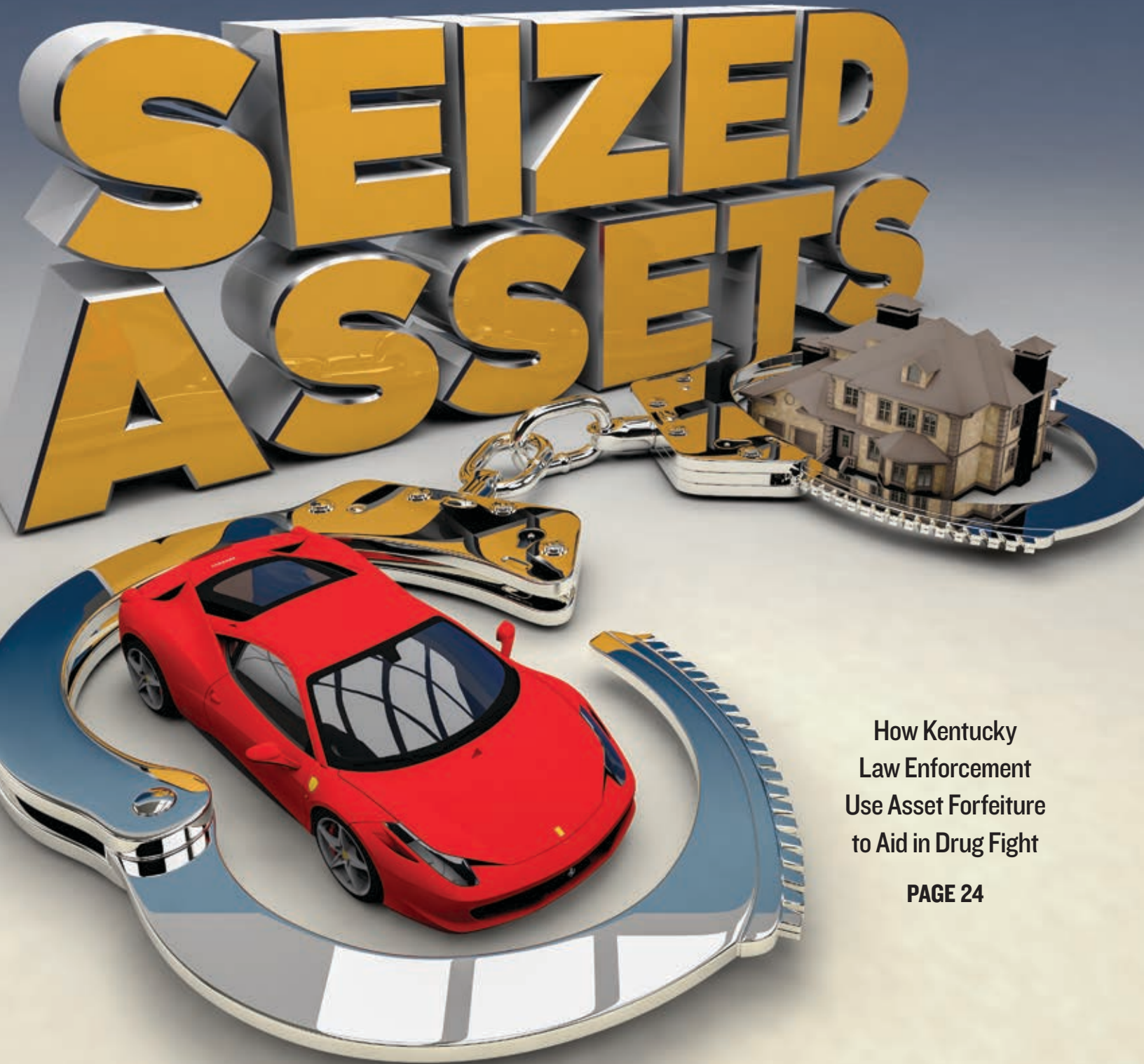




LAW ENFORCEMENT



How Kentucky
Law Enforcement
Use Asset Forfeiture
to Aid in Drug Fight

PAGE 24

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Commissioner

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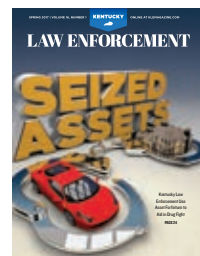


