

# LAW ENFORCEMENT





# LAW ENFORCEMENT CONTENTS

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Cabinet Secretary

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

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» 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 Complicated Relationship

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

**O**n February 12, FBI Director James Comey gave an address at Georgetown University in Washington, D.C. and spoke about a “disconnect” between law enforcement agencies and many of the citizens and the communities they serve. He spoke of our being at a crossroads following a series of events in the last few months of last year.

FBI directors rarely speak on the issues that were raised by Director Comey, and his speech drew attention for that simple fact. Few of our citizens would be able to name its director, but everyone has heard of the FBI and views it as our nation’s preeminent law enforcement agency. If the FBI believes there is a problem, that perception becomes reality — and, as far as the public is concerned, there must then be a problem between law enforcement and our citizens and communities.

Last year added new terms to the public’s, the media’s and, indeed, our own lexicon. As of August 8, 2014, most of us had never heard of Ferguson, Mo. But since August 9, 2014, “Ferguson” has morphed into a noun, a movement, a cause, a tragedy and/or a vindication which inspires instant debate and at times confrontation at its very utterance.

The year 2014 also brought discussions about body cameras, MRAPs, BearCats, chokeholds and a debate about the necessity and functioning of grand juries. We know the names of Eric Garner and Tamir Rice and, unfortunately, to a lesser degree, Wenjian Liu and Rafael Ramos.

With respect to body cameras, the events in Ferguson and Staten Island have fueled debate about their efficacy and raised questions about their affordability. The president proposed \$75 million for state and local agencies to purchase them (albeit with a 5 percent match from us). This proposal did not make it in the recently approved funding bill but the issue is certain to resurface.

Louisville Metro Police Department is looking to roll out a pilot project with body worn cameras this summer, but

many questions about their operational costs have yet to be answered. The mayor of Baltimore, Md. vetoed a body-camera proposal when the estimates for extra staff and storage costs came in at \$2.6 million. Meanwhile, San Diego is on the hook for an estimated \$3.6 million for data storage, licensing and maintenance for its cameras.

Body cameras certainly are a useful tool for law enforcement, but nowhere near as useful as well-trained, well-paid officers on the street. Public expectations of body cameras appear to already exceed their actual capability; as one chief said, “they are not the human eye,” and are not likely to capture every event “as seen on TV.”

It may appear that law enforcement, police and our criminal justice system are under attack. My view is that we are always subject to the severest scrutiny and we must accept that. After all, we are invested with the power to restrain liberty and legally use force, including deadly force, against an otherwise free citizenry when the circumstances so demand.

It is not the debate nor the scrutiny which should concern us, but rather the perception and balance of said debate.

Director Comey went to Georgetown to speak about the relationship between law enforcement and the diverse communities we serve and protect. It is our challenge now to build, clarify and nurture that relationship through continued education, outreach and, most of all, continued service and protection delivered with the utmost professionalism and integrity. ■



*The 2015 Kentucky Law Enforcement Memorial Ceremony will be*

# May 21, 2015

11 a.m., EDT

Amphitheater seating  
*Department of Criminal Justice Training*  
Richmond, Ky.

## KLEMF Scholarship Deadline in March

The Kentucky Law Enforcement Memorial Foundation’s deadline for the Gerald F. Healy Scholarship is March 31. Each year, KLEMF awards 25, \$1,000 scholarships or \$2,000 to family members of an officer killed in the line of duty. Scholarships are restricted to law enforcement officers and law enforcement telecommunication personnel (current, retired, or disabled) and their survivors and dependents. The scholarships may be used at any accredited college or university, including two-year and community colleges. It also may be used for a recognized or certified vocational or trade school. For more information visit <http://www.klemf.org/KLEMFscholarships1110.html> or contact Pam Smallwood at [Pam.Smallwood@ky.gov](mailto:Pam.Smallwood@ky.gov) or (859) 622-8081.

## Golf Tournament Date Set

The annual KLEMF golf tournament will be conducted on June 25. Details to be announced. To register or to get more information go to [www.klemf.org](http://www.klemf.org) or contact Pam Smallwood at [Pam.Smallwood@ky.gov](mailto:Pam.Smallwood@ky.gov) or (859) 622-8081.

## Foundation Receives Donation from Lexington Police

Lexington Division of Police officers Bige Towery and Mike Burton presented the Kentucky Law Enforcement Memorial Foundation with a \$2,000 donation from the Lexington Division of Police Memorial Golf Tournament conducted last fall.



[www.klemf.org](http://www.klemf.org)



## DOCJT ANNUAL AWARDS

### DOCJT Awards Instructor of the Year



Walt Tangel

In its annual awards ceremony, the Department of Criminal Justice Training honored multiple staff members in 2014 with top honors. Each year, awards are given to deserving individuals who have served as the Instructor of the Year and Administrative Staff Person

of the Year. Additionally, Commissioner John W. Bizzack awards the Commissioner's Award and Teamwork Award.

The Instructor of the Year in 2014 was Leadership Training Instructor Walt Tangel. Since he began his service to DOCJT in 2004, Tangel has been lauded for his professionalism and dedication to providing relevant and current information to his classes.

He is responsible for DOCJT's Police Executive Command Course and Current Leadership Issues for Mid-Level Executives among other assignments.

"Mr. Tangel maintains the level of excellence and respect his position requires to address the police executives and administrators in our commonwealth," his nomination letter states. "He has become an excellent resource with contacts and networking that extends across the state, nation and world."

The Administrative Staff Person of the Year was Graphic Designer Trang Baseheart. A member of the Communication Office, Baseheart was instrumental in the coordinated roll out of the new DOCJT and KLEC logos she designed. She went above and beyond to not only create and implement the new design, but also worked individually with other staff to ensure a smooth transition in every avenue.

"Best of all, the new logo has been embraced, hundreds of items have been gathered under a cohesive branding umbrella, the overall organization reflects professionalism in its materials and the entire staff is marching to the same branding beat," her nomination letter states. "All this can be attributed directly to Trang, her work ethic, her design skills and her dedication to professionalism."

Two Commissioner's Awards were given this year to Staff Assistant Edliniae Sweat and the Basic Training Curriculum Design Team. Sweat was rewarded in part for her efforts

with this year's CALEA accreditation process. "Although all DOCJT personnel were indirectly involved in the preparation process for the on-site, the scope of Edliniae's involvement and leadership role extends far beyond the peripheral," her nomination letter states.

The Basic Training Curriculum Design Team included DOCJT staff members Patrick Miller, Kelley Calk, Steve Howard, Mike Roe, Larry Sennett, Gina Smith, James VanHook, Ben Wilcox, Bill Sullivan and Thomas Atkins. The group worked together, deciding how to use the recent Job Task Analysis' essential duties for performance outcomes and put them into a logical sequence and structure that would allow recruit officers to build on the learning process, their nomination letter states. This group is responsible for the creation and overall structure of the 2015 22-week Basic Training Curriculum approved by the Kentucky Law Enforcement Council.

The Teamwork Award was given to DOCJT staff members as a whole for their department-wide contribution to achievement of the CALEA Gold Standard Assessment.



Trang Baseheart

### DOCJT Officially Transitions to the Intoxilyzer 8000

On Feb. 1, the Department of Criminal Justice Training transitioned to the Intoxilyzer 8000 after receiving notification from the Kentucky State Police to begin.

This process was delayed over the years and as a result, those law enforcement officials who have been certified on the Intoxilyzer 8000 prior to January 2013 — and who are NOT currently certified as breath-test operators — have certifications that have either expired or terminated. These officers must take a 40-hour breath-test operator course to be recertified.

The Department of Criminal Justice Training has scheduled 11 online recertification classes for 2015. Each class has a maximum cap of 400 students. The online recertification also will move the students to a single Breath-Test Operator certification, allowing operators to administer tests on either the Intoxilyzer 5000EN or 8000.

In order to take the online recertification course, the officer must have a current 5000EN certification. If the 5000EN certification is expired, they may recertify using the online course. If the 5000EN certification is terminated, the officer will have to re-take the 40-hour Basic Breath-Test Operator Course to become recertified.

Questions about recertification or the implementation of the Intoxilyzer 8000, may be sent to DOCJT's DUI Enforcement Section at (859) 622-2309.



## KENTUCKY SHERIFFS

### 2015's Newly Elected Sheriffs

**Ballard County Sheriff's Office**  
Carey Batts

**Bell County Sheriff's Office**  
Mitchell Williams

**Boyd County Sheriff's Office**  
Bobby Woods

**Calloway County Sheriff's Office**  
Sam Steger

**Campbell County Sheriff's Office**  
Mike Jansen

**Carter County Sheriff's Office**  
Jeffrey May

**Clinton County Sheriff's Office**  
Jim Guffey

**Cumberland County Sheriff's Office**  
Scott Daniels

**Edmonson County Sheriff's Office**  
Shane Doyle

**Fleming County Sheriff's Office**  
Gary Kinder

**Floyd County Sheriff's Office**  
John Hunt

**Garrard County Sheriff's Office**  
Tim Davis

**Grayson County Sheriff's Office**  
Norman Chaffins

**Hardin County Sheriff's Office**  
John Ward

**Harlan County Sheriff's Office**  
Leslie Smith

**Harrison County Sheriff's Office**  
Shain Stephens

**Hopkins County Sheriff's Office**  
Matt Sanderson

**Jackson County Sheriff's Office**  
Paul Hays

**Knox County Sheriff's Office**  
Mike Smith

**Larue County Sheriff's Office**  
Russell McCoy

**Leslie County Sheriff's Office**  
Delano Huff

**Madison County Sheriff's Office**  
William Mike Coyle

**Martin County Sheriff's Office**  
John Kirk

**McCreary County Sheriff's Office**  
Randy Waters

**McLean County Sheriff's Office**  
Kenneth Frazell

**Menifee County Sheriff's Office**  
Toby Wells

**Monroe County Sheriff's Office**  
Dale Ford

**Morgan County Sheriff's Office**  
Anthony Gullett

**Nelson County Sheriff's Office**  
Ed Mattingly

**Ohio County Sheriff's Office**  
Tracy Beatty

**Owen County Sheriff's Office**  
Mark Bess

**Pike County Sheriff's Office**  
Rodney Scott

**Pulaski County Sheriff's Office**  
Greg Speck

**Rowan County Sheriff's Office**  
Matt Sparks

**Russell County Sheriff's Office**  
Clete McAninch

**Todd County Sheriff's Office**  
Tracy White

**Washington County Sheriff's Office**  
Jerry Pinkston

**Wayne County Sheriff's Office**  
Timothy Catron

### Heroin Overdose Reversal Kits to be Distributed to Three Major Kentucky Hospitals

Gov. Steve Beshear, First Lady Jane Beshear and Attorney General Jack Conway announced in January that heroin overdose reversal kits will be purchased for Kentucky hospitals with the highest rates of heroin overdose deaths. Overdose patients will receive a kit free of charge when they leave the hospital, so they or a loved one can prevent another overdose event and possibly save a life. The funding is provided through the Substance Abuse Treatment Advisory Committee.

Gov. Beshear created SATAC by executive order to oversee the KY Kids Recovery grant program and distribution of the \$32 million in settlement funds that Attorney General Conway secured from two pharmaceutical

companies. The judge required the settlement funds be used to expand treatment in Kentucky. Attorney General Conway chairs the committee and First Lady Beshear serves on the committee.

The committee provided \$105,000 to purchase approximately 2,000 Naloxone rescue kits for the University of Louisville Hospital, the University of Kentucky Hospital in Lexington and the St. Elizabeth Hospital system in northern Kentucky. The kits will be provided free of charge to every treated and discharged overdose victim at pilot-project hospitals. SATAC hopes to expand the program to 17 more Kentucky hospitals or hospital systems.



### National Statistics on 2014 Line-of-Duty Deaths

- Firearms-related incidents were the number one cause of officer deaths in 2014, with 50. This was a 56 percent increase over the 32 officers shot and killed in 2013.
- Ambush attacks resulted in 15 officer deaths, the leading felonious cause of deaths among officers in 2014 and for the fifth straight year.
- Traffic-related incidents were the second-leading cause of officer fatalities in 2014, with 49. This was an 11 percent increase over the 44 traffic-related deaths in 2013.



## NEW CHIEFS



John McNally

**JOHN MCNALLY**  
Irvington Police Department

John McNally was appointed chief of Irvington Police Department on Sept. 1, 2014. McNally began his law enforcement career with the Meade County Sheriff's Office and has more than 24 years of law enforcement experience. He

also served the Brandenburg Police Department, moving through the ranks to become chief. He returned to Meade County Sheriff's Office, and then Hardinsburg Police Department before being name chief of Irvington. McNally is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 237.



Dean Hayes

**DEAN HAYES**  
Anchorage Police Department

Dean Hayes was appointed chief of Anchorage Police Department on Dec. 1, 2014. Hayes began his career with the Kentucky State Police and retired in 2013 after 28 years of service at the rank of captain. He has

bachelor degrees in Criminal Justice and Psychology from the University of Alabama. Hayes graduated from KSP Academy Class No. 64 and the FBI National Academy 194th session.



Robert Chapman

**ROBERT CHAPMAN**  
Meadow Vale Police Department

Robert Chapman was appointed chief of Meadow Vale Police Department on Oct. 18, 2014. Chapman has 22 years of law enforcement experience. He began his law enforcement

career with Jefferson County Department of Corrections, and he served at and retired from Louisville Metro Police Department at the rank of sergeant. Chapman served in the U.S. Army, Military Intelligence and retired at the rank of major. He has a Bachelor of Arts degree from Eastern Kentucky University and also is a graduate of the Southern Police Institute Class No. 109 and the Academy of Police Supervision Class No. 22.



Billy Holbrook

**BILLY HOLBROOK**  
Paintsville Police Department

Billy Holbrook was appointed chief of Paintsville Police Department on Dec. 1, 2014.

Holbrook served the Kentucky National Guard from 1989 to 2003, receiving an honorable discharge. He began his law enforcement career in 2001 with the Johnson County Sheriff's Office and joined the Paintsville Police Department later that same year. Holbrook held various supervisory positions before being appointed chief in 2007. He left Paintsville in the summer of 2012, but returned in the fall of 2012 moving through the ranks to become chief a second time. Holbrook is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 318.



William Conway

**WILLIAM CONWAY**  
LaGrange Police Department

William Conway was appointed chief of LaGrange Police Department on Jan. 1. Conway began his

law enforcement career with the Westwood Police Department in 1992. He also served

the Rolling Hills Police Department before coming to LaGrange. He has a bachelor's degree in Police Administration from Belford University and is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 221.

**LARRY WOODS**  
Prestonsburg Police Department

Larry Woods was appointed chief of Prestonsburg Police Department on Jan. 1. Woods began his law enforcement career in 1977 with the Prestonsburg Police Department and served there until 1984. He joined the Kentucky State Police in 1984 and retired in 2012. Woods attended Berea College and is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 62 and the KSP Academy Class No. 62.

**CHRIS BARRIER**  
Montgomery County School District Police Department

Chris Barrier was appointed director of Montgomery County School District Police Department on Jan. 5. Barrier began his law enforcement career with the Montgomery Police Department, Montgomery, Ala. and has 12 years of law enforcement

experience. He served the Mount Sterling Police Department from 2004 to 2006 and served as a fraud investigator for the Office of the Inspector General from 2006 to 2008, before coming to the Montgomery County School District Police Department and moving through the ranks to become director. Barrier received a bachelor's degree, with a double major in Criminal Justice and Political Science from the University of Alabama. He also is a graduate of Academy of Police Supervision Class No. 43.

**MICHAEL KEFFER**  
Lebanon Junction Police Department

Michael Keffer was appointed chief of Lebanon Junction Police Department on Jan. 9. Keffer was in the infantry in the U.S. Army and retired after 22 years of service. He began his law enforcement career



Chris Barrier

## KACP NEWS

### KACP to launch Communications Accreditation Program

The Kentucky Association of Chiefs of Police created a Communications Accreditation Program allowing dispatch and communications agencies across the state to seek state accreditation. The program, composed of 60 standards, was approved by the KACP Board in December 2014. However, the program concept has been circulating for nearly 10 years, said Shawn Butler, KACP accreditation manager. The program's real leg work began about 18 months ago as members of KACP's Professional Standards Committee, Department of Criminal Justice Training staff and communications and dispatch personnel from across the state came together to create, vet and solidify the program standards.

"Officers and the public — their lives depend on dispatchers doing their jobs," Butler said. "They're such a big piece of the pie. In the past, they have been stepped aside because they're not in the limelight; they're on the phone, behind the scenes — but it doesn't matter, they are still a big piece of the pie. Police chiefs across the state have recognized that very well, and they have been the driving force behind this program."

Twelve pilot agencies have chosen to participate in the first round of accreditation. The KACP Communications Accreditation Program will benefit participating agencies by:



- Providing recognized standards for agencies to evaluate and improve their overall performance
- Providing a basis to enhance agency operations
- Providing the tools to help detect any potential deficiencies
- Providing assistance to agencies to commit policies and procedures in writing
- Promoting accountability among agency personnel
- Providing the potential to reduce liability insurance costs
- Providing the ability to build a strong defense against law suits and assist in minimizing liability
- Providing agency recognition for meeting industry standards of excellence

The process is expected to take 12 to 18 months for these first agencies to complete the accreditation program and earn their certification. The initial certification will be valid for four years before reaccreditation must be sought. For more information on the KACP Communications Accreditation Program, contact Shawn Butler at sbutler@kypolicechiefs.org or (859) 743-2920.

### KACP Scholarship Opportunity

The Kentucky Association of Chiefs of Police will award six \$500 scholarships to applicants selected by the KACP Training and Education Committee with approval of the Executive Board. The scholarships will be awarded at KACP's annual conference in August. Checks will be distributed to the institution upon receipt of a statement or to the student upon presentation of a paid receipt from the college or university. Scholarships may be used for any necessary school expenses such as tuition, books, fees or room and board. Applicants must be a resident of Kentucky, majoring in criminal justice, law enforcement or police administration, pursuing an AA, BS or MS degree. Only students enrolled in Kentucky colleges and universities will be considered. Applications must be submitted to KACP's Office of the Executive Director by June 15. For more information, visit <http://www.kypolicechiefs.org/membership-information/scholarship-information/>.

### NEW CHIEFS CONTINUED

with the Radcliff Police Department and retired in 2010 after 15 years. Keffer has a bachelor's degree in Justice Administration from the University of Louisville and is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 244.



Mark Powers

**MARK POWERS**  
Hawesville Police Department

Mark Powers was appointed chief of

Hawesville Police Department on Jan. 13. Powers has 20 years of law enforcement experience and his entire law enforcement career was spent at the Owensboro Police Department, retiring in April 2014. He has a bachelor's degree from Western Kentucky University and is a graduate of the DOCJT's Basic Training Class No. 233.

**ANTHONY YEAGER**  
Bancroft Police Department

Anthony Yeager was appointed chief of Bancroft Police Department on Jan. 17. Yeager began his law enforcement career with the Danville Police Department in 1984. He also served the Louisville Housing Authority Police Department, Shepherdsville

Police Department and retired from the Mount Washington Police Department in 2007, after serving 18 years. Before coming to Bancroft Police Department in 2013, Yeager served a year at the Heritage Creek Police Department. He has a degree in Marine Technology from the Louisville Technical Institute and is a graduate of the Department of Criminal Justice Training's Basic Training Class No. 160.



Anthony Yeager



# Association Leaders 2014 to 2015

## Kentucky Peace Officers' Association

**President Rick Lynn**  
Lexington Division of Police Officer  
president@kpoa.info  
(859) 447-2657



Rick Lynn

**First Vice President:** Craig Sutter, Lexington Division of Police  
**Second Vice President:** Chip Nowlin, Lexington Division of Police  
**Secretary:** Andrew Moore, Lexington Division of Police  
**Treasurer:** Paul Stewart, Lexington Division of Police  
**Sergeant at Arms:** Barry Cecil  
**Chaplain:** Brian Martin, Lexington Division of Police  
**Photographer:** John Bailey, Western Kentucky University Police Department

## Kentucky Association of Chiefs of Police

**President Richard Sanders**  
Jeffersontown Police chief  
rsanders@jtownkypd.org  
(502) 267-0503



Richard Sanders

**Executive Director:** James Pendergraff (Ret.)  
**First Vice President:** Michael Daly, Fort Thomas Police Department  
**Second Vice President:** Brandon Barnhill, Paducah Police Department  
**Third Vice President:** Tracy Schiller, Elizabethtown Police Department  
**Sergeant at Arms:** Robert Ratliff, Ashland Police Department  
**Past President:** Dan Smoot, Operation UNITE  
**Accreditation Program Manager:** Shawn Butler, Independence Police Department  
**Parliamentarian:** E. Douglas Hamilton  
**Treasurer:** Craig Birdwhistell, (Ret.)

## Kentucky Sheriffs' Association

**President Troy Young**  
Anderson County sheriff  
t.young@acsheriff.com  
(502) 839-4021



Troy Young

**First Vice President:** Wayne "Tiny" Wright, Woodford County sheriff  
**Second Vice President:** Kevin Corman, Jessamine County sheriff  
**Third Vice President:** Craig Peoples, Pendleton County sheriff  
**Secretary/Treasurer:** Chuck Korzenborn, Kenton County sheriff  
**Sergeant at Arms:** Patrick Boggs, Mason County sheriff

## Kentucky Women's Law Enforcement Network

**President Jennifer Colemire**  
Covington Police Officer  
JRudolph@covkypd.org  
(859) 292-2222



Jennifer Colemire

**First Vice President:** Leighann Stroud, Madisonville Police Department  
**Second Vice President:** Lindsay Hix  
**Secretary:** Melissa Wartak  
**Treasurer:** Lisa Rudzinski, Kentucky State Police  
**Historian:** Emily Leising, Fort Thomas Police Department  
**Chaplain:** Donitka Boyett, Bowling Green Police Department  
**Central Regional Rep.:** Ellasha Ferriell, Louisville Metro Police Department  
**Eastern Regional Rep.:** Jennifer Sandlin, Kentucky State Police  
**Northern Regional Rep.:** Tara Ruschell  
**Western Regional Rep.:** Nicole Hatchett, Bowling Green Police Department

## Fraternal Order of Police

**President Berl Perdue**  
Clark County Sheriff  
bperdue@clarkcokysheriff.com  
(859) 744-4390



Berl Perdue

**Vice President:** Michael Sweeney, Lexington Division of Police  
**Second Vice President:** Robert Bringham, Murray State University Police Department  
**Secretary:** Denis Spalding, Attorney General's Office  
**Treasurer:** Don Brashear (Ret.), Cold Spring Police Department  
**Sergeant at Arms:** Shaun Helbig, Bowling Green Police Department  
**Chaplain:** Tim Davis (Ret.)  
**National Trustee:** David Mutscheler, Louisville Metro Police Department  
**Past President:** Michael "Spike" Jones, Covington Police Department

## 2015 KLEC Meeting Dates

The Kentucky Law Enforcement Council meets quarterly to discuss issues affecting law enforcement across the state.

### THE REMAINING 2015 MEETING DATES ARE:

May 13 and 14, 2015  
August 12 and 13, 2015  
November 4 and 5, 2015  
All meetings are scheduled to be at Embassy Suites in Louisville.

