of occasionally-angry comments I’ve heard before,” Dickinson wrote. “Why are you picking on us? She didn’t do anything wrong. You could have been decent and given her a warning. Don’t you have better things to do like catch murderers and rapists? I’ll have your badge for this. I pay your salary!” ... As I got angry, a quote from one of my academy instructors crossed my mind and tempered the response I was preparing for this guy. If you say the first words that come to your lips, it will be the greatest speech you’ll ever regret.”

Dickinson maintained a calm and professional demeanor as he approached the man, who in turn, shook his hand with a smile. The officer was stunned as the man thanked him for being “a perfect prince” to his wife during the traffic stop and explained how much he appreciated the officer’s help and concern that morning.

“Your expectation in a situation frames what you’re going to get back,” said Josh Phelps, an associate professor at the Norwegian Police University College. “If you go into a situation with a bad attitude and horrible expectations, that’s pretty much what you’re going to get back.”

Phelps is a Mt. Washington, Ky. native who studied at the University of Kentucky >>





>> before receiving his master's degree in England and a Ph.D. in social psychology from the University of Oslo in Norway. He has been teaching communication, conflict resolution, psychology and more at the Norwegian Police University for the past three years. Recently Phelps visited the Department of Criminal Justice Training as part of his research about teaching communication skills to police officers.

Phelps recognizes that as police officers, it's easy to have pre-conceived notions about what is going to happen when you, for example, return to the same house for the fifth time in a month in response to a domestic violence call with a drunken husband. But communicating well with both the victim and suspect and maintaining a positive and professional attitude may help more than you know.

"It's not always going to work," Phelps said. "There are going to be times you have to use force. You are going to have to use the different tools on the job you have been trained for. But a basic degree of professionalism and treating people with respect goes a lot further than people would think. You have to remind yourself, 'This is what I've chosen as my profession.'

"Of course it's difficult when you go into certain situations where people want to lie to you or hurt you, but not always," Phelps continued. "Many police interactions are basic social interactions where you're trying to help somebody out."

## OFFICER FRIENDLY

"We all realize [a negative] attitude will cause more harm than good and will try to ensnare you throughout your career," Dickinson said. "What you may not realize is how easily and quietly it can sneak up on you, regardless of whether you have one year on the job or 20. You should be able to recognize that attitude developing through your own thoughts long before you begin to treat the public with a lack of respect and professionalism."

Continually evaluating your interaction with the public will help keep in check a bad attitude that is trying to surface. While there are jerks everywhere, Dickinson urged officers to remember that the majority of the public are decent people who respect the job officers do.

Phelps agreed, and suggested that in each encounter with the public, an officer's goal should be to present a basic level of professionalism. While visiting the states, Phelps said he talked with a Louisville Metro officer who has served the agency for 20 years. During that time, Phelps said the fit and burly officer told him he had only been in three fights — a fact he attributes to his self confidence and practice of good communication.

This can be accomplished, Humes suggests, by beginning all communication with the public in an "officer-friendly" tone of voice — unless the situation demands otherwise.

"Your actions can always escalate as necessary," Humes said. "However, if you start your contact with an unnecessary overpowering demeanor, you can never go back to officer friendly. Talking nice doesn't mean dropping your guard. ... Be nice and polite to people, but simultaneously have a plan and be prepared to physically neutralize everyone you contact. Listen to their words, but pay even closer attention to their body language."



◀ Kentucky native Josh Phelps has spent the past three years serving police students in Norway and focuses his teaching and research on communication skills in law enforcement.

PHOTO BY JIM ROBERTSON

“Be nice and polite to people, but simultaneously have a plan and be prepared to physically neutralize everyone you contact. Listen to their words, but pay even closer attention to their body language.”

If the situation does turn ugly, how do you go to the next call? Phelps said this is one of the biggest challenges he hears from the officers he trains.

“The things we recommend are basic coping and stress techniques,” Phelps said. “Take a few minutes, even though you have to go to the next call. Take a deep breath. Make sure your basic bodily functions are taken care of. Communicate with your partner if you’re working with someone. One of the best ways to cope with stress is social support. Tell your co-worker, ‘This call has really gotten me worked up, can you take the lead on this next one?’ The biggest thing is to practice it and be aware of it.”

Phelps encourages departments to take time at meetings to encourage officers to build on their experiences and reflect on them critically. Instead of dwelling on a situation that may have gone horribly wrong, ask yourself, what happened? Why did it go

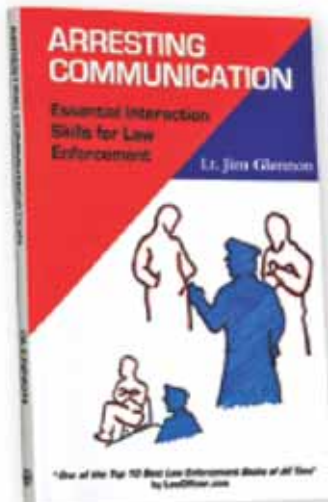
horribly wrong? Reflect on what could have been done differently and prepare for the next encounter.

“Think about the past 25 people you’ve had contact with,” Humes wrote. “You may have been involved in a shooting, but probably not. You may have been involved in a use-of-force situation, but probably not. But you did interact and communicate with other people during every single contact, just as you will during every single contact for the rest of your career. Now do you get the picture on how important good communication skills are and how often they are used? 🇺🇸”

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“Law Officer” author Sgt. Charles E. Humes Jr. recommends the book, “Arresting Communication: Essential Skills for Law Enforcement.” The book is written by police trainer Jim Glennon and acknowledges that “there’s a time to talk and a time to fight.” Humes suggests the book addresses must-know communication concepts for “top-notch law enforcement performance.” ■



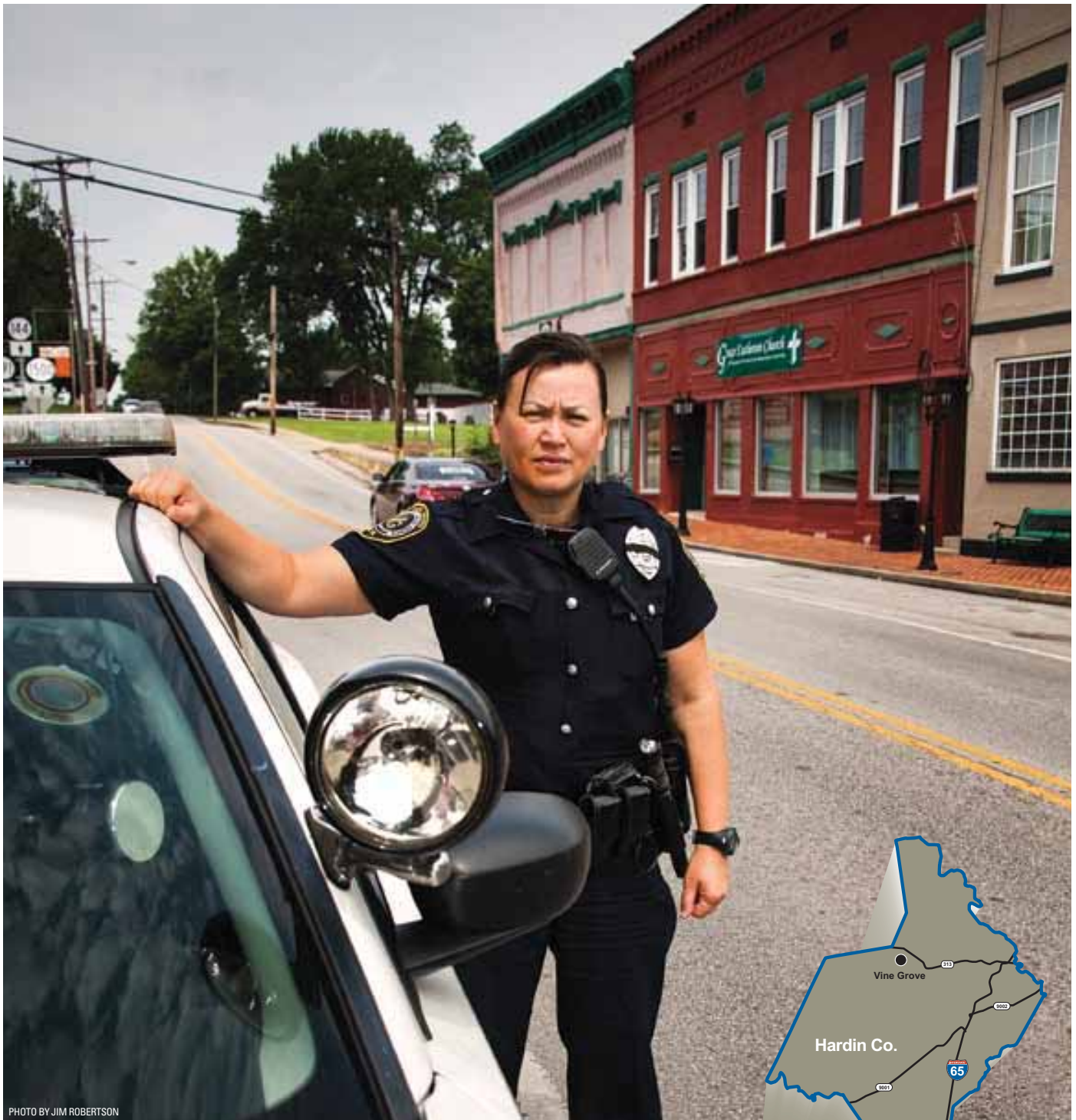


PHOTO BY JIM ROBERTSON

## Vine Grove Police Officer **Cristina Davis**

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



“*The Coast Guard motto was Semper Paratus, which means always ready. That has framed my philosophy for police work and in life. I try to be ready in my training, knowledge base and equipment.*”

In her 18 years in law enforcement, Vine Grove Police Officer Cristina Davis has policed a wide range of citizens and communities. Her experiences working in both urban and rural settings have provided her a unique perspective on how to keep the tactical edge in Kentucky's provincial neighborhoods. Now as Vine Grove's first training coordinator, she is passing along that education and passion for a job done both right and safe.

**I am honored to share my experiences** in order to promote law enforcement as a career choice — especially for women. I am a qualified firearms instructor, and several years ago, I was told I was the first female to go through the rifle instructor course in Kentucky at Department of Criminal Justice Training. I was the first female to be selected on the SWAT team while employed in Concord, Calif.

**I am the police training coordinator** at the Vine Grove Police Department and I'm extremely excited about training the new recruits and lateral officers. I would like to write a book in the future about police field training concepts. I love to educate and train because I'm assuredly getting better and improving myself in the process.

**I once was asked by my supervisor why I do this job.** I pulled out of my sentimental folder a letter a citizen took the time to write thanking me for how I assisted her with domestic issues involving her ex-husband, who had been harassing her. The woman wrote how it had been the first time she felt safe. It is moments such as these that keep me doing this dangerous job with some not-so-nice clients.

**My 18 years of law enforcement experience is quite diversified.** I served in the U.S. Coast Guard and worked up to becoming a federal maritime law enforcement officer. I have worked as a police officer in the states of California and Kentucky, both at university and municipal police departments, urban and rural.

**The Coast Guard motto was Semper Paratus,** which means always ready. That has framed my philosophy for police work and in life. I try to be ready in my training, knowledge base and equipment.

**My husband and I met in the U.S. Coast Guard** and we both work as police officers in different agencies in Hardin County. We were both the slowest eaters in the galley — everybody had left and we looked up and it was just us.

**My passions are to help people and animals.** As a police officer, I feel I can do both. If there is a dog or cat wandering the street, I try to get it to a local shelter. In this rural area, I've probably killed more deer than most hunters because they were hit by cars and were suffering.

**Policing is usually the same wherever you go.** There are similarities working in urban and rural communities. You must have the warrior mindset to work in both and be suspicious of everyone with whom you come in contact if you want to stay alive. Yet, you must have the temperament to work well with the public. The crimes in rural and urban communities are usually the same, as well as the toll of long hours and erratic shifts.

**I constantly have to be ready to triage calls** and be ready to leave the call I am currently on for a higher-priority call. There are a limited number of cover officers, and I try to plan ahead and wait on suspect contacts and interviews until I have a cover unit available. There also is limited supervision, so I have to be more knowledgeable with the laws and be prepared for the consequences of my decisions.

**I hate to admit it, but** in rural patrolling, you at times sacrifice some officer safety and have to respond to calls by yourself that you normally would not. In working rural areas, I must work closer with the community and nearby jurisdictions because I recognize there is no way one officer can handle every type of call.

**Our city has great working relationships** with other agencies and nearby cities,

including the Vine Grove Fire Department, Radcliff, Elizabethtown, West Point and Muldraugh police departments and agencies such as the Hardin County Sheriff's Office and Kentucky State Police. Collectively, we have Hardin County well protected.

**Rural policing is more creative** because you have to do the job with a lot less. At night, when looking for a suspect on foot, I may keep my car running with the doors locked with all the spotlights on to make it appear that there are more officers at the scene. I have had to use EMS personnel to assist in looking for possible suicidal subjects, and Chief Stephen New with the Vine Grove Fire Department has assisted me in looking for horses on the loose and has assisted the department on many other occasions.

**I adhere to visible patrol practices** by trying to do most of my reports in the car. I like to change up tactics and locations where I do reports, and I take different routes to and from home so it is harder to predict where I may be at a given time.

**I believe the Kentucky legislature** should allow police officers to use work addresses on driver's licenses as a protective measure so it is harder for criminals to know where we live.

**Police work seems to have the highest highs** and lowest lows, and it can be hard to adequately explain to those on the outside looking in. It can be a thankless occupation and even hard to do at times, especially in a more blameless and litigious society. Despite all its pitfalls and dangers, I cannot imagine myself doing anything else. I'm extremely lucky to be working in a profession that I have dedicated my life to and with colleagues with whom I enjoy working. 🐾

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# Rural

**PATROLLING**

**KENTUCKY:** Find

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ing the tactical edge in the commonwealth's countryside



An aerial photograph of a vast, rolling mountain range in Kentucky. The mountains are densely covered in lush green forest, with varying shades of green and blue-green. The terrain is rugged and undulating, with many ridges and valleys. The sky is overcast with soft, grey clouds. The overall scene is a dramatic and scenic view of the state's natural landscape.