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This publication is produced quarterly as a training and marketing tool for the Kentucky law enforcement community as well as public officials and others involved with law enforcement or the oversight of law enforcement. It includes best practices,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

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ON THE COVER: Forfeiture of criminal assets in Kentucky is a program that allows the state's law enforcement to seize property used by convicted drug dealers. That property is returned in dollars to law enforcement and prosecutors to use in furthering drug investigations, purchasing equipment, funding training and more.



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RECENT MILESTONE SHOWS DEDICATION TO ADDRESSING DNA BACKLOG

After months of hard work by law enforcement agencies across the state, Kentucky has hit another major milestone in addressing the backlog of sexual-assault evidence kits.

Last year, the Kentucky General Assembly enacted Senate Bill 63 to speed up collection and processing of untested kits, which at the time, numbered more than 3,000. The measure also called on all of Kentucky's certified law enforcement agencies to adopt a sexual-assault response policy by Jan. 1, 2017.

That was a tough target, but we are pleased to report that every certified agency has met the deadline. And the fast turnaround only demonstrates our state's commitment to helping the survivors of sexual assault find justice – and hopefully a sense of closure.



The law enforcement officials who worked on these policies deserve our thanks, as does the Sexual Assault Response Team Advisory Committee and the Kentucky League of Cities, both of which developed model policies to guide law enforcement on a local level.

I especially want to commend the Department of Criminal Justice Training. DOCJT accepted the incredible responsibility of reviewing every agency's policy to ensure each one met the appropriate standards.

The department's experts worked with both speed and dexterity, reaching out to officials across the state to provide support and advise them on the legislation.

Without question, their work was essential to meeting this deadline.

The new policies required under SB 63 will help ensure every kit is submitted to the Kentucky State Police Forensic Lab within 30 days. They also will provide a more standardized process for maintaining DNA evidence and for notifying victims about any progress toward a match.

Other provisions in SB 63 call for better preservation of the kits and create new deadlines for testing, so that by mid-2020, the average completion rate will not exceed 60 days. Members of law enforcement also will receive more training related to sexual assault.

The legislation applied to the vast majority of our state's law enforcement agencies – all those that participate in the Kentucky Law Enforcement Foundation Program Fund – implementation has remained a state-wide effort.

Our team at the Justice and Public Safety Cabinet anticipates a substantial impact, not only in addressing the current backlog, but also in preventing future problems. Kentucky State Police already are reporting great progress in reducing the number of untested kits.

I would be remiss not to recognize the lawmakers who worked to fast-track this bill. Sen. Denise Harper Angel and Senate Judiciary Chairman Whitney Westerfield both played a crucial role in the final legislation.

The House and Senate also supported a request from Gov. Matt Bevin to allocate \$4.5 million toward reducing the backlog. That money will provide much-needed staffing and resources for the KSP crime lab.

It's gratifying that so many are contributing to the success of this legislation on different levels, and that adds up to powerful reforms. It's also clear that we all share the same belief – that the survivors of sexual assault deserve no less than our best. 🇺🇸



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

LUCHSCHEN/23RF.COM

ELIZABETH THOMAS / DOCJT

CONGRATULATIONS ON A LOSS-FREE YEAR

Iwant to congratulate all Kentucky law enforcement on meeting our goal of not losing any sworn officers in 2016 and adding zero new names to the Kentucky Law Enforcement Memorial monument wall. This could not have been accomplished without the exceptional professionalism of each individual law enforcement officer, outstanding law enforcement leadership, consistent training and treating everyone with respect.

If not for two of our Kentucky officers wearing their vests, we would be adding two names to the memorial monument this coming May. We are grateful for their survival and recovery.