# 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**  
Cincinnati/Northern Ky. Airport Police Department  
Christopher W. Heitzman

**Covington Police Department**  
David L. Pennington

**Eddyville Police Department**  
Coleman B. Dixon

**Harrodsburg Police Department**  
Chad A. Powell

**Henderson Police Department**  
David Y. Piller

**Hopkinsville Police Department**  
Josh Fields  
Ceasar A. Sierra

**Kentucky Department of Fish and Wildlife Resources**  
William E. Grayson

**London Police Department**  
James M. Holliday

**Pikeville Police Department**  
Ricky D. Younce

**Western Kentucky University Police Department**  
Sam C. Scarborough

**ADVANCED LAW ENFORCEMENT OFFICER**  
Ashland Police Department  
Ronnie S. Sexton

**Covington Police Department**  
Michael V. Lusardi  
David L. Pennington

**Danville Police Department**  
Chad S. Smith

**Franklin Police Department**  
Charles W. Drummond

**Harrodsburg Police Department**  
Chad A. Powell

**Henderson Police Department**  
David Y. Pillar

**Kentucky Department of Fish and Wildlife Resources**  
William E. Grayson

**Mount Sterling Police Department**  
Robert C. Miles

**LAW ENFORCEMENT SUPERVISOR**  
Ashland Police Department  
Ronnie S. Sexton

**Bowling Green Police Department**  
Charles D. Casey

**Franklin Police Department**  
Vickie M. Kristiansen

**Graves County Sheriff's Office**  
Jeremy K. Prince

**Harrodsburg Police Department**  
Chad A. Powell

**Henderson Police Department**  
David Y. Piller

**Pikeville Police Department**  
Ricky D. Younce

**LAW ENFORCEMENT EXECUTIVE**  
Henderson Police Department  
David Y. Piller

**LAW ENFORCEMENT CHIEF EXECUTIVE**  
Russellville Police Department  
William V. Shifflett

**LAW ENFORCEMENT OFFICER INVESTIGATOR**  
Columbia Police Department  
Leroy S. Murphy Jr.

**Hazard Police Department**  
David C. Wiseman

**Kentucky Alcoholic Beverage Control**  
Willie Skeens II

**Kentucky Department of Fish and Wildlife Resources**  
William E. Grayson

**Mercer County Sheriff's Office**  
Larry S. Elder

**LAW ENFORCEMENT TRAFFIC OFFICER**  
Henderson Police Department  
David Y. Pillar

**INTERMEDIATE PUBLIC SAFETY DISPATCHER**  
Bowling Green Police Department  
Malissa Carter

**Frankfort/Franklin County 911**  
Tomba Brown  
Katie L. Hood  
Joanna L. Sawalich  
Doug Standifer

**Jefferson County Sheriff's Office**  
Jennifer K. Cravens

**KSP Post 16, Henderson**  
Bridget J. Stone

**Lexington Enhanced 911**  
Carla J. Anderson

**London/Laurel County Communication Center**  
James K. Sloan II

**St. Matthews Police Department**  
Ashley N. North

**Winchester Police Department**  
Kimberly A. Newcomb

**ADVANCED PUBLIC SAFETY DISPATCHER**  
Bowling Green Police Department  
Malissa Carter  
Steven R. Wilson

**Elizabethtown Police Department**  
Melissa J. McGuffin

**Jessamine County 911**  
Megan M. Buchanan

**Lexington Enhanced 911**  
Carla J. Anderson

**PUBLIC SAFETY DISPATCH SUPERVISOR**  
Bowling Green Police Department  
Malissa Carter

**Jessamine County 911**  
Christopher Bowman

**St. Matthews Police Department**  
Lisa A. Richardson

**PUBLIC SAFETY DISPATCH MANAGER/DIRECTOR**  
Bowling Green Police Department  
Malissa Carter

**LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR**  
Covington Police Department  
Nicholas R. Klaiss  
James A. West Jr.

**Franklin County Sheriff's Office**  
Shane J. Weber

**Jeffersontown Police Department**  
Steven E. Fisher

**Kenton County Police Department**  
Andrew J. Schierberg

**Kentucky Alcoholic Beverage Control**  
Willie Skeens II

**Pulaski County Sheriff's Office**  
Robert Jones

**COMMUNICATIONS TRAINING OFFICER**  
Jessamine County 911  
Tammy A. Durham

**Russell County Dispatch**  
Miranda G. Luttrell





**A**fter 30 years stringently pursuing the best for the Lexington Division of Police and dynamically changing the face of leadership and accountability within the agency, Chief Ronnie Bastin stepped aside to begin a new role as commissioner of public safety for the Lexington Fayette Urban-County Government. Beginning his career as a corrections officer in 1978, Bastin is well acquainted with various aspects of the public safety spectrum, but admits he looks forward to learning even more in the months and years to come. As a leader who celebrates the strengths of his people and thrives on the policy of not getting comfortable in a position, Bastin hopes to pull from the vast knowledge and skills he has gained in his law enforcement career and infuse them into other areas of public safety.

Bastin holds a bachelor's degree in Agriculture Economics and a master's degree in Police Administration. Reflecting on his decision to pursue law enforcement, Bastin said he's 'never looked back.'

"This is an honorable job I've been proud to be a part of," he said.

**WHAT WAS IT LIKE TO TAKE THE HELM OF A DEPARTMENT YOU HAD BEEN A PART OF FOR SO LONG? WHAT HAD YOU LEARNED ALONG THE WAY THAT YOU WANTED TO BRING TO THE CHIEF'S POSITION AND DEVELOP YOUR VISION FOR THE DEPARTMENT?**

Growing up in a department can be a blessing and a curse. It can be a blessing in that you really understand the capability of the organization, community and people. But it can be a curse in that you can limit your thinking, if you're not careful, because you've grown up in the culture.

One thing I knew coming in was our people truly were our greatest resource. Any great organization starts with great people. We were fighting some issues of stagnation and problems most organizations fight at some time. I knew I had great people with great ideas and a lot of energy. I had to find a way to shoot adrenaline into the arm of the agency and release some of that. Ultimately, I restructured the agency and created more opportunity for appointments. I initiated an application process for appointed positions within the agency. That was something we'd never done before.

I tried to look at everything I did from the standpoint of developing leadership within the agency. So we set out on a path. I think it's been effective. I'd do it again today if I was stepping into the same shoes I did in 2008. >>

PHOTO BY JIM ROBERTSON

# LEARNING TO LEAD

TIME-TESTED LESSONS IN PRODUCING A LEADERSHIP ENVIRONMENT

Profiling Former Lexington Division of Police Chief Ronnie Bastin as he transitions to Lexington's public safety commissioner

ABBIE DARST | PROGRAM COORDINATOR



“Nothing good happens without leadership. It goes into everything we do. One of the most important responsibilities we have is developing future leaders and developing our people.”

#### >> HOW DID THAT LEADERSHIP DEVELOPMENT PROCESS WORK?

I wanted the application process to be an exercise in developing leadership itself. I got to choose what we did in the packet that one had to submit for promotion. I wanted officers to learn how to compete in the future. When they leave this role, I wanted them to be able to compete in a different world. The packet included a professional cover letter, resume and an analysis of each bureau in the division from their perspective — what works well, what can use improvement, and if selected to lead in that area, ideas you would have to improve the things that needed work.

The fourth component was a personal and professional development plan. I wanted to see people who are constantly thinking about that and for whom having a plan was important to them and the organization. We ultimately win when people are engaged in development.

I didn't know how many people would apply. I opened it up so anyone ranked lieutenant and above was eligible to apply for commander or assistant chief. Prior to that time, for a lieutenant, the chances weren't as good. I think the fact that people could compete from the lieutenant rank and didn't have to wait until a captain left was like a shot of adrenaline for mid-management and younger folks who have a lot of ideas and energy. They would be rewarded for their thinking and what they could do right now, potentially.

There were 40 people eligible to apply. Those currently in those positions had to reapply, so everyone was starting

from scratch. I was going to choose the best leaders. Our people deserved nothing less than that. I had 39 out of 40 apply. The 40th was a person who had been on the department for 35 years who caught me as I was doing interviews and said, 'I didn't apply because I'm leaving in six months, but the opportunity to have input is great, and I'd like to share with you when you complete your interviews.'

It was really the first time the agency had sought input. My way of thinking was I would get the individual perception of 39 people and their individual ideas of how we might fix some things that needed fixing. They supplied hard and electronic copies of their responses. After the interviews, we merged those responses and put together everything people thought was going well or needed work, and then all the ideas of what people thought could be done to address the things that needed work. We had a pretty good analysis so we could start developing a road map for the future from their ideas.

As I did those interviews, I knew it would be a lot of work and commitment on my part. I interviewed everyone that applied for one of those positions, and it's the best time I spent because I got to learn about their thinking. I got to impart a little philosophy along the way, and they got a better understanding of who I am and what I expect. So when they are out there and they have to make a decision, hopefully they can reflect back and know they are on solid ground. It helps them.

After we did the interviews and merged ideas, I selected the people for assistant chief slots and commander slots. I brought the assistant chiefs in without telling them what areas they would lead. During our discussions, I didn't want them to be thinking this could take resources from my area. I didn't want that competition. I wanted their thinking on what is the correct path for patrol, investigations or special ops. We cleared calendars, sat down and had all that information merged. We took each unit and all the things that were positive, negative, all the ideas, and decided what was a practical plan for us in the next year, three years and five years.

We planned a path for each bureau without any of them knowing what they would lead. Then I assigned positions. I also told them, 'By the way, don't get

comfortable because in 18 to 24 months, we will switch.' Because if I did my job well and selected good leaders, any one of them could lead any of the bureaus. In the past, I'd seen people stay a long time, develop kingdoms and have less reason to cooperate. But if you know you may switch seats with the person who is asking you for help and resources today, at the next rotation, you're probably going to think more about finding ways to cooperate and help.

#### HOW DID YOU COME UP WITH THIS MODEL OF LEADERSHIP DEVELOPMENT?

When I came in I knew I wanted to develop leadership. I looked around and didn't see good templates. Amongst an International Association of Chiefs of Police committee I was on, I had access to a lot of people from different places around the country. I asked people what they were doing to develop leadership. I received pretty standard answers, such as we send people to the FBI Academy or this class or that class. I agree those are important things, but that's not all that goes into developing good leadership and a good leadership foundation. I was a little frustrated that somebody

hadn't developed something I felt could be a multifaceted approach. I looked at corporate America and what they did and, quite frankly, they are way ahead of us. They look at what's in their environment and use it. So we set out on a quest here to develop our own plan, based on things we think are key spokes in the big wheel of developing a leadership foundation.

Education is important so we created educational partnerships with Eastern Kentucky University. Many folks in the past seven years have completed their master's or bachelor's degrees.

A big part of the leadership foundation is understanding the agency. So movement within the agency at the upper level and mid-management level was encouraged. It was an expectation, if you really wanted to be considered for the next level.

When I look at our folks' resumes, they've been in several places. They understand what happens in investigations, patrol, special ops, support groups and administration. That's very important. That's what they do in corporate America. They decide the experiences they want you to have so you'll have a good foundation as

you move up in an organization to understand how all the parts and pieces work together.

A big part of leadership that I'd never seen talked about in the classes I'd been to was the importance of networking, especially the higher you go, in getting things done and being part of the community. We developed a structured way to do that. We reached out to 10 organizations in the community that always are at the table when decisions are made in Lexington. We reached out to key CEOs in each of those areas, and asked if they would be willing to meet with some of our senior staff, like a mentor relationship. They met three times in a business quarter to discuss leadership and challenges and to get to know each other. We paired some of our folks with senior bank presidents in town, folks at the University of Kentucky, folks that lead United Way and other non-profits, hospital administrators, government and the faith-based community. It really reaches out to the folks that cause Lexington to tick. It put them with folks they normally wouldn't have the opportunity to meet and know. >>



Originally hired by Lexington Mayor Jim Gray (left) to lead the Lexington-Fayette Urban County Division of Police, Bastin was recently appointed as the city's Public Safety Commissioner. "Police officers, by the nature of what they do," he said, "are important leaders in their community."

PHOTO BY JIM ROBERTSON





Popular with his officers, Bastin served as chief for nearly 8 years, implementing his own methods of developing new leaders based on five core values: leadership, customer service, employee satisfaction, efficiency and community partnerships.

PHOTOS BY JIM ROBERTSON



>> It has been phenomenal. It caused business leaders to develop respect for us because they got to meet the quality people we have serving in leadership positions. They started to understand the challenges we have doing our work. What they're finding is that the leadership aspect is very similar no matter if someone is in non-profit, banking, business, higher education or policing — much of it is very similar.

The skill sets we learn are similar and transferable to other occupations. That is something we, as a profession, have never acknowledged, and I've wanted to get across. Think about the skill sets we have the opportunity to develop and how valuable they can be in another role or occupation. We've never thought of that before. We need to identify what we have in our environment that we lead in every day, and then use those experiences to develop leadership in our agency and spread it among everyone. That's how you develop a good solid leadership foundation.

Public safety agencies have more effect on the overall quality of life than any other agency or organization within any community, yet, in the past, we as a profession have been guilty of not being purposeful about our leadership. Our profession has

developed some good leaders and some bad leaders. We haven't really analyzed what made the good ones good and the bad ones bad. We have to be very methodical about developing our future leaders and developing their foundations.

I think if you know that public safety agencies have more to do with quality of life than any other in the community, it would be irresponsible to not do all you could to develop those leaders. Then you're taking a chance, if you don't, on those agencies that have the most to do with quality of life having bad leadership and then the quality of life suffers. It just doesn't make good sense.

**HOW DO YOU FILTER THAT IDEA OF GROWTH AND LEADERSHIP THROUGHOUT THE RANKS EVEN TO ENTRY-LEVEL OFFICERS?**

Several years ago, I went to every in-service class and taught a block of instruction. I told officers they are leaders.

When I went in, I asked what they thought when they thought of a leader and it was usually someone with a title or brass on their collars. But police officers, by nature of what they do, are important leaders in their community. They need to understand that.

The idea of leadership is something we make more complicated than it is. Leadership to me is influencing an outcome, bottom line. I tell recruits, whether you think of yourself as a leader or not, the first call you take for service after you get out of the academy and field training, will be some situation that has gotten out of hand to the point they don't know what else to do, so they call you. So whether you see yourself as a leader or not, from the moment you arrive and you step foot out of the cruiser, they are expecting you to influence an outcome. You're going to influence outcomes in some of the most serious problems that happen in any community, even though you don't have brass on your collar.

Whether you're interested in promotion or being chief some day, doesn't matter. If you want to be the best patrol officer you can be, the way I think you're going to do that is to learn about leadership and develop your leadership and communication skills. If you do that, the call you go on tomorrow has the potential to have a better influenced outcome than the one you went on today. You're going to be a better officer if you develop those skill sets, because you're leading anyway, whether you think about it or not.

In this agency, folks deal with 700 employees and a \$65 million annual budget. It's one of the larger companies in town if you look at it from those metrics. With 700 employees, you have all the employee and HR issues you have in any organization. You have funding issues and must develop resource management skills. There are skills we have and develop, and we never stop to think they are the same in other industries and organizations.

I asked patrol officers what was a great skill set they had that could be transferable into another area. You get different responses, but very seldom do you hear someone say problem solving. But the most valuable person in most organizations is the go-to person when things fall apart. And that's what our folks learn to do on steroids. They do it better than anybody. Ten to 15 times a day, they go into situations that are totally crazy, and usually there is never a black-and-white answer; they are dealing in the gray. But they go in, stabilize the situation, see what the issues are, navigate a path and influence a positive outcome. They are so comfortable that they don't stop and think about it.

“  
But the most valuable person in most organizations is the go-to person when things fall apart.  
And that's what our folks learn to do on steroids.  
They do it better than anybody.”

They don't even realize it. A couple times in classes, I'd say how many of you are sitting here and you've been daydreaming while I've been talking, and you've been thinking, 'Oh my gosh, when I go back to work next week I might have a call that I don't know how to handle?' Nobody raises their hand. I tell them, 'See, you're so confident, it doesn't matter what it is, you'll figure out a way. You're a problem solver, and that's a skill set that's valuable to any organization anywhere. Don't forget to market that.'

**HOW DO YOU PLAN TO TAKE THESE THINGS YOU'VE BEEN A PART OF AND MADE INSTRUMENTAL HERE IN THE POLICE DEPARTMENT AND SPREAD IT ACROSS THE ENTIRE PUBLIC SAFETY SPECTRUM IN LEXINGTON?**

The one thing I know going into this job as public safety commissioner is we have great people in all the divisions within public safety. And great organizations are made with great people. We are service organizations; our people deliver the service. >>



Firm in his belief that any great organization starts with great people, Bastin realized that spending an entire career in one organization could be "both a blessing and a curse."

PHOTO BY JIM ROBERTSON



>> If you want to increase the quality of service and efficiency, you invest in your people. People truly are your greatest resource. That has worked for me and I will continue to do that. I believe in investing in the folks we have because they are good people.

Some other things we've done along the way, we focused a lot internally on fiscal responsibility and trying to break the culture of government when it comes to managing resources. I think we've been very effective here. We look for opportunities to be efficient in terms of fiscal responsibility. When I think of efficiency, I think of two things: fiscal responsibility and work processes.

Fiscal responsibility means you don't spend money just because you have it in an account. You spend the money you need to do business. If you don't need it, you don't fill a supply closet up at the end of the fiscal year with toner cartridges that will dry out before you use them. There's no shame in returning money if you don't need it. There may be another entity that didn't plan for something that might need it legitimately.

The other part is efficiency of our work processes. That is something we've really focused on and challenged folks to ask why. Part of the movement with our command staff has given us great opportunities for

that. We get comfortable in what we do over time. If we've dealt with an issue, we tend to think, 'I've dealt with that, and I'm comfortable with how it's going,' and we stop looking for ways to improve. But when you're going into an area that you know nothing about, the way you learn is by asking questions. If you ask how we do a particular thing when an issue comes up, and why do we do it that way, what most people say is, 'That's the way we've always done it.' Well, that may still be the best way, it may not.

Look at how law enforcement has changed in the past 15 years, just with technology. If you're still using a work process that was designed for taking paper reports, but now you've gone into the computer era, the computer can do so much more. But you're worried about having your computer spit it out the way you're used to looking at it. Who cares what format the information is in, as long as all the information you need gets there.

You have to evaluate — whether investigating a case, or hiring police officers or any work process you have. Is there a better way to do it? I believe that work processes exist for one purpose — to give you a desired outcome and, in a methodical way, to get from Point A to desired Point B. When you are

feeling the victim of the process and complaining about the process, don't spend a lot of time complaining about it, re-engineer the process. It may seem to be something we can't overcome. But we have the power to fix it most times.

#### WHAT ARE SOME CORE VALUES OR BELIEFS YOU ESTABLISHED IN YOUR TIME AS CHIEF?

I established five core values when I came in, and I believe they work for most organizations.

First is leadership. Nothing good happens without leadership. It goes into everything we do. One of the most important responsibilities we have is developing future leaders and developing our people. I put that as No. 1 because I want our people to know they are important, and their development is very important to what we are able to accomplish in the future.

Second is customer service. We exist because of customers. We always should try to deliver the best service we can to them and continually look for ways to increase the quality of that experience for our customers.

Third is employee satisfaction. We're a service organization. We don't produce widgets, we send real people out to be face

to face and communicate with citizens who need our services. I believe it is very important we try to make our employees feel good about who they are and what they do and have their needs met as best we can. Otherwise, if they aren't happy, they will go out and people will pick up on that unhappiness, either through body language, communication or whatever. So we need to be very concerned and interested in our employees being relatively satisfied, or else the service level won't be what you want it to be. People should feel good about who they are and what they do.

In a contractual environment like we're in, you can't give days off and bonuses, you can't do things you can do in private industry, so you have to think about what people relate to. I've always related to working for folks I believed respected me as a person and had my interests at heart. People want to know that you care about them as a person and an employee. It has to be genuine; it can't be artificial. We all have a need to know that what we're doing in the organization, whether pushing a broom or serving as the head of the organization, is important. It takes all of it for the mission to succeed.

Fourth is efficiency. We talked about the two points of fiscal responsibility and work processes.

Fifth is community partnerships. I relentlessly pursue developing partnerships within the community and strengthening those. In today's world, in policing, where would we be if we didn't have citizens' police academies and partners all over the community from which to access knowledge and resources?

I've never seen an issue in this community, or any other I've read about, that I didn't believe the solution couldn't come from the community. We often like to pluck things from Boston, New York or Los Angeles, but when we try to import them, they don't fit our environment. The real solutions come from the community. If you work hard to network, can access knowledge and resources within the community, develop a sense of community spirit about a challenge and have good leadership within the agency, that's the real formula for getting it done. 🍷

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Practicing what they preach, Mayor Gray and Commissioner Bastin discuss the importance of good leadership with newly promoted police sergeants.

PHOTO BY JIM ROBERTSON



PHOTO BY JIM ROBERTSON



**CARRYING**

# Concealed

What officers need to know  
about CCDW in Kentucky

ABBIE DARST | PROGRAM COORDINATOR







n Dec. 14, 2012, the horrifying murder of 26 innocent children, teachers and staff at Sandy Hook Elementary School rocked the nation to its core. Through collective tears and in action-oriented desperation, debates immediately sprang up about gun control, background checks and the need for more restrictive legislation. Some believed no one should be allowed to purchase or own a firearm, while others immediately were threatened at the discussion of stripping their Second Amendment right to bear arms.

In Kentucky, these debates seemed to motivate thousands of Kentucky citizens to apply for and obtain a Carrying Concealed Deadly Weapons license. From 2012 to 2013, Kentucky saw a 216 percent increase the number of CCDW licenses issued, from 27,462 in 2012 to 59,530 in 2013.

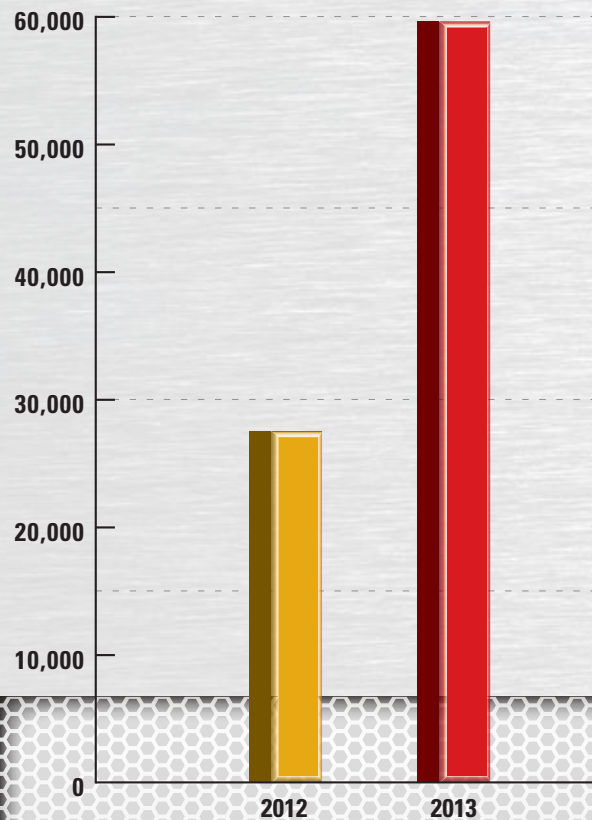


CHART OF CCDW LICENSES ISSUED IN KENTUCKY

“After the Sandy Hook shooting it went berserk,” said Brandi Robinson, Records and Registration Section supervisor over the Department of Criminal Justice Training’s CCDW staff. “In three months’ time, we did a year’s worth of CCDW certificates. Instead of typically having one person who entered all application information, we had 11 individuals who helped enter applications that year.”

