

**KENTUCKY**

Winter 2016 | Volume 15, Number 4

# LAW ENFORCEMENT

**OPIOID  
DEATH  
INVESTIGATIONS**

**PAGE 32**



# LAW ENFORCEMENT CONTENTS

Matthew G. Bevin  
Governor

John C. Tilley  
Justice and Public Safety  
Cabinet Secretary

Mark Filburn  
Commissioner

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

Current and past articles are available online at: <https://www.klemagazine.com>

STAFF:

Kevin Brumfield  
Abbie Darst  
Kelly Foreman  
Diane Patton  
Jim Robertson

CONTRIBUTORS:

Andrea Eslami  
Shawn Herron  
Rachel Lingenfelter  
Edliniae Sweat

Cover design by Kevin Brumfield  
Cover photo courtesy of Belchonock/123rf.com

FIND US AT [facebook.com/klemagazine](https://www.facebook.com/klemagazine)

FIND US AT [twitter.com/klemagazine](https://www.twitter.com/klemagazine)



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.

PAGE NUMBERS

## COLUMNS

- 4 Justice and Public Safety Cabinet  
*Secretary John C. Tilley*
- 5 Department of Criminal Justice Training  
*Commissioner Mark Filburn*
- 6 Eastern Kentucky University College of Justice and Safety  
*Dean Victor E. Kappeler*



## FEATURE

**21ST CENTURY POLICIES**  
Outdated policies may be screening out capable and qualified law enforcement recruits

**KACo**  
Did you know?

**EVERYDAY HEROES**  
Georgetown Police Officer  
Natalie Payne

## FEATURE

### OPIOID DEATH INVESTIGATIONS

38 Today's Russian Roulette  
40 Survivor Story: Jennifer Powell

**LEGAL**  
When There Are No Remains

**BOOK REVIEW:**  
Future Crimes

4 8 10 18 22 24 30 32 44 46 54 56 60 62 63

## BRIEFS

**POLICING A 'PRIZED POSSESSION'**  
University of Louisville  
Police Department



## FEATURE

**PROTECTING KENTUCKY**  
Profiling Kentucky Office of Homeland Security  
Executive Director John Holiday

## IN THE SPOTLIGHT

54 Sheriff Boston Hensley  
55 Chief Phillip Reed

**GEORGE T. RAGSDALE**  
A Giant in Kentucky  
Law Enforcement



## FEATURE

**PEER SUPPORT TEAM BRINGS CALM AND CONCERN TO CRISIS**  
KY LEAP program offers training to officers who want to help others

## FEATURE

**PREVENTING CRUISER CASUALTIES**  
A cultural change is needed to bring an emphasis to driving and driver's training in law enforcement



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.



STRANGE STORIES FROM THE BEAT



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





## Secretary's Column

# Recent Audit Offers a New Start With New Partners

JOHN C. TILLEY | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

In September, our law enforcement community gained some valuable insight into past practices at the Department of Criminal Justice Training – all thanks to a state audit our leadership team requested earlier this year.

The 47-page special examination, performed by State Auditor Mike Harmon, is not only a boost to public transparency, it also marks a clean break from the past and a new commitment to protecting state resources for law enforcement going forward.

This year, the Justice and Public Safety Cabinet and DOCJT have undergone a pivotal transformation in leadership and values. One of our top priorities during this period has been ensuring that, under our watch, DOCJT operates with the highest degree of transparency and accountability possible.

Police agencies across Kentucky should know, on both the cabinet and department level, they have partners they can count on to safeguard their interests.

Unfortunately, as we transitioned to our new leadership team, we began to uncover evidence of poor management practices and questionable spending that had occurred prior to our administration.

We undertook an immediate and aggressive effort to identify and eliminate any abuse of public resources and to preserve funds raised for the benefit of law enforcement. However, we also recognized that a comprehensive review by an external organization would offer the best insight into past practices that needed reform.

That's why we reached out to Auditor Harmon in April, requesting that his experts review policies at DOCJT along with policies regarding the Kentucky Law Enforcement Foundation Program Fund, known as KLEFPF. Our request was buoyed by State Rep. Denny Butler, who had been seeking a review of the fund for more than a year.

According to the auditor's report, KLEFPF was established in state law in 1972 to "assure the criminal laws of the commonwealth are enforced fairly, uniformly and effectively throughout the state by strengthening and upgrading local law enforcement; to attract competent, highly-qualified young people to the field of law enforcement and to retain qualified and experienced officers for the purpose of providing maximum protection and safety to the citizens of, and the visitors to, this commonwealth; and to offer a state monetary supplement for local law enforcement officers while upgrading the educational and training standards of such officers."

Those are essential values in professional law enforcement, and we were frustrated and disappointed by the auditor's findings, many of which matched our own discoveries during the transition period.

I want to be clear that this type of mismanagement will not be tolerated under the new administration. The law enforcement agencies who serve our communities with courage and dedication deserve better.

It's also important to note that administrative reform can be a long and complicated process, and we ask that our partners in law enforcement bear with us as we continue making progress. Our team is still reviewing the details of the operation and unwinding some past practices.

In the meantime, corrective action already is underway to address most of the findings in the audit, and I would point to two major developments that demonstrate our commitment to this effort.

In May, Mark Filburn was appointed as the new DOCJT commissioner, bringing more than 30 years of experience in community policing, criminal investigation and law enforcement training. Filburn has worked tirelessly in aligning the department's policies, personnel and resources with its statutory mission, and we applaud his expertise and dedication.

We also commend DOCJT's front-line staff, who have greeted this audit with energy and professionalism. Their first-hand knowledge of operations has been essential in identifying abuses and overhauling policy, and they are eager to turn the page and embrace a new way of doing business.

Second, thanks to Gov. Matt Bevin's commitment to using KLEFPF for the needs of law enforcement, certified peace officers across the state are receiving their first training-incentive raise in 15 years. The move affects nearly 7,300 Kentucky officers who are served by DOCJT.

That is how the KLEFPF fund is supposed to operate, and that is the type of approach that will define our values going forward.

It's clear this audit was long overdue, and we appreciate the good feedback we've received from law enforcement. For those men and women who wear the badge, we also thank you for your service. And as you continue protecting our families and communities with honor, we look forward to continuing our services for you. 🍷



## Commissioner's Column

# DOCJT Committed to Vision of Trust and Accountability

MARK FILBURN | COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

A recent audit of the Department of Criminal Justice Training and the Kentucky Law Enforcement Foundation Program Fund revealed results that were both disappointing and embarrassing to all of Kentucky's law enforcement.

Mistakes were made, and every effort is being taken to rectify issues raised by the audit. A complete report detailing how this administration is working toward returning DOCJT to its exceptional reputation of outstanding law enforcement training will be made available for your review.

Transparency of our operations is just one way this agency is committed to upholding the highest standards of ethics and professionalism.

As DOCJT commissioner, I want to assure you that the philosophy of our newly-appointed executive staff is to look to the future impact this agency can make in Kentucky law enforcement, not to dwell in the past. Our vision is to operate under the highest level of trust and accountability to those we serve.

Our commitment to this vision began months before the audit results were released, in part through placement of the new executive staff. The team we have selected are some of the most experienced and professional law enforcement executives in the country. As they each have been put into place over the past several months, they immediately began working tirelessly to provide the foundation for the best training possible to our clients.

While I firmly believe this leadership team is second to none, our jobs are made easier each day because of DOCJT staff members who are committed to an unwavering standard of excellence in training. I have been associated with many great organizations in my life. I honestly can say that leading the men and women at DOCJT is the greatest professional honor of my career. Each day, I am humbled by the dedication and passion they demonstrate in support of Kentucky's first responders.

Today, when you enter DOCJT's main lobby, our values are proudly displayed around the room. Honor, commitment, integrity, responsibility, ethics and professionalism are not just words. They are the fabric of everything DOCJT stands for and strives to achieve.

With responsibility, we are addressing the spending issues detailed in the audit. With commitment, we are working to have proper procedures in place to provide the highest degree of integrity in training.

With honor, we will work together with Eastern Kentucky University President Michael Benson, who has been a devoted supporter of law enforcement. I recently met with President Benson, and he and his staff are working with the Justice and Public Safety Cabinet in a methodical and cooperative manner to address each issue mentioned in the audit relating to ECU.

We will provide professional and ethical support in the administration of KLEFPF funds, working together with our state legislators to ensure all funds are dedicated for law enforcement purposes.

*“Honor, commitment, integrity, responsibility, ethics and professionalism are not just words. They are the fabric of everything DOCJT stands for and strives to achieve.”*

While the audit's findings have not been easy to endure, we are grateful to Kentucky Auditor Mike Harmon for conducting this audit and identifying areas where operations could be improved.

Further, we remain committed to our primary goal — which is to keep the names of the commonwealth's law enforcement officers from being etched into the steel walls of the Kentucky Law Enforcement Memorial.

Thank you for your commitment to the citizens of Kentucky. God bless, be safe, wear your vests and seat belts, slow down and serve with respect for all! 🍷





## Dean's Column

# Policing in Crisis – There Are No Quick Fixes

VICTOR E. KAPPELER | DEAN AND FOUNDATION PROFESSOR, COLLEGE OF JUSTICE AND SAFETY, EASTERN KENTUCKY UNIVERSITY

By any reasonable assessment, American policing is facing a crisis in public confidence. Whether one considers the flood of negative media depictions of police, the dearth of people interested in law enforcement careers or the waves of protests across the country, it is hard to say that policing is not confronting a loss of institutional legitimacy.

While reasonable people may differ as to the causes of this dilemma, few would argue policing is not under the microscope. After all, images of police-citizen encounters can now be disseminated globally within a matter of minutes — and the vast majority of these media images are less than flattering. Good or bad, true or false, perceptions are real in their consequences.

History shows that institutions experiencing crises often resort to simple strategies to regain legitimacy. Chief among these strategies are realigning occupational mandates, adopting technology to manage problems and counter-messaging to alter public perceptions.

In institutional contexts other than policing, we have seen these stratagems used by the military in the post-Cold War era when its mandate was called into question, the Veterans Administration in the wake of scandals over the delivery of healthcare and by big oil companies in response to the climate-change controversy.

The military's attempt to become more institutionally relevant by shifting to a global-policing function was short lived and a serious failure. The Veteran Administration's adoption of technology to manage healthcare resulted in even more scandals and big oil companies have yet to convince many people they really have "gone green."

The police institution also has used variants of these strategies to recapture legitimacy during periods of crisis. In the late 1800s and early 1900s, policing came under increased scrutiny because of corruption and politicization. In response, police began a long campaign of reform under the rubric of 'professionalization.' Reform efforts focused on better administrative and management techniques and the adoption of a legalistic and technologically-based model of policing. This reform movement lasted for decades, but also seemed to detach police from the needs and desires of communities.

In the 1960s and early 1970s, policing once again faced a crisis because of a lack of responsiveness to the needs and concerns of minority communities. This time around, the

police response was to develop public-relations programs to counter perceptions that police were not fairly serving minority communities. By most measures, these public-relations programs achieved little.

In the 1980s, a spike in crime rates and a seeming inability of police to control violent crime gave rise to community-policing reform efforts. While it is debatable whether the community policing movement resulted in meaningful change to the occupational mandate, the tragic events of September 11 marked an abrupt end to that movement.

What is interesting about these crises is that reform efforts were most often driven by external federal intervention. During the political crisis, the federal government enacted civil-service laws and established police commissions. During the race crisis, the federal government created the Law Enforcement Assistance Administration, which funded education, training and technology, and federal grant dollars largely drove the community-policing movement. In the aftermath of 9/11, the federal government once again intervened into policing, shifting funding from community policing to homeland-security initiatives.

For most people, police are the most visible and symbolic representatives of government. As such, a crisis in policing reflects not only a police problem, but also a loss of confidence in government. Policing is a barometer of society's social, political and economic condition and an indicator of its critical tensions.

As in the past, solutions to this current crisis will not be found in simple fixes or external interventions — the adoption of new technologies, more training or better 'counter-messaging.' While use-of-force incidents certainly can spark outrage and even violence, they are not the tinder that fuels the institutional crisis.

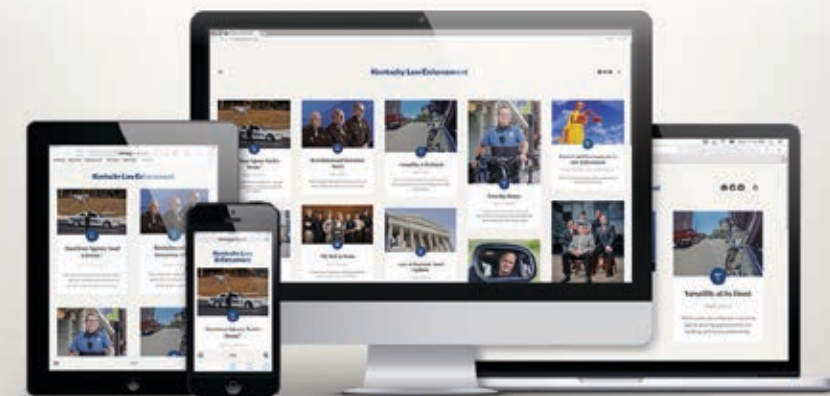
Policing is facing a crisis that will require police leaders to rethink the nature of police-community relations and political leaders, likewise, will have to squarely confront the underlying socioeconomic conditions that set the stage for this crisis. ■



Kentucky Law Enforcement Magazine

# REAL LIFE NEEDS OF REAL PEACE OFFICERS

Kentucky Law Enforcement Magazine has a new online home! All of our exciting content, feature stories and articles of statewide interest are now available to the *entire* law enforcement community with just a click on your phone, tablet or computer. No more waiting months for the mail; **visit [www.klemagazine.com](http://www.klemagazine.com) for instant access NOW!**



**WWW.KLEMAGAZINE.COM**



## NEW CHIEFS

### SCOTT SMITH

#### Ludlow Police Department

Scott Smith was appointed chief of Ludlow Police Department on July 10, 2015. Smith began his law enforcement career with the Newport Police Department and has 15 years of law enforcement experience. He also served the Independence Police Department before coming to Ludlow. Smith has a bachelor's degree in Business and a master's degree in Public Administration from Northern Kentucky University. He is a graduate of the Department of Criminal Justice Trainings Basic Training Class No. 355.



### DENNIS CUNNINGHAM

#### Oak Grove Police Department

Dennis Cunningham was appointed chief of Oak Grove Police Department on April 10. Cunningham has 22 years of law enforcement experience. He is a retired 21-year veteran of the U.S. Army. Cunningham began his law enforcement career with the Christian County Sheriff's Office and served there 13 years. He then joined the Oak Grove Police Department, moving through the ranks to become chief. Cunningham is a graduate of the Department of Criminal Justice Training Basic Training Class No. 261.



### DERRICK BLEVINS

#### Morehead Police Department

Derrick Blevins was appointed chief of Morehead Police Department on August 1. Blevins has 12 years of law enforcement experience. His entire law enforcement career has been with the Morehead Police Department, moving through the ranks to become chief. Blevins is a graduate of the Department of Criminal Justice Trainings Basic Training Class No. 348.



### NATHAN KENT

#### Mayfield Police Department

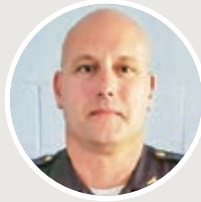
Nathan Kent was appointed chief of Mayfield Police Department on July 11. Kent has 21 years of law enforcement experience. He began his law enforcement career with Kentucky State Police, Post 1 in Mayfield. Kent also served the KSP Headquarters and KSP Post 12 in Frankfort as commander before retiring. He has a bachelor's degree in English from Indiana University. Kent is a graduate of KSP Academy Cadet Class No. 72 and the FBI National Academy 222nd session.



### DALE M. HARP

#### Muldraugh Police Department

Dale Harp was appointed chief of Muldraugh Police Department on August 1. Harp began his law enforcement career in 2012. His entire law enforcement career has been spent with Muldraugh. Harp has a bachelor's degree in Personal Security and Personnel Management from Henley-Putnam University. He is a graduate of the Department of Criminal Justice Trainings Basic Training Class No. 438. Harp served as class leader.



### LAWRENCE WEATHERS

#### Fayette Co. Schools Law Enforcement Department

Lawrence Weathers was appointed director of Fayette Co. Schools Law Enforcement Department on July 1. Weathers has 27 years of law enforcement experience. His entire law enforcement career was spent with the Lexington Police Department, retiring as assistant chief. Weathers has a bachelor's degree in Business Administration from University of Kentucky and a master's degree in Criminal Justice from Eastern Kentucky University. Weathers graduated from the Lexington Police Department Basic Training Academy in 1989. He also is a graduate of the FBI National Academy 253rd session and a graduate of the Northwestern School of Police Staff and Command.



### DANIEL C. TOMAN

#### Morganfield Police Department

Daniel Toman was appointed chief of Morganfield Police Department on August 25. Toman has 21 years of law enforcement experience. He began his law enforcement career with the Sturgis Police Department. He also served the Providence Police Department before coming to Morganfield, where he moved through the ranks to become chief. He is a graduate of the Department of Criminal Justice Trainings Basic Training Class No. 247.



## First Kentucky Hospitals Receive Certification for Sexual Assault Nurse Examiner Readiness

In September, several Kentucky hospitals became the first to obtain certification as Sexual Assault Nurse Examiner (SANE)-ready facilities. This means these facilities have successfully demonstrated readiness to provide round-the-clock response for sexual-assault victims.

The SANE certifications were issued to all of the St. Elizabeth Hospitals in northern Kentucky, Fleming County Hospital and Meadowview Regional Medical Center by the Office of Inspector General in the Cabinet for Health and Family Services following passage of the

Sexual Assault Forensic Evidence Act by the General Assembly earlier this year.

Intended to address the backlog of untested sexual assault evidence kits, the SAFE Act also seeks to improve the quality of medical care sexual-assault victims receive by allowing hospitals to seek a SANE-ready designation if they have a SANE nurse on call 24 hours a day, seven days a week. Following the SAFE Act's passage, Governor Matt Bevin proposed an additional \$4.5 million for the state crime lab to help it meet new testing deadlines set by the bill.

## Shain Awarded 2016 Shein Award

Cindy Shain was awarded the 2016 Melvin Shein Award by the Kentucky Law Enforcement Council for her continued service to educating and professionalizing Kentucky's police community. Shain has served in a law enforcement-related capacity for more than 40 years. Currently serving as the director of the Southern Police Institute, she frequently presents at law enforcement conferences, symposia and workshops throughout the world.

After retiring from the Louisville Division of Police with 24 years of service, Shain served as director of the Regional Community Policing Institute, overseeing training and technical services for law enforcement and community partners through COPS office-funded initiatives.

Shain serves as a board member of the International Association of Chiefs of Police International Managers and Police Academy and College Training section. She also has been a champion for women in law enforcement and was a founding member of the Kentucky Women's Law Enforcement Network.