While we celebrate Kentucky's achievement, we also honor the memory of the 140 law enforcement officers who gave their lives nationally in the deadliest year for law enforcement in five years.

Although Kentucky did not lose a sworn officer, we did lose a non-sworn member of our family in a vehicle accident. CVE Inspector Benita L. Blanton was killed in an automobile crash on Dec. 21.

On average, vehicle accidents are the deadliest issue facing the law enforcement community nationwide. As we begin 2017, we must double our efforts to maintain our success with adding zero names to the memorial. We also must challenge our entire family, sworn and non-sworn, to strive for an accident-free year. All of our law enforcement members are family and are sacred to our profession.

When I am asked by other states how Kentucky has the success we have in law enforcement, not only with safety, but also in regards to our professionalism, I can give a multitude of reasons.

First, we start with some of the finest men and women in the country. Kentucky law enforcement officers join our profession for all the right reasons and treat our citizens with respect.

Second, our Peace Officer Professional Standards keep the quality of our officers at a high level and ensure they meet physical, psychological and background standards.

Third, Kentucky provides the best training in the country conducted by the Department of Criminal Justice Training, Kentucky State Police, Lexington Police Department and Louisville Metro Police Department. Unlike many states, our training doesn't stop at the academy-recruit level. Through yearly training and exceptional law enforcement leadership that



values training, tactics and maintaining a commitment to the citizens of the commonwealth, we are able to put the best, most qualified officers out in our communities.

We have elected officials who support law enforcement, both vocally and through legislation. Most recently this support was demonstrated by providing legislation to allow diminishable skills training and keeping designated funding for law enforcement.

Finally, our citizens allow us to be successful. Kentucky is a diverse state and our citizens respect authority, and at the same time hold our law enforcement accountable. But most importantly, the vast majority, even those with concerns, respect and support our law enforcement professionals.

As we continue to strengthen every facet of this recipe for success, we challenge all law enforcement professionals to wear their ballistic vests, wear their seat belts, slow down while driving, train hard and treat everyone with respect. 🇺🇸



BY MARK FILBURN
COMMISSIONER, DEPARTMENT OF
CRIMINAL JUSTICE TRAINING

“WHILE WE CELEBRATE KENTUCKY'S ACHIEVEMENT, WE ALSO HONOR THE MEMORY OF THE 140 LAW ENFORCEMENT OFFICERS WHO GAVE THEIR LIVES NATIONALLY IN THE DEADLIEST YEAR FOR LAW ENFORCEMENT IN FIVE YEARS.”

POLICE ENCOUNTERS ARE KEY TO PUBLIC PERCEPTIONS

Despite what one might be led to believe from following social media, watching television coverage of protests or reading newspaper commentaries, for the most part, the general public tends to view the police positively. In fact, research indicates there is a long history of the majority of Americans having confidence in the police and ranking them highly on their honesty and ethical standards. It is a simple truth that most people view the police as playing an important, and even indispensable role in society.

This high level of public support and confidence, however, is not uniform across all communities, demographics or law enforcement agencies. While the research on popular attitudes toward the police is extensive, I would like to examine two essential and interrelated points that can be gleaned from this literature.



First, every police-citizen interaction matters in shaping the public's opinion and attitudes toward the police. The police come into contact with large numbers of people each year as a result of traffic violations, arrests or efforts to assist the victims of crime. Research shows people often voice more dissatisfaction with police after these types of encounters. In other cases, police officers provide citizens with an array of services, which result in positive outcomes.

While less is known about which type of contact has the greatest impact, some research finds that positive contact has a stronger relative influence. The context of police-citizen interaction also tends to impact public perceptions.

Research shows that satisfaction with police is based on peoples' expectations. If police actions meet their expectations, they are satisfied. But if the police provide an inadequate level of service or exhibit what is perceived as demeaning behavior, members of the public often become disgruntled. For example, crime victims often voice dissatisfaction with the police when they believe officers do a poor job of investigating their victimization. Police service, rather than victimization, determines their attitudes. Likewise enforcement action taken by police seldom results in serious criticism if it is carried out in a professional manner. Even though officers may be making an arrest or issuing a citation, they can do so with respect and civility. This would lead to fewer confrontations and improved community relations.