While that number has tapered off toward recent averages, in 2014, there still were 31,503 CCDW licenses issued, the second highest of any year since the program’s 1996 inception. As of Jan. 1, 2015, nearly 335,000 Kentuckians are licensed to carry concealed deadly weapons.

That is not a statistic law enforcement officers should take lightly.

According to U.S. Census Bureau data, approximately one-third of Kentucky’s adult population is licensed to carry a concealed weapon.

Coupled with the fact that Kentucky law allows any citizen to carry a concealed weapon in his or her vehicle in a manufacturer-installed compartment, such as glove box or center console, law enforcement officers need to be aware of the possibility that many of the motorists they pull over likely have a deadly weapon within reach.

As explained by Jane Sexton, DOCJT’s main CCDW coordinator, CCDW instructors are trained to teach students, in the event of being pulled over while carrying a concealed weapon, to:

1. Put their hands at 10 and 2 on the steering wheel
2. Turn on the interior dome light, if it is dark
3. Tell the officer immediately they have a CCDW license and are carrying a weapon
4. Ask the officer how he or she wants them to proceed

“But there are many students and instructors who actually believe it is none of the officer’s business whether they do or do not have a weapon/permit,” Sexton said. “I strongly disagree with that, as I believe the officer’s safety is by far the most important issue in that situation.”

However, since Kentucky law does not mandate that citizens have a duty to inform an officer whether they are carrying a concealed deadly weapon, officer safety becomes key in any situation where a weapon may be present.

“Although recruits are not specifically taught to ask every motorist, for each traffic stop they conduct, about having weapons, they are taught how to react when a weapon is discovered in the vehicle or the driver states there is a weapon in the vehicle,” DOCJT Vehicle Operations Instructor James Ingram said about DOCJT’s basic recruit training.

#### WHO’S CARRYING?

Beginning in July 2014, domestic violence victims, who are petitioners for an order of protection, can obtain a 45-day temporary CCDW license. KRS 403.754, the statute governing this new law, instructs the Kentucky State Police to issue the temporary license within one working day of receipt of the completed application and other necessary materials. This allows victims who are in a threatening situation to very quickly begin carrying a weapon to protect themselves. Those receiving this temporary license still must meet many of the requirements as any other CCDW license holder, in reference to the background check. However, they are not required to undergo any training on the use of a firearm at any point during their 45-day permit.

“Here’s where I think the flaw is,” said Phil Kimbel, a Warren County CCDW

*“Although recruits are not specifically taught to ask every motorist, for each traffic stop they conduct, about having weapons, they are taught how to react when a weapon is discovered in the vehicle or the driver states there is a weapon in the vehicle.”*

instructor and criminal defense attorney. “The law doesn’t allow for any training. Normal turn-around time from taking a CCDW class to receiving a license is two to three months.

“If you’re a novice and unfamiliar with a gun, it’s like giving me a scalpel and telling me I can perform surgery on someone,” he continued. “If you give them an emergency license for 45 days it hasn’t helped much because they cannot get a real license in that amount of time. In my opinion, it should be done in such a way that the emergency license is good for 30 days unless the individual goes through a CCDW class in that 30 days and then extend out to 120 days.”

Kimbel has been teaching CCDW classes for 12 years and has been a lawyer for more than 25 years. In Warren County, he sees a pretty diverse group of individuals who take his eight-hour CCDW training course.

“Originally, the legislature was skeptical there might only be good-old boys, red necks and beer drinkers [getting their

licenses,] but that hasn’t been the case,” he said. “I’ve taught our county attorney and his wife, judges, prosecutors, our judge executive and his wife, professional women, a doctor and his wife — several professional folks.”

Kimbel also has taught several local realtors in his recent CCDW classes, he said. In September 2014, an Arkansas realtor was abducted, assaulted and murdered while showing a house to a client.

“Many realtors locally have gone through the class because it gives them that extra level of defense they wouldn’t otherwise have,” Kimbel said.

In Madison County, CCDW Instructor Liz Burton prides herself on making her classes accessible and comfortable for women to participate. Burton, who began teaching CCDW about seven years ago, decided to become an instructor after obtaining her license. In a class of 40 individuals, Burton was the only female and recalled how uncomfortable she felt in the class.

“I am a very outgoing, strong-willed and confident person,” Burton said. “So if I was >>



>> uncomfortable, I can't imagine how other women would feel."

Burton has served as a Madison County 4-H Shooting Sports coach for more than a decade where she instructs children as young as 9 years old how to safely handle and fire a shotgun.

By choosing to keep her classes small, and even offering one-on-one classes in her home, Burton is able to take extra time with her students, making sure they understand each section of the class and allowing them to take apart and put back together their guns multiple times, to insure they are confident and comfortable with their weapons, she said.

"I don't do it for the money, but for the students and making sure they are comfortable with what they are doing," Burton said. "If they leave my class and are uncomfortable, that is not from my lack of trying."

#### BREAKING THE RULES

Unfortunately, not all certified CCDW instructors take as much time and care as Burton and Kimbel in their classes.

DOCJT's Compliance Section is tasked with investigating instructors' conduct reported as inappropriate or not meeting the standards and requirements of laws that govern training. They investigate everything from paperwork inaccuracies to calls about instructors not showing the video, not providing the full eight hours of instruction and shooting time or, in some instances, not providing a class at all, DOCJT's Sexton said. An instructor who files paperwork for students, claiming to have taught a class that has not been taught commits a felony offense.

► CCDW Instructor Liz Burton assists her student with disassembling and cleaning her gun. Liz enjoys teaching small classes that help females feel more comfortable.



PHOTO BY ABBIE DARST

But problems and issues only can be found if they are reported to the CCDW office, Sexton said.

"When the paperwork comes in, we have no way of knowing whether or not the applications are legitimate and the instruction was done properly," she said. "Often issues are discovered accidentally or when reported by a concerned party."

In a controversial case, a blind Daviess County resident was issued a training certificate after completing the eight-hour CCDW class. When he took his training certificate to the Daviess County Sheriff's Office to apply for his license, the deputy

had to point to where he was supposed to sign and allow the gentleman to sign behind his finger. Concerned, the deputy contacted DOCJT's CCDW office, citing that if the man could not see the line to sign his name, he couldn't possibly have seen the target to shoot the 20 mandatory rounds to qualify.

During the lengthy investigation, it was determined that the blind man had been walked to the firing line, pointed in the appropriate direction to fire and allowed a practice round, after which he was told where it hit on the target. The blind individual did successfully land the required

11 hits on the target silhouette. After much debate about whether the man was unfairly assisted according to the law, it was determined he received too much assistance and his license was revoked, though the case is still under appeal.

#### UNDERSTANDING THE LAW

Despite the issues and laws surrounding the CCDW process and permit issuing, it is important to note that according to Kentucky law, anyone 18 or older who is not prohibited from owning a gun, can openly carry a gun in most places across the state. In the case of the blind man, regardless of the final outcome of his case, he still can choose to carry a weapon openly.

Additionally, any citizen can carry a concealed weapon in "any enclosed container, compartment or storage space installed as original equipment in a motor vehicle by its manufacturer, including but not limited to a glove compartment, center console or seat pocket, regardless of whether said enclosed container, storage space or compartment is locked, unlocked or does not have a locking mechanism," KRS 527.200(8) states.

It also is important to know that CCDW law does not singularly refer to firearms, but actually covers

- Any knife other than an ordinary pocket knife or hunting knife
- Billy, nightstick or club
- Blackjack or slapjack
- Nunchaku karate sticks
- Shiriken or death star
- Artificial knuckles made from plastic, or other similar hard material

Regardless of what weapon an individual chooses to carry with his or her CCDW license, there still are places concealed weapons are not allowed to be carried. According to KSP, qualified license holders may not carry concealed weapons in a(n):

- Police station or sheriff's office
- Detention facility, prison or jail
- Courthouse (Court of Justice, courtroom or court proceeding)
- County, municipal or special district governing body meetings
- Meeting of governing body of a county, municipality or special district
- General Assembly session, including committee meetings
- Portion of an establishment licensed to dispense beer or alcoholic beverages for consumption on the premises, in which portion of the establishment is primarily devoted to that purpose
- Elementary or secondary school facilities (without the consent of school authorities)
- Child-caring facilities, day care centers or any certified family child care home
- Area within an airport where restricted access is controlled by the inspection of persons or property
- Place where federal law prohibits the carrying of a firearm

With the recent surge in Kentuckians seeking CCDW licensure and the national scrutiny focused on guns, gun control and gun-related incidents, it is pertinent that Kentucky's law enforcement officers and citizens alike familiarize themselves with Kentucky's CCDW laws, and be vigilant to the actions and attitudes of those they encounter daily. Similarly, Kentucky's CCDW trainers will remain vigilant in providing the most up-to-date and thorough training possible.

► Specialized purses containing a holster for a concealed weapon are available.

PHOTO BY ABBIE DARST

"We want people to get good training — it's our biggest goal, to make sure the people training are giving good instruction," Sexton said. "It's a good class. It's a good program. It just has to be done the right way, and that's our bottom line goal — to make sure they are. We want people safe." 🍷

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## 2015 CCDW Legislation

During this year's legislative session, numerous bills were passed affecting CCDW laws in Kentucky. Visit this site or scan the QR code with your smart phone to access all new CCDW-related legislation.

[http://kledispatches.ky.gov/2015\\_CCDW\\_Legislation\\_0415.htm](http://kledispatches.ky.gov/2015_CCDW_Legislation_0415.htm)





# THE Application Process

## SPECIAL NOTICE

Applicants who are peace officers currently certified by KLEC, or a retired peace officer who is a member of KERS, SPRS, CERS, or other retirement system operated by a city, county or urban-county in KY, do not have to meet the training requirement or pay license fees.

### Applicant Seeking Permit

Applicant contacts local sheriff's office to identify *Certified Instructors* in that county or other area of the state who are authorized to teach the required course.

Applicant arranges to enroll in one-day training class conducted by *Certified Instructor*.

Within five working days after completing the course, the *Certified Instructor* forwards information regarding the applicant's pass or fail training status to DOCJT in Richmond.

Within 15 days of receiving information from the *Certified Instructor*, the DOCJT will, if the applicant successfully completed the training, issue a **Certificate of Training**. If the applicant fails the training, the DOCJT will notify the applicant they will not be certified.

OR

### IN SHERIFF'S OFFICE

Applicant submits **Certificate of Training**, application material, and \$60 fee to sheriff's office in county in which applicant resides.

Within 5 working days, the sheriff transmits the application and accompanying materials to the Kentucky State Police (KSP).

KSP will conduct background check and issue or deny license to applicant within 60 days.

KSP mails "Flash Pak" to Applicant notifying Applicant to pick up license at sheriff's office.

Applicant becomes licensee and may carry weapon concealed.

**License must be renewed five years from date of issue**

### ONLINE

<https://ksportal.ky.gov/CCDW/Public/Login.aspx>

Applicant files **Certificate of Training** and other application materials online to the Kentucky State Police

KSP will conduct background check and issue or deny license to applicant within 60 days.

## Qualifications for a CCDW License

The applicant for a carry concealed deadly weapon (CCDW) license must:

- ◆ Meet one of the following residence requirements:
  - Is a citizen of the United States who is a resident of this Commonwealth.
  - Is a citizen of the United States who is a member of the Armed Forces of the United States who is on active duty, who is at the time of application assigned to a military posting in Kentucky.
  - Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm.
  - Is lawfully admitted to the United States by the United States government or an agency thereof, is permitted by federal law to purchase a firearm, is, at the time

of the application, assigned to a military posting in Kentucky, and has been assigned to a posting in the Commonwealth.

- ◆ Not be under indictment for, or have been convicted of, a crime punishable by imprisonment for a term exceeding one year.
- ◆ Not be a fugitive from justice.
- ◆ Not be an unlawful user of or addicted to any controlled substance.
- ◆ Not have been adjudicated as a mental defective or have committed to a mental institution.
- ◆ Not have been discharged from the Armed Forces under dishonorable conditions.
- ◆ Not be subject to a domestic violence order or emergency protective order.
- ◆ Not have been convicted of a misdemeanor crime of domestic

violence (see section below for discussion of misdemeanor crimes of domestic violence).

- ◆ Not be prohibited from the purchase, receipt or possession of firearms, ammunition or both pursuant to 18 U.S.C. 922(g), 18 U.S.C. 922(n), or applicable state law.
- ◆ Not have been committed to a state or federal facility for abuse of a controlled substance or convicted of a misdemeanor relating to a controlled substance within the three-year period immediately preceding the date the application was submitted.
- ◆ Not have two or more convictions for violating KRS 189A.010 (Operating motor vehicle under the influence of alcohol or other substance which impairs driving ability) within the three (3) years

immediately preceding the date on which the application is submitted.

- ◆ Not have been committed as an alcoholic pursuant to KRS Chapter 222 or similar laws of another state within the three (3) year period immediately preceding the date on which the application is submitted.
- ◆ Not owe a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year of nonpayment.
- ◆ Have complied with any subpoena or warrant relating to child support or paternity proceedings.
- ◆ Have not been convicted of a violation of KRS 508.030 (Assault in the fourth degree) or 508.080 (Terroristic Threatening in the third degree) within the three years immediately preceding the date on which the application is submitted.
- ◆ Demonstrate competence with a firearm by successful completion of a firearms safety or training

course offered or approved by the Department of Criminal Justice Training.

**NOTE** — Only some of the offenses listed above have a three-year limitation. Other offenses, such as felonies and misdemeanor crimes of domestic violence, do not have a time limit. In other words, if you have been convicted of a felony or misdemeanor crime of domestic violence, you are ineligible for a CCDW license and are prohibited from possessing a firearm under federal law, no matter how long ago you were convicted.

### JUDICIAL SPECIAL STATUS LICENSES

There are two special categories of CCDW licenses: Judicial Special Status CCDW and Certified Peace Officer CCDW. These special categories require supplemental forms to be completed in addition to the application obtained at local sheriff's offices.

**JUDICIAL SPECIAL STATUS LICENSES**  
The following individuals are eligible for a "Judicial Special Status" Carry Concealed Deadly Weapon License pursuant to KRS 527.020.

- ◆ Active or Retired Commonwealth/Assistant Commonwealth Attorney
- ◆ Active or Retired County/Assistant County Attorney
- ◆ Active or Retired Circuit/District Judges
- ◆ Active or Retired Appeals Court Judges
- ◆ Active or Retired Supreme Court Judges
- ◆ A retired peace officer who holds a concealed deadly weapon license issued pursuant to the federal Law Enforcement Officers Safety Act, 18 U.S.C. sec. 926C, and KRS 237.138 to 237.142. ■



## NEW 2015 AIT COURSE HIGHLIGHTS

### TRAINING SCHEDULE OFFERS NEW OPPORTUNITIES

#### New 2015 Advanced Individual Training course offerings

- Bloodstain Pattern Identification and Documentation
- Introduction to Criminal Investigation
- Criminal Investigation II
- Designated Marksman Course
- Leadership Every Day (Public Safety Dispatch)
- Loss in the Communications Center (Public Safety Dispatch)
- LEN Incident Preparation, Response and Mitigation
- Operation Pipeline/Convoy
- School Resource Officer — Special Topics

Each year, the Department of Criminal Justice Training staff strives to bring together a set of advanced individual training opportunities that meet the needs and demands of Kentucky's officers and public safety dispatchers.

This year is no exception.

In 2015, students and administrators will have an assortment of courses from which to choose, including curriculums that have been revamped, annual offerings with the latest material and completely new courses designed to reach students where they are.

The following provides an inside look at a sampling of new courses to be offered.

#### BLOODSTAIN PATTERN IDENTIFICATION AND DOCUMENTATION

Developed by DOCJT instructors Shawn Moore and Larry Sennett, this class is more advanced than anything DOCJT has offered on the topic of bloodstain patterns before, said Oakie Greer, DOCJT Investigation Section supervisor.

The course was created to give officers another tool for properly and fully documenting a crime scene, Moore said.

"When you're dealing with blood evidence, proper documentation is vital," he said. "As in-depth as this training is, the one thing it will not do is make officers bloodstain experts. As such, proper documentation becomes important when you send your photos

and other documentation to an actual bloodstain expert for further examination."

DOCJT has made facilitation-style, hands-on training a priority, and this class takes that standard to a new level. Investigators in this class will have the opportunity to experience firsthand how bloodstains are formed, Moore said.

"This is done through a series of hands-on experiments in a lab setting, in which they actually use human blood to examine various areas," Moore continued, "such as how blood falls from certain objects, how angles affect bloodstain formation and how time affects what a bloodstain will look like, just to name a few."

#### INTRODUCTION TO CRIMINAL INVESTIGATION/CRIMINAL INVESTIGATION II

The former Criminal Investigations course has been divided into two sections to improve the options available to agencies who previously had to go without an officer who was taking the course for two weeks. Now, officers can take one week of the course at a time, or choose to take both classes consecutively.

One major change students will experience when taking the introductory class is the addition of a case presentation, said DOCJT Investigations Instructor Eric Long.

"They bring a case with them that they have worked or their agency worked, that has, of course, been adjudicated," he said. "They have to present it to the class and talk about their shortcomings or what they did well. They have to lay out the whole case and they have about 10 to 15 minutes to do it. Then, we as instructors know what their strong suits are, what they've done or haven't done.

"We can build future classes to reflect that and further what we're trying to teach here," Long continued. "It also gives us background on that person. The first day, everyone goes around the room and introduces themselves. They can talk about being a cop for 10 years or an investigator for 10 years. But seeing that case — especially one they have worked — lets us know what

“We will look at how loss affects each member of the 911 center and what resources are available to them in these trying times.”

they need help on and where we need to be branching out here.”

With the separation of the second week into Criminal Investigations II, Long said a significant change is the addition of instruction about death investigations. Officers will run the gamut from suicide to homicide during the week. The class also will include instruction about investigating crimes against children.

Long cautioned that this course is not intended to replace the 40-hour child abuse course, but instead allows investigators to gain a better understanding of the crime and the basic skills they need until they can complete the in-depth child abuse course. As always, the class will include a practical, Long said, including the use of DOCJT crime scene modules.

"We get a lot of newly assigned detectives or patrol officers who are getting ready to take the next step," Long said. "We explain how this position is different from being in patrol. There are certain things you no longer do — your clothes are different, your car is different. We also stress detective safety in the introduction part and talk about how even that is different — how you holster your gun is different, and what you do when you walk into a situation — things are different."

#### LEADERSHIP EVERY DAY

DOCJT Advanced Telecommunications Instructor Amanda Basham said the Leadership Every Day class, created as advanced training in the public safety dispatch branch, truly is a course designed from demand. Supervisors and managers from a variety of Kentucky's 911 centers expressed an interest in expanding the training available to them regarding leadership issues.

The curriculum for this course is based specifically on the needs expressed by those in the field every day, Basham said.

"It is a 16-hour course written on the executive level, with topics they really can use," Basham said. "To be able to offer this based on their true needs is very exciting."

The course will address topics ranging from instruction on discipline forms and evaluations to creating a zero-tolerance harassment policy. Executive-level writing and public speaking also will be covered, Basham said.

Also new to the Advanced Telecommunications options this year is the Loss in the Communications Center course. Just as the name says, the course will examine how loss affects dispatchers and the communications center as a whole. After completing Crisis Intervention Training, Basham said she was able to pull resources and information from that training and incorporate them into the curriculum.

"We are going to touch on suicide this year, the risk factors and identifying the warning signs," Basham said. "We will talk about suicide prevention and being an active listener."

The course does not stop short of addressing suicide, though, Basham continued. Instructors also will address the death of a co-worker, line-of-duty deaths of officers and loss in terms of a co-worker ending their employment with the dispatch center.

"We will look at how loss affects each member of the 911 center and what resources are available to them in these trying times," Basham said.

For more details about DOCJT's 2015 class offerings, view the full training schedule book online at [https://docjt.ky.gov/forms/ScheduleBook/2015/Schedule\\_2015.pdf](https://docjt.ky.gov/forms/ScheduleBook/2015/Schedule_2015.pdf)

Kelly Foreman can be reached at [kelly.foreman@ky.gov](mailto:kelly.foreman@ky.gov) or (859) 622-8552.







# TURNING UP THE heat

Do seasonal crime trends really exist?

ABBIE DARST | PROGRAM COORDINATOR

Legend has it that crime skyrockets in the summer. News shows talk about it, police personnel often swear by it and TV police dramas frequently allude to it. But do actual statistics confirm suspicions that communities across the nation become more dangerous as the heat rises?

The question of seasonal crime patterns has been tossed around, debated and denied for decades. Matter of fact, Belgian mathematician, statistician and sociologist Adolphe Quetelet first wrote about crime and seasonal patterns as far back as 1831.

Fast forward more than 180 years — the U.S. Department of Justice's Bureau of Justice Statistics released its "Seasonal

Patterns in Criminal Victimization Trends" special report in June 2014. The report examines seasonal patterns in violent and household property victimization in the United States from 1993 to 2010. The report describes seasonal patterns for household property victimization such as burglary, motor-vehicle theft and household larceny, as well as types of violence, specifically rape and sexual assault, robbery, aggravated assault and simple assault.

The report found that nationally, seasonal trends do exist in both household property victimization and violent victimization, with both predominantly having higher rates in the summer months. But probably not at the rate many would expect.

According to the report, when seasonal variations in household property victimization were found, the difference between the highest and lowest seasonal rates was less than 11 percent. For household property crime, household burglary showed the most fluctuation between seasons, with winter showing a 10.5 percent decrease from summer burglary rates. Household larceny had the second largest seasonal crime differential with an 8 percent increase from spring to summer.

However, with motor-vehicle thefts, though rates tended to be lower in the spring than the summer, there were only marginal differences between summer, fall and winter rates. >>





>> Likewise, violent crime trends showed the largest difference between the highest and lowest season occurred with rapes and sexual assaults, with summer having a 10.4 percent increase in victimization over fall and a 9 percent increase over winter. Aggravated assault showed the next largest seasonal difference, with summer assaults occurring 6.9 percent more than in winter. Overall, when averaged together, these seasonal trends, though clearly present, are not significantly overwhelming, according to the federal report.

**HOW DOES IT COMPARE TO EARLIER STUDIES?**

From 1973 to 1977, the BJS examined seasonal patterns in selected types of victimization using data from the National Crime Survey, now known as the National Crime Victimization Survey. The study, released in 1980, found that the seasonal patterns were similar to the 2014 report, but the differences were much larger in some cases. For example, the 1980 report shows a 26 percent increase in burglaries from winter to summer. The 1973 to 1977 study did not include rape and sexual assault.