Shain's passion for and commitment to law enforcement training are evident in every capacity of law enforcement service she has pursued throughout her career, leading to her nomination for the 2016 Shein Award. The award, named for Dr. Melvin Shein of Louisville and given annually since 1973, is presented for distinguished service and contributions in law enforcement in the commonwealth.

Shain holds a master's degree from Eastern Kentucky University in Loss Prevention and Safety and a bachelor's degree from Bellarmine University.



## 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

**Ashland Police Department**  
Kevin Williams

### Berea Police Department

Robert Ballinger  
Douglas R. Brandenburg  
William A. Eckler II  
Jonathan A. Hall  
Jeffrey C. Harness  
Jason A. Kirby  
Robert S. Ward

### Bowling Green Police Department

Nicole Hatchett  
John R. Willey

### Franklin Police Department

Michael Moody

### Jefferson County Sheriff's Office

Jeffery W. Christopher

### Somerset Police Department

Rodney Stevens

### ADVANCED LAW ENFORCEMENT OFFICER

#### Berea Police Department

William J. Johnson

#### Bowling Green Police Department

John R. Willey

### Franklin Police Department

Dale W. Adams

### Georgetown Police Department

Gary W. Crump II

### Jefferson County Sheriff's Office

Jeffery W. Christopher

### Louisville Metro Police Department

Brian W. Gillock

### Somerset Police Department

Rodney Stevens

### Stanton Police Department

Arthur R. Lacy

### Western Kentucky University Police Department

John H. Bailey Jr.

### LAW ENFORCEMENT SUPERVISOR

#### Bowling Green Police Department

John R. Willey

#### Danville Police Department

Glenn E. Doan

### LAW ENFORCEMENT MANAGER

#### Bowling Green Police Department

John R. Willey

#### Covington Police Department

Amanda J. Donelan

### LAW ENFORCEMENT EXECUTIVE

#### Berea Police Department

David T. Gregory

#### Covington Police Department

Amanda J. Donelan

### LAW ENFORCEMENT OFFICER

#### INVESTIGATOR

#### Anderson County Sheriff's Office

Paul B. Wooldridge

#### Bowling Green Police Department

John R. Willey

#### Simpsonville Police Department

Leslie T. Rankin

### ADVANCED DEPUTY SHERIFF

#### Jefferson County Sheriff's Office

Jeffery W. Christopher

### INTERMEDIATE PUBLIC SAFETY

#### DISPATCHER

#### Boyd County PSCC 911

Glenn E. Doan

#### Hopkins County Sheriff's Office

Denise L. Huddleston

#### Madisonville Police Department

Emily M. Carlton

### Pulaski County 911 Center

Sondra J. Wesley

### ADVANCED PUBLIC SAFETY

#### DISPATCHER

#### Madisonville Police Department

Robert D. Littlepage

#### Pulaski County 911 Center

Sondra J. Wesley

### PUBLIC SAFETY DISPATCH

#### MANAGER/DIRECTOR

#### Madison County E-911

Karen E. Lewis

### LAW ENFORCEMENT OFFICER

#### ADVANCED INVESTIGATOR

#### Anderson County Sheriff's Office

Paul B. Wooldridge

#### Georgetown Police Department

Larry W. Wilson

#### Stanton Police Department

Arthur R. Lacy

### COMMUNICATIONS TRAINING

#### OFFICER

#### Winchester Police Department

Jeanna M. Gwynne





**J**ohn Holiday has dedicated nearly three decades of his life to America's national security. As an intelligence officer and soldier within the Department of Defense, Holiday led a fascinating military career, providing him with almost endless resources and experience in his newest role as the executive director of the Kentucky Office of Homeland Security.

Holiday is dedicated to leading and developing a statewide, comprehensive strategy for KOHS that incorporates local, state and federal efforts to detect, deter, mitigate and respond to terrorist attacks. This could include attacks that are "nuclear; biological; chemical; electromagnetic pulse; agro-, eco- or cyber-terrorism; or any other incidents that affect or may affect the security of Kentucky," his biography states.

Prior to his appointment as executive director of KOHS in February, Holiday served as the director of law enforcement within the Kentucky Department of Public Protection and also as certified inspector general with the Kentucky Labor, Environmental Energy and Public Protection cabinets. >>

PHOTO BY JIM ROBERTSON

# PROTECTING KENTUCKY

Kentucky Office of Homeland Security Executive Director  
John Holiday Discusses His Agency's Role in Kentucky's Security

KELLY FOREMAN | PROGRAM COORDINATOR



**>> You have led a long and distinguished military career focused on intelligence. Could you tell us more about your background and experiences in the field?**

I spent almost 30 years serving, primarily in the intelligence field. I've worked tactical and at the strategic level of military intelligence, specializing in counterintelligence for non-conventional special operations units. I've been to the many of the combatant environments our nation has been involved with since the 1990s. I first enlisted into the Army in 1987 and remained on active duty until the mid-1990s. I transferred to the National Guard, specifically into special operations, where I spent several more years active.

There are seven different special forces groups within U.S. Army's 1st Special Forces Command, two being National Guard. After 9/11, the special operations community as a whole — including National Guard Special Forces units — played a large part in the global war on terror. I have been the executive officer for one of the Special Operations Forces subordinate units located within Kentucky the majority of this time. Our unit has been engaged in operations since 9/11, and unfortunately lost our share of personnel in the fight against violent extremists.

My last post took me to Africa as the special forces liaison officer to Kenya. Serving as the Kenya Special Forces program manager, I advised, led and coordinated efforts on the ground to assist in building

special forces capacity in east Africa to counter violent extremism.

You might remember the terrorist attack that took place at West Gate Mall in Nairobi, Kenya. I visited there weekly with counterparts from British and Kenya special operations to socialize and coordinate events over tea. I was already transferred back to the states by the time the attack took place, but that mall, the exact café where we used to talk, was hit by Al-Shabaab terrorists that killed several innocent people. I had been the program manager for the Kenya Ranger Strike Force/Kenya Special Forces, who were among the first responders to that incident.

**Your biography highlights your role in the past 20 years serving U.S. Special Operations "focusing on irregular, unconventional and asymmetric warfare." Could you elaborate about what that role has included for you?**

Prior to 9/11, the Department of Defense primarily was focused on outdated doctrinal ways of defeating a common enemy. Asymmetric warfare accepts the fact that now we have to deal with all sorts of enemy actions on multiple fronts. There's not just one front or one method like 20 to 50 years ago when we were threatened by large armies like the Soviets, North Koreans or the Chinese. Now we have to apply critical thinking and think asymmetrical. They are attacking not only our personnel on many geographic fronts, but also through our cyber networks, for example. Asymmetric warfare covers the whole gamut of ways we are being attacked. It could be through agricultural terrorism, dirty bombs — you name it.

My family is from Washington County, Ky. I was raised in Harrodsburg. After graduation, I enlisted. I've held several state government positions over the last decade. Under previous administrations, I worked in regulatory and law enforcement management roles, counterdrug operations and as a certified inspector general. As IGs, we were charged with identifying and preventing fraud, waste and abuse in government. When the new administration began, I applied for the homeland security position. I went through what seemed like a million interviews until I eventually got to the governor himself. The governor and I saw eye-to-eye on how

things should be. It was obvious to me that he was a former military leader. Next thing you know, I'm appointed director of homeland security for the state.

**How has the experience you have had in your military career helped you prepare for serving as Kentucky's Homeland Security advisor?**

In the last three decades of serving, the common factor has been doing more with less, regardless of the threats. Threats are ever-evolving and increasing and have been since 9/11. Simultaneously, resources were ever-decreasing due to shrinking budgets and competing initiatives. Despite that, we had to come up with creative and effective courses of action. Past doctrine simply was too outdated, therefore critical thinking, prioritization and common sense had to be implemented quickly.

I've found state government is similar. It's fortunate we now have an administration under Governor Bevin's leadership that applies those very principles in decision-making, especially when it comes to state and national security. The governor and the lieutenant governor both served in the armed forces, it's my belief that is where their critical thinking skills for tough situations were honed, and they developed into effective leaders.

**Can you provide an overview of what the Kentucky Office of Homeland Security's operations include?**

We are Kentucky's center of gravity and clearinghouse for information and intelligence. We are an all-hazards homeland security office, with an intelligence Fusion Center and a grant section. As the homeland security advisor, I am directed to allocate and disseminate federal resources to enhance the capabilities of first responders throughout Kentucky. We now base allocations on priorities of critical need. Peer reviewers from different sides of the states are tasked by the grants section, who are subject-matter experts representing each first responder discipline. Applications are reviewed, and only those that meet an acceptable level of the predetermined parameters of critical need are advanced.

The Kentucky Intelligence Fusion Center's primary task is to ensure the governor; first responder decision-makers at the local, state and federal level; and the public

are equipped and properly informed of the most relevant and accurate information in the event of any threat or hazard.

We define a threat as being manmade or criminal, and a hazard encompasses natural and/or manmade concerns. The fusion center maintains situational awareness on organized crime. We've implemented a robust organized-crime working group of law enforcement-only professionals who share information and intelligence. We have a critical infrastructure analyst whose responsibilities include maintaining situational awareness on the 16 sectors of critical infrastructure and key resources, applying laser-like focus on four lifeline sectors — communication, energy, transportation and water/wastewater.

The international terrorism and domestic terrorism analysts, focuses on international and/or domestic terror incidents that may have a direct or indirect link to Kentucky. This administration is the first to implement a cyber security analyst who focuses solely on the cyber threats and trends that affect or may affect the commonwealth cyber networks.

The amount of information and intelligence we have to process, analyze and properly disseminate on a daily basis, while constantly facing shrinking budgets and resources, like every other agency in federal and state government, is insane. We have to maintain absolute situational awareness on all the portfolios I just mentioned. Information flows in from many different sources we develop, whether it is law enforcement agencies — federal, state, local or sheriffs' departments — fire personnel, emergency personnel, open-source information from media or the Internet. Our job is to gather information, apply critical thinking and analytical process in order to produce actionable intelligence. Actionable intelligence is critically needed by an end user or first responder, whether they are law enforcement, emergency services or a private-sector partner that maintains operational control of a critical infrastructure sector — and approximately 85 percent of Kentucky's critical infrastructure is owned by private entities. It takes many resources, critical thinking, time and war gaming to be able to put all that information together and turn it into usable products that can save lives. We are the only state agency in Kentucky that >>

▼ KOHS Executive Director John Holiday listens as stakeholders in Kentucky's security discuss possible threats during an exercise.





“Taxpayer dollars are being spent while pushing our resources to the limits through exercises, yet what’s being done with that information? That’s where I think we can do better nationally. We have to attain that knowledge, document the results, apply critical thinking and be honest with ourselves, and then develop courses of action for improvement. Most of all we must ensure the right stakeholders have that information so we don’t keep repeating the same mistakes.”

>> connects all those dots, the only state agency that has resident networks where we actually can access classified information from the global U.S. intelligence community in order to augment and/or enhance the commonwealth’s homeland security efforts.

So what does that mean? We have to gather all pertinent information, depending on the classification, in order for us to disseminate intelligence. The information must be relevant and, without any question, accurate. We then determine how to disseminate that information to appropriate end users. Meanwhile, we must protect the information. We can’t just let it go without controls in place, or adversarial players would exploit that carelessness, as we’ve seen on the national stage lately. The receiver of the intelligence must have placement, access and need to know per federal law, and also appropriate security clearances to access information. It’s our responsibility to figure out how that information is disseminated and that it is properly disseminated so bad things don’t happen.

**How do you do that? That’s a big mandate.**

Honestly, I haven’t had a good night’s sleep since February, when I was appointed. Every single day we are hit with new stuff. I don’t want to sound like I’m complaining or being pessimistic; however, we are constantly hit with information that would scare most people. We have to maintain calm, collective heads. Next we engage in “war-gaming”, outlining how we are going to analyze, collaborate and disseminate

the information, while being mindful of the sensitive nature of anything we produce. We achieve this balance by having strict processes and following the rules. Our bottom-line purpose is to ensure information and intelligence are properly disseminated and that the governor, first responders and other key decision-makers are equipped with the information and resources needed to address each threat or hazard facing the commonwealth.

We have intelligence liaison officers we bring in from different entities who have a homeland security stake, whether that’s from the first-responder community or private sector who represent industry within the 16 sectors of critical infrastructure. We bring them in and train them in gathering and collaborating critical information that affects state and/or national security, but most of all, to build collaborative relationships.

**How do you balance Kentucky Gov. Matt Bevin’s commitment to transparency while protecting critical information?**

Now, here’s a challenge, especially when you’re dealing with classified information. This is what makes the boss so great — his dedication to government transparency. This philosophy ensures taxpayers and citizens of Kentucky have access to what their government is doing and how it’s expending resources. That can become a bit of a challenge in homeland security because we often deal in sensitive, and sometimes classified information. But one of my primary responsibilities and personal philosophies, having been a former certified inspector general, is that I’m all about giving the public access to what we do to ensure they know how their resources are spent and how decisions are made. Information and intelligence will be shared and disseminated properly and legally.

That’s the challenge. In the past, homeland security as a whole got a bad rap, nationally. We’re changing that. This goes back to the question about how we do what we do. Social media is huge for us to get unclassified information out to the public, taxpayers and everyone who has stake in homeland security. We are very careful about not just putting generic, unusable information out there. Not only do we strive to inform first responders and

decision-makers, we also want to ensure the public is also receiving needed information. Each time we brief or give a class, we ask is everybody in the room to do us a favor and go to Facebook to like our Kentucky Office of Homeland Security page. We use Twitter as well. When I started here we were reaching less than 100 people, now posts are reaching up to 25,000 people.

Again, the governor’s primary responsibility is to protect citizens. Our job is to ensure the governor has the information he needs. Our job also is to inform the citizens. Social media is a way for them to access that information.

We strive to get information out daily. Counterintelligence tends to focus on the dark side of things. So our director of Public Affairs and Community Outreach, Mike Sunseri, helps balance me to ensure we get positive messages out there as well. We made a management decision that since we put out a lot of bad news, on weekends we try to focus on more positive information, including profiling one of Kentucky’s first responders on Saturdays.

**With less than a year under your belt in this position, what are your top issues?**

Going back to an earlier question, how do you do it all? Again, it’s about being able to make effective decisions on threats and hazards as fast as you can without making decisions in a vacuum or in an emotional state. Those who critically think and can make decisions on threats and hazards in a timelier manner are going to be more successful. Success means decreased response times and maximized safety of all involved. It’s tough and it takes a team effort.

For instance, one of the primary threats the U.S. is seeing right now is the active shooter/aggressor. We made a determination early in the administration that a void existed. We identified the critical need to train folks in dealing with active shooters. Since February, we have trained more than 5,000 people — state employees and private sector — on increasing survivability in active-shooter scenarios and identifying and reporting indicators before an event. As we are witnessing, often these events can happen at any time. That’s what we do. We have to determine what’s most needed and get the most relevant and pertinent information out. This program is getting



PHOTO BY JIM ROBERTSON

▲ KOHS Executive Director John Holiday speaks to a group of more than 50 participants about building a strong network of defense against cyber attacks in Kentucky.

huge. We are re-thinking how we get that information out to a larger audience, because everybody wants it.

Cyber security is in the news daily. Government and private-sector entities are getting hit by viruses, malware and ransomware constantly by different rogue players to terror-sponsored countries who have identified vulnerabilities within a network. With ransomware, basically you have a criminal player who surreptitiously attacks a cyber network and holds critical information hostage or may threaten to destroy a network unless a ransom is paid out, which is usually done in an online currency known as bitcoin. If the ransom is not paid, the information is gone or maybe the network is damaged or destroyed. This obviously is a very serious problem.

Testifying to the Veterans Military Affairs and Public Protection Committee

in August, I spoke primarily on the state of our cyber security in Kentucky. In layman’s terms, on a scale of A to F, the grade I gave Kentucky as a whole, after talking to many subject matter experts, was a D. There are people who disagreed with me. Just a few days after I gave that unofficial D rating, Kentucky Department of Fish and Wildlife got hit with ransomware. A large amount of personal identifiable information was taken. Then one Sunday afternoon, I received a phone call from the U.S. Department of Homeland Security. Several hospitals in eastern Kentucky got hit with ransomware and their service were degraded to approximately 20 percent effectiveness. Imagine if a mass casualty situation occurred at that time.

I’m in no position, nor is Homeland Security, to tell the private sector how to conduct business. But the troubling trend >>





▲ In his role as KOHS executive director, John Holiday serves as the commonwealth's homeland security advisor for the U.S. Department of Homeland Security.

>> — and this is also happening to financial institutions — is that we're seeing business decisions to pay these ransoms thinking their systems will be restored. But there's no guarantee.

How do you explain to private-sector entities that have millions of dollars at stake how they should move forward? We have established working groups of banking, cyber security entities and others to share information and collaborate so people can see best practices being used across the spectrum. We have to be very careful because when you're dealing with the private sector, you're dealing with proprietary information, so we have to take extra precautions to not divulge that type of information

All of these exercises, the war gaming, the hours of not sleeping at night — so what? There are so many exercises around the country. Everybody is conducting sophisticated simulations. The one thing I have noticed with all these events is that effective after-action reviews are not taking place. Best practices and worst practices that took place during those exercises are not effectively being recorded and shared with stakeholders. That's a huge problem. Taxpayer dollars are being spent

while pushing our resources to the limits through exercises, yet what's being done with that information? That's where I think we can do better nationally. We have to attain that knowledge, document the results, apply critical thinking and be honest with ourselves, and then develop courses of action for improvement. Most of all we must ensure the right stakeholders have that information so we don't keep repeating the same mistakes.

**What concerns you about the current state of Kentucky's homeland security?**

What keeps me up at night? Around 2003, the interoperability law was established in the state of Kentucky. Meanwhile, shortly after 9/11 the intelligence fusion center concept was pushed out to all the states. Millions of dollars were dedicated to each of these fusion centers. That money was meant to be used in specific ways to increase state capabilities for dealing with threats. We learned best practices from 9/11 and other events like Hurricane Katrina. After-action reviews were conducted through legislative commissions and other government bodies. Results showed us that states had a critical need to have interoperability in order for all first responders

— law enforcement, firefighters, emergency responders — to be able to communicate in emergency events.

Kentucky is one of the last states to have a statewide radio system. We have spent millions, if not tens of millions of dollars on communications interoperability. It's 2016 and we have no statewide interoperability. Where did all that money go? That's what keeps me up at night. We have got to figure out how to have interoperability.

One of the biggest obstacles I've seen in interoperability is a lingering past culture of divisiveness that still exists amongst some emergency agencies. We have to think collectively and critically about making Kentucky safer by coming together and figuring out solutions on interoperability and so many other issues. We must communicate. We are one major disaster away from potential chaos. We have to dedicate resources to interoperability, and it's not cheap. But working together is paramount. Emergency services have to work together — local, city, state and federal governments. We must figure out how to implement interoperability in Kentucky. We have to work as a collective or we're going to continue failing and increasing risk.