Second, major police incidents receiving national media attention, can have a dramatic affect on public perceptions of the police. I will not dwell on these incidents other than to simply say that questionable police shootings, brutality, corruption, sexual misconduct and racist behavior all take a toll on local support. Studies indicate such incidents undermine public trust and cause the public to question police integrity. Moreover, such incidents have a global effect, resulting in a general decline in support across the country. When such incidents occur, people begin questioning whether similar events could occur in their own communities. Police leaders understand that incidents in the national spotlight, even though they may take place in other states, have ripple effects in their own communities, and that they must respond to them to maintain local support.

What determines how well a police agency weathers a national incident depends not only on how well the event is managed in its aftermath, but also how an agency approaches the less sensational, everyday encounters that form the basis of police-community relations. The goodwill built up by properly managing local everyday police-citizen encounters helps insulate police from negative public perceptions, even in the face of detrimental national events. 🇺🇸



BY VICTOR E. KAPPELER
DEAN AND FOUNDATION PROFESSOR,
COLLEGE OF JUSTICE AND SAFETY,
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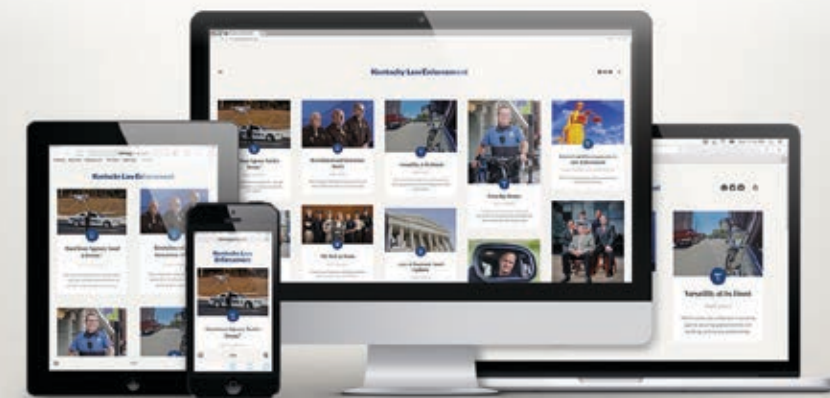
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KSP FORMS NEW UNIT DEDICATED TO OFFICER-INVOLVED SHOOTING INVESTIGATIONS

With increasing public interest and media attention throughout the United States regarding the use of deadly force by law enforcement agencies, the Kentucky State Police has formed a new unit designed to add experience, expertise, and transparency to investigations of officer-involved shootings in the commonwealth.

"We have a responsibility to our officers and the communities we serve, to apply our best resources for determining the unbiased facts of these incidents," said KSP Commissioner Rick Sanders. "There must be best practices in place to ensure high quality, unbiased and transparent investigations. It's simply a matter of public trust."

Designated as the Critical Incident Response Team, the unit's six members bring almost 100 years of applied

law enforcement experience to the team. They are supported by the Collision Analysis Team, which consists of five members and brings laser scanning capabilities for detailed crime scene mapping. Also supporting the CIRT are crime-scene technicians from the agency's forensic laboratories, as well as Electronic Crimes Branch personnel, who collect and examine digital evidence.

The new team will automatically be involved if a KSP officer is involved in a shooting and on a case-by-case basis if requested by outside agencies.

As of press time, CIRT has investigated five incidents.