Interestingly, neither study included homicide statistics, though often that seems to be one of the biggest concerns among media outlets who pick up on seasonal crime trend stories. For example, in 2009, the “New York Times” published an article titled, “In New York, Number of Killings Rise with Heat.” The article focused on summer 2008, citing homicide statistics received from the New York City Police Department.

	Total property crime	Household burglary	Motor vehicle theft	Household larceny
Winter	-6.9%*	-10.5%*	-2.2%	-6.4%*
Spring	-8.0*	-8.8*	-5.6*	-8.0*
Summer	~	~	~	~
Fall	-3.1*	-5.9*	0	-2.7*

\* Difference is statistically significant (p < .05, two-tail test).  
 ~ Highest rate season used for percentage comparisons.  
 Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993 to 2010.

“The prime time for murder is clear: summertime. Indeed it is close to a constant, one hammered home painfully from June to September across the decades,” the “New York Times” article stated. The article looked at data from 2003 to 2008, but also traced other studies in the 1980s and quoted detectives who had been policing the streets of New York City since the early 1970s.

**WHAT’S THE CAUSE?**

While it has been proven that seasonal crime trends do occur to some extent, the true cause of the typical summer increase is more difficult to nail down. Why is there an increase in so many different types of victimization in summer months?

There is no simple answer. But several researchers have tried to answer the question over the decades, and two prevailing theories exist

— Temperature/ Aggression Theory and Routine Activities Theory.

As described in their 2004 “Social Forces” journal article, “Crimes of Opportunity or Crimes of Emotion? Testing Two Explanations of Seasonal Change in Crime,” John R. Hipp, Daniel J. Bauer, Patrick J. Curran and Kenneth A. Bollen explain that Temperature/Aggression theory, or T/A was one of the earliest explanations for the observed regularity of seasonal crime fluctuations. T/A suggests hot temperatures lead to greater discomfort, which in turn gives rise to more aggressive behavior.

This theory dates back to Quetelet in 1842. Through the years, several other scholars have weighed in on this theory, adding ideas and reasoning behind the argument. Since the focus of T/A is on the psychological level of discomfort, some researchers suggest that both hot and cold temperatures should lead to greater discomfort and therefore aggression. Others have generalized discomfort to other forms, such as crowding and noxious smells and studied if and how they cause aggressive behavior.

However, T/A proves difficult to test in a laboratory, and indisputable empirical evidence has been hard to pinpoint, the 2004 “Social Forces” journal article explained. Studies in metropolitan areas with populations of 200,000 or more, looking at the number of days with a temperature of 90 degrees or higher, typically found a linear trend between temperature and violent crime, but not between temperature and property crime.

“While the results of these studies are sometimes consistent with T/A theory, they are too often based on simple tests of a linear relationship between violent crime and temperature,” the “Social Forces” article cited.

In contrast, the Routine Activities theory, or RA, suggests that seasonal swings in crime rates are not due to increased aggression on the part of individuals, but rather to altered behavioral patterns. According to RA theory, in order for crime to occur there must be a correlation in space and time between three elements: an offender, a suitable target and the absence of guardians.

“Temperature can play an important role in determining whether these conditions are met,” the Social Forces” article explained. “For instance, when it is very cold, individuals are more likely to stay at home, reducing the number of suitable

targets, and as a result burglary becomes much more difficult, since people are in the home, as do crimes of assault and robbery, as individuals are not out and about providing potential targets.

“However, it is important to note RA theory does not focus exclusively on temperature,” the article continued, it is “only one of many factors that change the normal behavior patterns of individuals in a community.”

RA theory links the temperature rise in the summer with the ability and inclination of most people to take vacations or get out of the house and do more in the community. The more frequent emptiness of people’s homes allows for increased property crime victimization. Whereas the increase of people being out and mixing together increases the number of ‘suitable targets’ or potential victims of violent crime. In RA theory, the temperature is

not directly responsible for the increase in crime, but instead allows for a change in individuals’ activities, making them or their property more susceptible to victimization.

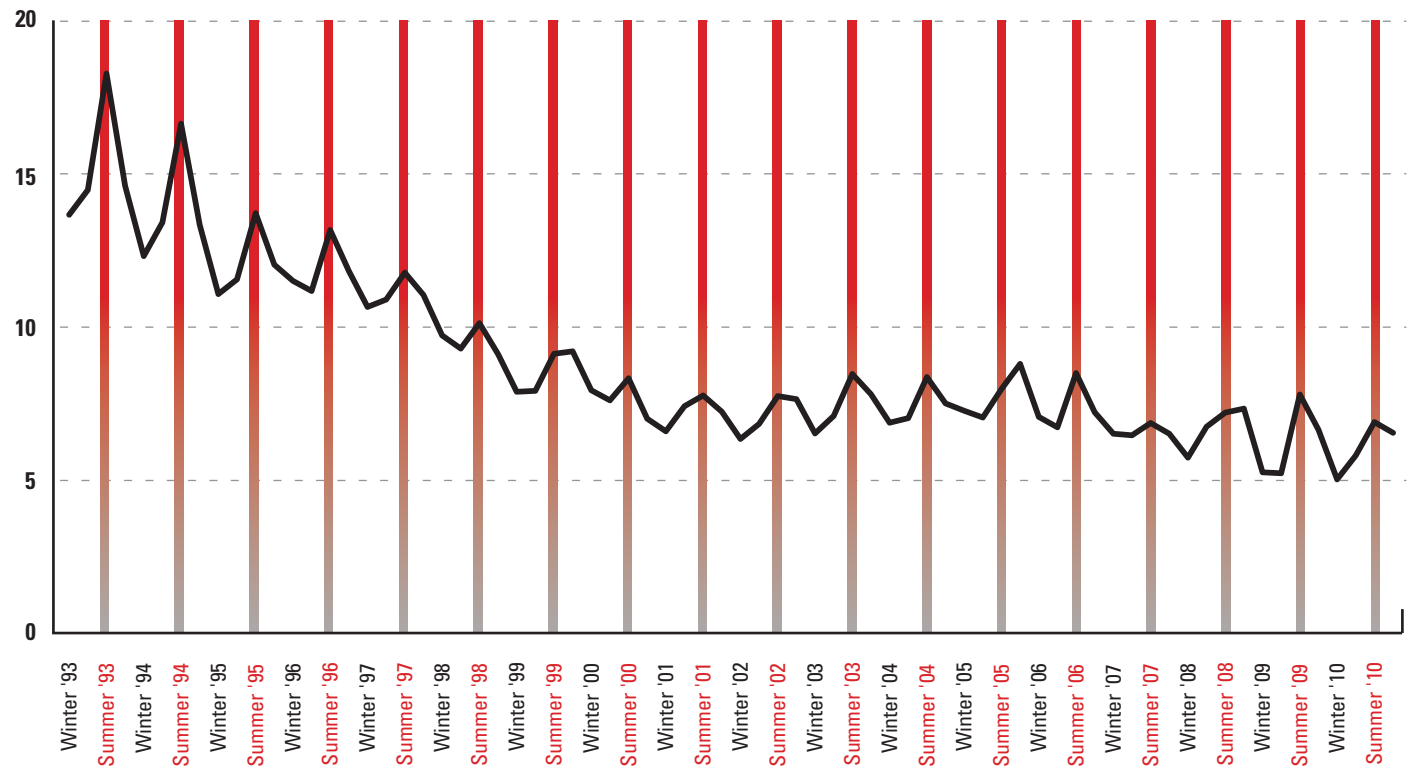
The theory extends to winter months when the temperature typically drops. More people stay home, meaning there are less suitable targets for crime, and properties are guarded, lessening the availability of suitable property targets for victimization.

However, the T/A theory runs into issues in regions where temperature fluctuations are not as drastic as they are in other parts of the country.

If “a community experience[s] temperatures around 40 degrees Fahrenheit in the winter and 75 degrees Fahrenheit in the summer, [it] should see no seasonal change in crime since there is little reason to expect that this temperature range leads to greater discomfort,” the “Social Forces” article explained. >>

**Seasonal rates of burglary, 1993 to 2010**

Per 1,000 households



(Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993 to 2010.)

**NAME THE SEASONS**

In the 2014 Bureau of Justice Statics report:

**Winter:** December, January and February

**Spring:** March, April and May

**Summer:** June, July and August

**Fall:** September, October and November



**>> WEIGH IN KENTUCKY**

So now we know the national statistics on seasonal crime trends, and we know a couple of theories as to why those trends exist — but where do Kentucky communities

stand on the issue of seasonal crime? As we prepare to leap from spring to summer, are Kentucky law enforcement agencies gearing up for higher crime volume? If so, what kind of crime escalations do Kentucky

police agencies typically experience in the summer months?

That's where you come in. *Kentucky Law Enforcement* magazine wants to know what Kentucky's law enforcement agencies are experiencing in seasonal crime trends. On the next page, you'll see a form you quickly can fill out and mail in to us with your department's monthly crime stats. Or, you can scan the QR code or type the link address into your Web browser and take a quick on-line survey.

*Kentucky Law Enforcement* staff will compile the results and let you know where Kentucky's law enforcement agencies stand on the issue of seasonal crime trends in communities across the commonwealth.

Stay tuned. 📻

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

**AVERAGE PERCENT DIFFERENCE IN SEASONAL RATE OF VIOLENT VICTIMIZATION, BY TYPE OF CRIME, 1993 TO 2010**

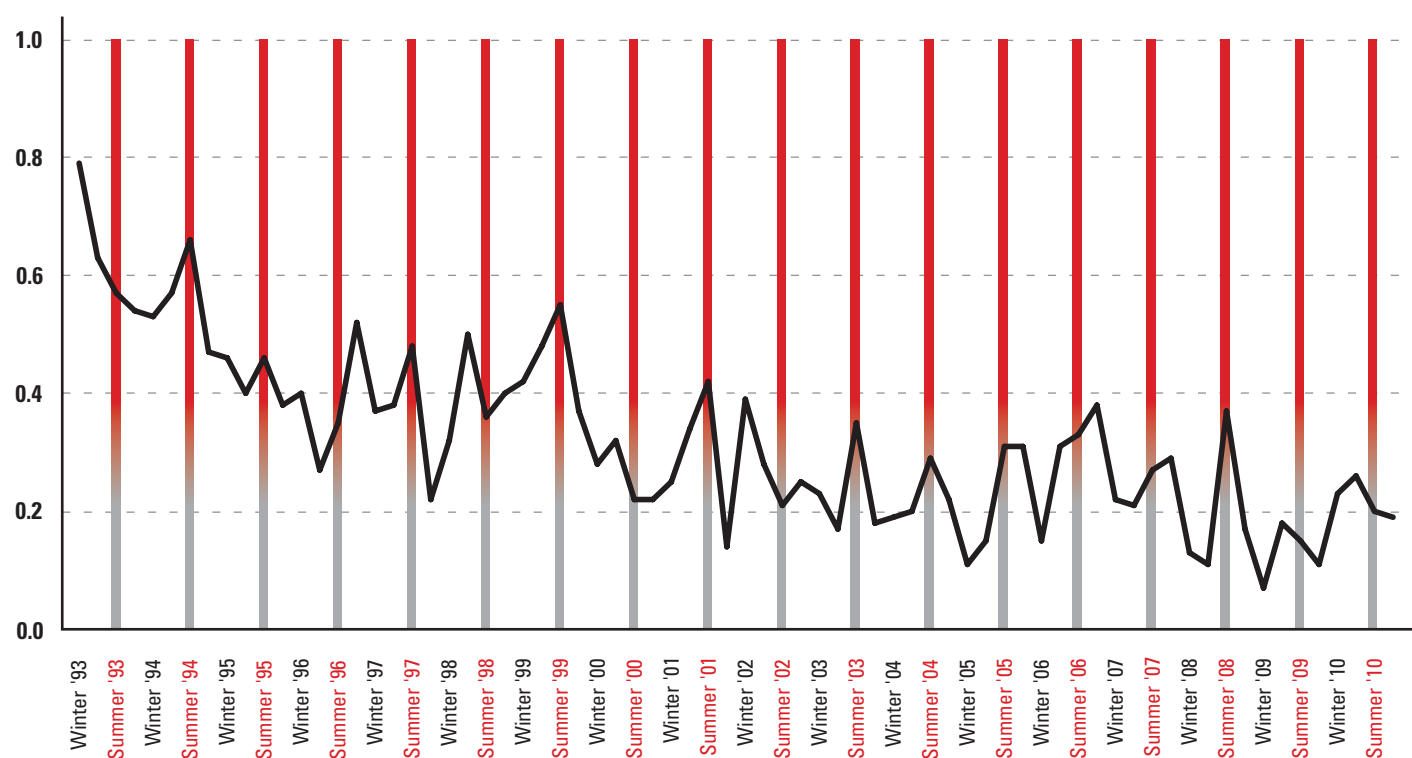
	Total violence	Serious violence	Rape/sexual assault	Robbery	Aggravated assault	Simple assault
Winter	-4.4%*	-5.6%*	-9.0%*	-2.5%	-6.9%*	-5.6%*
Spring	-3.4*	-4.7*	-6.0	-1.9	-6.0*	-4.7*
Summer	-1.8	~	~	-0.6	~	-5.0*
Fall	~	-3.2*	-10.4*	~	-3.6*	~

\* Difference is statistically significant (p < .05, two-tail test).  
~ Highest rate season used for percentage comparisons.

Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993 to 2010.

**Seasonal rates of rape and sexual assault, 1993 to 2010**

Per 1,000 persons age 12 or older



(Source: Bureau of Justice Statistics, National Crime Victimization Survey, 1993 to 2010.)

**SEASONAL CRIME SURVEY**



Fill out this survey and mail in to us with your department's monthly crime stats.

**OR**

Scan the QR code or type the link address into your Web browser and take a quick survey.

[http://kledispatches.ky.gov/KY\\_Seasonal\\_Crime\\_Survey\\_0415.htm](http://kledispatches.ky.gov/KY_Seasonal_Crime_Survey_0415.htm)

**BEFORE** researching your agency's results, do you *think* your community experiences:

- More violent victimization in the summer than in the winter?
- More violent victimization in the winter than the summer?
- A consistent level of violent victimization throughout the year?

**BEFORE** researching your agency's results, do you *think* your community experiences:

- More household or property victimization in the summer than in the winter?
- More household or property victimization in the winter than the summer?
- A consistent level of household or property victimization throughout the year?

Does your agency change its approach to patrol or law enforcement in general in: *(check all that apply)*

- Spring
- Summer
- Fall
- Winter

In 2014, how many homicide cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_

In 2013, how many homicide cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_
- In December? \_\_\_\_\_

In 2012, how many homicide cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_
- In December? \_\_\_\_\_

**RAPE/SEXUAL ASSAULT**

In 2014, how many rape/sexual assault cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_

In 2013, how many rape/sexual assault cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_
- In December? \_\_\_\_\_

In 2012, how many rape/sexual assault cases did your agency work?

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_
- In December? \_\_\_\_\_

**BURGLARY**

In 2014, how many burglary cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_

In 2013, how many burglary cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_
- In December? \_\_\_\_\_

In 2012, how many burglary cases did your agency work:

- In January and February? \_\_\_\_\_
- In March, April and May? \_\_\_\_\_
- In June, July and August? \_\_\_\_\_
- In September, October and November? \_\_\_\_\_
- In December? \_\_\_\_\_





A WKYT viewer snapped this picture of Lexington Division of Police officers digging a motorist out of the snow. He said it showed the police "truly taking the time to protect and serve."



After a citizen slid off the road and hit the concrete lane divider, Clark County Deputy Butch Best helped remove the front bumper in an effort to get the travelers back on the road.

PHOTO BY JIM ROBERTSON

# THE SNOW MUST GO ON

KELLY FOREMAN | PROGRAM COORDINATOR

**T**he winter of 2015 was not kind to Kentucky first responders, who have braved a cold and treacherous bout of extreme weather across the commonwealth. From record-breaking snowfall to frost-bite-inducing temperatures, law enforcement officers have proven time and again what it means to serve their communities in their time of need.

Many agencies took to social media to share information with citizens about road conditions, their activity and even public service announcements encouraging neighbors to check in on one another. Hummers and other military-surplused vehicles were put to use when traditional police cruisers and 4-wheel drive vehicles couldn't traverse the snow. ❄️



PHOTO BY JIM ROBERTSON

▲ Clark County Deputy Butch Best assists a motorist during the frigid negative-degree temperatures that followed Kentucky's paralyzing snowfall.



▲ The Madison County Sheriff's Office escorted this nurse to work when heavy snowfall prevented her from driving. Madison County law enforcement agencies combined completed 556 escorts in the aftermath of February's storms.



Lexington Division of Police prepared to respond to motorists losing control of their vehicles during February's winter storm.



Lexington Division of Police K-9 Officer Vic makes the best of working in snowy conditions.



▲ (top) Pioneer Village Police Department used its emergency management unit vehicle to plow local roads. (bottom) After strongly urging citizens to stay off the roads via Facebook, Berea police officers used their humvee to get through the dangerous snow covered roads in town.



Georgetown Police Department officers help push a vehicle stuck in the snow in the middle of a busy intersection.

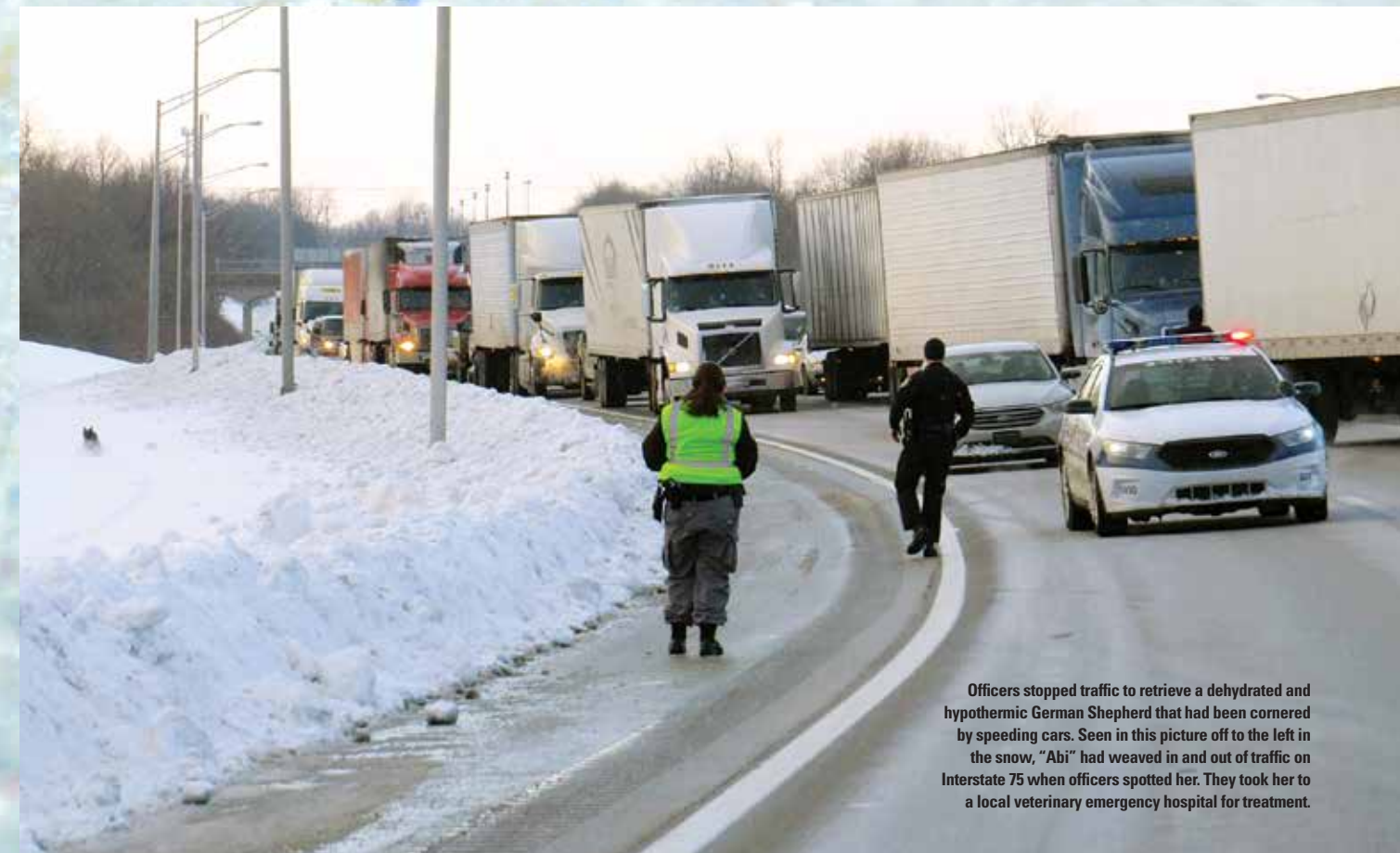
▼ Georgetown Police Chief Mike Bosse and Mayor Tom Prather helped citizens in a Georgetown subdivision during the second paralyzing ice and snowfall in early March. (bottom) Kentucky State Police used agency humvees to assist snow-stranded motorists.

► (right) Richmond Police Department officers reporting to work discovered their patrol cars entrenched in snow after around 10 inches fell the day before. (left) Somerset Police Department officers patrolled in one of the department's Humvee Special Operations vehicles.



Clark County deputies responded to multiple accidents and vehicles lodged in the snow, after February's snow storms rocked central Kentucky.

PHOTO BY JIM ROBERTSON



Officers stopped traffic to retrieve a dehydrated and hypothermic German Shepherd that had been cornered by speeding cars. Seen in this picture off to the left in the snow, "Abi" had weaved in and out of traffic on Interstate 75 when officers spotted her. They took her to a local veterinary emergency hospital for treatment.