**You mentioned active-shooter training. Why is offering training so important to the KOHS mission?**

Remember when I spoke earlier about asymmetric threats? The asymmetric threat is constantly evolving. The citizens of Kentucky, the decision-makers and those in the homeland security realm must ensure our way of thinking also evolves so we adequately can face tomorrow's threats. Not evolving in our way of thinking from the old ways of doing things simply increases risk to life, property and wasteful spending.

Government tends to get into routines. The problem with that is when folks settle into routines, many stop thinking outside of the box and that becomes dangerous, especially in dealing with homeland security issues. That's why it is so important for us to constantly keep people updated on training and trends. That's why we constantly conduct analysis to ensure all information readily is available.

**Distribution of grant funding and resources is one of your primary responsibilities. How does KOHS determine who receives the funds that come through this office?**

Seventy percent of our funding comes from federal grants. Eighty percent of those dollars go to Kentucky communities and homeland security. We just recently awarded several entities \$2.7 million. Now think about that. \$2.7 million to offset the cost of response to threats and hazards in 120 counties. Every county has its own

funding issues. We have to go through every one of those applications and figure out where that money is best spent. That money can buy communications equipment, first responder equipment, CBRNE (Chemical, Biological, Radiological and Nuclear Defense Equipment), personal protective gear for agencies, security equipment and, in some cases, cyber security alarms. We had more than \$15 million in requests for this grant cycle.

Hopefully this winter we are going to have another funding stream by the federal government we can offer. The Department of Homeland Security doesn't guarantee consistent funding to fusion centers. At the beginning, when fusion centers first began, hundreds of millions of dollars were set aside to get them up and going. Kentucky is one of the last states still relying solely on those federal funds. If that funding stopped, guess what? There would be no Kentucky Office of Homeland Security. That's a huge problem. Many states have figured out how to take it upon themselves to ensure funding by making it a priority.

On a good note — not to sound so negative — we also offer the Law Enforcement Protection Program. Funding is derived from the sale of confiscated firearms at public auction by the Kentucky State Police. We take 80 percent of that money and push it back into local law enforcement communities. We can pay for items like armor, bullets, service weapons and Tasers. Just like I told you earlier about information intelligence, it's important for us to get resources

out there to end users, just as its important to get those monies to end users as well.

**What is it about what you do or offer to law enforcement that you feel they may not understand or know is available to them that you would like to ensure they know about?**

What many don't get is that they are formulating biased ideas of what we do on what they have dealt with in the past. That's history, and reality is far from that now. I'm not throwing stones toward anybody or any administration. I am an intelligence officer, that is what I am. Fusion centers are intelligence-based. It is very important, in my opinion, for positions like these to have people equipped with experience along those lines, whether it is in the intelligence field or law enforcement, to fill these critical positions in each state in order for the process of information sharing to be facilitated throughout, to keep information flowing legally, and be sure it gets to the right people. That is what I feel has changed. It is a paradigm shift from what it was. We are creating something new that matches the true spirit of what this office originally was supposed to be, what the tax payers actually paid for and expect it to be.

**What goal do you hope to achieve in your tenure as KOHS executive director?**

To once again place state and national security matters at the highest of priorities and to extinguish the lingering pockets of divisiveness in order to effectively handle threats and hazards by decreasing response times, maximizing safety and ensuring resources are properly and effectively allocated throughout the commonwealth. One agency alone cannot do it. Trust me, there are enough threats and hazards for all agencies to share in the responsibility of mitigating them. Constant, efficient and effective engagement is a must. We have to come together and figure out solutions to problem sets like interoperability. It will save lives if we do. Most of all to constantly develop the plan. The final plans never will get ahead of the ever-evolving, asymmetric threats; however, the constant planning is indispensable.

▼ KOHS convened state policy leaders, private sector experts and federal partners for a tabletop exercise simulating cyber attacks in state government. The training allows those involved to test and improve preparedness, the group said.



PHOTOS BY JIM ROBERTSON

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



# 21st CENTURY Policies

ABBIE DARST | PROGRAM COORDINATOR

## PART IV | Are potentially outdated policies screening out capable and qualified law enforcement recruits?

**Law** enforcement faces three challenges: recruiting good candidates, training them to understand their policing role and do the job safely and effectively, and retaining the best officers in the profession. Kentucky has spent two decades developing and progressing police training, yet many agencies throughout the commonwealth struggle to either recruit or retain the absolute best officers.

This is the last of a four-part series diving into some of today's biggest recruitment and retention issues or strategies that affect law enforcement agencies across the nation, but often go overlooked and unnoticed in an ever-evolving workforce landscape.

**H**igh standards are a must in law enforcement recruiting. Communities deserve the most qualified and highly-trained officers an agency can put on the streets. And as the demographic landscape of the country and the commonwealth continues to shift, communities also expect their law enforcement agencies to reflect the demographic makeup of the communities they serve.

However, more and more agencies are experiencing mounting difficulties in general recruitment, exponentiating the struggle to attract minorities, women and those of different sexual orientations into

law enforcement careers to accurately reflect their communities.

What's a law enforcement executive to do in this changing landscape to attract the best, brightest, most qualified and capable recruits to his or her agency? Maybe the answers can be found in examining agency policies first.

"Do your policies exclude people?" asked Lawrence Weathers, former assistant chief for the Lexington Police Department during a 2015 Police Executive Command Course recruitment discussion. "You might be excluding people who could bring a lot to your agency. You have to look

for and actively seek women, minorities, individuals of different gender persuasions, and you have to be open to that — that's just the way it is."

Weathers, now serving as chief of the Fayette County Schools Law Enforcement Department, cited matters of haircuts, tattoos and other cultural factors as areas often restricted in law enforcement policy that focus more on appearance than on the character and capabilities of potential recruits.

In recent years, several lawsuits have been filed and won about policies that are seen as discriminatory against certain groups of individuals related to race-, religion- or gender-specific issues.

### FACE THE ISSUES ON FACIAL HAIR

Policies requiring officers be clean shaven or only have well-trimmed mustaches are common across the country. Law enforcement agencies often maintain that beard bans are necessary to project an image of professionalism and discipline. As para-military organizations, this is an understandable and highly-popular belief. However, in 2011 a Baltimore officer sued the Baltimore Police Department because, despite a letter from his doctor seeking to be excused from an order to shave, two superior officers handed him a disposable razor and a small container of shaving cream and ordered him to shave at roll call in front of his colleagues without water or a mirror, a Fox News article cites.

The officer actually suffered from a condition known as pseudofolliculitis barbae, which occurs when shaved hairs curl back into the skin and become ingrown and inflamed, causing painful, itchy pustules infected with staph bacteria. In some cases, they can leave permanent scars.

The American Osteopathic College of Dermatology estimates that the condition, though rare in white men, occurs in 60 percent of black males or other ethnic groups with naturally curly hair.

And the Baltimore officer isn't the first to bring attention to this issue. Nearly 25 years ago, a University of Maryland at Baltimore police officer challenged his agency's grooming policy and, after nearly a decade, won his case. Likewise, in 2007, four black police officers in Houston filed suit against the city and its police department claiming the no-beard policy was discriminatory.

But looking from a recruitment standpoint, it is possible that such beard-banning policies will keep black or other minority men from applying or getting hired in the first place. This is a concern with which the general counsel for the Maryland Commission on Human Relations agrees.

Facial hair also can be a source of contention when it comes to religious beliefs. A Muslim police officer in New Jersey filed a religious discrimination lawsuit in September, stating his inability to wear the beard on duty violated Title VII of the

Civil Rights Act of 1964, which prohibits employers from discriminating against employees on the basis of sex, race, color, national origin and religion. It generally applies to employers with 15 or more employees, including federal, state and local governments.

One recommendation for agency administrators is to add medical and religious exemptions to current policies for those suffering from skin conditions such as PFB or with religious reasons, allowing officers to maintain a one-quarter inch beard. For those agency heads who feel facial hair does not present a professional image, today's generation will argue against that belief, insisting that neatly-trimmed and well-manicured facial hair still exhibits professionalism and responsibility.

### WRAP YOUR HEAD AROUND HEADGEAR

Also in line with religious inclinations, various agencies throughout the country have had to take another look at their policies regarding headgear, specifically as it relates to Muslim traditions of women wearing hijabs or Sikh traditions of men wearing turbans.

In February of this year, in a high-profile gesture to one of the nation's largest communities of South Asian Sikhs, the Harrison County (Texas) sheriff allowed a serving Sikh officer to wear his faith's traditional beard and turban while on patrol.

According to a Washington Post article, the move, a longtime demand of Sikh activists, made Harrison County one of the first police forces in the nation — along with Washington, D.C. and Riverside, Calif. — to permit Sikhs to wear the articles of faith their religion requires of devout members.

"By making these religious accommodations, we will ensure that (our) office reflects the community we serve, one of the most culturally rich and diverse in America," Harrison County (Texas) Sheriff Adrian Garcia said in a statement. "Deputies need to not only understand, respect and communicate with all segments of the population, but represent it as well."

The outcome wasn't as successful for a Philadelphia officer who, in 1998, requested to wear a hijab scarf, which covers a woman's head and neck, after converting to Sunni Muslim beliefs. The department denied her request saying the headgear under her uniform cap could be dangerous, a Police Magazine article states. Though Philadelphia had agreed to allow male officers to grow beards for religious or health reasons, the administration held to the safety issue with the hijab, explaining that a quarter-inch beard is not dangerous.

Such issues of officer safety versus Title VII compliance can create issues for police departments when looking at policies and trying to attract and successfully recruit a more diverse force. While overall >>



PHOTO BY JOHN ROMAN/123RF.COM



“We’ve got to understand that the majority of people we’re hiring today are single parents; do you offer any child care? What about shift work — is it necessary that it be eight hours or 10 hours? Are you looking at things like that? And if you are, do the people you’re trying to reach know that?”

>> officer safety must take precedence, agencies must be willing to search for inclusive solutions and not simply fall back on officer-safety claims and bow out of the discussion.

**CHANGE YOUR PARAMETERS ON PARENTAL ISSUES**

Though women make up a little more than half of the nation’s population, they account for only 13 percent of the nation’s police force, according to the Community Oriented Policing Services division of the U.S. Department of Justice. Though policing always has been a male-dominated profession, women have served in law enforcement roles for decades and have proven to excel in many ways, especially in the areas of communication and influence in high-stress situations.

In Kentucky, female recruits have to pass the same physical standards as their male counterparts, which in the past made it potentially more difficult to recruit females into Kentucky agencies. Beginning in 2009, the grading scale changed to allow testing candidates to score higher in certain areas to balance a slightly lower score in other areas. Though not done exclusively for female candidates, it does serve to balance upper-body dominant testing areas such as push-ups and bench press that tend to be more difficult for females.

But there are other issues that may deter qualified and capable women from approaching a law enforcement career — and often those issues are hiding in department policies.

“We’ve got to be smarter, and we have to know what people need,” Weathers said during the 2015 PECC course. “We’ve got to understand that the majority of people we’re hiring today are single parents; do you offer any child care? What about shift work — is it necessary that it be eight hours or 10 hours? Are you looking at things like that? And if you are, do the people you’re trying to reach know that?”

Without any flexibility in areas like these, recruiting females — especially mothers — will be very difficult. Obviously departments cannot offer special treatment for female officers or any other specific group of officers, but as long as the same benefits are offered to all officers, having ways to accommodate a diverse range of family situations will allow agencies to attract individuals who otherwise wouldn’t even consider a law enforcement career.

Another issue of reasonable accommodation that can deter women from a law enforcement career deals with maternity-leave policies. Several federal laws provide significant protections for pregnant women. The Pregnancy Discrimination Act prohibits discrimination on the basis of pregnancy, childbirth or any other conditions the same as all other applicants and employees as it pertains to their ability or inability to work and perform certain job-related functions. A Law360.com article cites that the Fair Labor Standards Act requires employers to provide reasonable, unpaid break time for nonexempt nursing mothers to express breast milk. The Family Medical Leave Act provides covered

workers with a right to 12 weeks of job-protected, unpaid leave for childbirth and bonding with a new child, among other reasons. And while pregnancy itself is not a disability, The Americans with Disabilities Act states that pregnancy-related impairments can be disabilities if they substantially limit a major life activity.

For young women looking at career options, agencies need to be aware that they are not just looking down the road to what retirement may look like, many are looking down the road to what starting a family will look like in that career choice. If an agency does not allow light-duty assignments for pregnant officers the same way they would for any other temporarily-disabled officers, it can push female candidates away from desiring a career with that agency.

Likewise, the Law360 article suggests “employers should review their leave and benefit policies and practices to determine whether ... employees with pregnancy-related disabilities are treated the same as other temporarily-disabled employees for accrual and crediting of seniority, vacation calculations, pay increases and temporary-disability benefits.”

**CONSIDER THE REPERCUSSIONS OF REDUCING STANDARDS**

“When I came into policing, there were 1,300 applicants; today we are lucky if we get 300 to come and take the test,” Weathers said about Lexington’s decline in applicant pool.

The 2014 Law Enforcement Executive Forum report on strategies for police recruitment looked at options for departments to bolster their supply of candidates.

“Some departments have decided to ‘open the faucet’ of supply by eliminating many traditional restrictions,” the report states. “Easing qualifications and hiring restrictions often have proved politically volatile and attracted criticism for being short-sighted. For many departments, the short-term concern for filling empty chairs on test day can be remedied by relaxing requirements. However this leads to charges that departments are lowering hiring standards.”

Decreasing restrictions in areas such as residency constraints, educational requirements, experimental drug use, bad credit history and minor arrest records most likely will raise the number of applicants

agencies have for their vacant positions. For agencies struggling to receive enough viable applications to fill open positions with qualified, capable officers, some of these changes can be beneficial.

This past summer, Louisville Metro Police Department chose to alter two job stipulations for would-be Louisville officers. The first was the agency’s 60-hour college requirement. They took it back to the statewide requirement of a high-school diploma or GED equivalent. In the first four weeks, LMPD’s applications soared, said Sgt. Daniel Elliott who leads LMPD’s recruitment efforts. From July 21 to Sept. 19, the agency received 684 applications, more than half of what they received for the entire previous year.

In addition, LMPD also relaxed its policy on applicants having used, possessed or sold marijuana from within the past six years down to three years.

“We did reduce the drug requirement,” Elliot said, “but ours still is strong. It is three years for marijuana, but six for any prescription or other drugs.

“And changing the college hours does make applications go up, but there is the same vetting process for all applicants — it still is a rigorous process,” Elliot continued.

But agencies also should keep in mind the potential implications lowering hiring standards may have on the way the community views officers. The LEEF report advises that relaxing such restrictions can interfere with a department’s ability to build community confidence in the quality of its officers.

Recruitment of suitable, adept and diverse officers has been and will continue to be a struggle for many agencies. Agencies should take the time and effort necessary to review policies and recruitment tactics to see if there are areas that can be changed, tweaked or completely overhauled to ensure individuals who could make fantastic officers aren’t being turned away by outdated rules and regulations. These rules may not accurately reflect the caliber of people an agency truly wants and needs serving its community.

“Your human resources department isn’t responsible for recruiting, we are — our officers are,” Weathers said. “It’s a total agency recruiting effort.”

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



PHOTO BY JOHN ROMAN@28F.COM



# KACo



## Kentucky Association of Counties provides more than just insurance

**ABBIE DARST** | PROGRAM COORDINATOR

Since its creation in 1974, the Kentucky Association of Counties has represented the needs of county government in legislative matters and offered a variety of services and assistance to Kentucky's 120 counties to improve and promote the progress of county government.

KACo's property and casualty insurance program, known as the All Lines Fund offers law enforcement liability coverage. With most Kentucky sheriffs' offices providing full-time law enforcement coverage, along with several counties supporting a county police department, this is a high-liability area for KACo.

Seeking first and foremost to protect Kentucky's law enforcement officers and in turn reduce county liability and claims,

KACo offers many services supporting training and loss control through its Safety and Loss Control department. Those services include a traveling firearms simulator KACo loans to local law enforcement agencies and county governments to offer officers, officials and even civic groups the opportunity to experience the situations and circumstances hundreds of thousands of law enforcement members across the country face daily. The simulator trains in different techniques and teaches them how to make life-and-death decisions, using 400 scenarios where the outcome can be altered based on how an officer reacts to the situation.

KACo also offers defensive driving classes, including Coaching the Emergency Vehicle Operator and pursuit management

courses specifically for law enforcement officers. The CEVO II course focuses on comprehensive coverage of collision-prevention techniques, including cushion of safety, scanning, vehicle positioning, handling blind spots, safe backing and parking procedures. In addition, it provides coverage of a wide range of other safety-related topics, including vehicle inspection, emergency and non-emergency driving differences and maneuvering procedures specific to police business, such as U-turns and pulling over violators.

"We lose more officers each year to driving-related incidents than any other category of line-of-duty deaths," Department of Criminal Justice Training Commissioner Mark Filburn said. "Any training that can be done to minimize the number

of officers injured while driving or in traffic related incidents is welcome and beneficial to the entire law enforcement community."

According to National Law Enforcement Officers Memorial statistics, as of Oct. 12, 2016, 39 officers have been killed in traffic-related incidents in 2016, second only to firearms-related incidents which are up by 50 percent from the same time in 2015. KACo's focus on these two areas is vital in educating and preparing Kentucky's deputies and county officers to keep them engaged and deter complacency, Filburn said.

However, KACo doesn't just offer its own training and equipment to help make Kentucky's officers safer and educate government officials on realities of law enforcement duties, but also helps sponsor training by other providers. For example, in June KACo partnered with the DOCJT and Kentucky League of Cities to pay for the Training Safety Officer and STOPS training for DOCJT instructors.

"One of the first phone calls I received after coming to DOCJT was from Brian Roy at KACo, letting me know that KACo was fully supportive of the mission of training and wanted to help in any way they could," Filburn said. "Our partnership and relationship with them is very important."

In his former position with KLC, Filburn partnered with KACo on numerous joint initiatives, including developing and providing model policies for law enforcement agencies across the commonwealth. KACo also stands in support of Kentucky's sheriffs by partnering with Kentucky Sheriffs' Association to assist them in acquiring high-caliber speakers to bring some of the country's best and brightest to provide leadership training at KSA's annual conferences.

"In conjunction with the Department of Criminal Justice Training, we find the folks we want to bring in and ask KACo if they can help make it happen; they always say yes," said KSA Executive Director Jerry Wagner. "Our conference is not just a 40-hour in-service, it's actually very high-caliber leadership training."

Wagner touts Kentucky's sheriffs' connection with attorney Jack Ryan as one of the biggest assets KACo has provided through working with the KSA. Ryan has conducted training for law enforcement, attorneys, and risk managers nationwide. In addition, he has led multiple projects in writing model policies on high-risk, critical

tasks for jails as well as law enforcement road operations. Ryan also has provided expert consultation and testimony in law enforcement litigation throughout the United States.