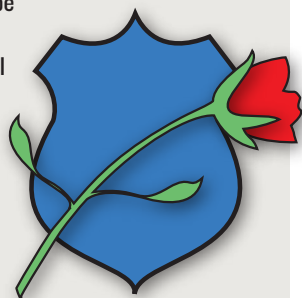
Kentucky Agencies Participate in Inauguration Security

Law enforcement agencies from across Kentucky, including the Kentucky State Police and Louisville Metro and Lexington Police departments, joined more than 80 police departments around the nation to assist the Washington, D.C. Metro Police in providing security for inaugural events. It is not uncommon for local police departments to be asked for assistance to other jurisdictions in situations of national and international importance drawing large, intense crowds as well as to assist in providing police security after natural or man-made disasters. Participation in this and similar events offers personnel the opportunity to gain real world experience they can bring back to their communities.



2017 KLEMF Scholarship Deadline Nears

The deadline for Kentucky Law Enforcement Memorial Foundation scholarship applications is March 31. KLEMF will grant up to 25 scholarships to law enforcement officers and law enforcement telecommunication personnel (current, retired, or disabled) and their survivors and dependents. Scholarships may be used at any accredited college or university, including two-year and community colleges. It may also be used for a recognized or certified vocational or trade school. Visit www.klemf.org to download an application, or contact Pam Smallwood at (859) 622-8081 for more information.



CDP CERTIFICATES

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. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

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

Intermediate Law Enforcement Officer

Ashland Police Department

Adam Daniels
Brian A. Horn
Parker Lee

Bowling Green Police Department

Michael Amos
Michael Jonker

Clinton Police Department

James Clark

Covington Police Department

Anthony E. Jansen Jr.