# Rural

**PATROLLING**

**KENTUCKY**

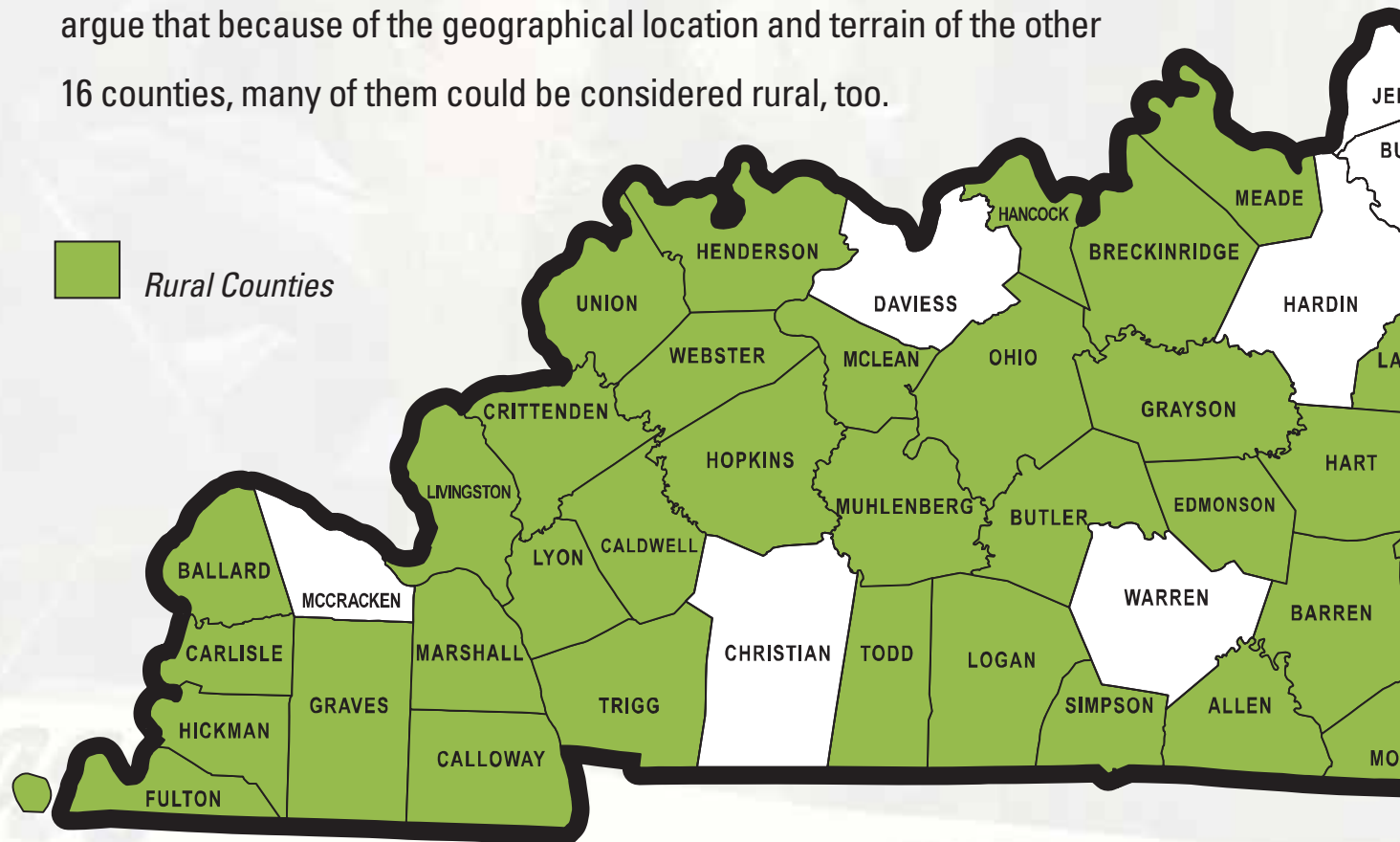
Nestled in a ruffled blanket of blue-green, Kentucky's rural counties to the east contrast vividly with the flatter landscape of counties to the west.



# RDEFINING Rural KENTUCKY

From the flat or gently rolling farmland in the west to the mountains and valleys of the east, the majority of Kentucky easily falls within the classic definition of “rural countryside.”

**A**ccording to the U.S. Census Bureau, any jurisdiction with a population of fewer than 50,000 is considered rural. In Kentucky, that means 104 of the state’s 120 counties fall into the category. Some might argue that because of the geographical location and terrain of the other 16 counties, many of them could be considered rural, too.





If you're a cop in Kentucky, you probably know what it means to police a small-town community. If you've been a deputy for any length of time in your area, you don't need a uniform or patrol car for everyone to recognize you as the law. When you sit down to dinner at the local greasy spoon, it's expected that your food will get cold before you finish talking to folks about current town issues. When you're responding to a call at 2 a.m. in the middle of nowhere, the bad guys presumably know you're alone and your backup isn't anywhere close.

Welcome to rural policing.

If you have grown up in a small town, there are just as many benefits as there are frustrations. After all, if you work in a metropolitan area, it's much less likely that your criminal's mother will send you off with an armful of homegrown zucchini along with her son in handcuffs.

While the slower pace and amenities of a Mayberry-esque community may be comfortable for Kentucky's officers, there is a fine line between comfort and complacent. Knowing how to keep the tactical

edge and ensure both the safety of the citizens and yourself must be in constant cognition.

"We have to be very tactically minded," said Ohio County Sheriff David Thompson. "The last thing I want under my watch is to have to go to one of these wives' or husbands' houses and advise them their spouse has been shot."

### PROTECTING YOUR PEOPLE

When Thompson was elected in Ohio County three years ago, he and his chief deputy, Maj. Steve Kimble, recognized that in order to protect the deputies they employed, they needed to improve the equipment they were provided with which to do their jobs.

"When we first got here, every deputy bought their own cruisers," Thompson said. "So you can imagine the type of vehicles we had. You didn't know if it was a sheriff's deputy or a constable or what out there. We would go to a scene and have to call for a wrecker to come get OUR vehicles. So it was very important for us to have a fleet of cars to get in and arrive

to these scenes quickly, safely, and to be recognizable."

Thompson also made sure the deputies were equipped with firearms and bullet-resistant vests, tools for accident reconstruction, and perhaps most exceptional, a pair of dual-purpose K-9s to track drugs and runners. Thompson retired from Owensboro Police Department where he saw the benefits of working police-trained dogs.

"When we talk about these dual-purpose dogs, they are used the same in a city atmosphere as they are in rural," he said. "But they become more important, I think, in a rural area because that dog is that deputy's backup. Our backup out here might be 20 to 30 minutes away — IF there is anybody out there to back you up at all. By having that dog, it is another deterrent to criminals. And these dogs are very well trained. They will protect you if they have to.

"They are not only important to the people who work here, but it's important for the community to know that they have the tools in their county to help combat crime, drugs, bad guys running and hiding through the woods, making meth and all that," Thompson continued.

Like Thompson, Letcher County Police Chief Paul Miles also had fleet issues to deal with when he was hired as the agency's chief in 2009. But instead of consistency in appearance, Miles was concerned about vehicles that could reach his constituents in the mountains surrounding Jenkins and Whitesburg.

"We now have Ford pickup trucks, Explorers and Jeeps," he said.

But that's not all. Because Miles also heads the county emergency management and Pine Mountain Search and Rescue, the agency also has access to multiple all-terrain vehicles, boats and other equipment needed when officers respond with other search and rescue workers to potentially-hazardous scenes.

In Casey County, Liberty Police Chief Steve Garrett also recognized the need for advanced equipment. Following an officer-involved shooting, Garrett acquired Tasers for his officers and AR-15s.

"One of the things about being in an area like this is that every home you go to is going to have some kind of gun in it," said Liberty Sgt. Randy Dial. "You have to be concerned about it because that's



PHOTO BY JIM ROBERTSON

▲ Ohio County Sheriff David Thompson talks with deputies outside the courthouse. Ohio County is a small community, but a close-knit one.

something you're going to encounter on basically every call, that a gun is going to be available to them."

That could be a particularly dangerous situation at events such as the city's Apple Festival, which brings in an average of 20,000 visitors and is policed by two — maybe three — Liberty officers at any given time.

More than anything, Garrett said the Tasers have been beneficial because of the fear they've elicited among criminals.

"People are scared to death of the Tasers," Garrett said. "They are a useful tool for intimidation."

Liberty Police Officer George Emerson said the Taser has proved useful more than once.

"I was called out to a domestic and the guy was very belligerent and drunk, on a bunch of drugs and he came out wanting to fight," Emerson said. "Once I pulled the Taser on him he calmed down. I found out he'd been tased before."

"That's another thing about a small town like this," Dial added. "People who have been tasered, a lot of other people know them and they've heard it straight from someone who's been tasered how bad it hurts."

### CAN YOU HEAR ME NOW?

Few things are worse than calling for help and realizing no one can hear you. But when you're in the mountains and wooded valleys of the commonwealth, there's a good chance technology is going to fail.

Liberty Chief Garrett said in most cases, their radios don't work. The majority of the agency's communication with each other, dispatch and other local agencies is through their cell phones.

"There are a lot of times if we didn't have cell phones we wouldn't have any communication with anybody," Sgt. Dial said. "We'd be cut off."

About once an hour, Garrett said the local dispatchers will check in with the officers to make sure everything is running smoothly. If they don't hear back from them within three minutes, they start to take action to ensure the officers' safety. >>

► The Ohio County Sheriff's Office uses two K-9's for tracking people and searching for drugs. Sheriff David Thompson said the dogs are invaluable in the rural community.



PHOTO BY JIM ROBERTSON









A common sight in eastern Kentucky's mountains, early morning mist hovers above rural traffic as a patrol car (lower left) keeps vigil. Sparse population qualifies all but one eastern county as rural.

PHOTO BY JIM ROBERTSON

>> Sheriff Thompson experienced an entirely different situation in his first weeks on the job when everyone — including the criminals — could hear everything he had to say on the radio.

“We needed to upgrade the system to be able to get rid of scanner land,” he said. “It makes it a lot safer for my deputies and the community as a whole when people can’t hear what’s going on.”

Ohio County citizens had grown accustomed to listening to the police scanner for entertainment. Even, Thompson said, at 2 a.m. in the dead of winter.

“He went out on a meth lab early in the morning and is out there in 18 degrees doing a search of this area for the lab,” Maj. Kimble said, recalling Thompson’s farcical experience. “All of a sudden, on this rural, county, hilly, wooded-area road in the middle of nowhere, headlights come from all over and start going up and down the road. Because everybody listened to the scanner like it was a prime-time network show.”

“Not only that,” Sheriff Thompson added, “but when I finally made contact with the person, he comes out of his house, gets in his car and I stop him. I obviously say, ‘Hey, do you have any drugs or weapons



PHOTO BY JIM ROBERTSON

▲ Letcher County Police Chief Paul Miles has been a part of the county’s law enforcement for several decades. His dual roles serving as both police chief and emergency management director keep him always looking for someone in trouble.

“*We have limited resources, but we’re well diversified in the trainings these people get and the things they do.*”  
— Sheriff David Thompson

on you?’ The guy laughed at me. ‘You think I’m going to have guns and weapons on me when I’ve had 20 people call and tell me you’re out here in front of my house waiting for me and supposedly chasing me through the woods?’ the suspect asked. At that point it looked like Owensboro on a Friday night. And it was 18 degrees outside and 2 in the morning. It was an awakening experience for me. At that point, I knew we had to do something about the radios. It was a safety issue.”

### TRAINING FOR YOUR COMMUNITY

Every officer in the state knows they need to be well trained to do their jobs. In rural Kentucky, these officers must stay current on specific training that uniquely applies to the tools and terrain with which they work.

Having all the equipment you need is only as good as how well you know how to use it. If you don’t know how to operate an ATV, it will be awfully hard to get to your victim in the woods. For that reason, Miles said all of his Letcher County officers are cross trained on the equipment needed for search and rescue.

“We train every other week,” Miles said. “We train on basic search and rescue, man tracking, first aid and CPR. Last night we trained on patient packaging and ATV extraction. It’s crucial for us.”

Before the LCPD was formed in 2009, Miles said the closest active search and rescue squad was in Madison County — a two-hour trip from the mountains of Letcher County. When minutes count, Miles said it was imperative that his staff be trained.

Sheriff Thompson agreed.

“There are many things we try to do to keep our people safe out there, but the best thing we can do obviously is training,” he said. “We are very big advocates of training — the most and best we can get is what we’re going to do.”

Because of the quantity and severity of wrecks in the county, Thompson has prepared two officers who are trained in accident reconstruction, he said. He also has had officers trained as firearms instructors, drug recognition experts and in crisis intervention because those issues were recognized as necessary training needs.

“Because of the time it takes us to transport someone, we have to be able to talk to people and understand which are under the influence of narcotics and which are mentally ill,” Thompson said of the CIT and DRE training. “Also, when you have an accident in the county, they are usually very, very bad because of the curvy, dark roads, the deer and other animals. We have limited resources, but we’re well diversified in the trainings these people get and the things they do. We have to have people who are trained to deal with these situations.”

Additionally, Maj. Kimble said when deputies are scheduling their advanced individual training each year, the agency now has developed a selected curriculum that is specific to the career-building needs of each person.

“They don’t just pick something anymore,” Kimble said. “We send them to what we think is best for whatever the job is that they are doing.”

Chief Garrett said his department also is selective about the training for the city’s officers.