"He is a resource Kentucky sheriffs use nearly day to day," Wagner said of Ryan, "especially if you think that around the state every day an agency is using a policy that he helped create or taught us on that issue."

KACo is a positive and vital resource from which Kentucky's sheriff agencies and county police departments should look to build positive relationships and glean from the services and programs they have to offer to keep their officers and communities safer. 🐾

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

**DID YOU KNOW...**

You can download more than 40 model policy templates directly from KACo's website? To access the policies, visit <https://www.kaco.org/en/insurance/loss-control-services/kentucky-law-enforcement-policies-and-procedures.aspx> or scan this QR code with your smart device.



**DID YOU KNOW...**

KACo provides links to videos and downloadable PDFs with first-hand accounts of officers involved in critical incidents and best practices when it comes to pursuits and traffic stops? These media provide a plethora of information and personal accounts from officers and agencies across the nation. To access KACo's media section visit <https://www.kaco.org/en/insurance/loss-control-services.aspx> or scan this QR code with your smart device.



ILLUSTRATIONS COURTESY 123RF.COM





# POLICING A 'PRIZED POSSESSION'

ABBIE DARST | PROGRAM COORDINATOR

PHOTO BY JIM ROBERTSON

## University of Louisville Police Department



*What happens when a group of highly trained and experienced law enforcement officers decide they are ready for a change of pace? In the University of Louisville's case, nearly 30,000 students, faculty and staff benefit tremendously.*





In 1991, Chief Wayne Hall, like numerous members of the University of Louisville Police Department, came to the agency after a 21-year career with Louisville Police Department.

“Many of our officers are retired from other places, and the average time served is 25 years, so they have experience with multiple things and can deal with anything that takes place on campus,” said UofL Lt. Col. Kenny Brown.

Though this band of highly qualified and experienced officers can handle just about anything thrown at them, their service to the university is more about building relationships than wresting criminals.

“It’s a truer community policing here,” Brown said. “We’re the only 24-hour, 365-day a week unit on campus and responsibilities fall on us that wouldn’t necessarily fall on a larger police department. I tell [our officers] you are a police officer, but also be a parent. Some people do stupid things, and sometimes you don’t want to give them a criminal history on something stupid.”

Chief Hall agrees.

“What more prized possession do you have than children?” he asked. “Parents trust us with their prized possession and we should be honored that they trust the university and know they will be taken care of. So we don’t focus on tickets and arrests, but instead on helping students get through their four or five years here, and leave with an education and with the best experience we can help them have.

“Even though we are law enforcement, we are tied into that educational side too,” he continued. “We keep them safe, take care of them and treat them like our own.”

To that end, the UofL Police Department conducts various trainings and events focused on student engagement, understanding and safety, beginning from the moment they step foot on campus as first-year students. Maj. Aaron Graham facilitates orientation for new students, faculty, staff and parents. At a university this large, Graham says orientation training is a series of months, not a single week, beginning in May and ending in mid-July.

◀ Chief Wayne Hall has served the University of Louisville Police Department for 25 years. He and his staff are responsible for serving a campus of approximately 30,000 students, faculty, staff and visitors every day.

Orientation is used as a way for the police department to introduce itself to students and parents, explaining its role and the services provided on campus.

“A key element is talking to parents and allaying their fears of sending off their children to this university,” Graham said.

Once the student population is settled in and their back-to-school routine kicks off, Graham continues his interaction with students through safety presentations and open forums discussing their rights as students and adults.

“We let them know that any time they need to talk or know about some part of the legal system or the police department, or even about what’s going on in the world, we are at their beck and call,” Graham said.

Many officers also serve as mentors to student groups through the multicultural center, religious groups and the LGBT

community on campus. This mentorship precipitates further interaction and relationship building between students and law enforcement, helping students see university officers as not just officers, but people there to support them throughout the school, Graham said.

The agency also hosts several events intended to build bridges between the campus population and police department. They host an annual cookout early in the fall semester in the courtyard near the department. They also put on Cops, Cards and Coffee events. Over coffee, fruit and donuts, students are encouraged to talk with officers about any concerns they have on campus, Chief Hall said.

#### CHALLENGES OF AN OPEN CAMPUS

Though building relationships and helping students succeed is a significant part of

the UofL police department’s goals, their biggest task is keeping the campus and its student body safe. Being a city within itself of 30,000 people stuck in the middle of an urban area, outside issues and crime often penetrate the campus environment.

“Our biggest concern is what’s coming into campus — we have to be diligent to make sure people from outside don’t victimize our community,” Graham said. “The university is tied to the city and encourages general outsiders to use campus services. So we have to discern who is and who is not a part of our community.

“Thieves know what will be here — computers, laptops, iPhones, expensive bicycles,” Brown added. “It’s hard to tell who is who because the face of the university is no longer that traditional 18-year-old student with a backpack. We have everything from juveniles here taking classes to senior >>

▼ (below) The Thinker statue that sits in front of Grawemeyer Hall is the first large-scale bronze cast of The Thinker by French sculptor Auguste Rodin in 1904. Eight total have been cast, but as the first large-scale Thinker ever cast, UofL’s Thinker claims priority as the most original.

► (right) UofL Police Resource Officer Dion Dodson checks in with one of seven affiliate residence complexes near UofL’s campus. Though geared toward university students, these affiliate locations also contain non-student residents and consume the bulk of Dodson’s assigned area.







PHOTOS BY JIM ROBERTSON



▲ Resource Officer Dion Dodson has served the UofL Police Department for three years. The resource officer position was created after a string of robberies in the northwest quadrant necessitated an added police presence and oversight, Dodson said.

>> citizens. That kid with the backpack may or may not be a student and some old guy may or may not be a student.”

About two years ago, as a way of combatting a rise in crime in the northwest end of campus, close to what is known as Cardinal Town, the department created a resource officer position. The resource officer is permanently assigned to the area that includes residence halls, affiliate apartment complexes, businesses and restaurants.

“Being an open campus, we get our share of [difficult people.]” said Officer Dion Dodson who serves as the campus resource officer. “A lot of homeless individuals, who most would refer to as [mentally ill], enter our campus. They don’t mean any harm, but often these young students don’t know how to take them.

“They are easy marks for money too, because students will feel sorry for them,” Dodson continued.

Dodson has served the UofL Police Department for three years, after retiring from LMPD. Before taking on the newly-created resource officer position, Dodson served as a K-9 officer for the agency. UofL only brings Labradors onto its K-9 team because they are more friendly and less aggressive, which is important in a campus setting, Dodson said. The Labradors act strictly as drug dogs and are not trained in search or attack work, he added.

#### TECHNOLOGY AND BEST PRACTICES

Educating students on best safety practices, paired with technology to boost communication and notification, and continuous improvement in keeping areas like the

L-Trail well lit, are just some of the other endeavors the agency undertakes to improve campus safety.

The department has a system to put out real-time alerts when crime takes place or if there are areas of campus people need to avoid, or whatever is necessary depending on the incident, Hall said. They also offer an app called Rape Guardian that students, faculty and staff can download onto their smartphones. Within the app, an individual can set a timer when he or she leaves a location for how long it should take to get to his or her car or residence hall. If the alarm goes off, it immediately notifies the department’s 911 communication center and an officer is dispatched to the individual’s location.

“We can do emails, texts, push notifications on phones, sirens around campus

— we have several ways to get information out depending on the situation,” Hall said.

“Our systems help us connect with students and keep them informed the best we can,” Graham added. “In this digital age, email isn’t always the most effective, so we use every medium available to ensure we’re reaching everyone.”

In addition to using technology, officers also are available to provide escorts for students after evening classes or after leaving late-night shifts at UPS. Escorts will go up to four blocks off campus, which is significant because many UofL students are not simply living in campus residence halls. As the campus has continued to expand in recent decades, new affiliate housing units provide residence to thousands of students. Expanding to seven this semester, these affiliate housing complexes are on the edges of the campus and cater to the needs and expectations of college students, but they also are home to non-student residents as well. These affiliate housing communities have expanded the responsibilities of campus police.

However, this expansion also serves to foster an even closer working relationship between UofL police and Louisville Metro police. Any crimes or issues that arise in these affiliate areas surrounding campus, up to six blocks away, are handled by UofL officers, even if it ends up not relating to or affecting UofL students.

“Though it’s not officially our jurisdiction, we have countywide jurisdiction, and we do that to help Louisville Metro,” Hall said. “LMPD receives a lot more calls for service, and we have the time to make those calls, and it makes our students and staff feel safer. We have officers on bikes and ATVs, and we ride through those areas to be seen.”

In addition to traditional law enforcement rules and regulations, UofL police are required to follow all Department of Education guidelines. They are required to submit an annual crime report containing data on nine different crimes. In addition, they must comply with Title IX and keep accurate records about sexual assault and domestic violence incidents on campus. These mandatory reports keep them in compliance with the Michael Minger Act, which is a state version of the Clery law that requires public colleges and

universities to report campus crimes to their employees, students and the public in a timely manner.

All this must be done while constantly adjusting to an ever-changing population, Graham said.

“You have to think of this as a small city, and we have to be very adaptable,” Graham said. “Every four years we have a complete population change. Each year we have 13,000 people that weren’t here the year before. There are very few cities that have that kind of population shift, and we have to be ready to deal with the changes that come with that shift.”

“In a university setting you see changes quickly in social attitudes, and we are always evolving how we do policing in general,” Hall agreed.

With a mission to maintain public peace and safety, safeguard the assets of the institution and its faculty, staff, students and visitors and assist in providing an environment conducive to teaching, research and public service, the University of Louisville Police Department has a unique law enforcement role in the community they police. But their emphasis on building relationships, creating community and fostering trust and understanding among their residents sets them up as a premier law enforcement agency providing a consistent and highly-professional service to the people in and around them day to day and year to year. 📍

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

▼ April Thompson is one of nine telecommunicators who serve the UofL dispatch center, which is a fully-operational center with a computer-aided dispatch system tied into Louisville Metro police and six other local agencies’ systems.

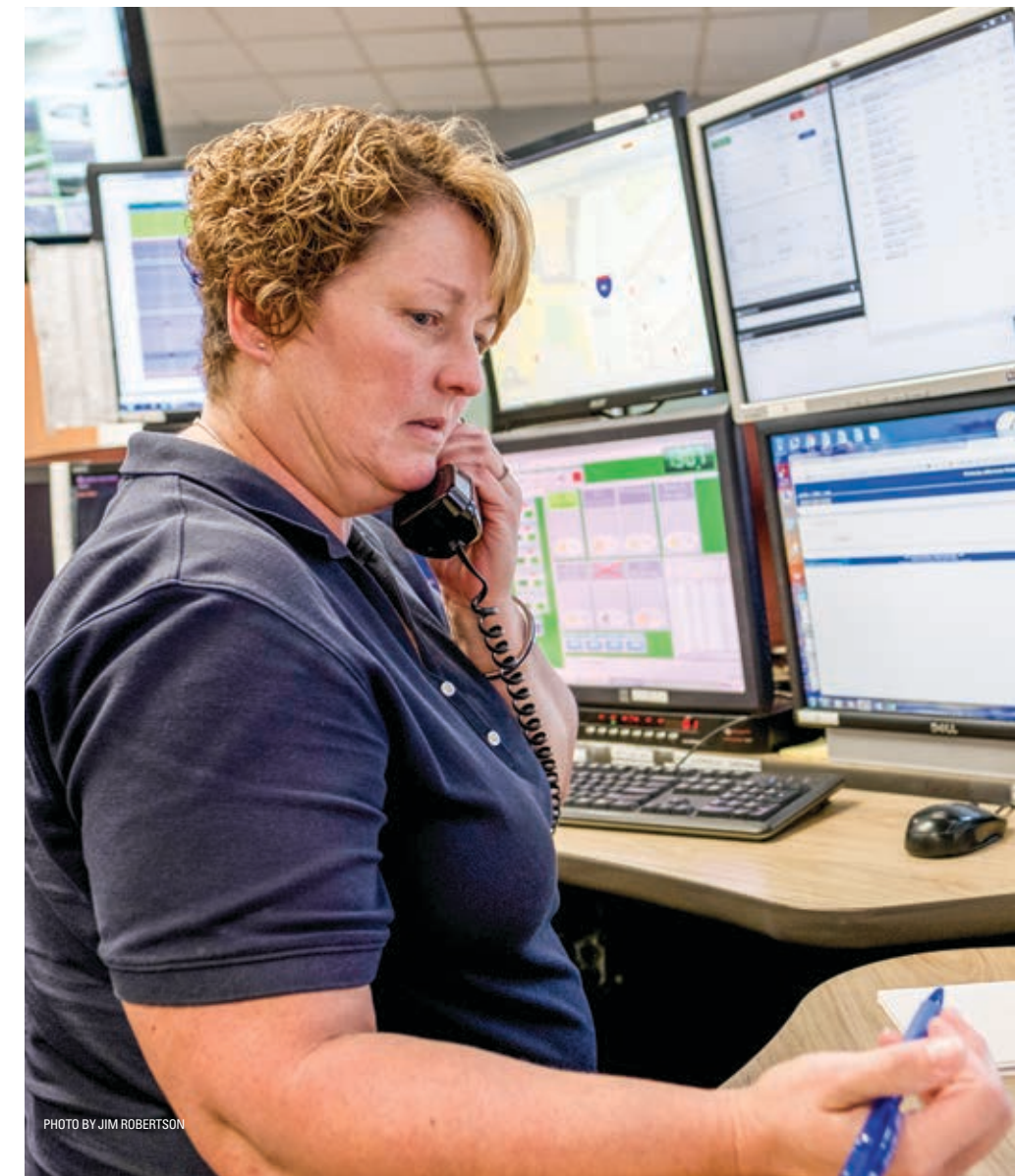


PHOTO BY JIM ROBERTSON



# EVERYDAYHEROES



PHOTO BY JIM ROBERTSON

## Georgetown Police Officer Natalie Payne

ABBIE DARST | PROGRAM COORDINATOR

**A**t 26 years old and barely 5 feet tall, Natalie Payne became Georgetown Police Department's third female officer ever. Thinking her small stature would keep her out of law enforcement, Payne pursued her passion for music before a position as director of community action took her down the path to a law enforcement career — and she's never looked back. She spent years working criminal investigations, focusing on crimes against children and domestic violence, including a four-year stint with an FBI cybercrimes task force. Currently serving as GPD's community relations officer, Payne's career has afforded her the opportunity to make thousands of connections and impact the lives of countless children and adults in her community through education and compassion.

**I am a go-to resource for people in the community.** I get calls for a variety of needs. For example, a mom in a domestic-violence situation, left without money and needing a car seat, I will reach out to everyone I know and try to fulfill that need. I have people who don't have food, and I help with that. I had a victim of sexual assault who was so afraid that she was sleeping in her closet. I realized she had no deadbolt, so I reached out to what I call 'my people,' who are those I've built relationships with in my community. I asked if anyone could help me get a deadbolt into her door. My citizens' police academy spent a whole Saturday, bought everything that was needed, and fixed it for her.

**One Friday afternoon I received a** child-abuse call. Responding to that one call changed my life forever. The call was for — eight children and there was a significant amount of physical and emotional abuse, neglect, dependency — the whole gamut that had gone on for years, to the point where the children never had been enrolled in school.

**The next morning, the family was weighing on my mind,** so I called to check on them. From that moment on I became part of that family — they became my kids. That was eight years ago. I am very proud to say they have excelled in school to the point where they received scholarships with their entire college paid for. That case

showed me the magnitude of what a community of people can do. I had so much help from so many people — the school system, churches, anonymous people who, on a regular basis, would ask what I needed and help. People came together and helped get them to where they are successful young adults. That's all I ever wanted for them.

**The children ranged in age from 19 years to 4 months.** I realized at the onset all they knew was each other, and it would destroy them to be separated. I was told I had to find a place where they would all fit and meet the (necessary) rules and regulations.

**It was so cool. The Georgetown Housing Authority put in overtime** to get a unit all cleaned up. My mom, dad and church did a makeover and the kids had no idea what was going on. They had beds, tables, chairs and couches, and everything matched. There was food in the fridge and they each had clothes in the closet. They finally had a home. Before, they were sleeping on plywood floors with no beds.

**When we brought the children to their new home,** they came running in and said, 'Oh Natalie, this is a mansion.' I could hear them counting and they asked, 'You mean we all have our own bed and don't have to sleep on the floor?' And I told them, 'No matter what, you will always have a bed.'

**This position is great** because it gives me opportunities every single day to have a really significant impact on people's lives. I don't know any other profession where you get to do that. People don't call police when things are great, but when they are having a really bad day. How you approach that has the ability to help them move right on with their life and get things back on track. And it doesn't cost anything but your time.

**I have great family support.** I am the only police officer in my family, but my father is a lifetime resident and business owner in this community. As a public relations officer, I have learned so much from him about investing in people and cultivating those relationships with the community.

**Twenty-one years into this job, I have learned** how exceptionally crucial your approach to the ever-changing climate of this profession is. Attitude truly is everything. Upholding an optimistic and encouraging attitude will get you through difficult times and have such a remarkable effect on everyone you encounter.

**From my mom I learned** the importance of having compassion for others and for being humble and having a serving heart.

**I have partnered with the school system** to educate kids on sexting and cyber safety. Last year, I reached more than 2,500 students. It's so important to provide young people those very critical skills they need to make good decisions. Being in schools, talking to students and building relationships makes them more comfortable so we can have very open conversations about being safe, and they feel comfortable enough to come and ask for help when they make a mistake.

**The program spread to all the middle schools,** reaching sixth through eighth grades. I soon realized we were not hitting children early enough with that information, so I brought some elementary schools on board that allow me to talk about these issues beginning in fourth grade.

**I provide training for parents, and I also work with churches** because they bring in volunteers to take care of children. It is so important to give adults and kids those tools they need to stay safe. There are some crimes against people that you don't get a do over, and you can't fix that. I like to give everyone enough information to prevent our children from becoming victims.

**In 2012, when Chief Mike Bosse came to this agency,** we began the journey to create a premier law enforcement agency with his leadership and guidance. Within our agency, everyone's job varies, but I love working with all our officers and have a lot of respect for each of them. They do a great job in the community. They all work hard, and I'm glad to be part of such a professional department.

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



# OPIOID DEATH INVESTIGATIONS

KELLY FOREMAN | PROGRAM COORDINATOR

**T**he image of heroin overdose no longer evokes the portrait of wasted junkies with track marks in their arms and lives of addiction told in their empty eyes and sunken faces.

Today it is a tiny toddler in pink princess footed pajamas, crying out as her mother lay motionless in the floor of a Family Dollar store. Barely old enough to form the words, she shakes her mother, picking up her hand and pulling her as she screams, 'Mommy, get up!' between her tears.