Georgetown Police Department

Jason S. Whitaker

Hopkinsville Police Department

Adam G. Robertson

Jefferson County Sheriff's Office

John M. Furlong Sr.
Daniel L. Shipp

Jeffersontown Police Department

Manuel J. Cruz

LaGrange Police Department

William F. Conway

Paris Police Department

Bradley S. Toadvine

Pikeville Police Department

Charles R. Blankenship
Virgil D. Ray

Princeton Police Department

Timothy B. Merrick

University of Louisville Police Department

Anthony L. Smothers

Advanced Law Enforcement Officer

Ashland Police Department

Robert P. Brunty
Brian A. Horn

Commercial Vehicle Enforcement

William A. Rein

Danville Police Department

Josh T. Faulkner

Franklin Police Department

Christopher D. Jackson
Michael G. Miciotto

Georgetown Police Department

Jason S. Whitaker

Hopkinsville Police Department

Martin L. Lopez
Adam G. Robertson

Jeffersontown Police Department

Manuel J. Cruz

Paducah Police Department

Joshua D. Bryant

Pikeville Police Department

Virgil D. Ray

Princeton Police Department

Timothy B. Merrick

Radcliff Police Department

Jeremy J. Davis

University of Louisville Police Department

Anthony L. Smothers

Law Enforcement Supervisor

Georgetown Police Department

Gary W. Crump II
Jason S. Whitaker

Jefferson County Sheriff's Office

Jeffery W. Christopher

LaGrange Police Department

William F. Conway

Radcliff Police Department

Jeremy J. Davis

Law Enforcement Manager

Frankfort Police Department

Walter P. Martin

Law Enforcement Executive

Anchorage Police Department

Mark A. Hoskins

Bowling Green Police Department

Kevin D. Wiles

Newport Police Department

David A. Garnick

Law Enforcement Officer Investigator

Covington Police Department

Anthony E. Jansen Jr.
Danville Police Department
Lisa Dollins

Paris Police Department

Ryan S. Collins

Pike County Sheriff's Office

Curtis B. Conley

Richmond Police Department

Stuart K. Adams

University of Louisville Police Department

Robert R. Cox

West Buechel Police Department

Kenneth R. Bledsoe

Intermediate Public Safety Dispatcher

Georgetown Police Department

Casey L. Henson

Jessamine County 911

Lakeia M. Smith

Laurel County Sheriff's Office

Eric J. Smith

London/Laurel County Communication Center

Roy T. Pearce
Brandon S. Lynch

Warren County Sheriff's Office

Casey L. Franks

Advanced Public Safety Dispatcher

Boyd County PSCC 911

Walter S. Morgan

Georgetown Police Department

Claudette M. Cotterell
Jennifer M. Murphy
Claudette M. Towles

Jessamine County 911

Michael J. Sakowich

London/Laurel County Communications Center

James K. Sloan II
Lawrence E. Walls III
Justin E. Sizemore

Shively Police Department

Julie B. Clark

Western KY University Police Department

Nancy H. Kinkade

Public Safety Dispatch Supervisor

London/Laurel County Communication Center

Justin E. Sizemore

Pulaski County 911 Center

Sondra J. Wesley

Law Enforcement Training Officer

Danville Police Department

Josh T. Faulkner

Law Enforcement Officer Advanced Investigator

Stanton Police Department

James D. Watson

Berea Police Department

Daniel L. Brewer

Covington Police Department

Patrick W. Swift

Rowan County Sheriff's Office

Ruford A. Abner Jr.

University of Louisville Police Department

Robert R. Cox

West Buechel Police Department

Kenneth R. Bledsoe

Communications Training Officer

Elizabethtown Police Department

Christopher Lee

London/Laurel County Communication Center

James K. Sloan II

St. Matthews Police Department

Jennifer K. Cravens

Warren County Sheriff's Office

Casey L. Franks

Crime Scene Technician

Independence Police Department

Jeffery Young



COMPASSION IN POLICING

Homelessness Affects Jurisdictions Statewide

Written By
KELLY FOREMAN

Photography By
JIM ROBERTSON

Everybody has a story. In Bowling Green, a gentleman named Elvis was living in the backseat of his small sedan, parked just off the street in a residential neighborhood beside his brother's home. The two had a tumultuous relationship, and after their mother died, Elvis chose the comfort and quiet of his car.

Elvis had a woefully low IQ, and though he had worked for nearly 20 years at a car wash, he struggled to find work after the business shut its doors. For four years, Elvis slept in his car, unbeknownst to the local police or homeless program administrators.

Rhondell Miller, executive director of Hotel Inc., a non-profit which works to assist the homeless, was told about Elvis by another client who was leaving town and concerned for his friend.

"When Ron was leaving for a year to go to a long-term rehab program in Florida, he said, 'Oh by the way, you need to go find Elvis,'" Miller recalled. "I just said, 'Who's Elvis?' The only details he gave me were that he was in a car that did not run, it was gray and near Payne Street.

"So it took us a few weeks – we even drove by the car several times before I realized, 'Oh my gosh, that's the car we're looking for,'" Miller continued.

Miller and another member of the organization's street medicine team approached Elvis, offered him food and asked if they could help. He kindly declined. That was July, said Bowling Green Assistant Police Chief Melanie Watts.

"It took six months to get Elvis out of his car," said Watts, who also serves on the street medicine team and is a Hotel Inc. board member. "Finally, we had a really bad snow storm."

"We went and he opened up his car door for us, and I could see that all he had was a U-Haul moving blanket," Miller added. "He was not comfortable enough to go into the shelter because there were way too many people. He didn't want to go to the Room in the Inn program out of fear. We got him a sleeping bag, provided him hand warmers and told him we would be back the next morning to make sure he didn't freeze to death."

True to her word, Miller returned the next morning and there was eight inches of snow on the ground. Elvis hopped in her truck that morning. He was cold.

Cases like Elvis' are all too common, Watts said. From January 2016 to January 2017, Watts said Bowling Green police were dispatched to 131 check-welfare calls regarding homeless residents in the community. The agency's officers also completed more than 170 contacts with homeless people and issued 36 citations to residents deemed to have undesirable living conditions.

In stark contrast, Miller said Hotel Inc. serves an average of 500 households each month. Those households equate anywhere from 700 to 1,400 people. Last year, the group's street medicine team made more than 1,600 contacts with homeless residents.

"The reality is that as long as they have food, shelter and are not a danger to themselves or others, our hands are somewhat tied," Watts said of Bowling Green's homeless population. "I think that as a community, we have to realize, though, that there is a problem."