PHOTO BY JIM ROBERTSON

◀ Ohio County Maj. Steve Kimble spent most of his career policing a metropolitan community. Joining the Ohio County Sheriff's Office has given him a greater respect for the varied work of small-town sheriffs' agencies.

"We train a lot on just tactics," he said. "Last week we had a meeting about safety and things like wearing a vest. We shoot a lot. We have Taser training once a year. We take in-service classes that are beneficial to the job and will benefit us when we're working by ourselves."

**WORKING WITH THE COMMUNITY, NOT AGAINST IT**

Sometimes training to work in a rural community involves a shift in mindset. Often in policing an "us versus them" mentality settles in among an agency's officers who must always be mindful of those who would wish them harm.

Recognizing, however, that the percentage of those who harbor an ill-will

against officers is a small one, embracing community members for their usefulness and earning their respect in a small town can be a necessity.

"I was out with a guy on a domestic and he was causing problems," Chief Garrett said. "I was wrestling with him on the sidewalk and a guy pulls over and opens up the back door of my cruiser for me and helped me get him in the back seat. Sometimes we'll take what we can get."

In Ohio County, Kimble said making the acquaintance of community members in the county compared to his experience with citizens in his previous employment with Owensboro Police took some getting used to.

"Some of the first contacts I had with people coming in or wanting to discuss a problem with me after coming here (to Ohio County) involved whether I knew somebody or was related to someone," Kimble said. "What I learned over time is that the first part of a conversation is kind of identifying who you have contacts with. Because it is such a close community, everybody knows everybody. They want to know where you're at in the culture. Where I'm from, that didn't come up like it does here as a qualification for how I am going to take care of their problem."

Another way Ohio County has found to let the community get to know them and understand the agency's mission is through a strong relationship with the local media. Thompson said the local radio station has a

lunchtime talk show and welcomes officers to talk to the public whenever they have a need to do so. The weekly newspaper also has proved helpful as an avenue for communication with the public.

"It's very important that we have those relationships," Thompson said. "Not so long ago — and still in a lot of places — the media and law enforcement were enemies. We didn't want to give them anything because we didn't think they needed to know, and they are going to print something so they print what they're hearing from someone else. In this community, people rely on that paper. So it's very important to us to have a trusting, transparent relationship. That helps us."

In the long run, building those relationships with citizens in the community will make solving crime easier, too, Chief Garrett said.

"I enjoy working in a small town," he said. "You know the people, and if you don't know somebody, you know somebody who does. That helps out a lot. Once you build up a certain reputation I think that helps when you're talking to people that they know what to expect. A lot of people think the police will lie to them. If they know you and know you've been here a long time, they know what you're about." 🌿

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Liberty Police Officer George Emerson talks to a local boy and his grandfather as they walk the city streets on a sunny afternoon.

PHOTO BY JIM ROBERTSON



# When You Live in a Fish Bowl:

## LIBERTY POLICE OFFICERS TALK ABOUT BEING OFF DUTY IN A SMALL TOWN

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

In a small-town community, sometimes it can be difficult to truly be off duty.

"It's pretty common that people have our cell phone numbers and call thinking you're working, whether it's 2 o'clock in the day or 2 o'clock in the morning," said Liberty Police Chief Steve Garrett. "That's just part of working at a small agency. When I lived in town people would stop at my house at least two to three times a week wanting a job."

Liberty Sgt. Randy Dial acknowledged similar experiences.

"Everybody around here knows me," he said. "If they need something right away they'll come to my house."

Sometimes it isn't citizens calling — it's co-workers or another local agency calling for help.

"There may only be one of us out, but we all live in a close area," said Liberty Officer Doug Tarter. "I live south of town, but they can always call me if something is coming that way or they need someone here. Everyone is just a phone call away. We all keep our phones with us."

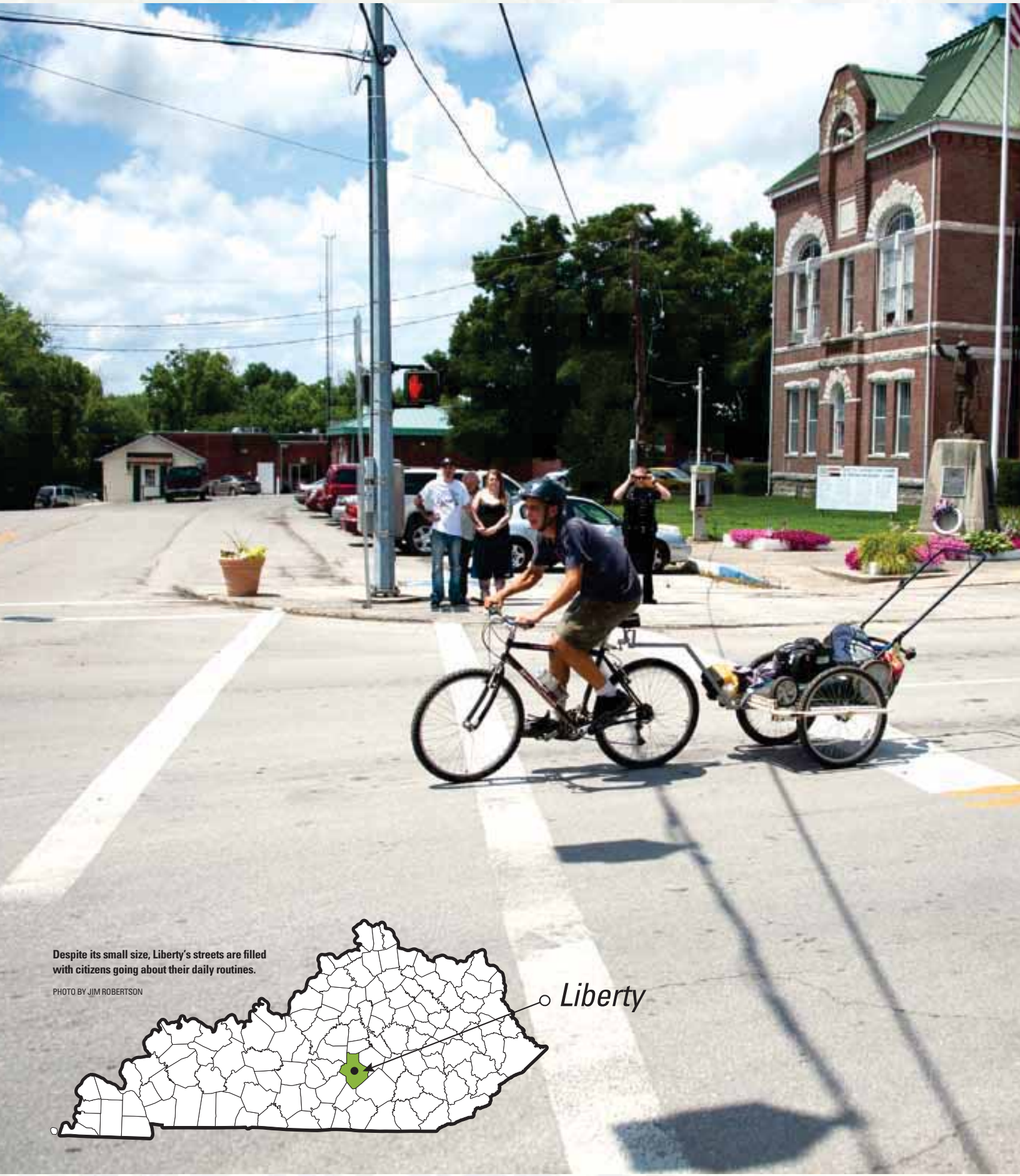
Regardless of who it is on the other end of the line, eventually you need a break. Without one, stress and exhaustion begin to mount and you are likely to begin unraveling. And that isn't safe for anyone.

"I am divorced once, so yes, I think this job helped me get divorced," Garrett said. "I hate to sound bad, but it takes a while to balance that out. It took me several years to learn how to balance that and not just devote all my time to work. I think for the most part, people >>



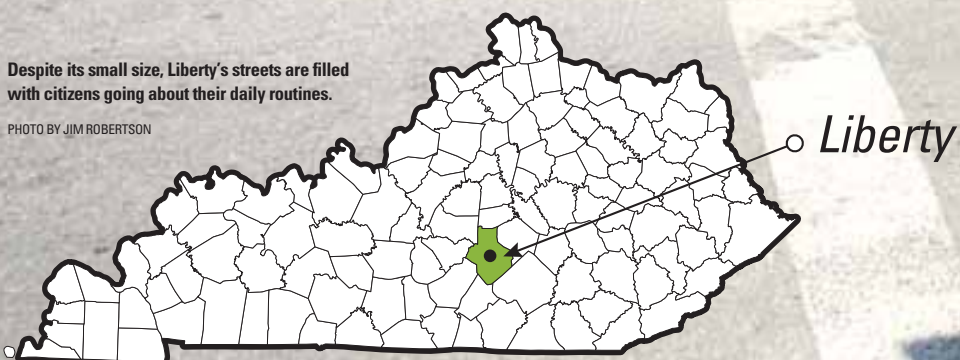
Liberty Sgt. Randy Dial, left, and Chief Steve Garrett discuss the complexities of rural policing. In Liberty, according to Dial, officers must consider the possibility of a gun awaiting them at every call.

PHOTO BY JIM ROBERTSON



Despite its small size, Liberty's streets are filled with citizens going about their daily routines.

PHOTO BY JIM ROBERTSON



>> understand that we have to put our family first, but we sure have to put our job a close second.”

On any given off-duty day, Garrett said his phone rings upwards of 50 times. It can be exhausting for the officer and the family to have the constant interruptions. Despite needing to be available to his officers, Garrett urged the necessity of turning off the ringer every once in a while.

“Put your family first,” he said. “You might work 25 years at a police department and you can retire and you can’t get away from it. Some people retire and they die — they don’t have anything to go back to. You better keep that family where they need to be so you have something to go to when you do retire.”

Liberty Officer George Emerson hangs his uniform in the back of his closet and is happy to no longer have home-fleet vehicles.

“I like to have things out of sight and out of mind,” he said. “Having that car in the driveway all the time made me think about work.”

There are many tricks these officers employ to maintain a sense of self outside the job. Dial farms on the side to relax. Emerson takes his family camping. Tarter owns land where he rides 4-wheelers. Garrett’s 13-month-old twins keep him entertained.

One of the most significant ways the officers decompress is by ensuring that everyone takes their vacation time every year to get away and relax.

“It’s easy to get a bad attitude being a police officer,” Garrett said. “You have to look at the positive side of things sometimes and not let the job get to you. All day long you deal with the worst people, you go home, and those people aren’t your wife and kids. You might be mad at work, but just leave it at work. Sometimes that’s hard. We take things kind of personal sometimes, and that’s not a good way to do it. When you’re dealing with other people’s problems all day, sometimes you can just be glad that you don’t have those same problems.”

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PHOTO BY JIM ROBERTSON

▲ Liberty Police Officer George Emerson works part time for the city and is attending college to further his education while balancing both jobs with his family. Finding that balance is often its own job in rural policing.

Liberty, Ky. is the county seat of Casey County and is home to about 2,200 citizens.

PHOTO BY JIM ROBERTSON



# Active Shooters in a Rural Setting: HOW DO YOU HANDLE IT?

**A**ctive-shooter training is a necessary part of incident preparation in today's society. In many cases, officers and deputies train inside schools where many have been known to unleash their weapons on the unsuspecting public.

But when you're on rural patrol and your community includes more wide-open land mass than multi-room buildings, it's important to adjust the tactics to the surroundings.

Police One correspondent Pat Novesky has spent more than 20 years working in a rural law enforcement environment and urges officers to consider the possibility of adding meth labs, rural rave parties, major hunting violations and organized marijuana grow operations to the list of situations a rural officer may encounter with active shooters.

"What if your incident places you in a wooded area?" he said. "Instead of clearing rooms, you're going to be clearing dense woods, abandoned vehicles, tents, cabins and caves. Small-town cops know we are likely to be standing alone on that dirt road listening to the shots. Are you prepared to walk into that battlefield to stop the threat? Will the same active-shooter response be effective?"

After arriving on a scene with an active shooter, Novesky encourages officers to ask and answer the following questions:

- **What do you see?** Parked cars? Recreational vehicles? Squad car? Foot path? Dirt road? Is anything related to the incident?
- **If you're at a dead end or on a forest road, is it worth parking your squad car across to keep anyone from driving out?** Can you take the keys from any vehicles parked until you figure out what is going on? What about writing down registration numbers?

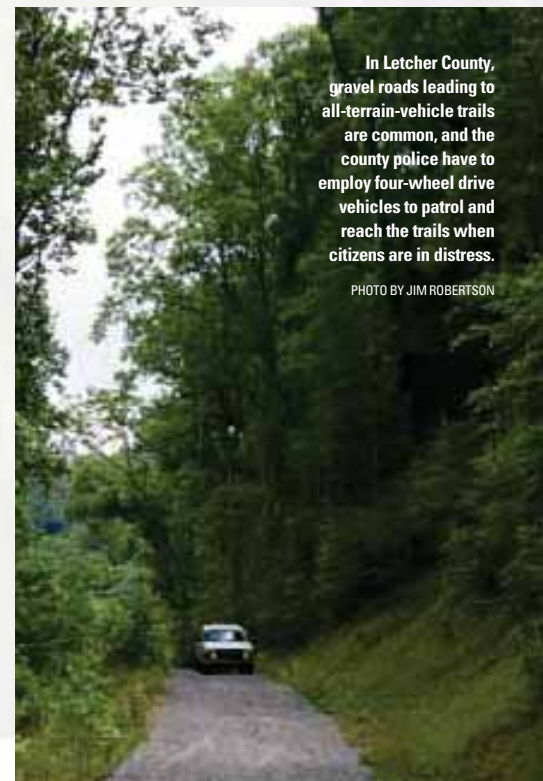
- **Can you communicate?** The radio headache can happen out in a remote area as easily (maybe more so) as inside a building. Can you talk with dispatch? Many of us would be on our mobile radios telling dispatch we are going to be on portable, then be out of communication until we are back to the squad. You need to know which frequencies work in different areas — sometimes you can't talk on your regular channel, but a fire service, fish and game, car-to-car or park service channel might work. You have to have this information before you need it.
- **Who might be backing you up?** Can you communicate with them? Do they know what channel on which to call you? Sitting in the squad car waiting for backup makes you a sitting duck. Cops always hate to shut cars off, but you need to shut down, grab your gear and get away from your squad car and listen.
- **What do you hear?** Is the action close to you or out of sight?
- **If you hear shots, do you know what they are?** Can you determine what direction they are coming from? A good training exercise is to take a few moments at your qualifying shoots and have someone go out of sight from the range and fire several different weapons. Then officers can become familiar with the sound made by each and even the direction the shot came from if you have a large enough area where you can get some distance from the range. Knowing the difference between the sound of a 9mm and a .308 is an important piece of information for any officer to know. An hour of training can give cops a big tactical advantage before going into a scene.