It is the widely-circulated image of a small child still buckled into his car seat while both his parents lay unconscious in the front seats of their vehicle on the side of a busy road. In Kentucky, it's a high school cheerleader lying in her dealer's bedroom, still wearing her school t-shirt, her head lying in her own vomit and the breath gone from her lips.

Stories of record-breaking levels of heroin overdoses have become a routine part of Kentucky's news reports recently. Along with them have come the wake of survivors left to pick up the pieces. It is because of those survivors that Kerry Harvey, U.S. Attorney for the Eastern District of Kentucky, says drug trafficking is not a victimless crime. Using federal law 21 U.S.C. § 841(a)(1), Harvey's office has devised a strategy, working together with first responders, to bring justice to these survivors. >>

PHOTO COURTESY OF BELCHONOCK / 123RF.COM



>> LIFE-SAVING LAW

The law has been on the books for decades, but as the number of overdose deaths continued to climb, Harvey and his team gave it a fresh look to determine if its applicability could ultimately lead to saving lives.

“We have prosecuted overdose cases for some time,” Harvey said. “In the past year and a half to two years as the opioid crisis worsened, heroin and fentanyl hit the streets in significant quantities and the number of overdoses skyrocketed, we decided to undertake a focused initiative to pursue these overdose cases under federal law.”

Enacted in 1970, 21 U.S.C. § 841(a)(1) gives federal prosecutors the advantage of severe penalties for anyone convicted of causing the death or serious bodily harm of a person to whom they sold heroin, fentanyl, carfentanil and other potentially-lethal drugs. A person convicted of trafficking under this law can be sentenced to no less than 10 years in federal prison with the possibility of a life sentence. However, if the victim dies as a result of the drugs they received, or if they were on the brink of death but revived with Narcan, the sentence is increased to a mandatory 20-year to life sentence.

After two or more prior felony drug convictions, a federal judge can impose a mandatory life sentence.

“We think it is important to prosecute these cases for a number of reasons,” Harvey said. “One is the significance of the sentences and the certainty of severe

punishment. We hope that has a deterrent effect. Second, there is a tremendous incentive for the defendants facing these charges to cooperate with the authorities. Our goal is always to prosecute as high up the drug distribution chain as possible.

“Thirdly, trafficking in these substances, particularly now with heroin and carfentanil, it is not a victimless crime,” Harvey continued. “Anybody who believes trafficking is a victimless crime should come to one of our USA HEAT (U.S. Attorney’s Heroin Education Action Team) meetings with a group of parents, brothers, sisters and children who have lost someone they love to an overdose death. You will find out very quickly that these sentences are appropriate in cases where the conduct is particularly aggravated, and these victims are entitled to justice.”

For law enforcement, pursuing an overdose death under this law requires a mental shift. As Versailles Police Detective Keith Ford noted, many times law enforcement historically has not been called to the scene of an overdose death. If they were called, often it was not for the purpose of an investigation unless there was obvious evidence that led first responders to get police involved.

“Overdoses typically were just a medical run,” Ford said. “The police were called if EMS workers discovered some sense of a crime with the death, but that was very rare. Because by the time EMS got there, the people around the victim usually

would have cleaned up the evidence. So it just wasn’t a police matter.”

**OVERDOSE IN VERSAILLES**

About 1 p.m. on a July afternoon in Versailles, a woman overdosed at a local business near the sheriff’s office.

“It was a block away from the sheriff’s office, so a deputy went over because it was across the street, but the police were not called,” Ford said. “We were not summoned to the scene at all and we wouldn’t have been. But the sheriff’s deputy called our sergeant at the time and said, ‘Look, we have her, she’s being taken to the hospital, we have some stuff here.’ It was a syringe, spoon, phone, that kind of thing. We were simply there as a police department to collect drug paraphernalia. There was no thought other than somebody had died as an overdose victim — though it was very tragic, we didn’t have any tools available to prosecute in this way with state laws.”

However, just a few hours earlier, Ford had listened to Harvey explain his new initiative to a group of law enforcement encouraging them to treat each overdose scene as a crime scene.

“So when the sergeant came back with the items he collected, I said, ‘I just went to a meeting about this,’” Ford said. “Let me call Todd Bradbury,’ the assistant U.S. attorney who was leading the charge from this office at the time. I asked him what he thought, and he said it was exactly what they were trying to do.”

The victim was being transported to the funeral home when Ford intercepted and sent her body for an autopsy. After reviewing her phone, Ford said some of the message windows were still available on the phone even with it locked that identified a local drug dealer the officers knew well as the person on the other end of the conversations. Their interest was piqued and with the help of the Kentucky State Police e-crimes, the officers were able to retrieve the rest of the text messages, which unfolded the whole story, he said.

“We emphasize in all our trainings that quantum shift between accident and crime

◀ Kerry Harvey, U.S. attorney for the Eastern District of Kentucky, has devised a strategy to bring justice to families of overdose victims.

scene,” said Jason Parman, assistant U.S. Attorney in the Eastern District of Kentucky. “This is a good example — the heroin at the scene, needles, spoons, phones — those are the fundamental building blocks to build a case.”

**IT’S NOT A MURDER CASE**

While pursuing prosecution of someone who caused the death of another typically is considered a homicide investigation, it is important to note that applying this federal law does not equate to a state level murder charge. As such, the investigations also do not reach the depth of murder investigations.

Versailles Police Detective Steve Sparkman has worked together with Ford to establish a protocol among all the first responders in their community from EMS and the local coroner to their own co-workers and other local law enforcement. He encourages his fellow officers faced with an overdose investigation to make that leap from accident to crime scene and then just start with the basics.

“When you go into a scene, look for signs of paraphernalia and drugs, obviously, what the victim was dealing with,” Sparkman said. “If EMS are there, is the victim alive or dead? Was Narcan administered? It is really a simple, basic investigation. It is not as complex as people might think.”

Before taking on these overdose investigations, Sparkman said he was not very familiar with working in the federal system, but Harvey’s team has helped make the transition an easy one.

“Some officers may be misled thinking that it’s a federal initiative, so this could get extreme,” Sparkman said. “I think that’s the misconception of a lot of officers — including myself at one time. I hadn’t dealt much with federal agencies, especially on a death investigation. But Mr. Harvey has done a great job of telling us, ‘This is what we can do,’ and working with us to make it very simple. It really is very simple compared to some other investigations.”

Parman agreed. “People often think this requires a great amount of time and is a resource drain on law enforcement agencies, specifically smaller agencies,” he said. “Basically this is a normal drug case with an extra element. If you treat the overdose like a crime scene, that is the very first step of the process — taking evidence — that’s what we need to



◀ Versailles Police Detective Keith Ford said prior to working with the U.S. Attorney’s office, his agency did not consider overdose cases a police matter — they were largely considered a medical scene because there was no state case law that provided an opportunity for prosecution. (Ford asked for his face to not be shown)



PHOTOS BY JIM ROBERTSON

make the case. Document your scene, take evidence, let us know what you have.”

One of the key pieces of making these cases work is garnering cooperation from all parties involved. In Versailles, Ford and Sparkman established a protocol that now has seen them through several successful cases. The detectives also have communicated with neighboring jurisdictions to help them understand the initiative and be able to work together.

“We work with EMS every time we have a medical run to an overdose, we have at least one officer going with emergency services to assess the situation and determine whether or not it will qualify under this initiative,” Ford said. “We had local training to discuss what we are

looking for and how we get this done. We had EMS present and the coroner’s office present so we could all get on the same page and know what we were doing as far as custody of phones, paraphernalia and interviewing witnesses.”

Establishing that protocol is necessary because following the guidelines of this initiative is not traditionally how first responders have handled overdose deaths. Requesting an autopsy on an overdose victim, for example, is necessary to identify if it was the drugs they purchased from the suspect that caused their deaths.

“You need buy in from the medical examiner,” Ford said. “The victim might have a cocktail of drugs in their system. The toxicologist can determine if the level >>



PHOTO BY JIM ROBERTSON



>> of fentanyl in their system was the cause of death.”

Harvey’s office urges cooperation and communication in their trainings. Parman agreed that getting everyone on the same page can make the difference in being able to prosecute the case or not.

“Many times without that buy in from local first responders, these cases are viewed as an accident, the victim is taken to the funeral home and we lose some valuable evidence in the process,” Parman said. “If somebody overdosed in the past, they didn’t get sent to the medical examiner. They went straight to the funeral home.”

Harvey said his office already has conducted trainings in northern Kentucky, Lexington and Louisville, as well as speaking to the Kentucky Coroners Association, and they will offer training to anyone interested in partnering on these cases.

“The first thing we did essentially was invite not only our law enforcement folks, but also our mayors, county judge-executives and community leaders in for an informational meeting,” Harvey said. “We explained the federal law, and how we’re going to try to use it in the middle of this horrible epidemic. We are all struggling

to find a response that will help, and we thought this was something we can do — but we can only do this with very strong partnerships with our state and local authorities.”

#### NARCAN SAVES

Under this law, the life of the overdose victim does not have to be lost for the trafficker to be prosecuted. Anyone who sells or distributes these drugs that leads to serious bodily injury also is subject to punishment for their involvement. The first case Parman ever prosecuted under this law was a survivor case, he said. The question then turns to whether or not the drug contributed to a substantial risk of death.

“If you literally have somebody in the process of overdosing, and what brought them out of that was designed exclusively to counteract the effect of an opiate, there is not a problem finding an expert who will say the victim was at a substantial risk of death, if not but for the Narcan,” Parman said.

“Then you have a live witness at that point,” Parman continued. “If anybody is ever in the mood to be cooperative, it is somebody whose life you just saved. Many

times they are willing to say, ‘I need help. This is where I got my drugs.’ We are not out to throw addicts in prison for using or abusing. That’s not our point. We want to try to keep them from becoming a death statistic. What we try to do is partner with them to remove the traffickers who are creating this epidemic.”

Because Narcan saves, Ford said having a tangible victim makes moving forward with these cases even easier. Sometimes they experience some resistance, but as Parman noted, most will offer a statement after their lives have been saved.

“These survivor cases really have a lot of potential,” Harvey said. “We have more survivors because of Narcan, and it does eliminate some difficulty of the proof issue and getting autopsies. We know that’s a tremendous burden for a medical examiner.

#### UTTER DISREGARD FOR HUMAN LIFE

Some critics have been quick to question the idea of applying such strict penalties to offenders when the victims voluntarily consume the drugs. But Harvey vehemently disagrees.

“You have to start with the proposition that it is the law,” he said. “What we do is enforce the law. Sometimes that means you set aside your subjective views of it because it is the law. I certainly think in appropriate cases, these charges and penalties are very important. If you have a professional drug trafficker selling heroin and fentanyl, do you really believe that person doesn’t understand that what they are selling is likely to kill somebody?”

“We don’t apply these penalties just by reflex,” Harvey continued. “We choose appropriate cases. Many of these cases see aggravated behavior. I am aware of cases where defendants have traded heroin for sex to young females. We prosecuted a case where the defendant sold a mixture to a woman who was obviously pregnant. I could go home and sleep good at night after I prosecuted that case. These cases where defendants are bringing in counterfeit pain pills by the thousands that turn out to be fentanyl or who knows what else and people are dying. Those are the kinds of cases where we see complete and utter disregard for human life.”

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

**“We prosecuted a case where the defendant sold a mixture to a woman who was obviously pregnant. I could go home and sleep good at night after I prosecuted that case. ... Those are the kinds of cases where we see complete and utter disregard for human life.”**

— Kerry Harvey, U.S. Attorney for the Eastern District of Kentucky

▼ U.S. Assistant Attorney Jason Parman has prosecuted several overdose cases and encourages officers to treat each overdose as a crime scene to determine if the evidence might lead to prosecution of the drug distributors.



PHOTO BY JIM ROBERTSON

PHOTO COURTESY OF BELCHONOCK/123RF.COM



# Today's Russian Roulette

KELLY FOREMAN | PROGRAM COORDINATOR

**Carfentanil is a synthetic opioid that is 10,000 times more potent than morphine and 100 times more potent than fentanyl, which itself is 50 times more potent than heroin.**

— United States DEA

“If you’re putting a needle in your arm, you’re playing Russian roulette,” Dr. Eric Guerrant, an emergency department medical director at Ephraim McDowell Regional Medical Center in Danville recently told reporters. “If you’re taking carfentanil, it’s like you’re putting a gun to your head and pulling the trigger.”

When carfentanil became a common news topic last summer and the media began reporting its use as an elephant tranquilizer, even a lay person can understand that a drug intended to take down one of nature’s largest mammals can be deadly to people. Kentucky’s northern neighbor, Hamilton County — which includes the Greater Cincinnati area — reported in September that emergency workers had handled more than 1,000 overdose cases in two short months.

Jefferson County’s coroner reported in August that the metro area had more than two dozen overdoses in one day this summer including Heroin and other unknown mixtures. The Madison County Appalachian High-Intensity Drug Trafficking Area task force successfully prosecuted a case recently that took down a drug-trafficking

organization whose members were convicted of selling upwards of 1,000 grams of heroin and 50 grams of fentanyl.

SWAT officers in Connecticut reported becoming ill after a flash-bang tossed into an alleged stash house sent powdered fentanyl and heroin into the air, making officers dizzy, nauseated and vomit.

Of course, these are just a handful of cases. The problem spreads much further across Kentucky and far outside our borders. But all this begs the question, why are we seeing these drugs so prominently now, and why are they so much more deadly?

“We are just beginning to see carfentanil, and we don’t know how it’s going to develop,” said U.S. Attorney Kerry Harvey, Eastern District of Kentucky. “We are seeing fentanyl show up in large quantities because it is much more profitable for drug trafficking organizations. It is more potent, so to some extent, that is a marketing tool.

“It also is a synthetic opioid, so it can be manufactured in a clandestine lab,” Harvey continued. “People pushing it into the country don’t have to wait for poppies to grow. They can manufacture it when it’s needed, in the quantity that’s needed. While it is exponentially more profitable, we also know that fentanyl is a killer — which again tells you the nature of what we’re up against.”

Versailles Police Detective Keith Ford said fentanyl is in high demand because many addicts generally transition from pills to heroin. But as their tolerance level increases, they no longer can get that original high. They are constantly taking more to maintain a level of health and not experience withdrawal, but often the high is gone. With fentanyl, Ford said long-term addicts are reaching that high once again.

“I don’t want to meet the person who develops a tolerance for fentanyl,” Ford said. “The demand for it is very strong.”

One of the greatest problems, though, is that many drug traffickers are mixing these drugs together. So an addict may buy their regular amount of heroin one day and be fine, but the next time, it’s a lethal dose because it has been mixed with fentanyl, carfentanil or any number of things.

“It could be coffee creamer,” Ford said. “It could be heroin; it could be rat poisoning. Nobody really knows what they are getting folded up in a piece of paper.”

That is why Harvey is so passionate about working together with first

responders to prosecute traffickers whose activities are leading to the destruction of lives and families.

“I don’t want to be too dramatic about it, but I think about these two potentially-different outcomes,” he said. “I think about some young person who overdoses on a heroin/fentanyl mixture, and we show up the way we used to at a scene with ambulances, the coroner says it’s an accidental death, and they take that body to the funeral home. Law enforcement is never involved, there is never any prosecution. That drug dealer in that community has a batch of dope that is deadly, and the next day and the day after that continues selling this deadly dope to more kids in the community.

“On the other hand,” Harvey continued, “we treat these overdoses as crime scenes, we get the good police work we have had from cases, pick up a cell phone, see the text messages, gather paraphernalia, interview the family and, the next day, that batch of bad dope is off the street. People who are in the community are alive who otherwise would be dead.

“We can talk about sentences and police work and all the rest, but that’s the bottom line — people are alive and still with their families,” Harvey concluded. “They have a chance to beat their addiction. This provides hope.”

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

▼ The vial on the left holds a fatal dose of heroin. On the right, the vial contains an equally-fatal dose of fentanyl. This photo, released by the New Hampshire State Police Forensic Lab, puts into perspective how little fentanyl it takes to lead to an overdose.



PHOTO COURTESY OF DMITRY CHEREVKO / IZ3RF.COM



# SURVIVOR STORY:

## JENNIFER POWELL

Sisters are as close as relationships come, and Jennifer Powell and her sister Jolene Bowman were no different.

“She was my little sister,” Powell said. “She was awesome.”

Jolene, a 38-year-old mother of two, met some new friends when she and her husband were going through a separation in her early thirties, Powell said. Jolene began experimenting with recreational drugs when she would get together with these friends. But eventually she turned to pain pills as addiction took hold.

She hated the addiction and had committed herself to recovery. For 16 months, Powell said her sister maintained her sobriety. But the hope for a better life for her sister came to a crashing halt on July 1, 2015 when she got a call that Jolene had overdosed.

“Not being an addict, it is difficult for me to understand exactly what she was

thinking, her struggle with trying to rationalize after being clean for so long,” Powell said. “Based on the conversation with her dealer, she thought she was getting something like a Percocet. Instead she got a counterfeit pill pressed in the form of oxy or something of that sort.

The pill Jolene took contained a fatal dose of fentanyl, Powell said.

“She worked with my daughter-in-law,” Powell said. “So I got the call from my very hysterical daughter-in-law and I honestly remember — I live about 10 minutes from where it happened — driving to where she was oblivious to the fact that she could possibly be dead.”

Paramedics tried to revive Jolene, but it was too late. She was gone.

“I believe everyone must be responsible for their own actions,” Powell said. “If you break the law, you break the law. Unfortunately, her punishment was death, and I

think that’s a little severe. But she wasn’t a failure. She wasn’t unworthy. She wasn’t her last decision. She was more than that, and so is everyone else who is in this predicament. This is a sickness, a disease. And we have to open our eyes and see that she was just like everyone else. She had struggles. She had choices. And she had a sickness. And a lot of us have it.”

Jolene’s death was investigated by the Versailles Police Department after they were trained by the U.S. Attorney’s Office about pursuing federal prosecution against traffickers whose drugs lead to overdose. As a result, both Jolene’s dealer and his supplier are awaiting sentencing for their responsibility in her death. The efforts made into bringing her sister justice encouraged Powell to join the U.S. Attorney’s Office Heroin Education Action Team.

“Prior to this, anytime you heard of a drug overdose, it was always treated as

► Jennifer Powell, right, and her sister, Jessica Scott, hold a portrait of their sister, Jolene Bowman, who died of an overdose in July 2015 when she was given a counterfeit pill that contained fentanyl.

a medical emergency, and basically the victim who overdosed received nothing,” Powell said. “They were written off as a moral failure, or someone who was completely wrong and they asked for it. And that stigma can’t be placed on that person when they’re not here to take it, so it is placed on the shoulders of the family.

“It was incredibly enlightening for us to learn about this initiative,” Powell continued. “It gives us the sense that maybe my sister was actually worthy. She was a person, and she deserves the same respect as anyone else within our community. It gives me a sense of faith in the law that there is no picking and choosing — it’s for everyone, and that makes me feel better as a person.”