Bowling Green is the third largest city in Kentucky, with more than 61,000 residents. Just like Elvis, it is easy for those who are not causing trouble to live below the police department's radar.

"He wasn't someone who would have been considered a nuisance," Miller said, "so they would not have known he was there unless they were driving down the street and happened to see someone sleeping in the car."

Elvis was in his early 50s when he finally accepted help and left his car. Over the next two years, Miller said the man who initially was untrusting and spoke very few words, began to blossom. He finally received long overdue medical care, a set of eye glasses, dentures and, eventually, his own apartment in income-based housing. He even began volunteering his time at Hotel Inc. to help others who faced the same struggles in life he had.



However, in October 2016 Elvis told a nurse practitioner at Hotel Inc. that he was concerned because his pants were falling off and he was often sick to his stomach. After extensive work with the local hospital to get Elvis the medical tests he needed, he was diagnosed with stage 4 cancer.

"The cancer was surrounding his bronchia, lungs and heart, and it was in his pelvic bones and his stomach," Miller said.

Despite his terminal condition, Elvis insisted that he attend Hotel Inc.'s Christmas service, Miller said. He died just two days later. As an officer, Watts said she has been asked why she devotes so much of her time to working with the homeless. It is because of people like Elvis, she said.

"He had a really good last two years," Watts said. "He knew that, and he gave back. He didn't die by himself. That's what makes it worth it."

Hotel Inc. Executive Director **RHONDELL MILLER**, left, talks with Bowling Green Police Assistant Chief **MELANIE WATTS** in Hotel Inc.'s grocery area. Miller and Watts work together regularly to assist the homeless population in Bowling Green.



Newport Police Lt. **KEVIN DROHAN** has spent his own time and money assisting the homeless in his community. Working with this population is about compassion, he said.



It is not unusual for homeless residents to own pets, NPD Lt. Kevin Drohan said. This becomes an additional concern for those who want to seek housing on cold nights in shelters where animals are not welcome.

BALANCE AND COMPASSION

Begging, loitering, theft – those are the typical complaints Newport Police Lt. Kevin Drohan said police receive regarding homeless citizens in that northern Kentucky community.

“Oftentimes they hang around the liquor stores,” Drohan said. “One of the complaints we get that we try to keep a handle on is panhandling. We have had incidents at the Levy where people stop in the public restrooms to clean up. We have a duty to the business owners, residents and visitors who don’t want to be approached and asked for money. But we also have a duty to be compassionate to these folks. You just have to find that balance.”

More and more demands are placed on officers each day as a community’s expectations continue to grow. Officers on the street often are kept running from one call to the next and lack the time to assist homeless community members who are keeping to themselves and out of police business. But many individuals who are not creating calls for service still are unsure where to get help.

For example, Drohan said a lot of homeless individuals lack proper identification – as well as the means to acquire it. Without a birth certificate or social security card, obtaining an ID can be troublesome. Many homeless shelters and organizations require identification to receive services. Drohan encountered a woman in Newport who found herself in just such a predicament with nowhere to go. She was sleeping under a bridge and had surrounded herself with dumpsters to block the bitter cold one night when Drohan found her. She had everything she owned piled on top of her to keep warm, he said. Her husband had died, she didn’t have the documents to get an ID, so she remained on the streets.

That is, until Drohan took it upon himself to help her. He knew that despite not having ID, a local shelter in Covington accepted individuals who were brought in by police referral.

“There are people who can’t help themselves – they don’t know what to do or where to go,” he said. “And sometimes I don’t know what I’m going to do, and it can be hard to give that extra attention. But it all comes back to the overall need. I don’t like to see people suffer and in those situations where they are helpless.”

Compassion and understanding are essential, Bowling Green’s Watts said. The label of homelessness often carries with it a stigma, she said, which includes the assumption that individuals are drug addicts, alcoholics, criminals or deadbeats.