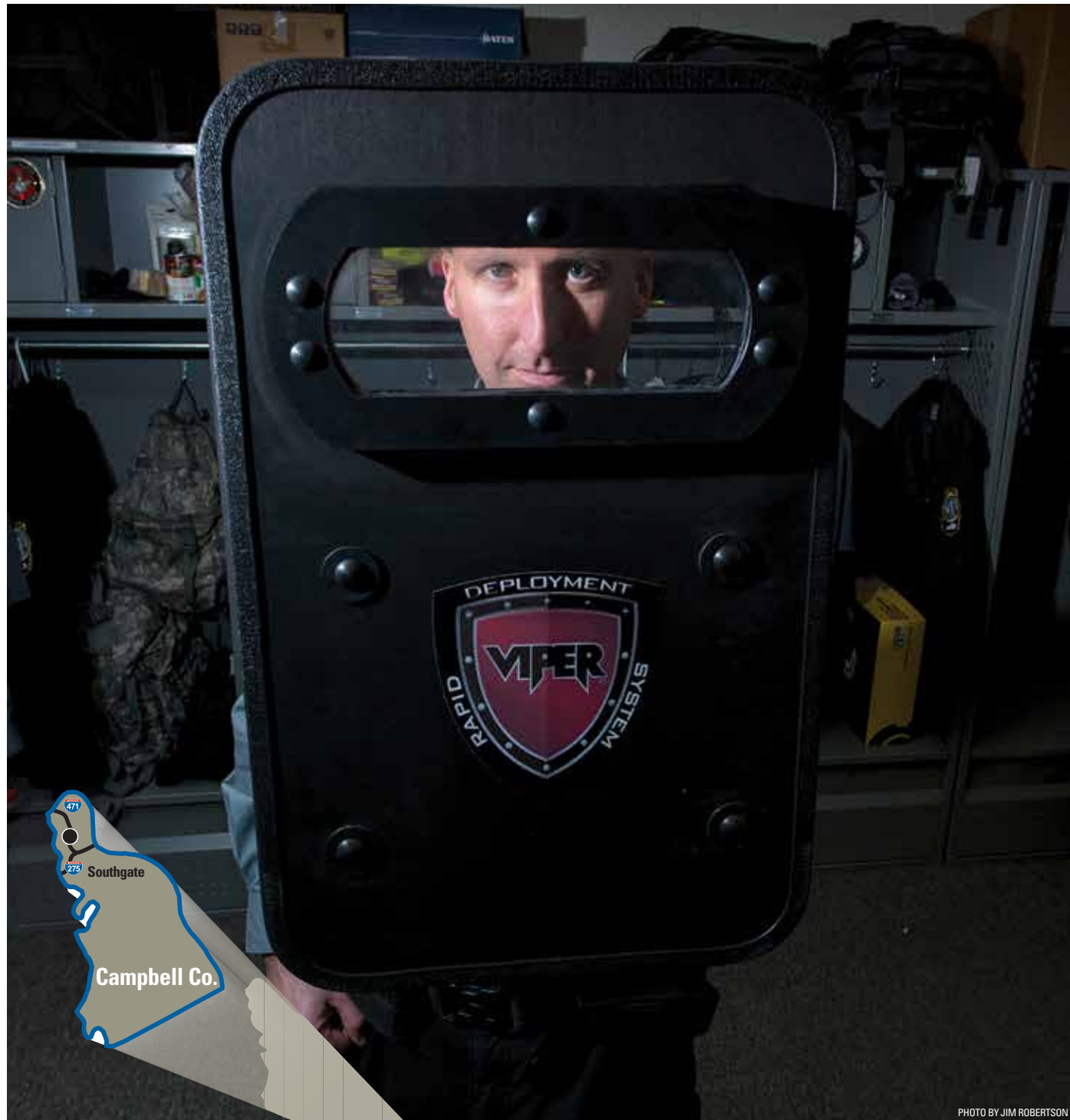


PHOTO BY JIM ROBERTSON

## Southgate Police Officer Chad Martin

ABBIE DARST | PROGRAM COORDINATOR

A true entrepreneur at heart, Southgate Police Officer Chad Martin is blazing new ground with his patented Viper Shield Rapid Deployment System, which he launched this summer at the Police Fleet trade show in Louisville. Born and raised in northern Kentucky, Martin joined the Navy two weeks after graduating high school. After four years and being trained in tactical response, Martin discovered his love for law enforcement and joined the Lexington Division of Police in 1998. Since then he has served in several Kentucky police agencies and even left the profession for 10 years — but never left his love for the profession. He joined the Southgate Police Department in 2012. He is married with two boys, ages 8 and 5 and is expecting his third child in April.

**Working for the Kenton County Police Department** was the polar opposite of urban policing. I went from the inner city housing projects on night shift in Lexington to an isolated, rural area in south Kenton County. I soon decided that I was going to dabble in small-business ownership and ended leaving law enforcement to start my own business.

**I've always had a drive for business ownership** and self employment. There was a stirring — I had to get into something that occupied my time, and that was the draw to self employment.

**The concept for the Viper Shield dates back to my Lexington days.** There was a domestic violence call where the fire department was dispatched and they beat law enforcement to the scene. The perpetrator opened fire and shot three firemen — two died. In that situation, police officers were on the perimeter while this guy was still firing at helpless individuals in the middle of the front yard, and officers couldn't get to them. It was 45 minutes before SWAT could assemble and get on scene.

**The need for patrol to have ballistic shields was evident.** What if that was me or our guys laying there needing help, and no one could get to us. That's a problem. We needed ballistic shields and equipment in patrol cars, but at that time there was nowhere to put them.

“With our shield, you exit the driver door, pop the back door open and it's already kicked out waiting for you. We can deploy it in about four seconds. It's there for the officer to grab and go...”

**Later, when I got into the glass security coating business,** I discovered there was a way to create bullet-resistant glass with a certain thickness using security laminate. I began to question where on the patrol car we could create something to get some bullet resistance. I started thinking, “Maybe the clear polycarbonate section of the partition.” But after further engineering, the weight was unreasonable at 35 to 40 pounds.

**Police cars and partitions started getting smaller and smaller.** The area you have to work with now is much smaller. Ironically, a lot of tactical experts across the nation were beginning to push for patrol to have ballistic shields. They were finding the ones on the market were too big, too bulky and made for SWAT teams to get three to four guys behind it. That doesn't work in a school-shooting situation or in a foot pursuit.

**SWAT operators were saying they needed smaller, lighter, more compact shields** with which officers could run, fight and go upstairs. The design that shield manufacturers were trying to create to fill that need was getting very close to specs we were looking at in the partitions.

**The Viper Shield System is a partition concept** where the ballistic shield actually is stowable within the partition where it is secured and can't be accessed from the back seat. Prisoners can't get to it or do anything with it. There is a quick release cable over the officer's shoulder by his seatbelt that deploys the shield.

**People usually put their shields in the trunk** and bury them under traffic safety equipment or first aid equipment, and they can't get to them when needed. So during a felony traffic stop, tactically you could never get to that shield. You would have to pop the trunk, throw stuff out, get it out, close the trunk and go back to a car full of people who may be armed. With our shield, you exit the driver door, pop the back door open and it's already kicked out waiting for you. We can deploy it in about four seconds. It's there for the officer to grab and go no matter the situation.

**The main thing I want to give officers with the Viper Shield is peace of mind.** When you look at the statistics, most officers each year killed by gunfire are with head, neck and vital shots in areas not covered by ballistic vests. If you want to see a huge impact to officer fatalities by gunfire, give them something that protects their head, neck and vital areas. That's exactly what the Viper Shield does.

**I have used the shield on three occasions where it was all the comfort in the world.** One of the most recent was the Fort Thomas shooting at the medical plaza. A gentleman met his ex-wife after work and opened fire on her. We heard the call that there was an active shooter at the medical center. All agencies responded. By the time we got there, Fort Thomas had just made entry into the lobby. As they were getting ready to start making entry through the building, I yelled for them to hold up and I grabbed the shield, became the shield man and had a team ready to go through three stories, room to room with the protection of a shield. There is a lot of security in that.

**Coming to work in Southgate was kind of like coming home.** I attended school and grew up in this area, so when the opportunity came open, when the Highland Heights-Southgate merger dissolved, I jumped on it.

**It's tough because I'm at a point where I'm trying to launch a business,** work 40-hour weeks here with a small department that if there are shifts that need to be covered or someone is sick, someone else has to work extra hours, on top of picking up special events or any type of overtime that is available. Trying to find enough hours in the day to cover both while maintaining a family with a new baby on the way — there aren't enough hours in the day. 🇺🇸

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# FOCUS

ON

# BODY-WORN CAMERAS

KELLY FOREMAN | PROGRAM COORDINATOR  
PHOTOS BY JIM ROBERTSON  
PHOTO ILLUSTRATIONS BY TRANG BASEHEART





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very law enforcement publication in the country and most national news organizations have weighed in recently about body-worn cameras. From legislators and citizens to police chiefs and deputies in patrol cars, nearly everyone has an opinion about wearing recording devices.

It's not that this technology is brand new to law enforcement. In fact, some Kentucky agencies have been wearing the devices for at least five years.

But following the unrest in Ferguson, Mo. after the officer-involved shooting death of Michael Brown, the public demand for a video record of police activity has sky-rocketed. President Barack Obama's announcement in December of his intent to funnel federal funds into getting cameras on the streets also jump-started the conversation on deploying the technology among our nation's officers.

While all those perspectives have offered considerable input into the discussion, the water is muddied by questions struggling to be answered. Some agencies are concerned about colossal storage expenses while others are concerned about an influx of open records requests and the protection of citizen privacy.

One resounding cadence through all the noise has become abundantly clear in Kentucky, however. Body-worn cameras are not a one-size-fits-all issue. Especially in a state whose agencies serve some with a handful of officers while their brother departments' ranks fall in the hundreds.

#### CAMERAS IN KENTUCKY

In a recent email survey by the Kentucky Law Enforcement magazine staff of the commonwealth's agencies, respondents

noted that more than 30 local agencies already have deployed cameras among their ranks. (see pg. 71 for agency-specific responses) About half as many still are researching the cameras and how they will suit their agencies. Among those who answered that they were not using BWCs, some still acknowledged that it is only a matter of time before the technology is on their doorsteps.

Kentucky's three largest agencies — the Kentucky State Police, Louisville Metro Police and Lexington Division of Police — are in the process of researching cameras that will best suit their department needs and how they would handle the potential drawbacks. It is not an easy feat for these agencies because of the sheer volume of officers they must outfit and the amount of data that must be stored.

"The camera part is easy," said LMPD Maj. Robert Schroeder. "But there is a pretty common refrain across the country that there are a couple of big concerns on this topic, and the first one is storage. That's what stopped us dead in our tracks. For an agency of our size, we're looking at easily more than \$1 million per year in storage. I have talked to some other agencies that are about our size and some are paying more than \$3 million per year in storage."

Of the three agencies, Louisville has progressed farthest in its research with a testing-results study completed and a policy for BWCs created. The agency intends

to implement the cameras soon, but Schroeder said the second issue he is concerned about is that of open records. LDP Commander Doug Pape said Lexington also has tested a handful of cameras in the field, but how the agency will weigh the benefits versus the concerns is still to be determined.

"Everything is a concern," Pape said. "The effects on the public, the officers, crime victims, confidential informants — those are all things we are thinking of."

While the Kentucky State Police are early in the research process, KSP Maj. Mike Crawford, who is evaluating BWCs for the agency, said whether or not the benefits to officers wearing the cameras will outweigh the concerns still is undecided for them as well.

"The decision to implement body-worn cameras should not be entered into lightly," wrote Chuck Wexler, executive director of the Police Executive Research Forum in a co-released report on the subject with Community Oriented Policing Services. "Once an agency goes down the road of deploying body-worn cameras — and once the public comes to expect the availability of video records — it will become increasingly difficult to have second thoughts or to scale back a body-worn camera program."

In the 75-plus page publication, "Implementing a Body-Worn Camera Program: Recommendations and Lessons Learned," PERF researchers reveal results from surveys conducted among 500 law enforcement agencies nationwide. The purpose of the informal survey was to gather information about the primary

issues regarding BWCs. The full report, available at [http://www.policeforum.org/assets/docs/Free\\_Online\\_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf](http://www.policeforum.org/assets/docs/Free_Online_Documents/Technology/implementing%20a%20body-worn%20camera%20program.pdf), offers an exhaustive look at the nationally-perceived benefits of the cameras as well as considerations for implementing an OWC program and recommendations for their use.

"Departments that already are deploying body-worn cameras tell us the presence of cameras often improves the performance of officers as well as the conduct of the community members who are recorded," Wexler

Body-worn cameras create possibilities for law enforcement that have previously been untapped. Notably in Kentucky where many officers are on their own responding to calls, trying to recall the scenario later for court records and fighting the he-said, she-said battle with criminals can be exhausting. BWCs allow a third party, unbiased by feelings or adrenaline to recall the incident for you.

"When questions arise following an encounter, police executives said that having a video record of events helps lead to a quicker resolution," the PERF report states. "According to the results of PERF's

other situations where that documentation is important," Crawford said.

However, a dash camera doesn't go inside a victim's home after they have been assaulted by their boyfriend to record her fearful tears. It doesn't stay with the officer as she pursues a suspect on foot more than a mile away from her cruiser.

It can't always hear the professionalism and courtesy with which an officer issues commands to a non-compliant criminal.

A body-worn camera, by design, goes wherever the officer does.



*Body-worn cameras create possibilities for law enforcement that have previously been untapped. Notably in Kentucky where many officers are on their own responding to calls ...*

explained. "This is an important advance in policing. At the same time, the fact that both the public and the police increasingly feel the need to videotape every interaction can be seen both as a reflection of the times and as an unfortunate commentary on the state of police-community relationships in some jurisdictions."

#### AN UNBIASED THIRD PARTY

So what are the benefits and risks? How should agencies decide whether to invest in this technology?

exploratory survey, the No. 1 reason why police departments choose to implement body-worn cameras is to provide a more accurate documentation of police encounters with the public."

Many agencies have had a glimpse of these benefits through their experience with dash cams. KSP's Crawford said their in-car camera systems have proven useful in recording the actions of the trooper versus what is reported.

"The footage has been very beneficial to documenting impaired drivers and

#### IT'S NOT TV

Based on that argument alone, it seems like common sense, then, that every officer would want to wear one and every administrator would demand them. But what officers — and Joe Juror — think they will see when they replay the recording in court could be sorely disappointing.

"TV crime shows can make it seem like video is advanced enough that it can be streamed in full HD 1080p video in real time," a PoliceOne article about body cam >>



>> myths states. “That’s not possible today. What is possible through video technology such as VieVu’s body-worn camera is to improve the quality by sending smaller video bites through the data pipe, which means shrinking the video to make the data file smaller and more efficient to send over a network.”

In plain English, the resulting video from today’s BWCs may not be worthy of an Emmy, but the technology is advanced enough to serve as valuable evidence in court.

#### HOW DO YOU WEAR IT?

There are more than a dozen popular brands creating BWCs for law enforcement. (See p. 54 for a product comparison.) But how the officer wears the camera also could determine whether or not the video is as useful as intended.

“There are a lot of cameras out there,” LMPD’s Schroeder said. “I’m partial to the cameras that mount on officers’ heads. When you look at what it records, it’s an

absolutely amazing difference. If it is on the officer’s chest, it is not always recording the person in front of you. Heaven forbid you draw your Taser or gun, you would have no image of why you had to shoot because the camera lens is blocked by the officer’s forearm.”

Head-mounted cameras, whether on sunglasses or an elastic strap, allow the video viewer to see what the officer sees more clearly because it is at their eye level. But even head-mounted cameras have their drawbacks. For instance, they are more difficult to secure, so they may fall off in a struggle and have less stability than a camera tethered to the officer’s chest.

#### COULD THE EXPENSE LEVEL OUT OVER TIME?

PoliceOne Editor in Chief Doug Wyllie has written several articles about body-worn cameras for the publication. While the cost of purchasing the cameras themselves and funding the storage solutions for the data is clearly a daunting issue for large

agencies, Wyllie argues the cameras will actually *save* agencies money in the long run.

“Concerns over budgeting for the investment in new gear (and training for same) are quelled by the statistical data suggesting that the outlay in cash is far less than the cost of settling frivolous (and baseless) lawsuits over alleged officer misconduct when no such misconduct occurred.”

In his article, “Study Proves ‘Cop-Cameras’ Cut Citizen Complaints,” Wyllie presented research statistics from the Rialto (Calif.) Police Department indicating citizen complaints plummeted by 87.5 percent in one year after implementing BWCs.

“Departments take citizen complaints very seriously, and where wrongdoing by an officer is discovered it is dealt with sternly and swiftly,” Wyllie wrote. “But the troublesome fact is that in communities across the country, tremendous municipal resources — money, time and energy

— are wasted by false and frivolous complaints lodged against officers.”

Among the advantages PERF listed in its report about the perceived benefits of BWCs, transparency with the public and the reduction of complaints both were noted. If an angry citizen together with his lawyer storms the chief’s office demanding an officer’s head, accusing the officer of discrimination and excessive force, one of two outcomes are possible when there is a recording of the incident. The officer can be fully exonerated and the complaints brought to a halt, or an officer who is found to have inappropriate conduct can be dealt with appropriately.

As Wyllie argues, it’s a much simpler — and cheaper — conversation than one that explodes into an internal investigation with media coverage and negative perceptions spread throughout the community.

“I’ve heard too many stories of agencies where citizen complaints are settled in a ‘pay to make it go away’ policy, regardless of whether or not there is any officer

wrongdoing,” Wyllie wrote. “Emboldened by a department’s history of acquiescence, rampant litigiousness takes root, and an avoidable problem quickly snowballs out of control.”

#### A RIGHT TO PRIVACY

In Louisville, the issue of privacy and open records are a huge concern, Schroeder said.

“As police, you can record anywhere you have the lawful right to be,” he explained. “But I don’t think your neighbors have the right to see what’s in your home. If you run Kelly’s Electronics, I don’t think the competition has a right to see what’s in the back room of your store. Those are big issues.”

And what about the officer’s privacy? Should his or her every action be available for scrutiny and reprimand by administrators? In the PERF report, researchers indicate that the most common approach to when an officer should be required to activate his or her camera is to do so during all calls for service and during any law enforcement-related encounter. Privacy and the rules to follow to protect it is one area PERF identified where having a clearly-defined policy is of absolute importance.

“Body-worn cameras have significant implications for the public’s privacy rights, particularly when it comes to recording victim interviews, nudity and other sensitive subjects and when recording inside people’s homes,” the report states. “Agencies must factor these privacy considerations into decisions about when to record, where and how long to store data and how to respond to public requests for video footage.”

“To protect officer safety and acknowledge that recording may not be possible in every situation, it is helpful to state in policies that recording will not be required if it would be unsafe, impossible or impractical,” the report continued.

In a similar vein, some officers have voiced concerns that if their camera is recording at all times, it may harm their relationships with the public, who would become less willing to disclose information they don’t want to later become a public record. Baltimore (Md.) Police Detective Bob Cherry is quoted within the PERF report about the potential negative impacts.



“Trust builds through relationships, and body-worn cameras start from a position of mistrust,” Cherry said. “The comments I hear from some officers are, ‘I’m worried that if I

wear a camera, it is going to make it hard to continue the relationship I have with a business owner or the lady down the street. These are the people I’m working with now to clean up the neighborhood.”

At the same time, PERF researchers noted that the cameras have a civilizing effect (See p. 48 for a Force Science sidebar for more about this.), and therefore citizens and officers alike are on their “best behavior” when the film is rolling. Because of this, Rialto Police Chief William Farrar noted the following:

“People will ask officers if they have a camera on, but it does not seem to bother them,” he said. “In fact, in its evaluation of its body-worn camera program, the Rialto Police Department found that officers made 3,178 more contacts with the public (not counting calls for service) during the year that cameras were deployed than in the prior year.”

#### COMMUNITY EXPECTATIONS

Each department must take the risks and benefits and weigh them based on what’s best for their officers as well as what their community expects. Assessing those needs instead of making a knee-jerk reaction ultimately will lead to the best case scenario regarding the technology, PERF researchers said.

“There’s a ton of pressure out there about these cameras,” Louisville’s Schroeder said. “My advice? Don’t worry about making a decision right now. Worry about making the *right* decision.”

In Lexington, Pape said nothing is off the table for them right now, but ultimately the decision about implementing BWCs lies with the community.

“I believe the community wants us to have them,” he said. “I think that’s where we, as a division, have to decide where we want to go. We absolutely want to respond to their needs. But do they want it bad enough to pay for it?”

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# CAN WEARING CAMERAS REDUCE VIOLENCE? ONE REPORT SAYS YES

KELLY FOREMAN | PROGRAM COORDINATOR

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hen it comes to body-worn cameras, the public and police essentially want the same thing — evidence of what really happens on the streets. But as with most things in law enforcement, the issue isn't as simple as clipping a camera to the officer's chest. There are products to be considered, storage needs to be evaluated, security measures to enforce and rights to protect.

While all these branches of the body-worn camera discussion must be weighed and evaluated, a team of researchers have taken the examination one step further

to understand the behavioral response of both officers and citizens when being watched. What they discovered is that when one or both of the individuals involved in an encounter is aware they are being videotaped, the likelihood of compliant behavior is significant. Force Science News recently published a report on the experiment.

"A voluminous body of research across various disciplines has shown that when humans become self-conscious about being watched, they often alter their conduct," the experiment report states. "What is less known, however, is what happens

when the observer is not a real person, and whether being videotaped can have an effect on aggression and violence."

The research was written by William Farrar, chief of the Rialto (Calif.) Police Department and Drs. Barak Ariel and Alex Sutherland of the Institute of Criminology at the University of Cambridge. Over the course of their year-long study, the researchers worked together with the Farrar-led Rialto Police Department to test their theories. Rialto is a community of about 100,000 residents comprised largely of minorities. According to Force Science News, Rialto experiences an "above-average crime rate, with a homicide rate that is nearly 50 percent higher than the U.S. average."

Fifty-four officers randomly were assigned throughout the year to wear Taser Axon Flex video cameras during their shifts. All encounters with the public were recorded except for those involving sexual assault of a minor or police informants, Force Science reported.

It is the first time a law enforcement-based study of this kind has been conducted and focused on citizen complaint and use-of-force cases.

"We investigated the extent to which cameras effect human behavior and, specifically, reduce the use of police force. Broadly, we have put to test the implication of self-awareness to being observed on compliance and deterrence theory in real-life settings, and explored the results in the wider context of theory and practice."

The results were astounding. "The cameras were hypothesized to increase police officers' self-consciousness that they were being watched and therefore to increase their compliance to rules of conduct, especially around use of force," the report discussion states. "The findings suggest more than a 50 percent reduction in the total number of incidents of use of force compared to control conditions, and nearly 10 times more citizens' complaints in the 12 months prior to the experiment."

After the study was completed, the research team reported a variety of findings to Force Science. Among them still was a consideration of how the scales tip regarding the cost-to-benefit analysis of body-worn cameras.