The USA HEAT team was formed in 2015 and sends family members who have lost someone to overdose out to schools, churches and community groups to share their stories, said Kerry Harvey, U.S. >>



PHOTO PROVIDED



>> Attorney for the Eastern District of Kentucky. The team was established as Harvey's office was working more and more overdose cases and building relationships with survivors.

"For me, personally, I have spent time with these folks, and I just have so much compassion for the pain they're going through," Harvey said. "I also very quickly realized these are people who, in many cases, have fought with their child through this addiction for years and have learned so much about the flaws in the system. They also can talk about the positive aspects they have learned about so

many things that only they can know — only people who have been through this can know. It occurred to us that this is a tremendous resource we could use to try to prevent other people from going through this."

Their message is that this can happen to anybody, Harvey said. This epidemic is not targeting one gender, racial, ethnic or socio-economic group.

"After spending time with these folks, I realize I didn't do any better job raising my kids than they did, I was just a little more fortunate," Harvey continued. "Their message is so powerful."

Speaking to groups about her sister's death was tough at first, but now she said it allows her to hold her head up in her community.

"It's overwhelming," Powell said. "There is so much silence when it comes to addiction and overdose. There is so much perceived shame and embarrassment. But when we open up and share our stories, it's awesome and terrible at the same time how many people are going through the exact same thing. It gives us a sense that we are not alone, and that we can stand up and speak out. And the louder we get, the less power these dealers and suppliers have."

Powell hopes to continue to help fight against the misinformation and lack of education that is abundant about drugs and hopefully prevent other families from enduring what her family has endured. She also has a message for Kentucky's law enforcement.

"Here's the one thing I have learned over the past year," she said. "So many different locks have to be unlocked to stop this. But law enforcement is one of the biggest keys. And I truly believe that. We can't do this — the families, communities. We look to law enforcement for protection. And it might seem a little crazy and

sometimes kind of unbearable, but we have faith and know they are working as hard as they can. They are the only key.

"I think if we all work together and all be one entity, we can get this under control," she continued. "But we can't do it without them. I know it's a large load to carry, but they should know that communities are rallying behind our officers, and we have complete faith in them."

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



▲ For more information on the Heroin Education Action Team scan this QR code with your smart device, or visit <https://www.justice.gov/usao-edky/heat>



▲ Jolene Bowman, center, left behind her son, Christopher, left, and daughter, Sommer, right, when she passed away following an overdose. The men who sold her the counterfeit pill have been prosecuted for their involvement in her death by the U.S. Attorney's Office, Eastern District of Kentucky.



▲ Jolene Bowman, left, and her daughter, Sommer. Jolene's sister said Jolene was like anyone else, with her own struggles and joys, who had been working to overcome her drug addiction.



▲ Pictured center is Jolene Bowman with her daughter Sommer, right, and Sommer's prom date.



PHOTO COURTESY OF KATARZYNA BIALASIEWICZ/123RF.COM



# PRESUMPTIVE DEATH CERTIFICATES WHEN THERE ARE NO REMAINS

SHAWN HERRON | STAFF ATTORNEY, DOCJT LEGAL TRAINING SECTION



The document that addresses the end of someone's life is critically important, both in the short term, for families, and in the long term, for historical documentation. In Kentucky, such official state documentation began in 1911, although prior to that date, local jurisdictions did maintain coroner's logs and journals of deaths. These documents are an invaluable source of information about public health, causes of death and mortality statistics. In most cases, the circumstances of a death, while tragic, do not impede the issuance of a death certificate by the coroner. Although in some cases the process may be delayed by the need for additional laboratory or other tests.

But, what happens when there are no remains? Although forensic testing is exceptionally advanced, in rare cases there are minimal remains to be tested for identity. In other cases, there simply are no remains at all. The lack of an official documentation of death can become an insurmountable difficulty for those left behind and who depend upon income from that individual. Without a death certificate, it may prove impossible to access benefits, such as Social Security or insurance, or make other changes, such as selling a house. If the circumstances are such where death isn't even able to be reasonably presumed, such as an adult missing person, it is exponentially more complicated.

However, there are options available in such circumstances, for Kentucky coroners and families.

In cases where there are sufficient remains under reasonable circumstances to rule that a death has occurred, even though a reasonably intact set of remains

isn't present, a coroner may feel comfortable issuing a provisional, and then a regular, certificate of death pursuant to KRS 213.076. (A provisional death certificate allows the funeral director to take custody of the body and make final disposition other than cremation.) Under such circumstances, there may not be a cause of death, but a death certificate may be provided by the appropriate coroner.

It is a long-standing legal myth that it takes seven years to "declare someone dead" — but from where does that assumption derive? Under KRS 393.050, in the chapter of the Kentucky Revised Statutes entitled escheats, there is a presumption that an individual who "is not known to be living" for seven years, and when there is no known heirs and the like, the property may be liquidated and the property then "escheats" — or reverts — to the commonwealth, specifically, the Department of the Treasury. This might occur, for example, where a bank has accounts left untouched for many years, or a safety deposit box abandoned. However, there is otherwise no legal requirement that seven years actually pass before an individual may be declared dead. Under certain circumstances, it can be done very quickly, albeit by a court proceeding. It would require proof sufficient to convince a court that the individual is deceased. This may present an issue if the individual is an adult who may have simply left.

Think about the challenges presented by September 11, 2001. When the World Trade Center Towers fell, an unknown number of individuals died. Over time and through an extraordinary effort, the vast majority of individuals were identified through DNA alone — almost 90 percent. A very small number were identified through

dental records, photos, remains viewed, fingerprints and personal effects. A total of 2,753 people were reported missing, and as of now, an equal number of death certificates have been issued. Initially, the majority of death certificates were issued pursuant to a judicial decree, although many of those were later linked to remains that were recovered and identified.

As a result of the events of that day, the Kentucky General Assembly responded by enacting KRS 422.132, which allows for a presumption of death if a declared catastrophe, under KRS 39A, occurs in the state and the absence of a person can reasonably be connected to that catastrophe. Under that circumstance, the Court may, upon request, declare the individual dead and order the Registrar of Vital Statistics to issue a death certificate. (Presumably, under those circumstances, there would likely be more than one death involved.)

Under other circumstances, if there is clear evidence of death but no remains, the family may seek a court order under KRS 213.086 for the issuance of a presumptive death certificate. There is no specific standard of proof or time frame for requesting a presumptive death certificate, but it is an option when there is no other possibility for obtaining a death certificate through more conventional means.

The death of a loved one is always tragic, no matter the circumstances. When the death occurs in such a way that getting an official documentation of the death is difficult, if not impossible, the heartbreak becomes a continuing nightmare. Understanding the potential options in resolving a situation in which the lack of formal documentation of a death is presenting a problem for a grieving family may bring a modicum of comfort during a trying time. 🇺🇸

## A Local Loss

In the Kentucky law enforcement community, there is at least one public servant who was killed in the line of duty, but for whom no body ever was recovered. On April 8, 1972, Trooper James W. McNeely, along with Boating Officer David Childs, died when searching the Kentucky River for two missing canoeists. (A third occupant of the boat survived.) Although Childs' body ultimately was recovered several weeks later, McNeely's body never has been located. On June 24, 1973, his family held a memorial service for him at the Mayfield Memory Garden and installed a memorial marker for him (pictured at right). He has also been commemorated by having a stretch of Ky. 339 in Graves County near Wingo named for him. (Officer Childs has a similar memorial road marker in Franklin County.)



PHOTO COURTESY OF DEPUTY SHERIFF BRANDON COLLINS, GRAVES COUNTY SHERIFF'S OFFICE.



# PREVENTING CRUISER CASUALTIES

## A Cultural Change is Needed to Bring an Emphasis To Driving and Driver's Training in Law Enforcement

ABBIE DARST | PROGRAM COORDINATOR



PHOTO BY JIM ROBERTSON

### FIFTY-TWO!

Nationally, in 2015, 52 officers lost their lives in traffic-related incidents. That's 52 individuals – moms and dads, husbands and wives, sons and daughters, brothers and sisters, friends and comrades. In eight of the past 10 years, traffic-related incidents have been the leading cause of officer fatalities nationwide.

With almost half of line-of-duty deaths resulting from traffic accidents, there needs to be a cultural change throughout the country to bring driver training back into primary focus.

"We have to put an emphasis on driving," said Kentucky State Police Deputy Commissioner Alex Payne. "It's one of the things that hurts and kills our people all across the country. If we're not focusing on that, then we're missing the boat."

Think about the amount of time the average officer spends in his or her patrol car. Cruisers have become mobile offices, where officers spend the better part of 10- and 12-hour shifts. Moreover, driving is one of those skill areas which officers almost always are very familiar before they

choose a law enforcement career. Their familiarity with the act of driving a vehicle usually is higher than with any other police-related skill, making it easier for them to grow complacent and inattentive when it comes to vehicle operation.

"We ask officers to do a lot, and we ask them to get there as quickly as possible," said Jeff Knox, vehicle operations instructor at the Department of Criminal Justice Training. "We don't care whether it's in rain, sleet or snow, we want them to get there, and do it quickly.

"For this reason I would encourage administrators to make vehicles and training a priority because it will save lives," Knox continued.

There are eight areas related to vehicle operation and traffic enforcement that consistently plague law enforcement. While some are common-sense areas in which officers tend to get lax after years on the road, others specifically relate to training best practices or new technology that has changed the law enforcement driving experience.

### START BY FOLLOWING THE LAW

"We stress when officers are out on routine patrol, one way to save lives is to start by following the rules of the road," Knox said. "Wear your seatbelt — there is no excuse not to."

Not only has wearing a seatbelt been the law in Kentucky since 1994, it is one of the primary ways to ensure one's safety if involved in an automobile accident. However, many officers who were not accustomed to wearing seatbelts before they

went into law enforcement won't do it as officers either, Knox said. He cites numerous excuses officers use for not buckling up, including feeling like it traps them in their vehicle, its uncomfortable with all the duty gear, and it hinders how quickly they can exit their vehicles.

Despite these complaints, Knox and Payne agree there is no valid excuse for not wearing a seatbelt, and it's up to administrators to enforce that, Knox said. In fact, to >>





>> counter some of these complaints, during basic training DOCJT instructors specifically address how to take off a seatbelt when officers make traffic stops — unlatch it, pull it up and drop it, Knox said.

“I was on the road for 12 years, I don’t remember ever getting hung in my seatbelt,” he said.

Second, Knox reminds officers to follow the speed limit and use ‘due regard,’ as stated in KRS 189.940, at all times.

“We have a bad habit of speeding when we’re not even going anywhere in particular,” Knox said. “We should use due regard all the time, not just in pursuits.”

In the February issue of TechBeat magazine, Michigan State Police Sgt. Andy Douville stressed that reaching a call safely is more important than reaching it quickly.

“If you’re responding to an emergency and you end up in a ditch, not only does someone have to come help you, but someone else has to take the call, and you’ve tied up two more people,” Douville said.

The difference between 80 mph and 100 mph across 10 miles is a mere 90 seconds – it’s not worth the danger officers put themselves and other motorists in when using excessive speeds without need.

## DRIVE FOR THE CONDITIONS

Similarly, being aware of road conditions plays into the idea of using due regard. Whether it’s the first rain in 15 or 20 days that makes the road slick like ice or transitioning from cleared freeways to unplowed side streets after a heavy snowfall, officers should use the same common sense when driving that they implore the general public to use, Knox said.

Navigating tight curves also can cause officers to lose control of their vehicles if approached improperly or at a rate of speed that is too high. In basic training, officers are taught to brake and accelerate in a straight line and drive through the late apex of a curve, Knox said. With more than 30 hours behind the wheel in basic training, these tactics become second nature to brand new officers. However, driving is a diminishable skill and, over the length of a career if not consistently practiced, that head knowledge dwindles.

Agencies with newer patrol vehicles do, however, get an added benefit with features such as electronic-stability control, which keeps vehicles from losing control on slick surfaces or when hitting a curve too fast.

“On a slick surface, when you’re coming out of a curve, all you have to do is touch the gas and the back end will start to spin,” Knox said. “In vehicles with ESC, when you enter a curve at 50 mph meant to be taken at 35 mph, the vehicle reads that and automatically cuts torque or power to your vehicle until it regains what it considers control. It also controls your transmission and braking in a split second.

“Officers, I don’t care how good they are, will never be that quick,” Knox continued. “Unfortunately, officers are turning the ESC off because they do not like the way it feels when they drive it. That’s insane. This is going to save tons of officers’ lives — it already has.”

## KNOW YOUR LIMITS

Officers have limitations beyond what ESC can correct as well, and it is important they recognize these limitations to keep themselves safe. Fatigue can keep officers from performing their best. Are you sick? Have you been in court all day with only five hours of sleep? Have you worked multiple double shifts because your agency is short-handed? Have you just left a second job you need for additional income? >>

# Kentucky Administrative Regulation amendment would save lives, dollars

The careers of Nicholasville Police Officer Burke Rhoads and Kentucky State Police Trooper Eric Chrisman were cut short in 2015 when both were killed in separate vehicle crashes.

Kentucky State Police Trooper Cameron Ponder and Richmond Police Officer Daniel Ellis each lost their lives in gun battles last year.

Sadly, Kentucky’s 2015 line-of-duty deaths confirm what we already knew to be true about how our nation’s law enforcement dies. Fire fights and traffic-related incidents have topped the charts for decades as the leading causes of death among officers.

Statistics from the previous year indicate that officers were engaged in 15,725 assaults, resulting in 13,824 officer injuries, according to data from the National Law Enforcement Memorial Officers Fund. While these officers may have survived their attacks, these fights lead to lost working hours, staggering medical bills and potential loss of career.

Driving, shooting, fighting. Whether you count it in dollars or lives, Kentucky is losing. Our officers deserve every advantage we can offer to help them win.

Amending 503 KAR 5:090 to allow for increased training opportunities in these skill areas on an annual basis will provide the commonwealth’s officers a fighting chance.

“Physical skill repetition keeps you proficient,” said Kentucky Department of Criminal Justice Training Commissioner Mark Filburn. “Officers who have repeated annual training work from short-term memory rather than long-term memory from their basic academy training. This enables them to take quick, decisive action when faced with critical tasks.”

Driving, shooting and fighting are skills that are considered diminishable — a term that indicates without practice, an officer over time can lose the skills they once learned.

503 KAR 5:090 currently impedes officers from receiving annual training in these diminishable skills because of a line that prohibits officers from repeating a training course within a three-year period for eligibility in the Kentucky Law Enforcement Foundation Program Fund. The proposed amendment allows for an exception to be made regarding diminishable skills. Officers now could use up to 16 hours of the mandatory 40 annual training hours to devote to driver training, firearms training, legal updates, self-defense, first-aid and more.

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





>> In a 2011 study published in *Police Practice and Research*, Weber University professor Scott Senjo compares fatigue to driving under the influence of alcohol. Both sleep deprivation and alcohol cause impaired speech, inability to balance, impaired eye-hand coordination and falling asleep behind the wheel, Senjo said. Officers are at higher risk of being seriously injured or killed, especially when driving, because they lack focus and do not recognize fatigue's danger signs.

"One thing we say in training is, 'Don't drive beyond your capabilities or beyond the vehicle's capabilities,'" Knox said.

## MAINTAIN YOUR VEHICLE

"We tell recruits to check out their vehicle on a daily basis," Knox continued. "That was my job as an officer."

If the brakes are bad, officers should not change them on their own, but instead take the vehicle to a certified mechanic, Knox recommends. Emergency vehicles require special brakes that are unlike other vehicles.

Officers should check their vehicle's tire pressure before every shift. Tire pressure should be maintained at what the door says. The No. 1 cause for tire failure is improperly-inflated tires, Knox said.

Officers have shown up to training in vehicles with wires sticking out of their

tires, Knox added. Tires are the only piece of equipment between an officer and the road. Driving on poorly maintained, bald or under-inflated tires can be deadly. On wet roads, poor tires on a rear-wheel drive vehicle can cause hydroplaning accidents.

Officers expect a lot out of their vehicles. Knox encourages administrators to put more emphasis on maintenance. Instead of buying some of the latest technology to go inside the vehicle, consider buying new tires, he recommends.

"Take a look at your fleet, what are your tires looking like?" Knox asks. "If administrators do not make the effort to keep up with vehicles, it will come back on them." >>

PHOTO BY JIM ROBERTSON



## >> MINIMIZE MULTITASKING

There are so many distractions available in today's police vehicles. As more and more technology is available inside cruisers to help officers be more efficient and effective, the temptation to multitask behind the wheel is ever increasing.

"Don't get lax behind the wheel of a moving vehicle," Payne said. "Put down the cell phone, and quit looking at the computer screen while you're moving. If you're going to drive, drive. If you need to do those things, pull over."

"When dispatch is calling out to you or giving directions when you're trying to get someplace, don't compound that with cell phones or trying to do something on the computer," he continued. "There will be time for that, but the time is not while you're driving."

## SAFELY NAVIGATE INTERSECTIONS

Not only are there exorbitant distractions from technology within the car, officers often can lose focus from the circumstances outside the vehicle, too.

"We're getting killed at intersections," Knox stressed. "Most fatalities are on emergency runs when officers' adrenaline is up, and they know they need to get there, or they are in pursuit of a violator."

On an emergency run or in a pursuit, when coming to an intersection officers are trained to come to a complete stop; look right, left and right again; and then ease into the intersection. However, when lights are swirling, sirens blaring and adrenaline rising quickly, officers often don't follow these rules.

Officers easily can experience 'brake fade' when they are in high-speed situations where they repeatedly press the brake. Brake fade is the reduction in stopping power that can occur after repeated or sustained application of the brakes, especially in high-load or high-speed conditions. The reduction of friction is caused when the temperature rises and gas builds up between disc and pad, cites an article on EBCBrakes.com.

When an officer approaches an intersection and they attempt to slam on their brakes again, this gas build up won't allow the brake to stop, and they already are out in the intersection and T-boned before they can stop, Knox said.

"The body will never go where the mind has never been," Knox said about the importance of training for these real-life situations.