- **Can you hear people's voices or movements?** Listen for talking, yelling, crying, brush snapping. Should we go in?
- **What is our immediate cause of action?** Think active-shooter training: neutralize the threat and stop the killing. It does not matter if you are by yourself or with four other cops, this is what we are paid to do. What if we have another officer or two? Is staying in a tight formation best or should you spread out? Do you have the needed firepower available? This is, no doubt, a long gun situation. Do you have extra ammo? What else should you have? 🌿

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Questions excerpted from Novesky's article, "When 'Rambo' becomes reality."

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In Letcher County, gravel roads leading to all-terrain-vehicle trails are common, and the county police have to employ four-wheel drive vehicles to patrol and reach the trails when citizens are in distress.

PHOTO BY JIM ROBERTSON

GENERAL DO NOT CROSS

# From Under the Influence to Under Control

ABBIE DARST | PROGRAM COORDINATOR

*On May 14, 1988, a group of jubilant children were returning home to Kentucky from a day-long trip to Kings Island. The members of the church youth group were a mixture of giddy and groggy from their day of fun and memory making. Laughter filled the air as students exchanged stories of braving death-defying rides and how many they conquered before losing their lunch. Suddenly the flash of blinding headlights filled the bus and the laughter turned to screams of terror, pain and loss. A pickup truck driving on the wrong side of the interstate slammed head on into the school bus. The bus burst into flames, and the truck driver, later found to have a blood alcohol level of .24, was responsible for claiming the lives of 24 children and three adults. It was the deadliest alcohol-related crash in U.S. history.*

In the 25 years since the infamous Carrollton bus crash, though drunk and drugged-driving accidents continue to be an issue across the country, much has been done to reduce alcohol-related traffic collisions. From changes in legislation to new enforcement strategies to national awareness campaigns, efforts across the board have helped alcohol-related deaths drop approximately 35 percent, from 15,827 in 1991 to 9,878 in 2011, according to the National Highway Traffic Safety Administration.

#### WHAT'S WORKING?

Beginning in 2002, states from NHTSA's Region III, which initially included Delaware,

District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia, joined together to form a Checkpoint Strikeforce. The strikeforce is a research-based, multistate, zero-tolerance initiative designed to deter and remove impaired drivers from the roadways and educate the public about the dangers and consequences of impaired driving.

Using checkpoints and patrols when and where alcohol-impaired driving is most likely to occur, strike force participants began a six-month initiative with intense enforcement in the form of at least one check point a week from July through December. These checkpoints were coupled with saturation patrols, in which an increased number of patrol cars patrol a segment of roadway or a >>







>> neighborhood allowing trained law enforcement officers to look for drivers who show signs of impairment.

But the hinge of the checkpoints and saturation patrols — High Visibility Elements — is a poignant and consistent use of media to raise awareness of the added enforcement operations and educating the community regarding impaired driving issues. NHTSA case studies of the Checkpoint Strikeforce showed that publicity concerning the HVE efforts is essential. Publicity has taken the form of paid media advertisements on TV, radio, newspapers and billboards; earned media such as news reports and articles; letters to the editor; and posters, signs and flyers used to promote enforcement efforts and give motorists information about specific checkpoint HVE activities.

In 2008, Kentucky joined this strikeforce, and has seen tremendous results. Last year, 185 Kentucky law enforcement agencies participated in mobilization between Dec. 16, 2011 and Jan. 2, 2012. Agencies conducted 340 checkpoints with 1,213 DUI arrests. The same type of mobilization in August had 199 agencies participate with 1,636 DUI arrests, the Kentucky Office of Highway Safety data shows.

But, more than just DUI arrests, officers made a total of 2,831 felony arrests, 2,488 drug arrests and apprehended 3,792 fugitives during both 2012 mobilizations.

“It does make a big difference, the advertisements do,” said Officer Jacob Duke of the West Point Police Department. “People get other people to drive for them, or it makes some people drink less.”

West Point is one of nearly 200 law enforcement agencies in Kentucky that actively participate in the regional strikeforce HVE activities. Duke is one of six officers who received first place in the 2012 Governor’s Impaired Driving Enforcement Awards, categorized by agency size divisions. Though West Point is a small agency, with only four sworn, fulltime officers, its officers still actively participate in two major checkpoints each year. The agency partners with Elizabethtown and Radcliff police departments, Kentucky State Police and Commercial Vehicle Enforcement.

“We work 31W right out of Louisville, so it is a good spot, and there’s a lot of impaired drivers coming back and forth from bars downtown and driving to Fort Knox and Elizabethtown,” Duke said.

Sgt. Steve Walker at London Post 11, led KSP in DUI arrests in 2012, with 277.

“I would tell officers that every time you leave your driveway, start looking,” Walker said. “And don’t stop looking until you get back home. That’s what I do. They are out in the day and night. It doesn’t take but a second for someone to be in an accident.”

Walker’s dedication to DUI enforcement is evident, not only in his 277 DUI arrests, but also his passion for eradicating impaired driving crashes in his jurisdiction. Walker participates in numerous traffic checkpoints throughout the year, sometimes multiple ones in a day, he said.

“I’ve stood in the cold in 20 degrees and in the heat at 100 degrees,” he recalled, over his 30 year career. “[Impaired driving] hurts people. People are permanently injured and killed, especially innocent people who have no control over the incident.

“Impaired driving incidents usually can be prevented with good judgment,” he continued. “It’s not like dropping a cell phone — that’s an accident. But impaired driving is not an accident, it’s a crime and it’s preventable. I’ve been aggressive in looking for and finding these individuals.”

Some Kentucky agencies do not have approval to participate in checkpoints or choose not to, but their officers still are diligently working to take impaired drivers off Kentucky’s roadways.

“This is something I’m passionate about because it saves lives,” said Shively Police Department Officer Jordan Brown. Brown made 127 DUI arrests in 2012, while serving the University of Louisville Police Department. Of his arrests, Brown said there were only two that weren’t found guilty or pled guilty.

“The biggest thing I’ve found helpful for prosecution is making sure I’m doing the standardized field sobriety tests by the book, just like you’re supposed to,” he said. “And documentation is key. Document everything and write a good narrative on arrest because that has helped me a lot in court.”

Even diligent officers still should be aware that not all DUIs are initially evident. For Audubon Police Officer John Porter, who received the Governor’s Impaired Driving Award in 2012, many of his 168 DUI arrests last year came from other minor violation stops, he said.

“Sometimes they just fall in your lap,” Porter said. “They can fall in your lap at

“*But impaired driving is not an accident, it’s a crime and it’s preventable. I’ve been aggressive in looking for and finding these individuals.*”

10 a.m. the same as they can at 2 a.m. Experience is the best thing, I think the quality of the DUI is more important than the quantity. You want to follow the training that you are given and do what you know you're supposed to do to seal that conviction.

"It's personal to me," he continued. "I've had a lot of friends, close friends, injured in DUI accidents. Every DUI I take, I feel like I just saved a family."

Porter said paying attention to the driver's actions when you pull them over can give you a pretty good clue whether they probably are intoxicated, before you ever walk up to their vehicle. Impaired drivers may take a long time to stop or stop in the middle of the road instead of pulling over, he said.

### WHAT ELSE CAN BE DONE?

During the quarter-century since the Carrollton bus crash, advocate groups such as Mothers Against Drunk Driving pushed states to adopt a blood-alcohol content level standard of 0.08, down from 0.15 required by most states to demonstrate intoxication. In that time, impaired-driving related fatalities fell by more than 35 percent. However, drunk driving still accounts for about one third of all road deaths in the United States. In May, the NTSB recommended all 50 states adopt a BAC cutoff of 0.05, saying that the rate reduction would save about 500 to 800 lives annually.

"A DUI arrest should be made based upon the totality of the evidence in the case — the manner in which the subject operated the motor vehicle; what the officer saw in the way of the subject's appearance, speech, physical evidence in the vehicle, admissions or confessions; the results of field sobriety tests and preliminary breath tests; and witness statements," said Dan Dailey, acting supervisor in the Department of Criminal Justice Training's DUI Enforcement Section. "Everything should be documented and the officer should not rely too much on any one piece of evidence, including the BAC. It is the totality of the evidence that justifies through probable cause to make the arrest and, along with convincing testimony, to gain a conviction in court."

The NTSB's research found that most drivers experience a decline in both cognitive and visual functions with a BAC of 0.05, and currently 100 other countries on six continents have BAC limits set at 0.05 or lower.

In addition, NTSB's latest proposal recommended that states vastly expand laws allowing police to swiftly confiscate licenses from drivers who exceed the blood alcohol limits. In Kentucky, KRS 189A.010 allows for license suspension for Kentucky residents who are 21 years of age or older when arrested, for between 30 and 120 days. The offender must complete alcohol treatment before driving privileges are reinstated. However, a hardship license is available if the suspension is more than 30 days, but the district court cannot issue a hardship license to a person who has refused to take an alcohol-concentration or substance test offered by a law enforcement officer.

In addition, the NTSB is pushing for laws requiring all first-time offenders to have ignition-locking devices that prevent cars from starting until breath samples are analyzed.

Though many of these recommendations prove unpopular among restaurant trade associations and beer industry trade groups, if these suggestions were to become law in all 50 states, the probable reductions in impaired-driving accidents and fatalities could be significant, the NTSB report stated.

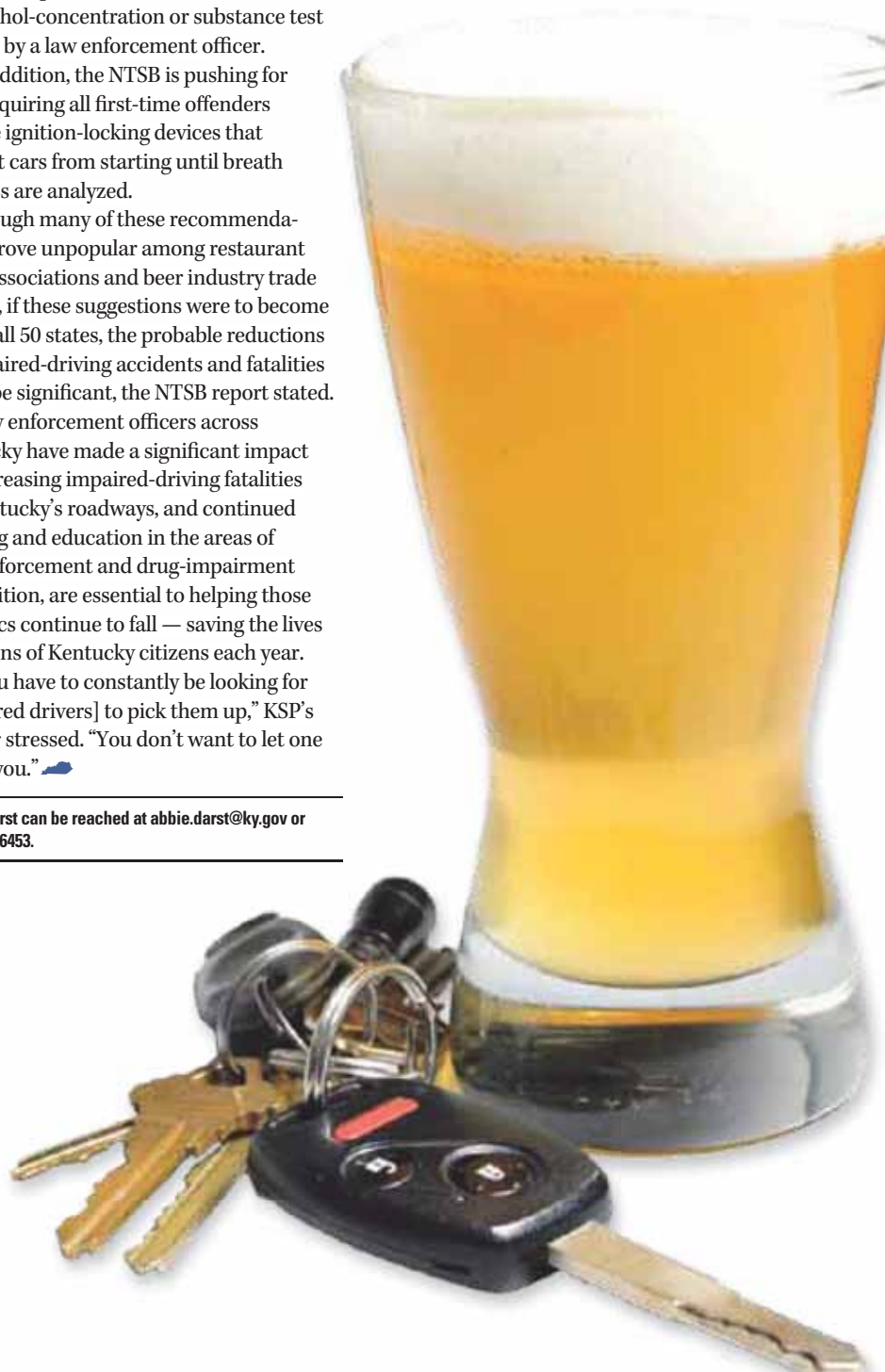
Law enforcement officers across Kentucky have made a significant impact on decreasing impaired-driving fatalities on Kentucky's roadways, and continued training and education in the areas of DUI enforcement and drug-impairment recognition, are essential to helping those statistics continue to fall — saving the lives of dozens of Kentucky citizens each year.