"While the researchers consider a cost/benefit analysis to favor body-worn

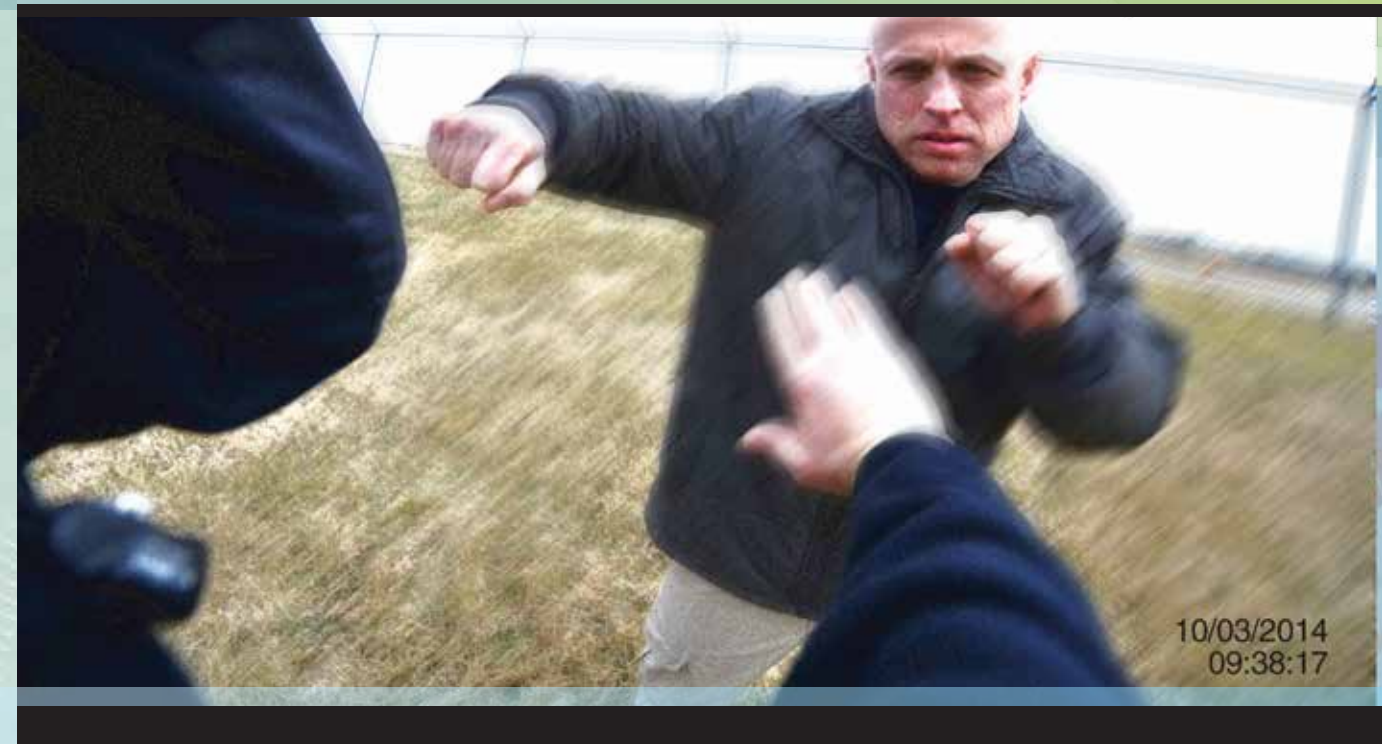
cameras, they acknowledge that one 'price' is presently unclear: what are the direct and indirect costs of storing, sharing and managing digital evidence?" Force Science News stated. "However, 'the cost of not having video footage may have direct implications on decisions to prosecute or on criminal proceedings more generally. ... Will officers' credibility in court be assumed to be violated when police-public encounters are not recorded?"

"Time will tell whether such potential consequences will prove to offset the benefits of BWCs," the researchers explained.

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To read the full report, follow this link or scan the QR code:

<http://www.policefoundation.org/sites/g/files/g798246/f/201303/The%20Effect%20of%20Body-Worn%20Cameras%20on%20Police%20Use-of-Force.pdf>





# CAPTURING THE LAW:

## UNDERSTANDING LEGAL CASES REGARDING BODY-WORN CAMERAS

SHAWN HERRON | STAFF ATTORNEY, DOCJT LEGAL TRAINING SECTION

**L**aw enforcement agencies used to say, if it isn't documented, it didn't happen. Now, it is more likely they will say, if you don't have video, it didn't happen.

Law enforcement's use of video to document officers' actions has exploded in recent

years. Whether it be a dash cam, Taser cam or body-worn camera, not to mention a camera not in the control of a law enforcement agency, such as surveillance video from a bank or convenience store, video tells the story. Whether it tells the entire story is another question entirely, however.

With recent incidents fresh in the minds of agencies, many are seeking to purchase and use body-worn cameras, in particular. Body-worn cameras are different, however, since in the case of dash cams and Taser cams, the camera is usually only triggered automatically, for example, when the vehicle's lights and siren is activated, or when in the case of a Taser, it is actually deployed. In the case of dash cams, it is often possible to activate the camera independently from the vehicle, too, but it takes a conscious action by the officer to do so. That may result in a significant incident not being recorded, either because the camera simply wasn't activated or because the action took place away from the front of the car. In some cases, audio may be captured, especially if the officer is wearing a body microphone that records on the dash cam. But of particular interest, recently, is the use of body-worn cameras, which carry their own advantages and concerns.

Using recordings from body-worn cameras raises a number of issues of which agencies must be aware.

*Recordings generated during an investigation, such as recorded witness or suspect statements, should be retained so long as the underlying investigative file is retained.*

### HOW LONG MUST I KEEP THE RECORDS?

The Kentucky Department of Libraries and Archives is responsible for establishing the minimum length of time any record created by a state or local agency must be retained. Two primary records retention schedules are critical. The first, L5229, sets the schedule for most video/audio recordings (patrol cars) such as dash-mounted cameras, and the specific length of time will depend upon whether the traffic stop involves a DUI, (see KRS 189A.100(2)), whether there is a prosecution or an appeal, or whether there is an accident involved. Two related schedules, L5230 and L5754, set the schedules for paper or computer logs that accompany the actual recordings. Recordings generated during an investigation, such as recorded witness or suspect statements, should be retained so long as the underlying investigative file is retained.

Most recently added, L6707 sets the schedule for body-worn camera recordings. These recordings must be retained for a minimum of 60 days. "If any investigation, litigation or open records request involving these records is taking

place or is pending," the recording must be retained until that action is complete.

For more information on data retention and authorized destruction, go to the Kentucky Department of Libraries and Archives' website at [www.kdla.ky.gov](http://www.kdla.ky.gov).

### ARE THESE RECORDS SUBJECT TO OPEN RECORDS REQUESTS?

In most cases, the answer is yes they will be, with some restrictions. Investigative files may be held back under KRS 61.878(h), so long as a case remains open, and even then it could be argued that, for example, the interview of a sexual-assault victim might be held back as an invasion of personal privacy. Recordings of DUI stops must be denied under KRS 189A.100(2) as they are restricted to official use only. However, the subject is always generally entitled to a record in which they appear and, of course, if the subject is involved in criminal or civil litigation in which the recording is involved, he or she will be entitled to it in discovery. A complicating factor in requests involving recordings, something that dispatch agencies have been involved with for many years, is the likely need to be able to duplicate, edit and redact from the recording — rather than producing an entire unmasked-for recording that might include items that can and should be redacted. To do so will require, at a minimum, the proper equipment, software and training. In addition, since such requests carry a time limit, more than a single employee must have the ability to handle such requests. And, as always, agencies should consult legal counsel with respect to any open records request.

### WHAT POLICIES SHOULD AN AGENCY CONSIDER REGARDING SUCH RECORDINGS?

Unlike dash cams, which often are triggered by the activation of emergency lights, for example, body-worn cameras operate in several ways. Certainly, they may simply be left on, but that will require a tremendous amount of digital storage >>







>> space and will, of course, capture private moments. They might be activated at the same time a dash cam is turned on, but many incidents occur when a dash cam would not normally be on, such as interactions with an individual on the street. Of course, they can be activated at will, but in such instances, an officer may simply forget to turn the device on or off. Although an agency should provide clear direction as to when a body-worn camera should be activated, it is certainly conceivable, or even expected, that an officer will forget to turn it on in a stressful or unexpected encounter.

The use of such video must strictly be limited to official use, and policies must be in place as to an officer having it on during interviews, especially of juveniles, having it on when inside homes, and having access to the video. Certainly no such recordings should ever appear on social media sites. The agency should decide, as well, whether an individual must be told that they are being recorded — although it is legal under Kentucky law for an officer to do so without such notification, so long as the officer is present (which of course will be the case with body-worn cameras).

It is important to consider that all such devices have a limited storage capacity, and it is essential that policies require and

provide for timely data uploading, management, organization and retrieval. Without a clear process for this, an agency quickly could become overwhelmed by data and neither have the ability to store it for the required period of time, nor locate it when needed.

In addition, there should be a clear understanding within the agency as to how the agency will use such data. For example, will recordings be used in disciplinary proceedings?

#### WHAT HAPPENS WHEN YOU “LOSE” A RECORDING?

Even under the best of circumstances, when technology is involved, recordings may be lost. A recording that should exist, but does not, always will raise questions. If a recording is destroyed inadvertently that legally should have been retained, it is important to document it to avoid later claims that a record was destroyed to avoid releasing it. When there is a claim of spoliation of evidence — a claim that evidence was destroyed either deliberately or negligently — the party denied the evidence may ask for a “missing evidence” instruction to be given to the jury. That process follows in the wake of the decision in Sanborn v. Com., 754 S.W.2d 534 (1988) and requires that the Court consider, upon

request and when properly proven, a jury instruction that allows for evidence that was destroyed to be construed against the party that destroyed it, called an adverse inference. In Sanborn, the prosecutor deliberately destroyed recordings of witness statements, something that the court agreed was “misconduct of constitutional proportions under Brady v. Maryland, 373 U.S. 83 (1963). In a recent Kentucky decision, University Medical Center, Inc. v. Beglin, 375 S.W.3d 783 (Ky. 2011), the Court changed the rule somewhat on when such an instruction could be given, agreeing that a trial court may give such an instruction even absent concrete proof that a record actually *did* exist. This changed the burden of proof. In the past, a party wanting such an instruction would have to put forth some proof that a record existed. This may work against a law enforcement agency that normally has recordings, but for whatever reason, is missing one in a particular situation. Of course, giving such an instruction only allows the jury to consider an adverse inference, it does not require it, and proof can be given as to legitimate reasons why a recording is unavailable.

Body-worn cameras, and by extension, Taser and dash cameras, are a relatively new issue in law enforcement. Like all new issues, it will take some time for norms to be established. Agencies that decide to incorporate body-worn cameras as a tool should be prepared to handle the massive quantity of data that must be maintained in an accessible format for as long as Kentucky law requires. Having these recordings can be extremely valuable in the case of a complaint or an incident, but failure to produce recordings believed to exist can backfire and lead to credibility concerns. 🍌



## Records Retention for Body-Worn Cameras

In recent months, the issue of body-worn cameras for law enforcement has become a pressing concern for agencies. A camera recording certainly could prove invaluable after an incident and might make the difference both for the officer and the agency. However, it is critical that a solid records-retention process be established from the outset, as these recordings will be considered to be records. Proper management and retention of such records that may be requested under the Kentucky Open Records Act, is required under state law.

The Kentucky Department of Libraries and Archives is tasked under state law to develop and maintain records retention schedules for local and state government. These schedules are the minimum length of time. An agency may choose to keep a record longer, but cannot keep a listed record for a shorter period of time than is provided by the KDLA. To that end, the KDLA has promulgated the following Records Retention Schedule for recordings made with body-worn cameras.

#### L6707 BODY-WORN CAMERA RECORDINGS (AUDIO/VIDEO)

The audio and video created by a body-worn camera documents incidents and happenings that occur while a person is acting in his/her capacity as a law enforcement officer. Footage produced by body-worn cameras may be used as evidence in civil or criminal investigations, reviewed administratively for officer compliance with department policies, used as a tool in law enforcement training, used as a reference in incident documentation, to improve evidence collection, to strengthen officer performance and accountability, to enhance agency transparency, to document encounters between police and the public and to investigate and resolve complaints.

**Contents:** This record series may contain time, date, statement by officer and others (witness etc.), video of scene, audio of involved persons and other incidental recordings.

**Retention and Disposition:** Retain for at least 60 days, then destroy. If any investigation, litigation or open-records request involving these records is taking place or is pending, maintain until all investigative or legal activity is completed.

For additional information about records management and retention, please go to: <http://kdla.ky.gov/records/Pages/default.aspx>. ■

*Agencies that decide to incorporate body-worn cameras as a tool should be prepared to handle the massive quantity of data that must be maintained in an accessible format for as long as Kentucky law requires.*



# 1 i-Kam Xtreme Digital Video Surveillance Sunglasses



Price..... **\$120**  
 Field of view..... **Info. unavailable**  
 Battery life..... **2.5 hours**  
 Recording time..... **Info. unavailable**  
 Multiple mounts..... **No**

# 2 Top Dawg Eagle Eye 720 Personal DVR Camera



Price..... **\$130**  
 Field of view..... **120°**  
 Battery life..... **6 hours**  
 Recording time..... **8-16 hours**  
 Multiple mounts..... **Yes**

# 3 Veho MUVI-HD10 Mini HD Action Camcorder



Price..... **\$140**  
 Field of view..... **160°**  
 Battery life..... **3 hours**  
 Recording time..... **Info. unavailable**  
 Multiple mounts..... **Yes**

# 4 VIEVU LE3



Price..... **\$199 + monthly**  
 Field of view..... **68°**  
 Battery life..... **5 hours**  
 Recording time..... **5-12 hours**  
 Multiple mounts..... **No**

# 5 FlyWire Line of Sight Camera



Price..... **\$220**  
 Field of view..... **145°**  
 Battery life..... **1.5 hours**  
 Recording time..... **5-6 hours**  
 Multiple mounts..... **Yes**

# 6 Pro Vision BODYCAM HD Video Camera



Price..... **\$300**  
 Field of view..... **170°**  
 Battery life..... **4 hours**  
 Recording time..... **Info. unavailable**  
 Multiple mounts..... **No**

# 7 VIEVU<sup>2</sup> Squared Body Worn Camera



Price..... **\$350**  
 Field of view..... **95°**  
 Battery life..... **Info. unavailable**  
 Recording time..... **90-150 min.**  
 Multiple mounts..... **No**

# 8 Taser Axon Body On-Officer Video



Price..... **\$400**  
 Field of view..... **130°**  
 Battery life..... **12 hours**  
 Recording time..... **4-13 hours**  
 Multiple mounts..... **Yes**

# BODY-WORN CAMERAS

KELLY FOREMAN | PROGRAM COORDINATOR

We would like to extend a special thanks to Galls Inc. and employee Tony Beach for their assistance in photographing their body-worn camera options. If you want more information about any of their products, contact Beach at beach-tony@galls.com.



# 9 Taser Axon Flex On-Officer Video



Price..... **\$600**  
 Field of view..... **75°**  
 Battery life..... **12 hours**  
 Recording time..... **4 hours**  
 Multiple mounts..... **Yes**

# 10 Watchguard Vista HD Police Body Camera



Price..... **\$900**  
 Field of view..... **130°**  
 Battery life..... **Info. unavailable**  
 Recording time..... **6-9 hours**  
 Multiple mounts..... **Yes**



# PRODUCT COMPARISON

## Which System is Best for Your Agency? COMPILED BY KELLY FOREMAN | PROGRAM COORDINATOR

Body-worn cameras are a constantly-developing technology — and there is no shortage of options from which to choose. There are many things to consider before your agency takes the plunge to purchase this equipment for officers. How do we want officers to wear them? How much can we afford to invest? What storage options are available? How much recording time will we get on a shift?

The following is a compilation of body-worn camera options available to law enforcement. Compare and contrast each camera's options and

pricing, all in one place. As with all technology, there is no perfect piece of equipment. But using the following information, your agency may be able to find the equipment that is the best fit for your needs. ■

*EDITOR'S NOTE: the following list is provided objectively, is not all-inclusive, and is intended as a sampling of popular devices. Pricing was accurate as of Jan. 2015 and is subject to change by retailers. Kentucky Law Enforcement magazine does not endorse any brand or seller.*

	1	2	3	4	5	6	7	8	9	10
SPECIFICATIONS	i-Kam Xtreme Digital Video Surveillance Sunglasses	Top Dawg Eagle Eye 720 Personal DVR Camera	Veho MUVI-HD10 Mini HD Action Camcorder	VIEVU LE3	FlyWire Line of Sight Camera	Pro Vision BODYCAM HD Video Camera	VIEVU <sup>2</sup> Squared Body Worn Camera	Taser Axon Body On-Officer Video	Taser Axon Flex On-Officer Video	Watchguard Vista HD Police Body Camera
Price	\$120	\$130	\$140	\$199+ monthly	\$220	\$300	\$350	\$400	\$600	\$900
Field of view		120°	160°	68°	145°	170°	95°	130°	75°	130°
Pre-start recording					●			●	●	●
Micro SD cards	Up to 8 GB	Up to 32 GB	4GB included		Up to 64GB					
Built in memory	4 GB			16 GB		8 GB	16 GB			32 GB
Video sensor		30 fps		30 fps		60 fps		30 fps	30 fps	
Battery	550 mAh Li-Polymer	500 mAh Li-Polymer	Lithium-ion	Lithium-ion	Lithium-ion			2500 mAh capacity 2/3		
Battery life	2.5 hours	6 hours	3 hours	5 hours	1.5 hours	4 hours		12 hours	12 hours	
Recording time		8-16 hours		5-12 hours	5-6 hours		90-150 minutes	4-13 hours	4 hours	6-9 hours
Charging time		Max 2 hours				3 hours				
Button operation	Two buttons	One button			One button	One button		One button	One button	
Cord required					●				●	
Weight	1.4 oz			2.8 oz			2.4 oz		.5 oz (camera)	4.3-5.3 oz
Dimensions		3 1/2" x 2" x 1/2"		3" x 2.1" x .85		2 3/4" x 2" x 1"	2" x 2" x 3/4"		3.2" x .79" x .71"	
LED indicators	●				●			●		●
Multiple mounts		●	●		●			●	●	●
Resolution	720P		1080P		1080P30	1080P	Selectable			720P
Digital security		●		●						
Continuous and loop recording		●								
Display		1 1/2" LCD	1 1/2" LCD			1 1/2" LCD				
Wireless remote control			●			●				
Date and time stamp			●	●		●				●
Weather resistant				●	Optional	●	●	●	●	●
Interchangeable lenses	●									
Oakley eyewear intergration					●				●	
Interchangeable microphones					●					
Low light capability				●	●	●		●	●	●
Hands-free operation							●			
Wi-Fi live video streaming							●			
Smartphone app							●	●	●	
Cloud storage				●				●	●	



WHERE DOES  
KENTUCKY STAND  
WITH BODY WORN  
CAMERAS?

# ALEXANDRIA

## POLICE DEPARTMENT — CHIEF MIKE WARD RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Does your agency currently have body-worn cameras in operation?**

We do, but none that I'm happy with.

**How many officers do you have?**

We have 17.

**What are the concerns of implementing this technology?**

The problem is twofold. One is the officer remembering to turn it on when he gets out of the car in a stressful situation. There are too many things going on at that time. They're logging out on the radio, getting out safely — so the initializing of the system is a problem. Because of all the myriad of safety factors officers have to deal with under stress, the last thing they think of is to reach to their chest to turn on a camera.

The other thing we are finding is that what our courts want — what juries want — when it comes to video is a Hollywood production. We can't provide that. I'll use the example of a prominent case up here. A Cincinnati (Ohio) officer had to shoot somebody, and the only thing you saw on the camera was the officer's forearm. He took a defensive position, had his weapon drawn and his right forearm was right in front of the camera. But, what they did hear was the audio. In my opinion, the audio is almost more important than the video. Because you can hear the commands the officer has given and what is being said back to the officer. In our experience, anytime we have had video, whether it is from a cruiser cam or body-worn, it's the audio that makes our case. That's one of the things we try to stress in training.

It's difficult. We have triggers on our cameras in the car that when you turn the blue lights on, the camera comes on. But if the microphones come on automatically

and the officers forget to turn the microphones off, the batteries run down. It's not a fool proof system. I'm finding that the body-worn cameras, you can pay \$99 for them or \$500 for them and the result is exactly the same. You still have battery issues. Somebody has to turn them on. Somebody has to remember to turn them off. All of this is happening when an officer is in a stressful situation. It is just one more thing we are putting on them and it's difficult.

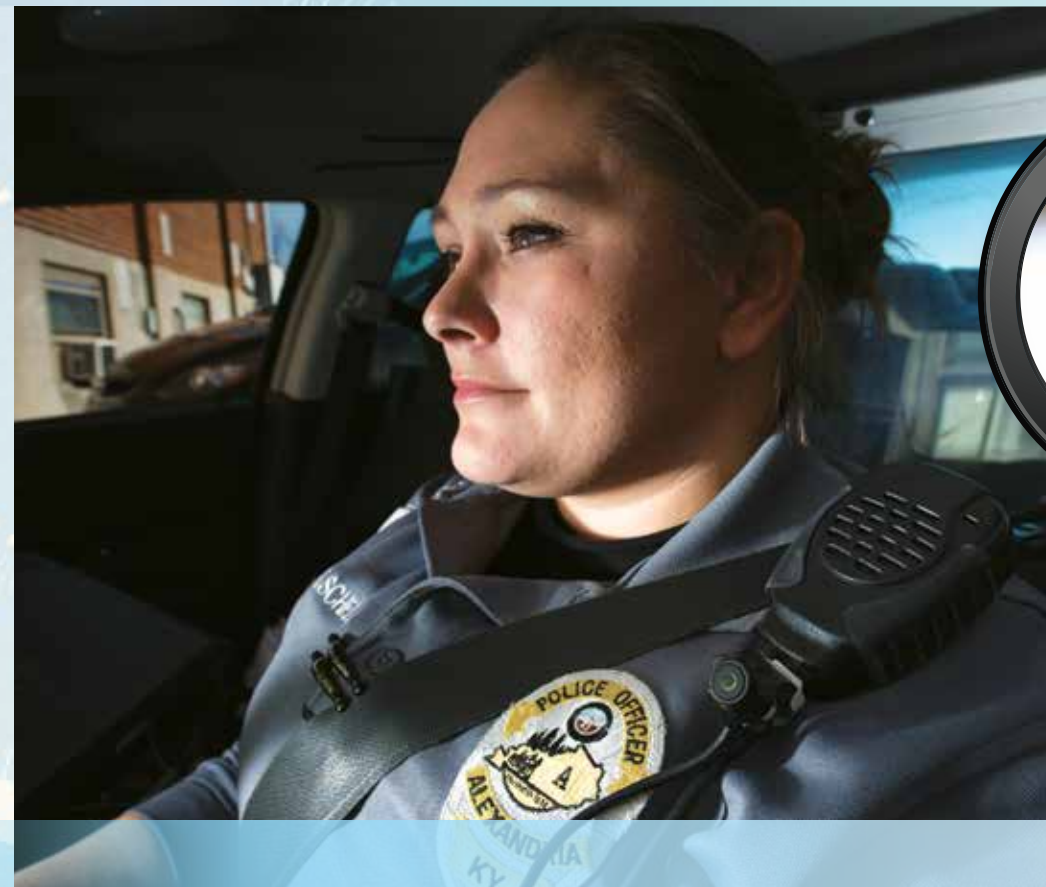
**What brand of equipment are you using currently?**

We are in the process of working with a group out of Lexington called WearWare Inc. They have a website called flywirecameras.com. They have been working hard developing different options. I have two officers who are working with them and trying to come up with the best system that meets our needs. These folks have been fantastic. The prices they are providing are extremely reasonable and the quality of video and audio is top notch. They are a new, Kentucky-grown company.

**For your agency, do the benefits to officers wearing the cameras outweigh the concerns?**

I think on a day-to-day basis, it's a pain in the patoot. But when you need it and you have it, it is invaluable. And it's those times that can really save your tail. As hard as we train on officer safety issues at traffic stops, domestics and all, the camera has to become part of our awareness — it has to be engrained in our psyche that the camera is as important as all the other tools we carry on our belt. If anything, it's necessary for the audio. 🍷

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**CAMERA USED**

**5** FlyWire  
Line of Sight Camera

Alexandria police have been working together with Kentucky-based FlyWire in a pilot project to create a body-worn camera system that meets law enforcement needs while eliminating the headaches of some camera systems.

PHOTOS BY JIM ROBERTSON





WHERE DOES  
KENTUCKY STAND  
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CAMERAS?