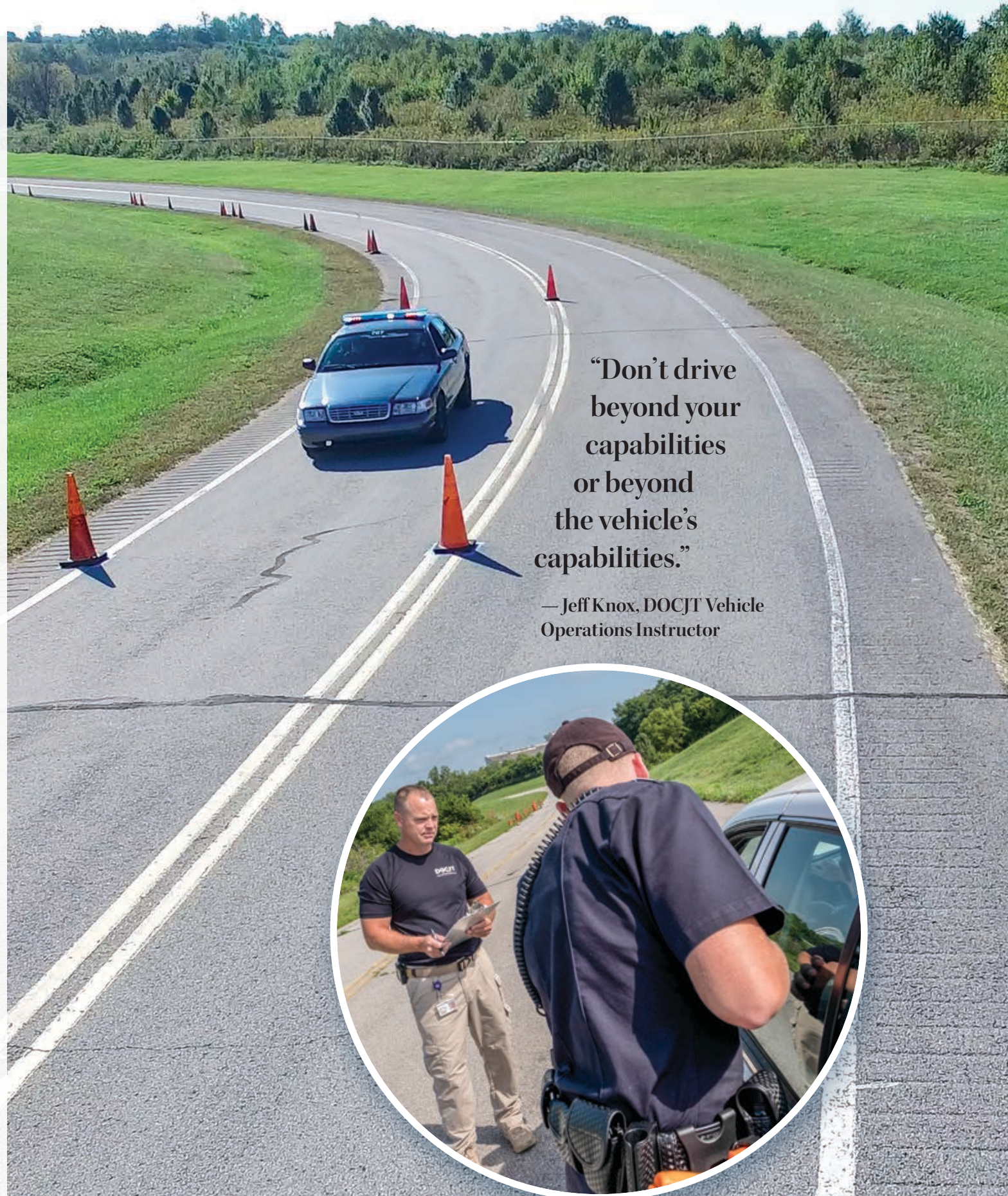
"The more we can push them in training, the better they'll perform," Payne agreed. "We don't want the first time they experience these situations to be out in the field. Through consistent training they'll have something in their memory bank and recall that."

Payne stresses that learning to control one's self will help officers perform better in high-stress situations.

"People overlook that with high-speed driving," Payne said. "If they have to run lights and sirens, they should concentrate on controlling their heart rate."

Controlling the heart rate allows officers to maintain the ability to perform the complex and fine motor skills needed to operate a motor vehicle.

"Learn to calm down when things are boisterous around you — and that includes your radio and sirens," Payne said. "Put yourself in the best position to think. Be conscious of what you're doing behind the wheel at all times."



"Don't drive beyond your capabilities or beyond the vehicle's capabilities."

— Jeff Knox, DOCJT Vehicle Operations Instructor

## MAKE SMART STOPS

Officers also should be conscious of what they're doing and where they are when they step out of their cruisers. In 2015, 12 officers were killed in vehicular assaults or when struck by a vehicle. As of October this year, another 15 officers have lost their lives this way.

One way to lessen the threat of being struck by a vehicle while conducting a roadside traffic stop is to practice right-side approaches. Yes, this approach takes more time and is not necessarily convenient, but it offers several benefits to keep officers safe, Knox said.

Not only does a right-side approach keep officers away from traffic, it also affords them the element of surprise. Individuals in the car are expecting the officer to approach the driver's window. It catches them off guard when the officer comes to the other side. Also coming around from behind the vehicle — never walking between the two vehicles — officers can see everything that is going on inside the car as they approach.

Once at the vehicle, officers actually can see more of the inside of the vehicle from the passenger side than from the driver-side window. If someone wants to assault the officer, it is more difficult for them to do so from the right side, Knox said.

Despite these benefits, the majority of officers continue to practice left-side approaches.

"They still go to the left side because they're lazy," Knox said. "Left is the quickest way to get to the car. We stress right-side approach, but it's easy to grow complacent and feel comfortable."

## BE AWARE WHEN BACKING

Sixty-five percent of all law enforcement accidents happen when backing, Knox cited. Though backing accidents are not taking officers' lives, they do cause a lot of damage and drain money and resources from law enforcement agencies.

There are two simple things officers can do to avoid backing accidents. First, before getting into the car to go out to a call, officers should take an extra few seconds to look around the vehicle and see what they potentially could hit. Then, when backing, use all available resources. Turning and looking out the back glass is the most effective, Knox said, but some newer vehicles' back ends sit up too high for this to be solely effective. Use side mirrors and back-up cameras, if available, as well.

Second, officers should avoid situations where they must back out in a hurry, Payne said. When pulling up to a call or just pulling into a convenience store, officers can back into a spot. If they get a sudden call or need to leave in a hurry, they are facing forward and have a clear view of what's going on in front of them as they pull out, Payne emphasized.

Following these two simple practices can considerably reduce officer backing accidents and save time and money for agencies.

"A lot of this is between-the-ears stuff," Payne said about common sense changes officers can make to be safer in their cruisers and on the road. "You don't have to be driving or doing driving skills all the time, it's just reminding people to pay attention."

Paying attention and taking an active role in one's own daily safety is key to staying safe out in the field while wielding the power of the 2-ton piece of equipment in which patrol officers spend a significant portion of each shift.

"When in a patrol car, be aware of what you're doing and what you're going to do," Payne said. "As soon as we get lax about it, it can give us some horrible reminders sometimes." 🍌

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





## Sheriff Boston Hensley

### Hart County

Boston Hensley is a lifelong resident of Hart County. Hensley has 35 years of law enforcement experience. He has served as Hart County sheriff since 2005. Hensley retired from the Kentucky State Police in 2002 as a trooper. Hensley has a Bachelor of Science degree in Police Administration from Eastern Kentucky University. He and his wife, Vicki – a retired high school teacher – have been married for 39 years. They have three adult children, Heather Hensley Meredith – Assistant Supervisor, Probation and Parole; Boston (Bo) Hensley III – Kentucky State Police Trooper and Allyn L. Hensley – Assistant Hart County Attorney. The Hensleys have three grandchildren. He enjoys their 300+ acre farm raising cattle, horses and hay.

### HOW DID SERVING KSP HELP IN YOUR TRANSITION TO SHERIFF OF HART COUNTY MORE THAN 11 YEARS AGO?

While the public is most familiar with the law enforcement role of the sheriff's office, the office is multifaceted including: tax collection, election duties and court services. All these services must be provided and managed within an allocated budget. Educational preparation and the Kentucky State Police provided extensive training and experience in implementing a professional standard in the law enforcement area. My involvement in managing a farming operation and other business interests has provided experience in looking ahead at financial projections when managing the office budget.

### WHAT ARE SOME OF YOUR PRIORITIES, AND ARE THERE ANY NEW PROJECTS YOU WOULD LIKE TO SHARE ABOUT THE HART COUNTY SHERIFF'S OFFICE?

**"D.A.R.E. provides a visible presence at large, public gatherings — festivals, school functions and fairs. An active presence in the schools allows students to see law enforcement in a positive view."**

My personnel is a priority — in retaining certified, well-trained, and professional staff that are capable of providing honest, efficient services to the residents of Hart County. Also, providing updated equipment and training is a priority, such as computers in cruisers, safe vehicles — including several four-wheel drives. Another priority is an updated tax collection system for online use and to receive credit card payments. Participation in the Greater Hardin County Drug Task Force, enabling an expansion of resources to combat drugs in the area is another priority. Lastly, we look to participate in BACKUPPS Kentucky, an inter-jurisdictional agreement that encourages criminal investigations across arbitrary boundaries.

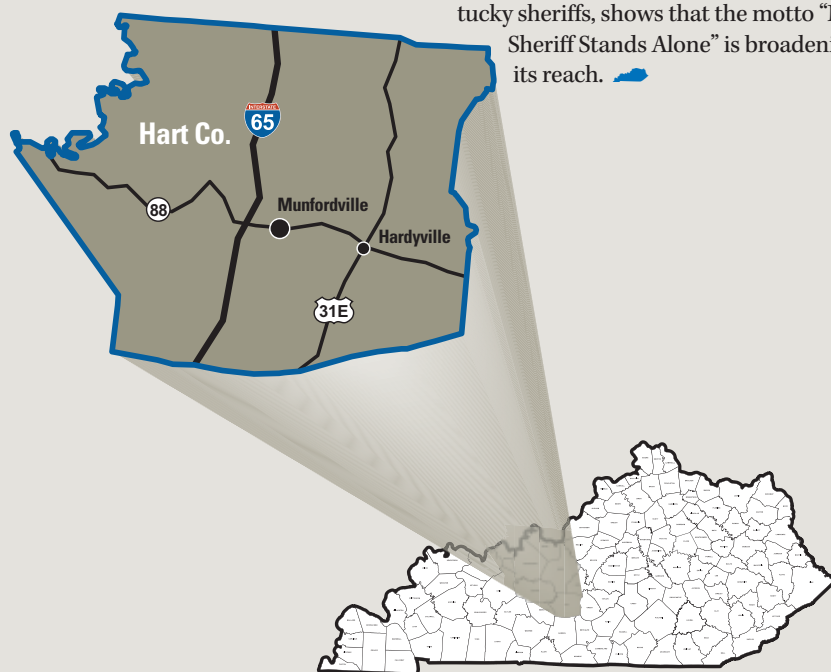
### WHY DID YOU BRING THE D.A.R.E. PROGRAM BACK TO YOUR AGENCY?

D.A.R.E. provides a visible presence at large, public gatherings — festivals, school functions and fairs. An active presence in the schools allows students to see law enforcement in a positive view. For some

children, the only interaction with law enforcement is often traumatic. Also, D.A.R.E. helps students to see officers as approachable. D.A.R.E. includes instruction provided to all elementary schools at no cost to the schools and a deputy assigned to the high school. During the tragic events of school shootings, deputies were designated to be present at each elementary school to provide a sense of security to parents, teacher and students.

### WHAT ARE SOME HIGHLIGHTS FROM THE 2016 KENTUCKY SHERIFFS' ASSOCIATION CONFERENCE?

This year's conference, in addition to providing its usual comprehensive training and opportunity for networking among Kentucky sheriffs, also demonstrated a trend toward greater cooperation among police agencies. The presence of the commissioner of the Kentucky State Police, the commissioner of the Department of Criminal Justice Training and the president of the National Sheriffs' Association, integrated with the large number of Kentucky sheriffs, shows that the motto "No Sheriff Stands Alone" is broadening its reach.



## Chief Phillip Reed

### Pikeville Police Department

Phillip Reed has served the Pikeville Police Department since 2001 and as chief since 2012. Reed has a Bachelor of Science in Police Administration from Eastern Kentucky University. He is an assistant youth football and baseball coach.

### HOW DO YOU MOTIVATE YOUR STAFF?

During my first meeting I implemented this statement by Ralph Emerson: "Do not go where the path may lead, go instead where there is no path and leave a trail."

I made this statement to challenge my officers to step out of their comfort zones and create a new way of policing. Sometimes motivation can be a very difficult task, especially when you are dealing with several personalities and habits.

However, I believe if you look for the good in someone instead of the bad and focus on ways to help them strengthen that good quality, the end result could be a more motivated person with better job performance. Leaders should have a positive attitude and be involved with their people, so they can see a true team effort.

I encouraged my staff to find what interests them the most and focus on making it better. There are training opportunities available beyond the required in-service. For example, some certifications that build officers' self-worth and strengthen the department are D.A.R.E. instructor, Taser instructor, accident reconstructionist and K-9 officer.

### HOW DO YOU BRING TRUST AND MUTUAL RESPECT BACK BETWEEN LAW ENFORCEMENT AND THE COMMUNITY THEY SERVE?

I believe there is still trust and respect between law enforcement and the

**"What builds trust and respect with someone you meet for the first time is the same for what builds it between law enforcement and the community."**

community. However, it is being questioned and discussed more now than ever in a negative manner. When we allow negative events to speak for law enforcement across this nation, our trust and respect will suffer the consequences. If we sit back and expect the tradition of law enforcement to maintain a high standard of respect within our communities we will lose the battle.

What builds trust and respect with someone you meet for the first time is the same for what builds it between law enforcement and the community. It's very important for us to give our very best and make sure we follow through with every complaint we receive. Because to the victim, no matter how small we view their issue, to them it's huge.

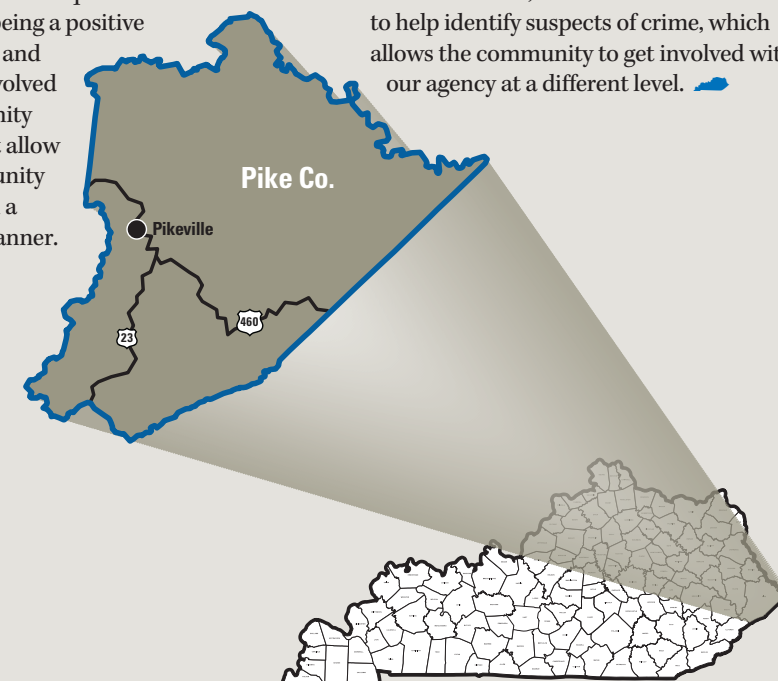
Law enforcement today is not about responding to a call to arrest someone who may have abused drugs and committed a crime. It's more about being in the classroom with our youth, talking to them about the dangers of substance abuse and its negative consequences. It's about being a positive role model and actively involved in community events that allow the community to see us in a positive manner.

Being involved with the school system, assisting during sporting events, being involved with Boy Scouts and Girl Scouts and presenting safety programs to businesses are just a few of many programs that build and strengthen trust and respect within our community.

### HOW HAS TECHNOLOGY/SOCIAL MEDIA CHANGED POLICING?

With anything good, there also will be a bad side of it. As technology advances we also need to advance to be able to stay involved with our community. If we leave the technology out and have the mindset of what worked in the past doesn't need to change, then we will spend a lot of time playing catch up to the rest of society.

I believe technology is a key part in law enforcement advancement. Social media can have a positive role in law enforcement when used correctly. When an agency is involved in a positive event that may not be seen by the public, this is a very good way to make known the good side of law enforcement. Also, we have used social media to help identify suspects of crime, which allows the community to get involved with our agency at a different level.





# PEER SUPPORT TEAM BRINGS CALM AND CONCERN TO CRISIS

KELLY FOREMAN | PROGRAM COORDINATOR



▲ Deputy Executive Director of the Kentucky Community Crisis Response Board, Kelli Robinson (standing), said she hopes as more officers learn about the KY Law Enforcement Assistance Program, the network of trained peers available will grow across the state.

PHOTO BY JIM ROBERTSON

**N**o one understands the things you see each day on the street better than those wearing the badge beside you.

Law enforcement is about serving. Sometimes service means being the man who tells a wife her husband isn't coming home because he was killed in a traffic collision. Sometimes it means being the woman who holds the hand of a crying child who doesn't understand why mommy is being taken away in handcuffs. Sometimes it is saluting the flag-draped casket of your best friend who took his last breaths serving the community he loved.

Unless you've been there, unless you have closed your eyes and seen those traumatic images replayed in your mind, you can't truly understand. But your brothers and sisters in blue do.

That is the mindset behind the Kentucky Law Enforcement Assistance Program — a team of officers who are trained and available 24-7 across the commonwealth to support fellow officers in times of crisis.

"This whole profession, a lot of times is about fraternal bond," said Owensboro Police Sgt. Brandon Sims. "We are all police officers, and we are always there to help the citizens we serve. We are always there to help any other law enforcement officer. That is very evident when you look at how many officers will travel distances for another officer's funeral whom they don't even know."

KYLEAP is a program created by the Kentucky Community Crisis Response Board. They, too, understand law enforcement culture is unique and that serving of officers takes a unique approach.

"There isn't another profession that has the same culture as law enforcement," said Deborah Arnold, KCCRB executive director. "An officer responds, usually by themselves, and there is a perception that they always are in control of themselves. Every decision they make will be critiqued and they have to make the correct decision 100 percent of the time. Nobody tolerates them making mistakes. How else can you find credibility in someone supporting you and understanding that atmosphere than through a peer?"

KCCRB launched the KYLEAP program in fall 2015 and already has conducted



PHOTO BY JIM ROBERTSON

▲ Owensboro Police Sgt. Brandon Sims said the brotherhood of law enforcement plays a role in his decision to serve as a peer member of the KYLEAP team.

training sessions for volunteer team members. The program is entirely free to officers and their agencies, and the training is offered free to those who volunteer.

"KYLEAP provides the entire spectrum of services from pre-incident training, acute crisis response and post-incident support to law enforcement officers across the commonwealth," the program materials state. "KCCRB recruits, trains and credentials experienced law enforcement professionals to be peer members of the statewide KYLEAP team. The team receives training in providing multi-component, critical-incident, stress-management interventions and suicide intervention and prevention training."

Sims, who serves as the local Fraternal Order of Police president in Owensboro, said a chaplain there had suggested establishing a similar team to the FOP once before and Sims was interested in the idea. The benefit of KCCRB operating as the foundation of the team is that an existing structure already was in place.