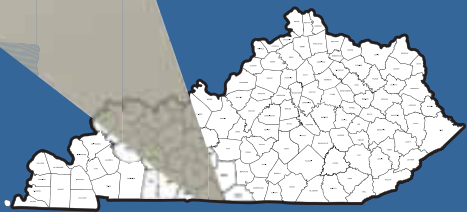
"You have to constantly be looking for [impaired drivers] to pick them up," KSP's Walker stressed. "You don't want to let one get by you." 🇰🇾

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# About Face



# Scottsville Police Department

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

**D**espite its bad rap, change can be good. When you find that your department may be falling behind the curve, it also can be pivotal.

Since early spring, Scottsville Police Department has experienced a transformation that has included everything from a new chief and updated policies to rejuvenated programs and improved pay. It's an ongoing shift of tides, but one that Chief Jeff Pearson says has been, and continues to be, positive.

"We are transitioning," the new chief said. "There is a lot going on in a short period of time and everyone is trying to get their heads around it. They are doing excellent," Pearson said of his staff. "I was worried because some people hate change, but these folks are professionals. They wanted some change and structure."

Home to about 4,300 citizens, the rural Scottsville community in southwestern Kentucky is settled between Barren River Lake and the Tennessee border. Dubbed "The Friendly City," Scottsville is known for being home to the original Dollar General store and its founding family, the Turners, as well as The Center for Courageous Kids — a free medical camp for children with life-threatening illnesses, started by the Turner family.

With nearly six square miles to cover in the city limits, the agency is working toward reaching its full strength of 13 officers, Pearson said. Two new officers graduated the Department of Criminal Justice Training Basic Training Academy in July and a third certified officer was hired to round out the staff. The department also recently employed a reserve officer responsible for community programs and for the first time, an experienced, non-sworn evidence technician.

When Pearson took the helm in early March, he recognized a variety of needs in the agency, large and small.

"We tried to prioritize," Pearson said. "Evidence was the main thing we had to get control of first. From there, we just started spreading out, looking at what we needed to do first and went down the list."

Pearson recruited help from Bowling Green Police Department's evidence technician to conduct an independent audit of the agency's evidence. After two weeks, the audit was completed, the evidence was inventoried and even more hurdles were discovered.

"We found a lot of areas we weren't aware of," Pearson said. "We found mold in the room where it had been wet. We found that it really >>



Scottsville Police Chief Jeff Pearson talks to a dispatcher outside the police department office. Scottsville shares its building with both the dispatch center and the Allen County Sheriff's Office.

PHOTO BY JIM ROBERTSON

>> wasn't a secure room — that there were entry places we didn't realize someone could get into. Our first thought was, 'We have to have a new evidence room.'"

Specifications were made and bids solicited through the newspaper for a new room to be added to the back of the existing department structure to include security cameras, vented heating and cooling and additional storage. A crucial aid in evidence organization is a new tracker system, with barcodes that track evidence from intake to final deposition, Pearson said.

"It is something we needed to be in compliance and look to the future," Pearson said. "Before, 20 years of evidence came in and never went back out. You couldn't even walk in the room. We are just trying to move along in the right direction."

With solutions in place for evidence handling, Pearson moved on to his next priority — supervision. The problem was two-fold. Not only were there no supervisors on second or third shifts, there also had never been a promotional process within the department, he said.

"We're doing the promotional process now," Pearson said, "which is a three-phase process."

The in-depth process involves a promotional evaluation report, a written test with 100 questions about policies, procedures, and books including "The Tactical Edge," and another about police management as well as several chapters of Kentucky Revised Statutes. Finally, candidates must participate in an oral, situational interview with an outside board of law enforcement executives.

"We're going to have a deputy chief who will be assigned mostly to second shift, a captain over third shift and two sergeants who will more or less fill in where we need them," Pearson said. "We are going to make sure we don't ever have a shift without supervision.

"Your first line of defense is good policies and procedures, and you have to have supervisors who see to it those are carried out," Pearson continued. "It keeps you from being involved in lawsuits, keeps you structured and helps the officers know what they can and can't do and what's expected."

Perhaps equally as important as having supervisors, is having ones who are vetted



Dubbed "The Friendly City," Scottsville is home to about 4,200 citizens. It is the county seat of Allen County.

PHOTO BY JIM ROBERTSON



Scottsville Chief Jeff Pearson, center, is striving to improve the professionalism of his department and provide a better working environment for the officers he employs.

PHOTO BY JIM ROBERTSON

and well-equipped for the job, Pearson said.

"It is so important to have a person in a supervisory role whom you know has not just been given the title, but who has earned it," he said. "That lets the person underneath them know they have worked for the position, took all the tests, passed them and have knowledge in that area. I think it makes the officers look up to that person a little more than somebody just saying, 'Hey, you're promoted.'"

### ON THE ROAD

Scottsville's main criminal complaint is the same as largely every rural community — drug abuse and its trickling down effect on thefts, burglary and other related crime. By June 2013, Pearson said the city already had endured seven overdose deaths — a startling statistic for a small population.

"Prescription drugs are the main thing we see," Pearson said. "We are seeing some heroin come back into town. We still have a meth problem — it is sort of up and down. We will see less of it for a while then it pops back up again."

For Pearson, the battle against drug abuse is a personal one.

"Both of my brothers have been on meth," he said. "I have seen my mom and dad and the heartache they had with it. We're really lucky — my middle brother

is doing well now and has been for several years. My youngest brother — not so well. He's in prison now for revocation where he failed a drug test. He had only been out about four months.

"I know what it does and I know people can come back from addiction," Pearson continued. "And I hope they do. But I also know that nobody can do it for them. They have to do it for themselves."

Pearson was serving as the agency's narcotics detective before his promotion to chief. One of the first orders of business following his promotion was for the agency to join a new drug task force.

"We joined the Barren-Edmonson drug task force and we think it is going to be a win-win for all agencies," he said. "Prior to that, it was just Scottsville and Allen County and there were only two guys assigned to it. When we joined (the Barren-Edmonson drug task force), it brought their manpower up and, of course, it gave us access to multiple other officers in the task force. It looks like it is going to be a cost savings to buy in to the task force versus what we already had bought the year before just in purchasing narcotics on the street."

The task force is just one of many ways in which Scottsville works together with its neighboring agencies. It's a necessity in a small, rural town where officers become dependent on each other for back up and

additional resources. One unique bonus Scottsville has with Allen County Sheriff's Office is that the two agencies share one building.

"We have a really close relationship," Pearson said, "with them and with the Kentucky State Police troopers who are assigned to this area. We have good communication with each other, especially being right next door. When you're that close together, it builds that bond. We share information, we walk in their department, they walk in here — the door is always open at both places."

Manpower is one of Pearson's greatest concerns as chief of a small town rural agency, so maintaining that relationship is imperative.

"When you go to a call, it may be you and one other officer," Pearson said. "If something is blowing up and there are 20 people who are getting disgruntled, it can get out of control quickly. Depending on where the county [deputies] are to come back you up, at most there will be four to five officers if you're lucky, but that's seldom. I have ended up with two people arrested, fighting and tased by the time the other guy gets there. It just depends where you are in the county." 🇺🇸

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# WHO IS

MICHAEL BOARD | ASSISTANT COUNSEL FOR CHFS



# RESPONSIBLE ?



**T**he Kentucky General Assembly has determined that properties contaminated with methamphetamine pose a danger to the public health of innocent citizens of this commonwealth. As a result, law enforcement at the state and local level, the Energy and Environment Cabinet, Cabinet for Health and Family Services and Department of Public Health each have been tasked with addressing this issue. Each has a specific set of responsibilities that, unfortunately, are codified in various statutes and regulations.

My colleagues and I at CHFS are in a unique position to work closely with law enforcement and the EEC. It has been our experience that, at times, each entity fails to fully understand the responsibilities of the others, and therefore fail to fully understand their own responsibilities. We hope the following will provide a brief outline of the role each plays in protecting the citizens of Kentucky from methamphetamine contamination.

#### LAW ENFORCEMENT RESPONSIBILITIES

Generally, the triggering event in these cases is law enforcement's discovery of a clandestine methamphetamine lab. Their initial responsibilities are governed by KRS 224.01-410. Section two of this statute provides the relevant definitions necessary for enforcement. Three of these definitions are important for this article:

(a) "Clandestine methamphetamine lab" means any inhabitable property used for the manufacture of methamphetamine as defined by KRS 218A.1431.

(b) "Contaminated property" means any inhabitable property that has been used to manufacture methamphetamine and has been assessed as containing methamphetamine contamination.

(d) "Inhabitable property" means any building or structure and any related curtilage, water, water system, or sewer system used as a clandestine methamphetamine drug lab that is intended to be primarily occupied by people, including a mobile home or an individual unit of a multifamily housing unit, that may be sold, leased, or rented for any length of time. "Inhabitable property" shall not include a hotel, as defined in KRS 219.011.

Section nine governs the responsibility of law enforcement agencies regarding property that is believed to be contaminated.

Agencies are required, at the request of the state or local health department, to post a methamphetamine contamination notice on each exterior door of the inhabitable property. The statute allows for an exception for multifamily housing units. Further, the law enforcement agency shall report the posting to the local health department within three business days. The report must be made by fax or email.

These responsibilities are in addition to any criminal investigative responsibilities the law enforcement officer or agency carries. KRS 224.01-410(4) further directs the Kentucky State Police to promulgate administrative regulations establishing assessment procedures for determining if an inhabitable property is a contaminated property. This regulation is codified at 502 KAR 47:010. It requires officers conducting a criminal investigation at a property in which a suspect has manufactured methamphetamine to complete an EEC Drug Lab Preliminary Assessment Tier Selection Criteria form DEP 1016. This form is not to be part of the criminal investigation file and must be submitted to the local health department, the EEC and the Department for Public Health.

This form is currently available on the EEC website through the resources tab and forms library. Completion of this form will require law enforcement officers to answer a series of questions concerning the contamination level of the property that will ultimately result in the level of cleanup required. This form has been incorporated by reference into 401 KAR 101:030, an administrative regulation of the EEC, and that regulation will be useful in completing the form.

At this point officers have determined that the property meets the statutory definition of contaminated property, they have properly posted the notice on the property,

completed the necessary forms, and delivered them to the required parties. However their responsibilities are not complete. The property owner(s) are entitled to an administrative hearing >>



>> through CHFS, and the officer's testimony at this hearing is vital.

As assistant counsel for CHFS, my colleagues and I represent CHFS against the property owner's challenge determining that the property was contaminated and that the posting is proper. This is vitally important. Much like a criminal prosecution, each element of the governing statutes and regulations must be established. We must establish that the property is contaminated (which requires it to be inhabitable), that the notice of contamination was posted properly on the property, that law enforcement properly completed the EEC form DEP 1016, that it was submitted to the proper authorities, that law enforcement properly notified the local health department in the time and manner prescribed, and that the local health department fulfilled its obligations discussed below. Without the cooperation, assistance and testimony of the law enforcement officer, this is impossible.

If the posting is upheld, the property must be decontaminated according to the tier level assigned on the EEC form DEP 1016. If the posting is found to be improper and overturned, decontamination is not required. If a properly posted property is not decontaminated, it cannot be leased, rented or sold without disclosure of the contamination. Failure by the owner to disclose the contamination is a class D felony pursuant to KRS 224.99-010.

## LOCAL HEALTH DEPARTMENT RESPONSIBILITIES

As specified in section nine of Kentucky Revised Statute 224.01-410, the responding

state or local law enforcement agency shall, within three business days of the notice posting, report it by fax or email to the local health department. Once notified by law enforcement about a methamphetamine laboratory in its jurisdiction, the local health department should request that properties contaminated with methamphetamine are affixed with a Notice of Methamphetamine Contamination. This posting, or placard, serves as a warning to the public that the property has been used in the production of methamphetamine, and its contents may pose a serious health threat to those who enter. The postings must remain in place and removal of the postings by the owner or others is forbidden and punishable by law as a class A misdemeanor.

The impact of clandestine methamphetamine production on Kentucky's public health agencies has been tremendous. Kentucky currently has 59 local and district health departments that serve all 120 counties. Each partners with state and local law enforcement agencies to ensure properties thought to be contaminated are properly posted and the public is notified about potential dangers associated with methamphetamine production. Local health departments also are tasked with providing formal notification to property owners that their property has been contaminated and must adhere to all posting, disclosure and decontamination requirements. These notice requirements are governed by 902 KAR 47:200 Section 2.

This notice ensures property owners are aware of their responsibilities that the

property remains posted and to disclose contamination to any persons seeking to rent or buy the property. Further, it includes penalties associated with removing the posting and failing to disclose contamination. Finally, it informs owners as to their right of appeal and approved methods of decontamination.

Because local health departments may not be aware of discovery and seizure of a laboratory, it is imperative that law enforcement notify health departments in order to assure proper notification and instructions are sent to property owners. If not notified, property owners may incur unnecessary costs and liability stemming from contamination. Upon completion of decontamination, overseen and approved by the EEC, local health departments also are required to send a formal release letter informing property owners that postings can be removed and the requirement to disclose contamination no longer exists. This notification of release is the last formal step in the process that requires coordination between public and multiple local and state government agencies.