# DANVILLE

## POLICE DEPARTMENT — CHIEF TONY GRAY RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Is your agency currently using body-worn cameras?**

We have been testing and evaluating body-worn cameras for several years and are still doing so.

**How many officers do you have?**

We are allotted 34 officers.

**What brand or type of camera have you tested?**

We have tested a little bit of everything. I have been chief for three years, and prior to me becoming chief, we had prior chiefs start looking at some of the simple, basic body cams. They usually had a short memory, for various reasons weren't sturdy enough, had poor video quality or there was something we didn't like. So we continued to try different and newer cameras. Then, as we finally got an in-car camera system, we flipped from in-car camera systems too, going through various vendors until we found the Watch Guard system. We like that new system they have. We tested a *Watchguard* body camera last year and now they have a newer body cam that's compatible with the in-car system. Right now we are waiting on this newer system.

**With the systems you have used, have you had any positive or negative experiences you could share?**

I have seen uses for them on some DUI cases. We have a couple attorneys who requested open records for the body cam video, and it has benefitted us.

**How will your agency fund a body-worn camera program?**

We are hoping the federal government will allocate grant money for it. But if not, we would probably look at something like our alcohol revenue stream, if that would

be something justified that could come from that. If not, we would have to make a capital purchase.

**What benefits do you see for deploying the body-worn cameras within your agency?**

I just think of it as an issue of being transparent. I think it helps promote and create trust between the community and the department.

**Do you have any concerns about deploying body-worn cameras within your agency?**

No, not me personally. Some of the new laws on open records, especially with the DUIs, we will just have to get some clarity. We will be talking to the Attorney General's Office and seeing exactly how those things will work. But as far as I'm concerned, there is no real hesitation on my part for using them.

**Based on your research, do the benefits to officers wearing cameras outweigh the concerns?**

I think it is an important tool for the police. It makes your community feel more confident in you and creates and fosters that feeling of transparency and cooperation. 🍷

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**CAMERA USED**  
**10** Watchguard Vista HD  
Police Body Camera

Danville Police Sgt. Chris Matano displays the Watch Guard body-worn camera system his agency employs. Matano said his experience as an officer wearing the camera has been favorable.

PHOTOS BY JIM ROBERTSON





WHERE DOES  
KENTUCKY STAND  
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CAMERAS?

# FLEMINGSBURG

POLICE DEPARTMENT —  
CHIEF RANDY SERGENT RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Is your agency currently using body-worn cameras?**

No, we do not use body cameras.

**How many officers do you have?**

We have seven, including me.

**Why have you elected not to deploy body-worn cameras in your agency?**

We use voice recorders. I have been using a voice recorder for 20-plus years — since back when they were as big as bricks and had full-sized cassettes in them. But I used it when I thought something was going to go bad. I told everybody at every traffic stop and complaint call that I was using a recorder. My assistant chief went to training recently and people were up in arms about using them or not and if they cause more trouble or not. Our mayor wants to have them, but it has its pros and cons.

**What benefits do you see for deploying body-worn cameras within your agency?**

We have seen some benefits of having the voice recorders. Every time the court finds out we have them, they want to have the audio and people usually plead out. I think it would be the same for body cameras.

**Do you foresee deploying them in the future?**

Part of the decision is funding. I think we probably will eventually get them, especially if some funding becomes available.

**What concerns do you have for implementing this technology?**

One concern is that the video cameras are bigger and bulkier. Anything with a push on/off button can get knocked off or not pushed right or something. I don't like making it mandatory to record and

**CAMERA USED**

None

WHERE DOES  
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CAMERAS?

# MADISONVILLE

POLICE DEPARTMENT —  
CHIEF WADE WILLIAMS RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Is your agency currently using body-worn cameras?**

We are not at this time.

**How many officers do you have?**

We have 47 officers.

**Has your agency considered using body-worn cameras?**

We are, and we will in the future. But what I have found in the past is oftentimes people have a knee-jerk reaction and start buying a product when they don't have the infrastructure to handle it. We are trying to lay the foundation for the storage, waiting for the ruling on the retention schedule and waiting for some of the other privacy issues to get settled.

What I'm hearing from the Police Executive Research Forum, Bureau of Justice Administration and some other studies, we really are going to be concerned with open records and privacy. If a citizen can come in and do a blanket open records request, we could potentially have a technical person tied up for a significant amount of time. So we are looking at the possibility of creating a position with IT.

We are on task to do it, but when we do, we want to have everything in place instead of just throwing the cameras out on the street.

**What are your concerns for implementing the technology?**

We have tossed around the idea of purchasing anywhere from a 50 to 100 terabyte server for storage space. That in itself is expensive. Are we going to do that kind of in-house purchase or do a cloud-based system, paying an annual or monthly fee? Then are we going to do 24-7 recording or only on specific events? Those are the policy questions we are dealing with, too. We are going to develop a plan for the next

**CAMERA USED**

None

budget cycle. We are too big to absorb the costs right now, so we will take that bite next year.

**Do you have any concerns about how video recordings will affect the relationship between officers and the public?**

No, I don't think so. Our officers do a good job and treat people like they are supposed to. I think this will only reaffirm both sides. The complaints that do come in could be quickly resolved one way or another. Most officers I have polled are fine with the cameras. I have never heard any officer say they were against them.

**Based on your agency, do the benefits to officers wearing cameras outweigh the concerns?**

I think if we can get past the cost and the procedural parts of it, it's a beneficial tool for police legitimacy that people can openly view how we handle situations. I think that this is going to be the future. You can put your head in the sand and deny it, but an officer coming on in the next few years is going to be issued a gun, a Taser, radio and a camera. In a few years that will be the norm and no one will know any different. Since that's where we're going, we need to develop how we would like it to look now while we're in the ground stages.

We have tested some cameras and normal reaction is to try to get the cheapest thing possible. That's not always the best, I have found. Some of the lower-priced models have not held up well. You don't have to assume the most expensive ones will be the best either. I think everyone should reach out to these larger agencies that are studying and testing them extensively. There's no reason to reinvent the wheel.

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WHERE DOES  
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# FT. THOMAS

## POLICE DEPARTMENT — SGT. CHRIS CARPENTER RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Is your agency currently using body-worn cameras?**

Yes. We have been using the Muvi brand cameras, but recently ordered the i-Kam Xtreme sunglasses.

**How many officers do you have?**

We have 23 officers.

**How is it being funded?**

The body-worn glasses are currently funded by our regular police budget.

**How does your agency handle storage of the data created by the video recordings?**

The videos are stored digitally along with our cruiser videos on a separate server. No additional cost was incurred when storing videos from body-worn cameras.

**Do you have an estimate of the cost your agency incurs from deploying body-worn cameras (including storage costs)?**

We purchased 4 new lapel MUVI cameras for around \$50/camera and the I-Kam Xtreme camera glasses for \$100. The total cost for all 5 is around \$500.

**Has the agency seen any reduction in citizen complaints?**

I don't have any facts to support a reduction in citizen complaints but I know of instances where it has been used to rebut complaints.

**Has the footage been beneficial to case work? Other instances?**

The footage has been beneficial for better angles on DUI field sobriety tests, vehicle/home searches, and traffic stops in general.

**What benefits do you see for deploying body-worn cameras within your agency's ranks?**

As stated above, the angles are closer to what the officer sees than the cruiser based

cameras. Even with the lapel cameras, however, it is not a true "Point Of View" as the view is from chest height, doesn't reflect what the officer sees as he turns his head or eyes, and can be obstructed by an officer extending his arms as in weapon deployment. The camera glasses should provide a better view, but any technology used can and has been dislodged during fights with suspects.

**What are the concerns of implementing the technology/policy?**

One major concern is that the public will erroneously view the absence of such footage as some sort of cover up by police. The record feature must be activated manually and consideration must be taken when officers are in rapidly-escalating situations where they did not have time to activate the camera.

**Is wearing the cameras mandatory or elective for officers?**

Elective.

**Has a policy been developed for the technology?**

The same policy that mandates storage and retention of cruiser videos, also governs the storage and retention of the lapel cameras. Cruiser videos are mandatory to use while the body-worn cameras are not.

**Have there been any concerns about how video recordings affect the relationship between officers and the public? With victims of crime? With confidential informants?**

I have not seen this. The MUVI cameras are small and inconspicuous enough that I'm not sure many of the public recognize them as such. I know from experience that it tends to improve officer behavior and confidence when in use.



**CAMERA USED**

**1** i-Kam Xtreme  
Digital Video Surveillance Sunglasses

Sgt. Chris Carpenter said Ft. Thomas police began using Muvi brand body-worn cameras, but he did not like that the camera was blocked by his forearm if he had to draw his weapon. The agency recently purchased i-Kam Digital Video Surveillance Sunglasses, which have interchangeable lenses to be worn day or night.

PHOTOS BY JIM ROBERTSON

**Based on your agency, do the benefits to officers wearing cameras outweigh the concerns?**

The benefits of body-worn cameras, in my opinion, greatly outweigh any concerns against their use. As stated above, so long as it is understood limitations still exist, footage that mirrors more closely the officers Point Of View can only benefit. Many tactical teams, as well as ours (Kenton County SWAT) have started using body-worn cameras during operations. With the affordability of many video equipped drone technology, it may be that "bird's eye" footage of police encounters is not far off as well.

If you haven't seen this video, it may prove useful in your research. The officer appears to be using a head-mounted camera, probably akin to the Taser Axon. <http://calibrepress.com/2015/01/video-man-runs-pulls-weapon/>

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WHERE DOES  
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# HILLVIEW

## POLICE DEPARTMENT — CHIEF BILL MAHONEY RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Is your agency currently using body-worn cameras?**

We have been using the personal body cameras now for about five years — way before it became the buzz word in policing.

**How many officers do you have?**

We have 14 officers.

**What brand of camera does your agency use?**

We have the Taser Flex. We have used the Muvi brand, but we just went to the Taser within the past year. I do believe the Taser Flex is a better unit as for the way it is built. It is a little more durable and it has a lot more features than the other one. The other one was a very basic camera, but it worked and did what we needed it to do. The Taser Flex is definitely better — you mostly get a better view with it.

**Has your agency seen any reduction in citizen complaints?**

I can tell you that over the years with citizen complaints, it has exonerated at least nine or 10 officers. We haven't had that many complaints, but the ones we have had we have been able to go back and pull the video and show them that it wasn't quite like they said it was.

**What benefits do you see for deploying body-worn cameras within your agency's ranks?**

We were the first ones in Bullitt County to use them, and when we started introducing them in court saying we had a video, the court was like, "What? You have a video of this guy?" We would show the videos and almost instantly get a conviction. Now it has gotten to be the norm. Now if you don't have a video, you are lucky if your case even goes forward.

**How is this program being funded?**

The first ones we bought, the city bought straight out. The Muvi cameras, in my opinion, are good for one year and pretty much start messing up, the batteries start going bad and it's not worth getting them repaired. The second series Muvi cameras we bought, the Kentucky League of Cities offered a safety grant and they paid for 50 percent of those. I was able to find them for \$60 each, so we bought them for the entire department at that time.

Then when Taser cams came out, we used the KLC safety grant again and they paid half. I think they were \$499 each, that's why we only have them on patrol and sergeants. It was right at \$5,000 total. I hope they hold up because I have told them, I realize the Tasers have better camera features, but at \$60 each, I can buy new Muvi cameras every year. But they don't have quite the features, capacity and battery life. Time will tell if the Taser cams hold up.

**How does your agency handle storage of the data created by the video recordings?**

At first we stored it on our server and the officers, at the end of their shift, would come in and download their videos onto the server. Each officer had their own folder to download their videos and they would rename them, put a date on them and what it was. At the end of the month, each month, we would burn those videos onto DVDs. It was getting to where we were doing that a ton and it was taking two days just to burn them to DVDs and then we stored them in our evidence room marked with dates and which officer they belonged to.

About a year ago, we went a different route. At the end of the month, instead of burning DVDs, I bought an external hard drive. Each month we download all the



**CAMERA USED**

**9** Taser Axon Flex  
On-Officer Video

video files onto the external hard drive and have a folder in it for each month. A two terabyte hard drive, unless things change a lot, should hold 12 months of our videos. I buy them for about \$100 and put all the video for one year on that. So far, that is working fine.

The way we are doing it is the most economical for our size department. My only concern is that if it is electrical it can break. If it does, I know there are ways some companies maybe can retrieve what we need. I have even thought about doing a backup of the backup. What are the chances of two of them going bad?

**Have there been any concerns about how video recordings affect the relationship between officers and the public?**

Not that I'm aware of. I haven't had anybody call and say they don't like the guys wearing cameras or taping anybody. I do believe it keeps the officers honest. Our officers are no different than every officer in the United States. Every once in a while, something is going to come out of their mouths that probably isn't politically correct — including me. I don't want it to

be a regular thing or a habit, but they may drop the F-bomb or say something that really might not be the thing that needed to be said. It happens, and we coach the officers to make sure they know it's not an acceptable way for officers to act. We haven't had any tremendous problems, but I have reviewed a few and seen something we needed to talk to an officer about. Nobody lost a job or got in any big trouble, but I do think when they know that everything they say is being recorded, it keeps everyone a little more in check.

**Based on your agency, do the benefits to officers wearing cameras outweigh the concerns?**

So far, yes. But like I said, I haven't had any major concerns. I would say the fact that it helps with identifying if complaints from the outside are valid or not, and that it helps with their court cases is great. But I can tell you, I wouldn't want a 1,000-man department and have to deal with these. 🍌

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▼ Hillview Police purchased the Taser Axon Flex camera, which allows officers to wear the camera on his or her uniform lapel. Hillview Officer Brian Denton said he cut a small hole beneath his shirt collar to feed the camera's cord down to its' base, worn on his duty belt, so the cord does not interfere with his activity.

PHOTOS BY JIM ROBERTSON





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CAMERAS?

# NICHOLASVILLE

## POLICE DEPARTMENT — ASST. CHIEF BRIAN SLONE RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Is your agency currently using body-worn cameras?**

We have been using body-worn cameras for almost five years now.

**How many officers do you have?**

We have 60 officers.

**How are the cameras distributed among your officers?**

Everyone in patrol has them and our school resource officers have them, too. We didn't originally include them, but we realized they really could use them and it cuts down on complaints from kids.

**What brand do you use?**

We use the VieVu brand cameras and have been pleased with them overall. We just recently purchased our second generation of cameras at our agency. I like that it does not have a button to turn it on, it is just a hand swipe down the front of it and the lens appears. It was the easiest to turn on for the officers in a high-stress situation that we found. We tested eight to 10 different systems and this is the one that, between operation and software, we thought was the best overall. Between the first and second generation, we have between \$80,000 and \$100,000 invested in them.

**How does your agency handle storage of the data created by the video recordings?**

We store the data on our server we already had. We did have to upgrade it, but that was in the plans anyway for the department, so it just worked into it. There are storage issues that go along with these body-worn cameras that are concerning. Taser has a camera system now and they want you to store the video on the cloud. We had concerns with that. One, we didn't know how secure it would

be on the cloud and two, they want you to pay a monthly maintenance fee. So we just keep them on our server.

**Has your agency seen any reduction in citizen complaints?**

We have seen a reduction, yes. Word gets out — it really does — on the street that you're taping everything. The criminals are aware of it. They change their attitude sometimes when they see they are being recorded. It is hard to gauge if we have had a reduction in use of force, but I am going to say yes we have. Between the cameras and having Tasers for a few years, our use of force really has dropped off drastically.

**What benefits have you seen for deploying body-worn cameras within your agency?**

The biggest problem we have had with the cameras was officers accepting the fact they had to wear them. We had to do some education and prove to our officers that they are wearing them to protect themselves. We're not spying on them from an administration side. If you're a good officer and you treat people right, you don't have anything to worry about. A few officers got complained on, we reviewed the video and it saved them. All of a sudden word gets around through the officers that this isn't a bad idea, that it's actually a pretty good thing. They're used to them now.

**Based on your agency, do the benefits to officers wearing cameras outweigh the concerns?**

Absolutely, they are very beneficial tools for officers today. We have had in-car videos for probably 20 years here. We stuck VHS tapes in the things years ago. But we decided to go body-worn because



**CAMERA USED**

**4** VIEVU LE3

The VieVu LE3 camera system Nicholasville Police are using offers a 68 degree lens, which VieVu argues offers the best forensic video.

of cost. An in-car camera was costing us \$5,500 per car. I can buy seven or eight of these cameras for that price and they go more places than an in-car camera would. Once we decided to make the switch we have been really pleased.

However, they are electronics. They are not perfect — they do screw up. They have made these VieVu cameras as durable as they can, but they still take a beating. Through every day wear and tear, sometimes things happen. We have lost a few in foot pursuits and had to go back and find them. They fall off. We have learned we have to use a lanyard to tether them on the back side and the officers tie them on the inside of their shirt to their bullet proof vest. That way if it comes off their shirt, it's still dangling there. It's a learning process. 🍌

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WHERE DOES KENTUCKY STAND WITH BODY WORN CAMERAS?

# GEORGETOWN

## POLICE DEPARTMENT — CHIEF MIKE BOSSEE RESPONDS

KELLY FOREMAN | PROGRAM COORDINATOR



**Is your agency currently using body-worn cameras?**

We have done testing of four brands and had officers wear and evaluate them. We have the results of their evaluation of the camera systems, but we haven't made a decision. There still are too many questions.

**How many officers do you have?**

We have 51 officers.

**How long has your agency been researching this technology?**

We have been doing this for about three months — even before the Ferguson (Mo.) incident. We began looking at it because for us, we were going from the ICop system in our cars and looking for a cheaper way to do that. The ICop system was costing us between \$4,000 and \$5,000 to purchase and install, and the maintenance was killing us. Financially, we were looking at maybe a better system.

**Does your agency have a roll-out plan, or is it too early in the planning stages for that?**

Yes, I think we will. We are waiting. Storage is the biggest issue and retrieval of that information is the most expensive issue we are dealing with. Necessity being the mother of invention, I think we are going to find a better way to handle those issues and we are probably pretty close to that technology. We don't want to buy a system, be stuck with that expense and a year later new technology become available that solves some of those problems.

**How will your agency fund this program?**

We are definitely going to look at grant money if that is available, but other than that, it is a taxpayer issue. It is a nightmare what some agencies are going through in costs for storage. A less-than-10 man department can manage the storage issue

and retrieval much easier than a 50-man department. I can imagine it is very expensive for an agency of 500 — but, generally, they also have a much larger budget.

**What are the concerns of implementing the technology in your agency?**

It is not a fix all. That they would be in a very simplistic view of a very complex problem. I think the idea that the use of cameras is going to increase trust — I don't think that's true. Personal contact, a high level of service and communication skills dictate that more than what technology they are wearing. The money the federal government is planning to put into this, they might ought to put into communication training and education for the public, as well as how young people should talk to the police and identifying actions that can provoke a different response from police.

**Are there concerns about how video recordings will affect the relationship between officers and the public?**

I don't think anybody in the community wants to be filmed when in the presence of police. There are plenty of people who are worried about whether they're being filmed while talking to the police, not because they are doing anything wrong, but because they want some level of privacy. The issue becomes, then, when an officer is talking to a citizen in public, that recording becomes open records. That person should have a concern about their privacy.

**Based on your agency research, do the benefits to officers wearing cameras outweigh the concerns?**

I think there are definitely times when the camera would be beneficial to us, but I

## To Wear or Not Wear: Identifying where Kentucky stands with implementation of body-worn cameras

In researching body worn cameras, Kentucky Law Enforcement magazine conducted an email poll of agencies across the commonwealth to determine how many departments already are using the technology, how many are not and how many still are conducting their own research. The following is a chart of responses. ■

don't think all the time. I don't know that it's a wash to say everybody is going to feel better because we are wearing cameras.

Let's say you have an incident that occurs and you now have footage that is a memorialized recording of the incident. You still have to judge the officer's behavior based on what the officer knew at the time under those conditions. Most of the public doesn't realize that. When you're looking at something that already happened, you can't judge and criticize the officer's actions based on those circumstances. That is not the standard by which we judge police officers' actions.

We have to think about the privacy that officers deserve and that citizens deserve. Policy will have to address that. Should other officers be comfortable recording other officers? A citizen who simply stops you for help may have concerns that they don't want to be subject to open records. ■

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AGENCY	NOT USING	RESEARCHING	USING
Alexandria police			●
Allen County sheriff		○	
Ashland police		○	
Audubon Park		○	
Berea police			●
Bowling Green police			●
Burnside police		○	
Calvert City police			●
Campbellsville police			●
Clark County sheriff	○		
Cold Spring police			●
Covington police			●
Danville police		○	
Elsmere police			●
Erlanger police			●
Flemingsburg police	○		
Fort Wright police	○		
Fort Thomas police			●
Georgetown police		○	
Greensburg police		○	
Harlan police			●
Harrodsburg police			●
Hawesville police			●
Henderson County sheriff			●
Hillview police			●
Hodgenville police			●
Kenton County sheriff		○	
Kentucky State police		○	
Lexington Division of police		○	
Logan County sheriff			●
Louisville Metro police		○	
Madisonville police	○		
Marion County sheriff			●
McCracken County sheriff			●
McKee police			●
Morehead State Univ. police	○		
Mt. Vernon police	○		
Nicholasville police			●
Owingsville police	○		
Pendleton County sheriff	○		
Powderly police		○	
Prestonsburg police			●
Providence police			●
Richmond police			●
Russellville police			●
Scottsville police			●
Shepherdsville police			●
Shively police		○	
St. Matthews police		○	
Trenton police		○	
Vine Grove police			●
West Point police			●
Wheelwright police			●
Wilmore police			●
Woodford County sheriff			●
<b>TOTALS:</b>	<b>8</b>	<b>15</b>	<b>32</b>

**CAMERA USED**

None



Situated just off the Mountain Parkway in Magoffin County, the four home-grown officers of the Salyersville Police Department focus on keeping the community in which they've lived their entire lives and raised their families safe and secure for future generations.

"Where all [our officers] are from here, all the local business owners know us, the citizens know us, and they trust us," said Salyersville Chief Matthew Watson. "We try our best to help the citizens."

Watson has spent his entire working life serving the citizens of Magoffin County, beginning at age 16 volunteering with the rescue squad. He also served the fire department before beginning his law enforcement career as a deputy with the Magoffin County Sheriff's Office.

"Though we're police officers, we're still citizens and we interact with folks with that in mind," Watson said. "If someone has a problem, they know they can come to us because they know us."

That built-in community support and connection goes a long way in a department where community programs and outreach are hard to come by. With only four officers, working four 12-hour shifts each week, all available manpower is consumed simply by keeping one officer on duty at all times. The use of split shifts allows two officers on patrol two days a week during peak hours from 10 a.m. to 6 p.m. However, patrol, answering calls for service and responding to incidents take up nearly all the officers' time. Add in the occasional program for senior citizens and walk throughs at local schools, and each Salyersville officer has more than enough to keep him busy.

Because the officers are so well ingrained into their community of 1,900 citizens, Watson said they do not have to expend as much effort building community relationships — those relationships have been building for years.

Community relationships have had a positive impact on the police department as well as the citizens. For the past several years, a local business owner has donated a police vehicle to the Salyersville Police Department, to replace its outdated fleet — an expense the city would struggle with on its own. The business owner has donated three cars and an Expedition to the agency.