"We already have the logistics," Arnold said. "We have a 24-hour response line

and are linked with emergency management. The response request and coordination already is in place. Our team members are covered under the privileging statute, which basically is what counselors and clergy are covered under for confidentiality. That helps protect officers when they are responding to us to feel confident in talking with a peer without worry of it not being confidential."

KCCRB also is committed to providing standardized, professional and consistent training to volunteers, employing best practices to ensure the quality of response services and providing the best care to officers.

## GETTING INVOLVED

There are a number of volunteer requirements for those who want to become team members, said Kelli Robinson, KCCRB deputy executive director.

Officers should have a minimum of five years' experience in law enforcement and be in good standing with their agencies. They must demonstrate appropriate conduct and be respected within the >>





PHOTO BY JIM ROBERTSON

▲ KCCRB Executive Director Deborah Arnold listens during a recent KYLEAP training. Arnold said the law enforcement culture is unique and lends itself best to peer support.

>> profession, she said. They cannot have any type of disciplinary action or negative performance issues on record, and should have a letter of support from their agency's leadership that they are eligible to participate in both the training and response activities.

"We prefer someone who is seasoned and we are looking for someone who has experienced a critical incident," Robinson said. "It isn't a disqualifier if they have not, though. Ideally, we want people volunteering on their own and not being made to attend because it does require a commitment."

Attendance at quarterly team meetings and training also is required, Robinson said. A selection committee will review and consider each team member's history and credentials. For complete program information and an application packet, interested officers can visit the KCCRB website at <http://kccrb.ky.gov/team/kyleap.htm>.

Because service to others is a unifying thread among officers, there may be many like Sims who had a desire to serve their fellow officers in a similar capacity before. In reading reviews from team members who have already participated in KYLEAP

training, Arnold said many have expressed an appreciation for the solid foundation the training provides.

"They get excited about it because they have the tools they need now," Arnold said. "Some have unofficially been doing this untrained and say now they feel more capable and confident in being able to support their fellow peers."

#### GETTING HELP

Trauma leads to anxiety. Post-traumatic stress leads to depression. Bottled emotions can lead to explosive and dangerous behavior. Some officers may not have a support system in place to talk through those feelings — or feel like they can discuss them at all.

"Certain times, officers go on calls and experience things that, for a lot of other confidentiality purposes, they can't go tell anybody," Sims said. "They may not be able to go home and tell their spouse or another friend anything about it. But especially with other officers who have had like-experiences, it can really help to be able to reach out to somebody who you know understands exactly what you're saying and can say, 'I dealt with something just like that.'"

In many cases, an officer's only avenue for getting help is through their agency's Employee Assistance Program. Many EAPs, however, are contracted and are not specially trained to deal with the law enforcement culture, Arnold said.

"We have found from research and best practices that peer programs are far more successful than mental-health intervention for officers whose symptomology rises to needing professional help," she continued.

Arnold and Robinson hope that by getting the word out about KYLEAP and growing the team, more officers will have more options to get the help they need.

"If you have a law enforcement officer who has gone through a critical incident, sometimes if a department is smaller they may not be able to afford to send that person home," Robinson said. "It is good to have other law enforcement be able to come in and work with them. And the other part of that is when they are done responding, sometimes they go home alone, too. That is where peer support can really help."

While the KYLEAP team is focused on crisis response, Robinson said it is important to note that crisis can involve any number of things. KYLEAP team members are trained to help officers with any crisis, even if it is not a line-of-duty, work-related incident.

"Officers have events in their lives that cause an increase in stress just like anyone else," Robinson said. "It would be appropriate if they were having financial difficulties, personal issues, marriage problems — or it could be work related such as disciplinary issues. It doesn't have to be a critical incident that involves something tragic or traumatic. It can also be an accumulation of multiple factors that is causing an officer to pursue unhealthy coping mechanisms."

"This is about changing the culture," Arnold said. "When a rookie thinks everybody is doing fine and is handling their stress well because they don't see them upset, they think it's not OK to ask for help. So if you have a peer program, they see that more seasoned folks — the people they respect and look up to — have the same struggles, concerns and reactions. When somebody has been through the same thing you have, asked and received help, it makes it OK. It breaks down some of those barriers."

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



▲ (above) KCCRB Deputy Executive Director, Kelli Robinson, said it is important to remember that crisis can include any number of things — as well as a combination of events or circumstances that lead to crisis.

▼ (below) Officers from several agencies, including Kentucky State Police Trooper Jody Cash (right) attended the KYLEAP training to learn how they can serve as peer support team members.



PHOTOS BY JIM ROBERTSON



# George T. Ragsdale (1876-1937)

## A GIANT IN KENTUCKY LAW ENFORCEMENT

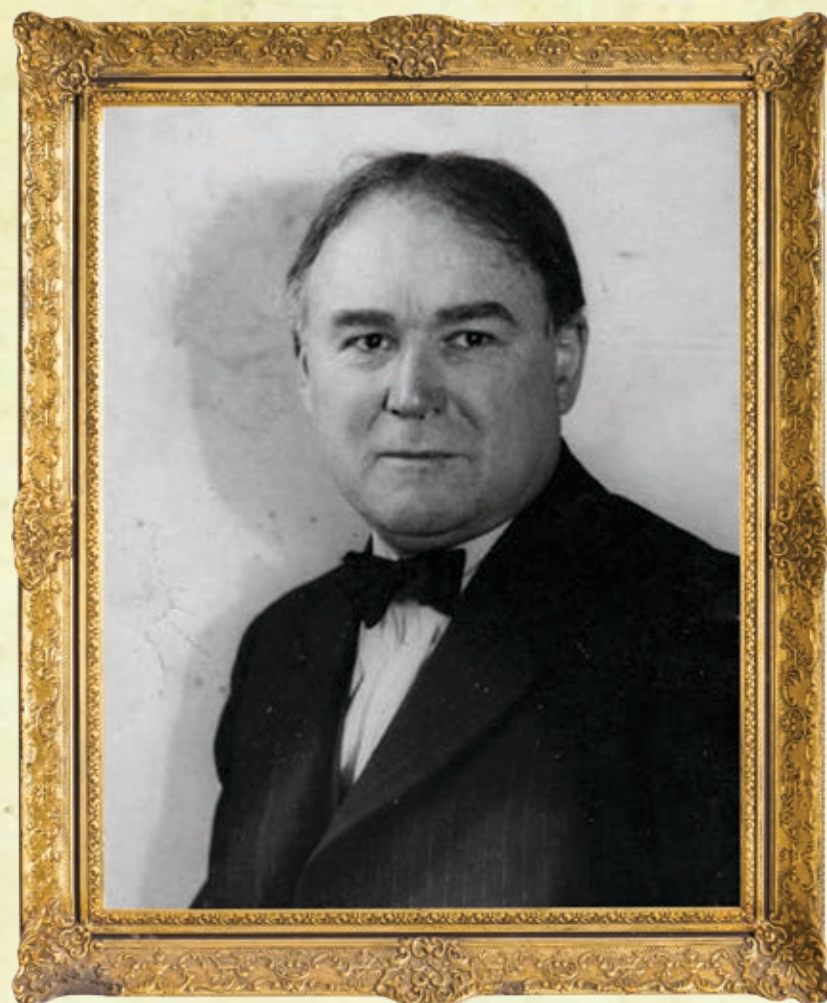


PHOTO PROVIDED BY UNIVERSITY OF LOUISVILLE

Great men often are forgotten with time, usually as a result of their humility. George Tilden Ragsdale is, in a real sense, a giant within Kentucky law enforcement, but he is remembered only by a handful in the profession.

A native of Indiana, Ragsdale graduated from Franklin College, attended the University of Chicago and completed his education at the University of Louisville. He first was employed in Louisville as a high school instructor in mathematics and later became a school administrator.

In the late 1920s, Ragsdale became concerned with the lack of formal training provided to police officers in Kentucky, specifically in Louisville. Training at the time consisted of three to four weeks of improvised classes followed by patrolling with an experienced officer and walking a beat for three or four months. Although there was no Kentucky law enforcement training school in existence, Ragsdale was appointed to the newly-created position of director of the Louisville Police Training School.

Ragsdale immediately launched a training-needs assessment and a job-task analysis to determine what training actually was needed to effectively perform the duties of a Louisville police officer. In 1929, he surveyed 96 of the largest cities in the U.S. and determined only 16 departments had any form of police recruit training (averaging three weeks). The most sophisticated basic training program in New York City, devoted 360 hours over a six-week period (10-hour days). Ragsdale then surveyed what duties police officers in Louisville actually performed when patrolling. Producing a list of 188 "tasks performed," he then developed a formal curriculum for the police recruit school, basic training program of 420 hours over six weeks (seven days a week, 10 hours per day).

Ragsdale's curriculum included rules and regulations; criminal law; laws of arrest, search and seizure; immigrant issues; interpersonal communications; firearms training; physical fitness; how to patrol your beat; first aid; and report writing. He selected instructors from within the police department to teach the traditional

BY SHAWN HERRON AND GEORGE BARRETT

subjects common to law enforcement, but also contracted university professors to teach chemistry (forensics), psychology, interpersonal communications, race relations, writing skills and criminal law.

Ragsdale's scientifically-based training then addressed two other areas associated with professionalizing police service: civil service and a pension system. Without a merit system, police officers were hired and fired at the whim of politicians, undermining both stability in personnel and the removal of partisanship from the department.

In 1922, Louisville implemented a civil-service merit system for hiring officers and for promotions up to the rank of captain. This reduced turnover in the department by 95 percent and reduced dramatically the political influences typically common within police departments. The testing procedure for hiring officers involved a general IQ test, medical examination, physical fitness test and background investigation. Out of the first group of 318 applicants only 71 successfully completed the process.

With more than 400 officers already on the department prior to civil service, each officer would be required to successfully pass the new entrance examination in order to retain their position. To aid in accomplishing this, night classes were offered at each of the seven districts to help prepare officers for the test. Eventually, all existing officers were able to pass the test and retain their position.

With 446 officers now protected by civil service but not yet formally trained, Ragsdale launched an in-service training program for patrol officers and detectives. Sworn personnel attended weekly training courses (typically one night a week for four hours at a time) over a three year period. Later annual in-service training was implemented, varying from one day of training a month to specific courses at universities.

Ragsdale then turned his attention to creating a legitimate pension system. Up to this point, few officers were able to look at retirement as a realistic long-term benefit of their law enforcement careers. Many of officers when hired were middle aged and

often worked well into their 70s before having any opportunity to retire.

As an example: Officer Thomas Baldwin was the first Louisville police officer to receive a pension. On August 1, 1904 (he had 31 years of service) he was injured on duty (shot twice) and given a pension (\$30 a month and \$6 for each child who was younger than 14). He was 65 years old. His pension was taken away from him four years later when he was caught gardening in his backyard. In 1913 at the age of 74 he was given his pension back. He died one year later.

Ragsdale believed all officers should, after serving 30 years, be eligible to retire on a comfortable pension by the age of 55. A major benefit of the retirement system would be a larger force of younger officers who were physically fit, mentally alert and fully capable of doing the job as a police officer. Additionally, the pension system would create a stronger bond and sense of commitment to the police department by officers who could plan a career in law enforcement.

In 1927, Louisville initiated the first true pension system for police officers in the commonwealth. It was based on a 30-year veteran retiring on a pension calculated on half his salary. Ragsdale's initiative to implement a pension system, coupled with civil service reform, quickly reduced the turnover rate of officers and created a solid foundation for a professional police organization.

On Feb. 8, 1937, after working two consecutive weeks (16 hour days) in the Louisville emergency command center, aiding in overseeing the assignment of resources for the Great Flood of 1937, Ragsdale suffered a cerebral hemorrhage and passed away.

In 1938, as a testament to his legacy, the Louisville Police Department established a tuition-free program at the University of Louisville encouraging officers to pursue a college degree, including courses offered in criminology, forensics, police administration, psychology and criminal investigation.

In 1951, the Louisville program served as the foundation of the Southern Police Institute, which continues today at the university. ■



## Book Review

Alan Kabakoff | DOCJT Instructor, Investigation Section



## Future Crimes:

*Inside the Digital Underground and the Battle for Our Connected World*

**F**uture Crimes: Inside the Digital Underground and the Battle for Our Connected World," is a New York Times bestseller by Marc Goodman. This book is an absolutely fascinating, shocking and insightful journey into the nefarious world of cybercrime.

Criminals are using technology to facilitate crime on a massive scale that never has been possible before in human history. Many times these offenses cross national boundaries. This type of crime takes advantage of high-reward, low-risk profits available to them in a globally connected world. Cybercrime is borderless and offers great anonymity; moreover, prosecutions are exceedingly rare, perhaps occurring in less than one one-thousandth of one percent of all cases, Goodman says.

If you are a law enforcement officer, I recommend reading this book. The future is now and it's impacting us in ways most are not aware. This book is an easy read and not filled with computer-nerd jargon. You do not have to be a systems analyst to understand the concepts discussed. The author has done a great job explaining how criminals are using technology. Everyone is threatened by the misuse of this technology. All of us are susceptible to becoming victims. Goodman points out that everything can be hacked.

Before reading this book, I recommend listening to Marc Goodman's Ted Talk at [https://www.ted.com/talks/marc\\_goodman\\_a\\_vision\\_of\\_crimes\\_in\\_the\\_future](https://www.ted.com/talks/marc_goodman_a_vision_of_crimes_in_the_future). This is a great introduction. Goodman breaks the book into three sections. Part one focuses on the gathering storm and serious vulnerabilities that exist. I enjoyed Goodman's sense of humor and wit. His

analogies such as "control the code, control the world," "knowledge is power, code is king and Orwell was right" and "data is the new oil," are supported with interesting facts.

Part two focuses on the future of crime and current threats that are impacting all of us. This is the most relevant section of the book. Goodman goes into great detail about the types of crimes being committed and provides a guide on how to learn more about the dark net.

Goodman thoroughly explains what the TOR (The Onion Router) and dark net are and how they work. Like a master story teller, Goodman begins using the Silk Road Criminal Case as an example. For three years, Ross Ulbricht "operated the largest online criminal marketplace in the world." It was set up like Amazon.com. A person could purchase any type of drugs on the encrypted website.

Goodman explains how the FBI conducted an investigation and was able to shut down Silk Road. Unfortunately, other websites have replaced Silk Road. Some of these sites currently are being used today which include: Dark Net, Freenet, I2P (Invisible Internet Project), Open Market, Agora, BlackBank Atlantis and Pirate Market.

Criminals are able to log on without being identified. They can purchase the following goods and services: pirated content, drugs, counterfeit

currency, stolen luxury items/electronics, credit cards/blocks of credit card account information, identity data (identity theft), documents, weapons, ammunition and explosives, contract murder (Hit Man), child sexual-abuse images, human trafficking, human organ trafficking and more.

The currency used in these transactions include: Bitcoin, Liberty Reserve, E-gold, WebMoney, Darkcoin. Monies are deposited in accounts that are difficult to track. Criminals also know they can evade detection. They can hide the IP address which means they can conceal their whereabouts. The dark net and TOR have exponentially made law enforcement's ability to investigate these crimes more difficult.

Part three focuses on surviving in a digital universe and recommended courses of action. I recommend also reading the postscript appendix. Goodman discusses steps which will reduce your vulnerability. This can help protect your family and community.

Goodman has written an excellent book about the cyber threat. This threat is not going away. Crimes are being committed all over the world with the push of a button. In order to counter this threat, it is important to raise awareness. Goodman is sounding the alarm. It's important that all segments of our government and other governments understand the threat. As law enforcement, we have a critical role to play. If we do not collectively respond to the cyber threat, it will result in dire consequences. 🐛



By Marc Goodman, Anchor, 2016, pp. 608

## STRANGE STORIES FROM THE BEAT

### » Shop owner thwarts robbery by ignoring suspect

An Egyptian kebab shop owner in New Zealand became an Internet hit after a video of him ignoring a would-be robber and continuing to serve a customer went viral. The shop owner said it was simply a "lucky" reaction to ignore the masked man, who walked into his restaurant, demanding cash while holding what appeared to be a gun. The owner continued to bag up an order and handed it to a customer before walking away to call the police, the video shows, leaving the attempted robber to exit empty handed. He quickly was dubbed by social media as the "chillest chip-shop operator."



### » Man suspected of having sex with a van

Talk about being all up in someone's grill. An Ohio man is facing indecency charges after a witness reported seeing him attempt to have sex with the front grill of a van parked on the street. Officers responding to the call found the suspect wearing only a pair of black shorts and black shoes. He was taken into custody and put in the back of a squad car while officers spoke to a female witness, who said she saw him pull down his shorts and put his genitals into the front grill of a red van parked on the side of the road. When the suspect passed out in the front yard near the van, the woman called police.



PHOTOS COURTESY OF I23RF.COM



### Polly want a subpoena?

A Michigan woman was accused of killing her husband and the prosecutor turned to the dead man's parrot to help put her behind bars.

She was charged in connection with the May 2015 murder of her husband. At first, police believed an intruder was to blame.

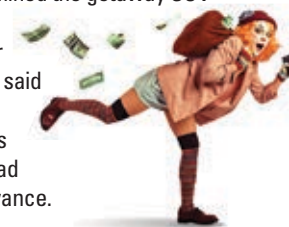
The man's ex-wife is convinced his beloved African gray parrot, Bud, saw the whole tragic event. She inherited the bird after the murder and was shocked by what came out of its mouth.

"Two weeks after the incident, Bud started going into rants I couldn't explain," she said. "Screaming, yelling and always ending with 'don't f\*\*\*ing shoot!' I believe with all my heart that those are pretty close to last words of [my ex-husband.]"

It's unlikely that Bud would be an actual witness for the prosecution, but it's possible the video of him saying, "Don't f\*\*\*ing shoot!" could be admitted as evidence. That is, if it can be proven the bird never said it before the murder.

### « Accused bank robber duped dad into giving her a ride to 'job interview'

A Florida woman accused of robbing a bank may have gotten her father involved in a crime without him knowing. Police said the woman's father drove her to the bank because she told him she was going to a job interview. Sometime between leaving the car and going to the "job interview," the 24-year-old suspect covered her blonde locks with a red wig and hat and put on sunglasses. She made off with \$300. FBI agents later determined the getaway SUV was registered to her father, who said he thought the cash his daughter had was an advance.



### « Man mailed dead skunks, raccoon to rival for job

An Indiana man who police say mailed dead skunks and a raccoon to a man chosen over him as school basketball coach has been arrested on stalking, animal cruelty and other charges. The case began when the post office received packages that smell like skunks, with blood coming from them. Authorities believe he began a campaign trying to get the victim fired or force him to resign because he was disgruntled about losing out on the job.



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





FUNDERBURK BUILDING,  
EASTERN KENTUCKY UNIVERSITY  
521 LANCASTER AVENUE  
RICHMOND, KY 40475-3102

615-010

# Put More On Your Plate!



[KLEMF.org](http://KLEMF.org)

KENTUCKY LAW ENFORCEMENT MEMORIAL FOUNDATION