## HEALTH HAZARDS OF ILLICIT METHAMPHETAMINE PRODUCTION

The dangers associated with production of methamphetamine change based on several variables including method of production, number of times methamphetamine was produced (number of cooks), and quantity of methamphetamine that was actually produced. Typical hazards associated with methamphetamine production include, but are not limited to: chemical



residues including strong acids and bases, flammable liquids and metals; physical hazards such as sharp objects and glass; and methamphetamine and methamphetamine byproducts. These hazards may have adverse health effects and may continue to pose a threat long after the laboratory and its ingredients have been removed. The EEC's Division of Waste Management has been given statutory authority to oversee the certification of contractors and decontamination of methamphetamine laboratories. Through this, they have established a series of standardized decontamination protocols based on suspected level of contamination. Baseline and clearance sampling are conducted to determine the level of contamination prior to and after decontamination work is completed.

The U.S. Drug Enforcement Administration reports for calendar year 2012 a total of 11,210 meth clandestine laboratory incidents reported across the United States which includes labs, dumpsites or chemical and glassware seizures. In 2012, DEA reported Kentucky with a total of 919 such incidents. Meth labs have been found in homes, trailers, outbuildings, motels and cars. The majority of clandestine meth labs are found in residential areas. Due to the highly-toxic and dangerous chemicals used in manufacturing meth, first responders' and the general public's health is at risk.

In an article published in the Public Health Reporter entitled, "Hazards of Illicit Methamphetamine Production and Efforts at Reduction: Data from the

Hazardous Events Surveillance System," the authors used surveillance data, developed by the Hazardous Substance Emergency Events Surveillance Program, established by Centers for Disease Control, and Agency for Toxic Substances and Disease Registry, collected from 1990 to 2009 to analyze acute releases of hazardous substances that resulted in a public health action, such as an evacuation. The authors analyzed retrospective data from 2001 to 2008 from the HSEES system to identify trends in illegal clandestine meth lab events and in the public health consequences. Melnikova N, Welles WL, Wilburn RE, Wu J, Standbury M. Public Health Report (1974) 2011; 126 (Supp. 1): 116-123. The analysis included data from 18 states' health departments with some states reporting for the entire period of analysis and some reporting for just a portion of time covered. The results of the research found meth labs clearly pose a greater risk to responders than the general population. Sixty percent of victims were found to be police officers, firefighters and EMS personnel. For all HSEES incidents, less than 10 percent pertained to responders. Many labs were found in residential areas. Members of the general public who were at risk in lab-event incidents were vulnerable populations including children and elderly. About one-third of victims in meth lab incidents were members of the general public, which was comparable to the effect on general public victims in HSEES incidents. These statistics demonstrate the overall effect meth labs have on responders and the general public.

The authors also determined the frequency of injuries reported by victims associated with meth lab events and found reported injuries included: respiratory irritation, headaches, chemical burns, eye irritation, gastrointestinal problems, dizziness, trauma, skin irritation, thermal burns and shortness of breath.

Exposure to high levels of contaminants found in meth labs can cause shortness of breath, cough, chest pain, dizziness, lack of coordination, chemical irritation, burns to the skin and eyes, and, in rare cases, death. Long-term exposure to meth contamination may cause cancer; damage to the brain, liver and kidneys; birth defects; and reproductive problems such as miscarriage, according to Seattle-King County Public Health, Fact Sheet on Meth Labs. The White House Office of National Drug Control Policy, says children who live at or visit drug-production sites or are present during production face a variety of health risks, including inhalation, absorption or ingestion of toxic chemicals, drugs or contaminated food that may result in nausea, chest pain, eye and tissue irritation, chemical burns and death.

From beginning to end, the entire process of discovering a contaminated property and ensuring it is properly decontaminated, is a joint effort between law enforcement, the CHFS, DPH, and the EEC. There are no bright lines separating these roles. They must continue to work together to ensure the safety of Kentucky's citizens. 🚒



# 2012-13 Supreme Court UPDATES

The Kentucky Department of Criminal Justice Training provides the following case summaries for information purposes only. As always, please consult your agency's legal counsel for the applicability of these cases to specific situations.

This summary may be copied, for educational purposes only, with attribution to DOCJT. A longer summary of each of these cases may be found on the DOCJT website at <http://docjt.ky.gov/legal>. There also are additional summaries of cases not included in this update located on the website. Full text of all U.S. Supreme Court cases may be found at <http://www.findlaw.com/cascode/supreme.html>.

*Please note, the latest cases in this summary have not yet been assigned official citations.*

**FIRST AMENDMENT****Lefemine (DBA Columbia Christians for Life) v. Wideman, 133 S.Ct. 9 (2012)***Decided Nov. 5, 2012*

**ISSUE:** Is an award of attorney's fees warranted when a case is resolved by permanent injunction?

**HOLDING:** The Court agreed that a losing agency may be required to pay attorneys' fees to the plaintiffs when the attorneys are working to defend a claim for damages or an injunction. The Court ordered that additional attorneys' fees were warranted in the case at bar.

***Full Text of Opinion:****[http://www.supremecourt.gov/opinions/12pdf/12-168\\_9o6b.pdf](http://www.supremecourt.gov/opinions/12pdf/12-168_9o6b.pdf)***SEARCH & SEIZURE – K-9 SNIFF****Florida v. Harris, 133 S.Ct. 1050 (2013)***Decided Feb. 19, 2013*

**ISSUE:** Must a drug dog's "field performance records" be used to prove a dog's reliability?

**HOLDING:** The Court ruled that a police K-9's training records, in addition to field data (on actual performance during traffic stops, for example) are relevant to prove the dog's reliability. In fact, field records are not as reliable as testing done in a controlled environment, where variables are documented. Although formal certification is important, it is not the only method by which a dog's reliability may be proven. As the Florida appellate courts had reversed the initial denial of the suppression motion, and overturned Harris' guilty plea, the Court reversed that decision and reinstated the plea.

***Full Text of Opinion:****[http://www.supremecourt.gov/opinions/12pdf/11-817\\_5if6.pdf](http://www.supremecourt.gov/opinions/12pdf/11-817_5if6.pdf)***SEARCH & SEIZURE – CURTILAGE****Bailey v. U.S., 133 S.Ct. 1031 (2013)***Decided Feb. 19, 2013*

**ISSUE:** May occupants of an area being searched under a warrant be detained when they are stopped a substantial distance from the premises?

**HOLDING:** The Court agreed that detaining a prior occupant of a home, subject to a search warrant, is not permitted under the Fourth Amendment, when they are located at some distance from that home. In prior cases, such as *Michigan v. Summers*, 452 U.S. 692 (1981), the Court had approved detaining individuals who had just left the house, but who were still, essentially, within the

curtilage or just outside of it. In this case, Bailey was almost a mile away and there was no indication that he had any knowledge about the pending search. In other words, he did not leave because the police were getting ready to search the house.

The Court reversed the decision of the appellate courts, which had ruled that the detention was justified, and remanded the case for a determination whether the stop was justified under *Terry v. Ohio*, 392 U.S. 1 (1968).

***Full Text of Opinion:****[http://www.supremecourt.gov/opinions/12pdf/11-770\\_j4ek.pdf](http://www.supremecourt.gov/opinions/12pdf/11-770_j4ek.pdf)***SEARCH & SEIZURE – K-9****Florida v. Jardines, 133 S.Ct. 1409 (2013)***Decided Mar. 26, 2013*

**ISSUE:** May a drug dog be used to seek evidence within the curtilage?

**HOLDING:** The Court reviewed the facts, in which a drug dog was taken to the front porch of a suspect's home, and encouraged to sniff the area from under the door. Although the Court agreed it was permissible for an officer (or others) to approach the front door to seek a response from the occupants, it went too far when the officers (and their K-9 companion) invaded the curtilage for the sole purpose of discovering incriminating evidence.

***Full Text of Opinion:****[http://www.supremecourt.gov/opinions/12pdf/11-564\\_5426.pdf](http://www.supremecourt.gov/opinions/12pdf/11-564_5426.pdf)***DUI – BLOOD TESTING****Missouri v. McNeely, 133 S.Ct. 1552 (2013)***Decided April 17, 2013*

**ISSUE:** Is there an exception to the search warrant requirement for nonconsensual blood testing in drunk-driving cases?

**HOLDING:** The Court looked to other body evidence searches and recognized that a delay in testing for blood alcohol would cause a decline in the amounts in the bloodstream. However, the Court found that categorically permitting such testing without a warrant went too far, and held that without consent or a specific, articulable exigency, warrants are required for such blood testing. The Court affirmed the lower court's decision, which had ruled in favor of McNeely.

**NOTE:** *In Kentucky, KRS 189A.105 provides for additional penalties against a defendant who refuses the tests requested by a peace officer. If the subject is involved in a situation resulting in the physical injury of a person, a search warrant may be obtained. If there is a fatality, the investigating officer shall seek a search warrant unless the blood, breath or urine has already been obtained by consent. As such, if >>*

>> *an officer is unable to get consent from a conscious suspect in a non-injury situation, the proper course of action is to proceed with the prosecution and request the additional penalty upon conviction. If someone is injured as a result and consent cannot be obtained, the officer should consider a search warrant. This case reinforces the need to make a DUI case upon observations as well as any potential substance testing.*

**Full Text of Opinion:**

[http://www.supremecourt.gov/opinions/12pdf/11-1425\\_cb8e.pdf](http://www.supremecourt.gov/opinions/12pdf/11-1425_cb8e.pdf)

**Maryland v. King, 133 S.Ct. 1958 (2013)**

*Decided June 3, 2013*

**FACTS:** May DNA be collected by a buccal swab during booking and used for identification purposes?

**HOLDING:** The Maryland appellate courts had ruled that the taking of a buccal (cheek) swab of a suspect during booking (which in King’s case, led to a conviction for a separate crime) was improper. The Court discussed at length the process for taking such swabs and agreed that it was a Fourth Amendment search by definition. However, it noted that the process for taking such samples is “a negligible intrusion.” When done during a lawful booking process, it is not appreciably different than taking fingerprints, which has long been accepted. The Court did not directly address whether the seriousness of the underlying offense should be a factor in whether the swab is taken, however.

The Court reversed Maryland’s decision and reinstated King’s conviction.

**Full Text of Opinion:**

[http://www.supremecourt.gov/opinions/12pdf/12-207\\_d18e.pdf](http://www.supremecourt.gov/opinions/12pdf/12-207_d18e.pdf)

**NOTE:** *In the recent Kentucky General Assembly, HB 89 was proposed to allow DNA samples to be obtained from arrestees. The bill did not pass, however. So despite the SCOTUS decision to allow DNA samples to be taken from arrestees, Kentucky law still only permits DNA samples to be collected from convicted felons.*

**RIGHT TO SILENCE**

**Salinas v. Texas, 133 S.Ct. 2174 (2013)**

*Decided June 17, 2013*

**FACTS:** Is simply failing to answer a question during a non-custodial interview an invocation of the right to silence?

**HOLDING:** The Court agreed that simply remaining silent, during an interview or interrogation, was not sufficient to invoke the right to silence accorded by the Fifth Amendment. It also was proper to introduce observations made by others as to the “expressive conduct” made by a subject when asked questions that might trigger an incriminating response. Salinas’s conviction was upheld.

**Full Text of Opinion:**

[http://www.supremecourt.gov/opinions/12pdf/12-246\\_1p24.pdf](http://www.supremecourt.gov/opinions/12pdf/12-246_1p24.pdf)

**EMPLOYMENT – WORKPLACE HARASSMENT**

**Vance v. Ball State University, 133 S.Ct. (2013)**

*Decided June 24, 2013*

**ISSUE:** Does the definition of a supervisor under Title VII include the power to make tangible employment actions against the harassed employee?

**HOLDING:** The Court agreed that in order for an individual to be considered a supervisor (a designation that places more legal responsibility on the employer), they must be shown to have the ability to take action that would effect “a significant change in employment status, such as hiring, firing, failing to promote, reassignment with significantly different responsibilities, or a decision causing a significant change in benefits.” In this case, the Court agreed that the individual was simply a co-worker of the individual claiming harassment, and not a supervisor, and as such, the decision of the Seventh Circuit was affirmed.