"He helps with whatever we need," Watson said. "I can't complain. It frees money up for the city to pay overtime and buy other items we need."

Once a year, the police and fire departments team up with the city to provide a fun-filled Christmas parade and celebration. The city purchases about 600 toys for children in the community, and a local group wraps them. The police and fire department personnel pop popcorn, decorate the building and hand out gifts to the area children during the annual Christmas parade. >>



PHOTO BY JIM ROBERTSON

# Salyersville Police Department

ABBIE DARST | PROGRAM COORDINATOR

# Homegrown Patrol





PHOTO BY JIM ROBERTSON

◀ Officer Jeremy Watson speaks with a local resident about a complaint.

hesitate. If something happens close to the city in the middle of the night, we work it instead of calling a deputy out of bed before his shift starts.

“In turn, if we’re not out, they cover us, and we go from there,” Watson continued. “It’s a great working relationship.”

There always is something happening in and around Salyersville to keep every officer on his toes. Even during events like the Christmas parade, Watson said things can get busy quick. During this past year’s parade, a child fell off one of the floats, and his foot was run over.

“We had to land a helicopter while Santa was here,” Watson recalled. “I was working another wreck, so someone else helped land the helicopter, and we had people handing out popcorn and presents.”

Landing helicopters is nothing new to Salyersville officers. Due to its location, there are very few options when it comes to trauma centers. Pikeville — still 70 miles away — is the closest trauma center available. Huntington, W. Va. and Lexington are the next closest. What would take more than an hour by car, can be managed in just 10 to 20 minutes by helicopter, Watson said.

There are three places within 15 minutes of Salyersville that can send helicopters to quickly evacuate injured people and get them to the nearest trauma center, he added.

#### FOR BETTER OR FOR WORSE

Unfortunately for Salyersville, the loss of much of their coal industry has ravaged the local economy. Rising unemployment rates have led to a rise in drug use and crime, Watson said. Meth manufacturing and use has crept into the area. Shoplifting, theft from vehicles, metal theft and illegal scrapping have increased as well.

“People are just trying to survive,” Watson said. “We have a lot of retirees here, but for the young ones, there is nothing for them to do.”

For Officer Jeremy Watson, trying to make his community a better, safer place in which his children, ages 3, 4 and 6, could grow up fueled his decision to become a police officer.

“My kids are young and I wanted them to grow up in a safe community,” said Officer Watson, nephew of Chief Matthew Watson. “I figured if I was hands on, I could help keep it safe.”

>> “That’s about all the community things we can do,” Watson said. “There are not enough bodies to cover what we have.”

#### KEEPING IT COVERED

That’s where the department’s other relationships come into play. Salyersville has formed strong working relationships with the Magoffin County Sheriff’s Office and the Kentucky State Police troopers in the area. Despite Salyersville’s 11-square-mile border, the agency actually has county-wide jurisdiction, Watson explained.

“We help each other,” Watson said. “If a deputy or trooper needs help, we don’t

◀ Salyersville Chief Matthew Watson spends little time at his desk, but instead usually is out patrolling the town. Watson has served as chief of the Salyersville Police Department since 2000, with a short break from 2005 to 2006.



PHOTO BY JIM ROBERTSON



▲ Officer Jeremy Watson responds to a call with a local resident. Watson has served the Salyersville Police Department for a little more than one year.

“The job is harder than I thought,” he added, “but that thought of trying to make a difference is what I love most about it.”

As a single father of three young children, Officer Watson has a vested interest in the safety and security of the town in which he grew up.

“I couldn’t imagine not being around family,” he said. “I don’t think I could leave home and do this job.”

#### OVERCOMERS

Despite the economic difficulties facing Salyersville, the community has proven

that it knows how to work together to recover and rebuild in the face of disaster. In March 2012, an EF3 tornado demolished parts of Salyersville, including dismantling the top level of the middle school and leveling gas stations, hotels and churches.

In the immediate aftermath, the police department pooled resources with the sheriff’s office and state police to get help to the citizens as quickly as possible. Within months, the community had pulled together to begin rebuilding and reclaiming the sites with the most severe destruction. After three years, when driving through



▲ Officer Jeremy Watson responds to a call with a local resident.



▲ The Salyersville Police and Fire departments share a building near the center of town.



PHOTOS BY JIM ROBERTSON

▲ Salyersville’s main strip was rebuilt after an EF3 tornado destroyed businesses in 2012.

Salyersville, one can hardly tell a tornado ripped through. Though there still are visibly damaged trees along the Mountain Parkway and a dirt field where the middle school once stood, many businesses are back up and running, and plans for a new high school will once again provide separate facilities for the middle and high school.

“This is a well-knit little community,” Chief Watson said. “Everybody here tries to help each other.” 🍪

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*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.*

— FIRST AMENDMENT

# The Line Between the First Amendment and Disturbing the Peace

It might be said that the United States was born in protest — with the Boston Massacre of 1770 and the Boston Tea Party of 1773. The right to protest in a peaceful manner against the government became enshrined as a basic right of a free people in the First Amendment.

The issue of when the conduct becomes unlawful in the context of a protest was addressed in *Terminiello v. Chicago*, 337 U.S. 1 (1949). Terminiello was charged under a city ordinance for disorderly conduct, a charge which arose out of a meeting at which he spoke. The meeting “commanded considerable public attention” and drew a full house inside the auditorium, as well as a large crowd outside to protest, with the protestors becoming “angry and turbulent.”

Police were unable to prevent several disturbances triggered by his speech. Terminiello argued that the ordinance, which prohibited behavior that constituted a “breach of the peace if it stirs the public to anger,” etc., was unconstitutional. The Court noted that our government “depends on free discussion,” invites dispute and that such speech “may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are or even stirs people to anger.” The Court continued with a phrase that is the core of its decision — “freedom of speech, though not absolute, is nevertheless protected against censorship or punishment, unless shown likely to produce a clear and present danger of a serious substantive evil that rises far above public inconvenience, annoyance, or unrest.”

The Court agreed that in this situation, the ordinance “seriously invaded this province,” as it allowed Terminiello to be convicted “if his speech stirred people to anger, invited public dispute, or brought about a condition of unrest.” Terminiello’s conviction was overturned.

In a similar case, *Feiner v. New York*, 340 U.S. 315 (1951), *Feiner* made an “inflammatory speech” to a crowd, urging that the African-Americans present “rise up in arms and fight for equal rights.” The crowd blocked the sidewalk and overflowed into the street; threats of violence were made. Officers asked him to stop speaking, three times, and he refused. He was arrested for inciting a breach of the peace. In this case, however, the Court agreed that he was not arrested for the content of his speech, but for the “reaction which it actually engendered.” The Court agreed that the police could not be used to suppress unpopular views but were “not powerless to prevent a breach of the peace.”

The police did not interfere with the speech, but were concerned about the blocking of traffic on the sidewalk and the street. The Court upheld his conviction, noting that in this instance the police, “faced with a crisis, used ... their power and duty to preserve peace and order.”

In *Cantwell v. Connecticut*, 310 U.S. 296 (1940), *Cantwell* was going door to door soliciting the sale of religious tracts, but in the course of it, was playing phonograph records that attacked the Catholic faith, for those who agreed to listen. He was not “noisy, truculent, overbearing or offensive” and he made no effort to force anyone to listen. The Court agreed that “in the realm >>

SHAWN HERRON | STAFF ATTORNEY,  
DOCJT LEGAL TRAINING SECTION

“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”

— SUPREME COURT JUSTICE  
WILLIAM J. BRENNAN, JR.,  
*TEXAS V. JOHNSON*,  
491 U.S. 397 (1989)



>> of religious faith, and in that of political belief, sharp differences arise." In this case, the Court agreed with Cantwell that his conduct, however abhorrent to listeners, did not raise a clear and present menace to public order, as listeners who disagreed with his views could simply walk away.

Closer to home, the Sixth Circuit addressed the case of *Glasson v. City of Louisville*, 518 F.2d 899 (1975), in which police seized a poster (objecting to the current president, who was in town) from an individual who was "peacefully standing on a public sidewalk and destroyed it." Individuals who were also standing on the motorcade route had objected to the message, by "grumbling and muttering threats" against her, but none crossed the street or approached her. She filed suit. The Court agreed that her message, concerning "important public questions and policies," was "entitled to the greatest constitutional protection."

However, although the content of a communication may be protected, in some instances, the state may "regulate

the time, place and manner of expressing it," as noted in *Grayned v. City of Rockford*, 408 U.S. 104 (1972). Sidewalks and parks have, from time immemorial, been considered public to be used by the public in legitimate First Amendment activities. Although Glasson "evoked a hostile reaction from others," the Court agreed she was still entitled to express her view, as the First Amendment protects both popular and unpopular ideas.

Although various cases have suggested that police have some responsibility to prevent the suppression of a person's right to engage in First Amendment activity, known as a heckler's veto, the law does not expect nor require law enforcement officers "to defend the right of a speaker to address a hostile audience, however large and intemperate, when to do so would unreasonably subject them to violent retaliation and physical injury." In such situations, it is enough that officers preserve the peace by removing the message, at least temporarily, so long as the officer is doing so in good faith.

In Glasson's case, the Court found that the officers' actions were not reasonable, since, although the crowd was grumbling, there was no indication the situation was not being kept under control by the officers who were available. Further, the Court agreed that the reason for the destruction of the poster was its content — that it was "detrimental" to the president. The Court noted that "a more invidious classification than that between persons who support government officials and their policies and those who are critical of them is difficult to imagine" and that the city "drew a line ... that also struck at the very heart of the protection afforded all persons by the First and 14th Amendments." The Court agreed that damages could be sought against the city.

Often, communities seek to control the use of public premises by the use of permits. The Court ruled in *Cox v. New Hampshire*, 312 U.S. 569 (1941) that the process to issue permits, that controls the "time, place and manner of speech," must not be based on the content of the message, must be narrowly tailored to serve a significant public interest, and must leave open ample alternatives for communication." In particular, the use of the permit must not suppress a particular point of view and that any permit process must carefully balance conflicting demands, such as the needs of others held "captive" by the event and preserving public order, but that if it could be done within reasonable police resources, it must be permitted. In addition, noise restrictions, such as limiting bullhorns or microphones might be permitted, so long as the restrictions are not content based.

The First Amendment did not actually start off as the first, in fact, it was third in the original draft of the Bill of Rights. But over time, the protections of the First Amendment have become recognized as the most precious and zealously guarded of rights — including the two rights often joined together, freedom of speech and freedom of peaceful assembly. What this means for officers who respond to an assembly is to focus on conduct that might be unlawful, and not on the content of the underlying speech. 🍀

“Whoever would overthrow the liberty of a nation must begin by subduing the freeness of speech.”  
— BENJAMIN FRANKLIN

# A Reason to Say No

Voluntary drug test kit program gives youth a reason to resist temptation to use drugs

DALE MORTON | COMMUNICATIONS DIRECTOR, OPERATION UNITE

Adam had been having a difficult time fitting in since enrolling at Eden Middle School last fall. The awkward sixth grader was good looking and smart, but mainly kept to himself and focused on his academics.

When Eve — that cute girl in Adam's social studies class — asked if he wanted to go see a movie with some of her friends, he thought this would be a perfect opportunity to finally fit in.

After the show, the group gathered to talk in the parking lot.

"Hey Adam, you gotta try this," Eve said, pulling a baggie of pills from her pocket. "It will make you feel great. Everybody does it."

He wanted to oblige, believing that turning her down could jeopardize his newly formed friendships.

"I can't use drugs," Adam said without hesitation. "My parents drug test me!"

end of 2015 the program is expected to reach a majority of other counties in AHIDTA's 61-county service region, which includes parts of Tennessee, Virginia and West Virginia.

"If parents have a drug test kit at home, their children, hopefully, will think twice before giving in to peer pressure to try drugs," said Frank Rapier, executive director of AHIDTA, which is paying for the test kits. "The possibility of being drug tested gives youth a reason to say 'no' when they are placed in these difficult situations."

Initially, 10,000 kits are being distributed through Operation UNITE and the Stand In The Gap Coalition (serving the Tri-State area of Tennessee, Kentucky and Virginia) using a partnership network that includes schools, businesses, health departments and churches.

"With this new drug testing program we want you to know that your parents care, and there are people in your community who will hold you accountable," Kentucky Fifth District Congressman Harold "Hal" Rogers told students during the project's unveiling. "Most importantly, if you have a problem, we want to use this as a way to help you — not punish you — and give your parents resources to help. We want to give you every possible means to help you succeed in life, and staying away from drugs is at the top of the list."

Each test kit checks for 10 substances: amphetamines, barbiturates, benzodiazepines, benzoyllecgonine/cocaine, methamphetamine, methadone, opiates/morphine, oxycodone, phencyclidine (PCP), and marijuana.

"The idea is to give parents and guardians a tool that will help their children make positive choices," he said. "Too often peer pressure overrides commonsense. This is one way to level the playing field."

Although not as definitive as a blood or urine drug test, the main benefit of the free saliva-based test is that it can be

administered within the privacy of your home, yielding results in about 10 minutes, with those results remaining completely confidential if parents so choose.

"It's not about trust, but about showing how much you care," Smoot said. "Statistics show that teens who avoid drugs in high school are less likely to develop a substance abuse problem as an adult. Your kids, on a daily basis, make hundreds of decisions. There is no more important decision you can make than to remain drug free."

If there is a positive result, UNITE is providing web-based resources for parents to turn for help.

Long-time educator John Hale, principal of Somerset Christian School and president of the Rockcastle County UNITE Coalition, said he has experienced the pain and sorrow caused by drug abuse.

"We want to give you another reason to be able to say 'no' when someone offers you something you know you shouldn't take or wants you to do something you know you shouldn't do." Hale said. "No one here is out to get you. We're out to help you anyway we can."

One of the first to take advantage of the drug test kits was Ida McCoy, an AmeriCorps member serving Phelps Elementary School in Pike County.

"I gathered my children around the table as I administered the test to (my son). I wanted them to realize the importance," she said. "I am so grateful for this program. I always dreaded the day when my child would have to experience the negative things in life, but 'Give Me A Reason' has made it somewhat easier for me as a parent and aunt.

"I explained to them that now they have a reason, an excuse, to avoid the pressure of drugs," McCoy continued. "I just hope and pray that they will listen, as I'm sure every parent does." 🍀

For more information about the drug test kit initiative, visit Operation UNITE's website at [www.operationunite.org](http://www.operationunite.org).



Giving youth a reason to resist peer pressure to experiment with drugs is the goal of a new initiative launched in October 2014 by Appalachia High Intensity Drug Trafficking Area and Operation UNITE (Unlawful Narcotics Investigations, Treatment and Education).

"Give Me A Reason" provides free saliva-based drug test kits to parents through distribution sites in participating counties — currently Rockcastle, Pike and Knott. By the





## Chief Rollin Hedgespeth Greensburg Police Department

In 1979, after four years active military duty and a short stint with Campbellsville Police Department, Rollin Hedgespeth was accepted to Kentucky State Police Academy Class No. 58. After graduation, Hedgespeth was assigned to Post 16 in Henderson. In 1991 he was assigned to detective status in the West Drug Enforcement/Special Investigations Section, where he retired in 2004. He was a supervisor with an armed security company contracted to the Federal Protection Service and worked as inspector general investigator prior to accepting the position as Greensburg's police chief.

Hedgespeth is married to Sherry, a human resource manager with a global manufacturing company. They have two sons. Charles is a KSP trooper assigned to Post 16, and Jacob is an officer with Campbellsville Police Department. The Hedgespeths are proud grandparents of two granddaughters and a grandson.

### HOW DID SERVING KSP FOR 25 YEARS HELP IN YOUR TRANSITION TO CHIEF OF GREENSBURG POLICE DEPARTMENT?

I feel my career with the KSP benefited me in many ways, not just with the transition to chief, but in my personal life as well. Even though I was only two months out of the military when I was accepted to KSP Class 58, KSP taught me the meaning of pride, dedication and brotherhood. KSP gave me confidence not only to deal with stressful situations, but to survive those situations — lessons I used in my professional and personal life. Among other things, KSP taught me responsibility and sound decision making. As a trooper working in rural areas you are not constantly supervised, you may be the only trooper in the post area. You have to be able to make a decision and stick by that decision by taking responsibility for your action or non-action. When I accepted the chief's position, I also accepted the fact I

"Probably the single most important thing that helped with my transition was the invaluable guidance and suggestions I received from those I met during my KSP career."

was accountable not only for my actions but those of my officers. One important thing I brought with me to this position is the leadership style of those I worked with at KSP. I was able to choose the style I thought best suited me and was most beneficial to GPD officers. KSP helped me in the transition by giving me the knowledge to recognize problem areas and the ability to take corrective action. Probably the single most important thing that helped with my transition was the invaluable guidance and suggestions I received from those I met during my KSP career. Those resources in managerial and supervisory positions in law enforcement, not only with KSP but also from other agencies, were instrumental in my transition and continue to be an asset.

### WHO ARE THE FAMILY MEMBERS SITTING AROUND YOUR LAW ENFORCEMENT TABLE, AND WHY LAW ENFORCEMENT?

There are several family members who sit and have sat at our law enforcement table. My father was a deputy sheriff in the late 70s, my wife's grandfather was a retired Louisville police chief. My oldest son is a KSP trooper in Ohio County and my youngest son is an officer with Campbellsville Police Department. I also have a nephew who is a KSP trooper.

I also have to mention the person who holds this table together: my wife. Even though she is my support, like every officer's spouse and mother, she has spent, and still spends a lot of time worrying, especially in today's climate with the many anti-law enforcement events that

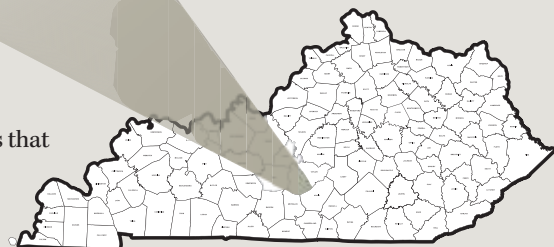
have unfolded over the past several months and years.

### WITH RECENT LAW ENFORCEMENT HEART-RENDING EVENTS, WHAT STEPS HAVE YOU TAKEN TO PROTECT YOUR OFFICERS AND COMMUNITY?

GPD is fortunate to have the support and confidence of our community, the mayor and city council. This support allows us to make changes toward officer safety. Two years ago we replaced antiquated body armor and placed video cameras in each patrol vehicle. We also began upgrading the fleet two years ago. Presently, each patrol officer is issued a vehicle less than two years old. And for the first time, officers are issued a standard service weapon enhancing officer safety through standardized training.

### WHAT ARE YOUR GOALS FOR 2015?

We are beginning a new hiring process which hopefully will fulfill one of my goals for 2015, which is having personnel to relieve some of the overtime stress for our officers. Being a small department and providing 24-hour coverage presents quite an obstacle for officers' time off. I am proud of the untiring dedication of our officers. Nevertheless, my goal is for them to be allowed adequate time away from the job. It has been a goal of mine for GPD to be accredited through the Kentucky Association of Chiefs of Police. Accreditation will be a task for the entire department, and I am proud to say I work with a committed group of officers who will be instrumental in reaching this goal. My ultimate goal is the safety of the officers I work with and to equip them with the tools and training required to promote their safety in order for them to keep those in our community safe. 🌩



## Sheriff Wallace Earl Whittaker Logan County Sheriff's Office

Wallace Earl Whittaker graduated from Warren Central High School in 1979. In 1985, Whittaker joined the Warren County Sheriff's Office. From there he joined the Russellville Police Department in 1988. He left there for the Logan County Sheriff's Office in 1989 and was named sheriff in 2003. He and his wife, Brenda, have been married for 26 years and have two children, Seth and Luke.

### WITH RECENT LAW ENFORCEMENT HEART-RENDING EVENTS, WHAT STEPS HAVE BEEN TAKEN TO PROTECT YOUR STAFF AND COMMUNITY?

Training is the key factor. There never can be too much training. Also, I have secured grants for new, state-of-the-art body armor. I have implemented the new Taser systems, and all sworn deputies are issued and trained to use patrol rifles. Although currently I am not fully staffed, for the first time in the history of this county, I have at least four to five deputies in service 24 hours a day, seven days a week. Considering just 10 years earlier we were lucky to have two deputies per shift sharing cruisers. This is one accomplishment that I am very proud of. Community oriented policing, maintaining communication with the public and other local law enforcement agencies will also be instrumental.

### WHO ARE THE FAMILY MEMBERS SITTING AT YOUR LAW ENFORCEMENT TABLE, AND WHY LAW ENFORCEMENT?

My father was a game warden. I have two brothers (one deceased) who were police officers, my sister was a deputy with a regional juvenile detention center, my oldest son is a police officer in Russellville

"With my father being a game warden, I grew up around many law enforcement officers, and I guess we just saw it as a way to give back to the people that had given so much to us. It was my life's goal to become a law enforcement officer."

and my youngest son, age 20, is aspiring to become a Kentucky state trooper. I'm not sure why my family has been drawn to law enforcement. As a child my family was very poor and disadvantaged. We survived on help from the community and services our community offered. With my father being a game warden, I grew up around many law enforcement officers, and I guess we just saw it as a way to give back to the people that had given so much to us. It was my life's goal to become a law enforcement officer.

### BEING THE FIFTH LARGEST COUNTY IN THE STATE, HOW DOES YOUR AGENCY STAY COMMITTED TO PROVIDING THE BEST SERVICE AND INCREASING COMMUNITY PARTNERSHIPS?

I strive to provide the best possible service to Logan County. The Logan County Sheriff's Office is made up of a great team of dedicated individuals, from my captains and sergeants to my deputies. They are exceptional in carrying out the everyday duties of the sheriff's office. My court security team works without flaw and needs very little supervision in the everyday activities of our filled-to-capacity court dockets and routine duties of our justice center. My staff and I make it a priority to become involved in community events, even if it may only amount to our presence. We have an exceptional partnership with all our communities within Logan County, and we will strive, as a team, to not only continue those

partnerships but to grow and build on their foundations.

### WHAT ARE YOUR GOALS OR PROJECTS FOR 2015?

I have several goals for 2015. One of my first plans is to modernize our equipment. I recently purchased the new Taser systems with HD cameras for all uniformed deputies and detectives. All deputies and detectives are equipped with the latest body-camera systems, and I plan to replace our vehicle fleet with new cars instead of used cars bought from other larger agencies, like we have done in the past. I also am in the process of getting our office fully staffed. I am several deputies and court security personnel short, and I am looking forward to filling those positions. Continuing to build public trust in my office always is a goal.

There are projects I would like to accomplish, but sometimes budgets and other unforeseen circumstances stand in the way. In the very near future, I plan to replace the mobile data terminals in our cruisers with more modern and updated systems. I recently directed my patrol captain to look into the new External Load Bearing Vests that are becoming popular with numerous agencies due to the reduction of officer fatigue and promotion of a healthier work environment. As always, I will continue to see that my deputies get as much training as possible. My biggest project will be to ensure that all deputies arrive safely home at the end of their shifts and prove to Logan County we will continue to provide them great service. I am honored to be their sheriff. 🌩