**Full Text of Opinion:**

[http://www.supremecourt.gov/opinions/12pdf/11-556\\_11o2.pdf](http://www.supremecourt.gov/opinions/12pdf/11-556_11o2.pdf)

**EMPLOYMENT DISCRIMINATION**

**University of Texas Southwestern Medical Center v. Nassar, 133 S.Ct. (2013)**

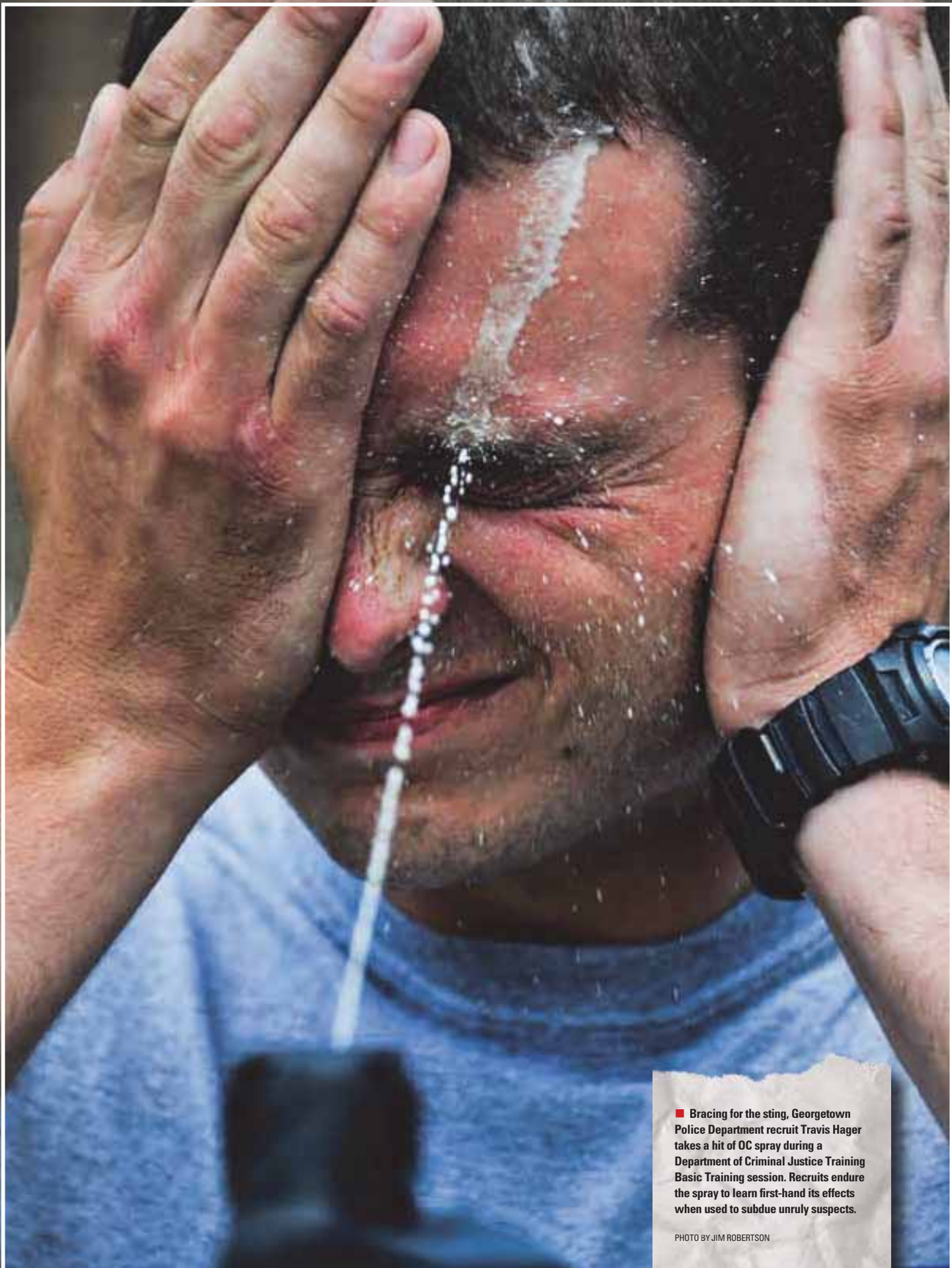
*Decided June 24, 2013*

**FACTS:** Are the standards of a Title VII antiretaliation claim the same as for a status-based discrimination claim?

**HOLDING:** The plaintiff, Nassar, filed suit against his employer claiming that an immediate supervisor (Levine) was discriminating against him because of his Middle Eastern heritage. He also claimed that their mutual place of employment (a university) retaliated against him for his complaints. The court agreed that the proof for the claims are different, and that retaliation claims brought under Title VII must be proven according to the “traditional principles of but-for causation.” In other words, the Court agreed that an employer could raise the defense that they would have taken the same action even if the alleged discrimination had not occurred. As the trial court had ruled in Nassar’s favor on both counts, the Court remanded the case for consideration on the claim against the university under its announced standard.

**Full Text of Opinion:**

[http://www.supremecourt.gov/opinions/12pdf/12-484\\_o759.pdf](http://www.supremecourt.gov/opinions/12pdf/12-484_o759.pdf)



■ Bracing for the sting, Georgetown Police Department recruit Travis Hager takes a hit of OC spray during a Department of Criminal Justice Training Basic Training session. Recruits endure the spray to learn first-hand its effects when used to subdue unruly suspects.

PHOTO BY JIM ROBERTSON

# PROPER PROTOCOL

## For Juvenile In-School Interrogations

DOCJT LEGAL STAFF



**A**

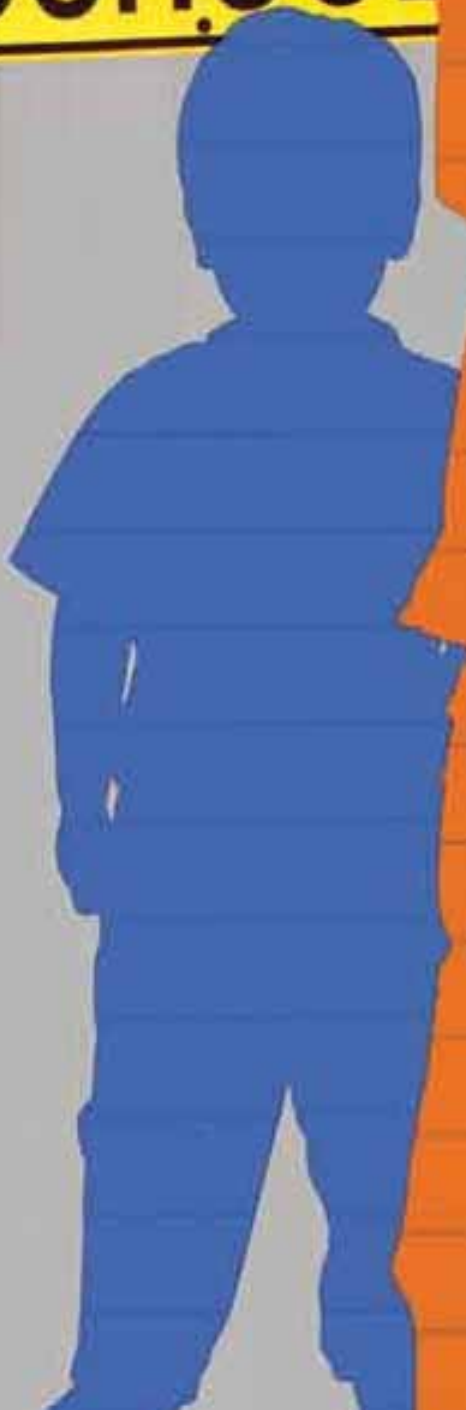
s more and more schools have school resource officers on campus and other law enforcement investigations are leading back to schools as well, the issue of interrogating juveniles in the schools has come to the courts. Two recent cases, in particular, provide valuable guidance for officers who find it necessary to question juveniles in the school environment.

In Com. v. Bell and T.C., a Child Under Eighteen Years of Age, 365 S.W.3d 216 (Ky. App. 2012), T.C., a 13-year-old boy, became a suspect in a sodomy case involving his 6-year-old cousin. Two Lexington detectives went to T.C.'s school. They had him removed from his classroom and brought to a separate room to be interrogated. His parents were not informed and no other adults were present. T.C. was given his rights under Miranda v. Arizona, 384 U.S. 436 (1966), but was told he was not under arrest. After a lengthy interrogation, in which T.C. was encouraged to be honest and presented with different possible scenarios, he finally confessed. T.C. was further questioned about whether he "had himself been, or currently was, a victim of sexual abuse," which he denied. He was permitted to return to class. T.C. was later

charged with first-degree sodomy. T.C. filed a motion to suppress his statements, arguing that KRS 610.200, the parental notification law, was violated, as his parents were not notified prior to the interview.

At the subsequent hearing, there was a dispute about the content of the school interview. After a continuance of a few weeks, the commonwealth conceded that T.C. was interviewed at school without notification to his parents but argued that T.C. was not in custody at the time. The trial court initially ruled that T.C. *was* in custody and the parental notification statute applied. After further proceedings, the Court reversed its decision concerning whether T.C. was in custody, after being allowed to hear the recording of the interview, which confirmed that detectives told T.C. that he was not in custody. (Initially, the Court was told the interview was not recorded.) But, the Court continued, it still ruled that the confession was not admissible because it was not voluntary. The Court took into consideration the detective's inconsistent testimony, T.C.'s age, his mental capacity (apparently of average intelligence), lack of a parental presence and the "nature of the interrogation itself, as evidence by the audio >>





*For officers who work in the schools, or who investigate crimes that lead to interrogating students, a clear understanding of the teachings of these two cases is critical.*

>> recording.” The commonwealth requested a writ of prohibition to prevent the trial court from suppressing the statement. The Circuit Court denied the writ. The Court of Appeals reviewed the voluntariness determination, noting that in doing so, it must look at whether “both the characteristics of the accused and the details of the interrogation are considered.” Schnecko v. Bustamonte, 412 U.S. 218 (1983). With respect to T.C., the Court agreed factors such as “age, education, intelligence and linguistic ability” are critical. For the interrogation, details such as its length, whether Miranda rights are provided, the “repeated or prolonged nature of the questioning, and the use of overtly coercive techniques” are important, but “the presence or absence of a single controlling criterion” is not the determining factor. The Court agreed that the detectives “did not deprive T.C. of food or sleep, and used calm, conversational tone throughout the interview,” and also gave him Miranda rights and told him that he was not under arrest. However, being given Miranda and advised that they are not under arrest “may serve to assure an adult, or even a mature minor, that he should feel free of coercion, that he is free to say nothing and even to leave the officers’ presence any time he desires,” it would not necessarily provide that same assurance to a 13-year-old child. In this case, the Court noted that although a “school is not designed or intended to create a coercive environment in which a child’s will is entirely subjugated,”

it is a place “where compliance with adult authority is required and where such compliance is compelled almost exclusively by the force of authority.” For example, if sent to an administrator’s office, the student “is not allowed to leave until the [administrator] says so.” As such, when T.C. was instructed to be alone in a room with the police, how could he be expected to believe some other set of rules apply? The Court concluded that the “repetitive questioning (more than 32 minutes) amounted to coercion by importunity.” Overall, viewing the interrogation through the lens of T.C., the Court agreed that his statements “were not the product of [his] free choice.” The Court upheld the writ of prohibition, excluding the statements made during the in-school interrogation.

A year later, in N.C., A Child Under Eighteen v. Com., 396 S.W.3d 852 (Ky. 2013), the Court again addressed the interrogation of a student at school. N.C. was implicated in the transfer of several hydrocodone pills at his Nelson County high school. He was brought into the assistant principal’s office and questioned, and eventually admitted he had given two of his prescribed pills to another student. He was informed of the possibilities of school discipline (and was eventually expelled) by the assistant principal, who then left the room. The school resource officer, who was present during the questioning, then explained that N.C. would also be charged with a crime. At no time was N.C. told he could leave the room or given Miranda warnings. N.C. took a conditional plea and appealed. Ultimately, the Kentucky Supreme Court acknowledged that even questioning by non-law enforcement officials might require Miranda, if the responses might trigger criminal prosecution. The analysis must include a determination as to whether the subject was in custody and whether the statements were made voluntarily. The Court looked specifically to the seminal case on juveniles, In re Gault, 387 U.S. 1 (1967), which affirmed that juveniles are entitled to due process, just as adults. In J.D.B. v. North Carolina, 131 S.Ct 2402 (2011), the Court noted that juveniles are particularly susceptible to the “influence of authority

figures and the naturally constraining effect of being in the controlled setting of a school with its attendant rules.” The ultimate question, as posed by J.D.B., is whether the circumstances would lead a reasonable juvenile to believe that they could end the questioning and leave. The Court agreed that N.C. was in custody and that when a peace officer takes a child into custody, KRS 610.200 requires Miranda warnings. In addition, initially, N.C. likely did not realize that criminal charges were possible, particularly since he did not sell the pills, but instead gave them away. Because the assistant principal had acknowledged a “loose routine” with the SRO in such questioning of students, the Court agreed that he was acting in concert with the SRO, effectively making him an agent of the SRO. The Court concluded that school officials were certainly free to question students about matters that might involve potential harm to the school or students, but when law enforcement is present, with the potential for criminal charges, the student’s personal rights must be recognized. The Court did not place the responsibility on the school officials to provide such warnings, but on law enforcement, and noted that the “only viable reason to have law enforcement in the schools is to be able to assert peacekeeping and custodial authority over anyone who behaves in such a way that disorder ensues or a law is broken.” The Court stated that, “administering

## School interrogation at a glance

- If a peace officer is present during a student’s questioning by a school official, and there is a possibility of criminal prosecution, Miranda warnings are required. Failure to issue a warning will result in suppressing incriminating statements given in response to questioning.
- A peace officer may assist in maintaining order in concert with school officials and may be involved in school discipline without invoking a duty to provide Miranda warnings.
- Neither the Bell nor N.C. holdings relate to the situation where a peace officer or social worker wish to speak with a child victim at the school.
- The onus is on law enforcement, not school administrators, to recognize whether Miranda warnings are required and to administer warnings when they are required.
- A juvenile taken from a classroom to be interrogated by a peace officer may be considered to be in custody and may trigger the parental notifications requirements of KRS 610.200.
- There remains an exception for an immediate safety issue, such as a gun at the school. ■

school discipline does not require the participation of law enforcement. Administering the law does.” The Court summed up its decision, noting that “school officials may question freely for school discipline and safety purposes, but any statement obtained may not be used against a student as a basis for a criminal charge when law enforcement is involved or if the principal is working in concert with law enforcement in obtaining incriminating statements, unless the student is given Miranda warnings and makes a knowing, voluntary statement after the warnings have been given.” Although acknowledging that the presence of the SRO (or another officer) will help with the safety of school personnel, the Court cautioned that statements obtained without appropriate warnings are subject to suppression in criminal cases. The Court ruled that N.C.’s confession must be suppressed. The Court, in a concurring, but not binding, opinion, noted that under certain circumstances, with an immediate public safety threat, New York v. Quarles, 467 U.S. 649 (1984) might apply, allowing statements made without Miranda to be admitted when the answers to the question are critical to resolve an

immediate safety issue, such as the location of a weapon or drugs.

For officers who work in the schools, or who investigate crimes that lead to interrogating students, a clear understanding of the teachings of these two cases is critical. If law enforcement officers are involved in an interrogation of a juvenile, they must keep all the usual legal rights of a subject under interrogation in view, including providing Miranda warnings and assessing the overall situation for voluntariness. Given the precepts in both Bell and N.C., however, it seems likely that any admissions made during an interrogation in a school environment may be ruled involuntary, even with Miranda warnings being given, and any statements made may be ruled inadmissible. Of course, a criminal prosecution may certainly be successful even if statements are excluded, provided other sufficient evidence is available. Certainly, as in any such investigation, only statements (and the direct fruit of such statements) that directly incriminate the student will be excluded, physical evidence found as a result of such statements still will be admissible under U.S. v. Patane, 542 U.S. 630 (2004). ☁



## Sheriff Johnny Bivens

### Lewis County Sheriff

Johnny Bivens has 16 years of law enforcement experience. He began his career in 1997 as a patrolman for the Vanceburg Police Department where he received the Governor's Award for outstanding performance in law enforcement for five consecutive years, 1999 to 2003. In the fall of 2003, Bivens joined the Lewis County Sheriff's Office as a deputy sheriff before being named chief deputy in 2009. He was elected sheriff in 2010. He is a member of St. Mary's Lodge 240, Kentucky Sheriffs' Association; National Sheriffs' Association, Trinity Fish and Game Club and is a board member for both the Lewis County Boys & Girls Club and New Beginnings Drug Recovery Program.

### WHAT ARE SOME OF YOUR CAREER HIGHLIGHTS?

To know that my work ethic, integrity and dedication to my career in law enforcement were recognized by the citizens of this county was a great honor. Since becoming sheriff I have implemented many programs that I am proud of. I initiated a countywide neighborhood watch program, held the first prescription drug drop-off program, hosted a drug symposium, modernized tax collections and maintained the level of professionalism that my predecessor worked so hard to attain. During my first two years in office I have hosted a golf tournament each year to send underprivileged children to the Kentucky Sheriffs' Boys and Girls Ranch. I'm aware that none of this would have been possible had I not been surrounded by a great staff.

I continue to watch the prescription-drug problem decrease to its lowest level in recent years. While I credit Florida lawmakers for passing legislation regulating their pill mills and the closing of several pain

I tell my staff that if you always do what you feel is right, even when no one is looking, you will have nothing to worry about.

clinics in southern Ohio, I firmly believe that my administration also played a significant role in this decrease.

### WHAT IS THE DRUG SYMPOSIUM INITIATED BY YOUR OFFICE?

My wife and I often talk about drug abuse. She works as a registered nurse in a nearby emergency room, so this is something she deals with on a daily basis. As we were talking, I told her I felt we were making great strides in identifying and arresting drug traffickers, but I was concerned with the number of drug abusers throughout the county. These are the individuals committing crimes in order to get what they need, money for more drugs. She brought up the idea of a drug symposium and I agreed and said it needed to be focused toward the abusers. So my goal for the symposium was to bring drug awareness and education to the citizens of Lewis County. I assembled a group of panelists who I thought could deliver the message. The panelists included two courageous ladies who lost their children to drug abuse, a recovering addict, a former prosecutor and a representative from Southern Ohio Medical Center. There were more than 100 people in attendance and I felt that we got their attention. One of my prime objectives as sheriff is to secure a safe and peaceful quality of life for the citizens of Lewis County. In order to achieve this, I try to face this challenge head on and not sweep it under the rug.

### WHAT DOES IT MEAN TO YOU TO SERVE THE LEWIS COUNTY SHERIFF'S OFFICE?

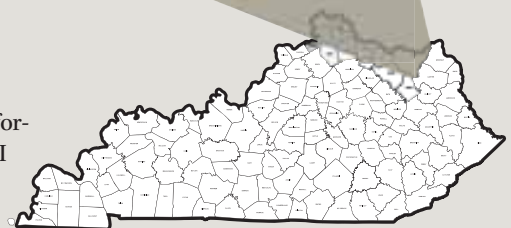
It's hard to put into words what serving as sheriff of Lewis County means to me. I set this as my goal several years ago and was fortunate to have served under a sheriff who I feel was one of the best, Bill Lewis. He not only was a great leader, he also was a

great teacher, and the knowledge I garnered from him prepared me for this position.

I have lived in Lewis County my entire life by choice. I am proud of our county's heritage and its good citizens. I promised the citizens of this county to uphold my oath and promote the arrest of any individual endeavoring to take advantage of us. I tell my staff that if you always do what you feel is right, even when no one is looking, you will have nothing to worry about.

### WHAT ARE THE DUTIES OF A SHERIFF WHICH MANY PEOPLE MAY NOT BE AWARE?

I think a lot of people have the perception that a sheriff sits in the office from 8 a.m. to 4 p.m. and delegates his duties. I'm not that sheriff. I enjoy working the road and interacting with people as well as getting criminals off the street. I have four full-time road deputies and we provide coverage seven days a week, 24 hours a day and are responsible for patrolling approximately 482 square miles. In recent years we have been responsible for nearly 85 percent of all criminal indictments presented to the Lewis County Grand Jury. My staff has a tremendous responsibility and they do an excellent job. 🇺🇸





## Chief Don Weedman

### Princeton Police Department

Don Weedman began his law enforcement career in 1975 with the Kentucky State Police. Weedman graduated with the 52nd KSP Academy class. During his career with KSP he served from 1975-1982 at Pikeville Post 9 as a trooper and detective. In 1982, he was promoted to sergeant and served a few months at Ashland Post 14 before transferring back to Pikeville. He was promoted to lieutenant in 1984 and transferred to Madisonville Post 2. In 1991 he was promoted to captain and served as commander of the Inspections and Evaluation Section. In 1996, he served as the Operations Branch commander until he retired in 2001. Weedman joined the Penyrile Narcotics Task Force in 2003 and served as an investigator until he was appointed chief of the Princeton Police Department in 2007.

#### HOW DID WORKING AND RETIRING FROM KSP AND YOUR POSITION AT THE PENNYRILE NARCOTICS TASK FORCE HELP PREPARE YOU IN THE TRANSITION TO CHIEF OF PRINCETON POLICE DEPARTMENT?

Moving through the ranks of KSP gave me many real-world experiences from the operational perspective. The management of personnel added to the insight of individual wants and needs and how these interfaced with departmental goals and objectives. After retiring from KSP, my tenure with the Penyrile Narcotics Task Force allowed me contact with local agencies and gave me a fresh look at situations faced by city and county agencies, particularly in Caldwell County, where I live, and its surrounding counties.

These experiences gave insight as to what is needed for a local department in today's times. These experiences built patience and understanding. This brings

The officers and staff have “bought into” the idea they are the department and the department is in the business of community service.

a realization that events do not always unfold as we wish; however, we must continue to strive to reach departmental goals and objectives regardless of the circumstances.

#### WHAT ARE SOME OF YOUR CAREER HIGHLIGHTS SINCE BEING NAMED CHIEF OF PRINCETON POLICE DEPARTMENT?

After reviewing the many positive initiatives prior chiefs had carried out over the past years, I began building on these positives. A program for timely police vehicle replacement was presented to finance, and a regular vehicle replacement program was established. Older out-of-date equipment was phased out and replaced with new equipment. Personnel attrition was a concern. Pay increases to improve longevity was sought and approved. Hiring practices were reviewed. Advertising vacant positions is done through area-wide publications. Training has been directed towards investigative courses. Overall, this has increased the quality of investigations. The current budget has funded a new computer system for the department, which replaces

the aged system currently in use and will allow for a secure intra-department email system for communicating sensitive information and reduce duplication of equipment.

#### HOW ARE YOU ABLE TO THRIVE IN THE CURRENT ECONOMIC CLIMATE?

The increase in benefits, new equipment and training all come with a cost. Understanding the need for personnel, equipment and training does not mean finances are available to obtain these all at once. Law enforcement is but one part of the overall governmental body. A long-term plan for the department must be thought through and presented so that it meshes with the overall needs of the governmental body of which it is a part. Communicating reasonable, planned needs allows for oversight, understanding of needs, and financial planning thus allowing the needs to be met. However, the most important part of the department's ability to thrive in these uncertain times is the department's personnel. The officers and staff have “bought into” the idea they are the department and the department is in the business of community service. Departments thrive when personnel does the right thing at the right time. I certainly believe the Princeton Police Department's officers and staff are the reason the department is thriving and continually improving in the current economic climate. 🇺🇸



# RAIDS Online: Crime Mapping Made Easy

BRANDON COMBS | BASIC TELECOMMUNICATIONS

For years, police and fire agencies have tracked the locations of every call for service. A new service that maps these addresses is offered to these public response agencies. RAIDS Online, is a free public crime-mapping system powered by BAIR Analytics. RAIDS Online is a for-hire contractor for the Department of Defense, and provides a robust analytic software system.

Currently, in Kentucky, only seven agencies use this free service. Those are Cadiz, Covington, Edgewood, Erlanger,

“It helps generate a positive image for your department,” Castor said. Often the public doesn’t see what all you respond to, but once they do they have a healthy amount of respect for the department.”

RAIDS Online also offers some paid services, such as crime analysis. This can include remote analysis, a specialist coming to work at the department or training existing staff to operate the analysis software. Departments also can control which types of calls are represented.

RAIDS Online sales staff says most agencies elect to not have homicides, sexual assaults and most crimes involving juveniles pulled for crime mapping.

The university setting represents a unique set of circumstances due to the additional regulations and laws in place regarding reporting standards.

“We have been able to narrow down through the mapping software which areas have higher levels of crime so we can focus our efforts,” said Lt. Jeffery Gentry of Murray State University.

While Erlanger has its information pulled from the CAD database, MSU has its information pulled from the KYOPs reporting system.

“It has been a useful tool for us and it connects to our department’s website homepage,” Gentry said.

The Lexington Division of Police also provides public access to local crime through their homepage.

“Lexington citizens can view a map and grid with all of the crimes in their area, sign up for neighborhood watch reports that automatically email a breakdown of recent crime activity, and submit an anonymous tip about a crime directly to their law enforcement agency,” according to a LDP press release. “RAIDS Online automatically syncs with the LDP’s records system to keep crime information updated online and in the mobile app. RAIDS Online cleans and geocodes the crime data, then displays all of the incidents on a map, grid and analytics dashboard along with some basic information about the incidents, including the type of crime, location type, block-level address, date and time.”

Typically, agencies can spend thousands of dollars annually through other crime-mapping providers. BAIR Analytics offers RAIDS Online and the RAIDS Online mobile app as a free service to any law enforcement agency that wishes to participate. RAIDS Online is ad-free and BAIR Analytics does not sell the data to third-party vendors, thus the agency remains in complete control of their data.

“We wanted to do something to help law enforcement in these tough economic times,” said Sean Bair, founder of BAIR Analytics, a former police officer and analyst. “We consider this a basic service that we are more than happy to provide to the public and our law enforcement friends.”

RAIDS Online can be viewed at [www.raidsonline.com](http://www.raidsonline.com).  
BAIR Analytics can be reached at (800) 380-1138.



Lexington, Madisonville and Murray State University. There are no costs to the department for setup and maintenance of basic crime-mapping services.

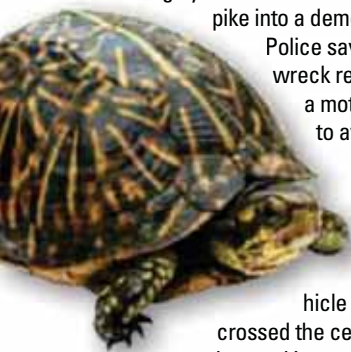
“It is low maintenance,” said Steve Castor, Public Safety Communication Center manager for Erlanger. “It’s easy to forget you have it in place.”

This software can be connected to a records management system, computer-aided dispatch, or various other call tracking systems.

# STRANGE STORIES FROM THE BEAT

## » Turtle Turns N.J. Road Into Collision Course

Why did the turtle cross the road? That's what several drivers in southern New Jersey would like to know, after one tortoise trekking down the highway was largely to blame for turning the turnpike into a demolition derby. Police say a three-car wreck resulted when a motorist slowed to avoid hitting a turtle on the road. A second vehicle then struck that vehicle from behind, crossed the center line and slammed into a third vehicle, which hit a utility pole and crashed through a billboard. The turtle was found safe.



## » Burglar Falls Asleep on Victim's Couch

A 21-year-old Florida man fell asleep on the job — which, according to police, was burglary. They say they woke him up to arrest him after he fell asleep on the couch in a home he and another man had broken into. Police say a woman called authorities to report the back door of her home had been kicked in and clothing, jewelry and electronic devices were missing. Officers reportedly went to the home, and there they found the suspect asleep on the couch, allegedly with the woman's jewelry in his possession.



## Criminal Breaks IN to Jail, Not Out

There had never been a break-in at the Allegheny County Jail, until recently. A 73-year-old man, who was clearly intoxicated, tried to break in at the employee entrance to the jail, trying to follow a nurse as she came to work. The incident report states police officers were "dispatched by county communications to the jail for a male who was breaking into the jail." The suspect had two knives in his pants when he was arrested, and he tried to attack a police sergeant. As a result of this reverse jail break, he faced charges including aggravated assault, criminal trespass and public drunkenness.

## Couple Assaults Lifeguard for Whistle Blowing

Two people have been charged with assaulting a lifeguard, including a man police say asked the lifeguard to stop blowing his whistle because it was aggravating his hangover. The couple attacked the lifeguard by dumping a bucket of water on his head, punching him in the face and knocking him to the ground.



## Man Calls 911, Asks for Priest

A California man called 911 over the weekend to speak to a priest. Police say the man dialed the emergency number and asked to talk to a man of the cloth because he wanted to make a confession.

The subject made the request for a priest, which police could not accommodate, but officers were sent to his home.

When the officers arrived, the individual admitted that he'd been using marijuana and methamphetamine for about a year and that he had a bag of methamphetamine inside his apartment.



» IF YOU HAVE ANY funny, interesting or strange stories from the beat, please send them to [jimd.robertson@ky.gov](mailto:jimd.robertson@ky.gov)



KENTUCKY

# LAW ENFORCEMENT

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