“The reality is nearly everyone lives paycheck to paycheck anymore,” she said. “It’s unfortunate but true. Sometimes people are just waiting to be evicted. Dad lost his job, mom is working part-time, they can’t afford childcare – so all of a sudden they find themselves without a home, sleeping in a car, and still sending their kids to school.”

“It’s just sad, and people don’t realize it could happen to anyone,” Watts continued.

In Newport, a handful of residents live in a tent encampment just off the railroad tracks, cloaked in the woods. Drohan said the individuals are residing on city property, but telling them they are trespassing and instructing them to move along is a double-edged sword.

“All of their possessions are in one tent,” Drohan said. “I can get them to move, but where do they go?”

Drohan himself responded to the encampment late last year when the residents became drunk and argumentative, leading to a non-fatal stabbing.

“After that, I had talked to the city about coming in and cutting all the trees back to open up that area,” Drohan said. “But then they will just move farther back in the woods. And when we do have problems, it would be harder to get back in there.”

“I know some people think they can say, ‘Just get a job,’ or, ‘McDonald’s is hiring,’” Drohan continued.

“But that is just not their lifestyle. They have come this far and they are in this deep. Telling them to get a job is just not going to change things. There are resources out there, but they are slim and stretched very thin.”

THE BIGGER PICTURE

Lexington police have come to rely heavily on its local resources, most recently the Office of Homeless Prevention, said Lexington Police Lt. Corey Doane. Developing a relationship with them, the local shelters and other organizations dedicated to serving this population has been a huge help, he said.

Doane agreed with Drohan and Watts that compassion and understanding are critical in assisting the homeless. Through partnering with their local resources and extending a little empathy, Doane said Lexington officers have found in some cases they are dealing with citizens suffering from mental illnesses.

“The public sees somebody acting out, yelling and so forth, and they think they are doing it on purpose,” Doane said. “Through our partnership with Eastern State Hospital, they have a team we can call out and evaluate the individual basically right there on the spot, to see if the resources they have will be able to help get them treatment they need.”

In winter months, Doane said the agency makes an extra effort to identify those in need and provide them with assistance and information. Some individuals will accept a ride to a local shelter, but Doane said some prefer their independence or have other reasons they do not want to go to a shelter.

“The biggest thing is getting officers to understand the bigger picture,” Doane said. “It is easy to get frustrated with the homeless population when you see them on street corners with signs begging for money, or if they sometimes get disorderly. But I doubt these people really want to be doing that; each one has a different story and, one way or another, I highly doubt they chose that life. They may be down on their luck, have dealt with substance abuse or may have burned every bridge they had, and that’s where they’re at on the streets of Lexington.”

Doane sees that bigger picture as an opportunity to help provide long-term solutions. Helping the homeless is most often not a law-and-order issue, he said. Taking someone to jail or looking the other way is ineffective in the long term. After serving as a Lexington officer for the past 11 years, Doane said he has worked to develop more ways to help his community.

“We’re not just looking short term at getting this person away from this business for the night,” he said. “We want to see how, long term, we can help so we aren’t continually coming across this problem and in turn, we’re helping their overall well-being.”



The city of Lexington attempted to control panhandling through a local ordinance, but the Kentucky Supreme Court recently struck down the measure, saying it violates free speech. Finding a balance between keeping beggars away from businesses and being compassionate to those in need is a struggle, officers say.

Lexington Police Officer **HOWARD FLORENCE** (below), speaks to a homeless individual in downtown Lexington. Working most of his time in downtown, Florence regularly encounters homeless residents in need of assistance.





EVEN BETTER THAN PLANNED

Mount Sterling Police Department

PASSION AND SUCCESS CHARACTERIZE THIS EASTERN KENTUCKY DEPARTMENT OF 21 SWORN OFFICERS WHO AREN'T SATISFIED WITH STATUS QUO, BUT INSTEAD ARE COMMITTED TO MAKING MSPD ONE OF THE BEST-TRAINED AND CAPABLE AGENCIES IN THE COMMONWEALTH.

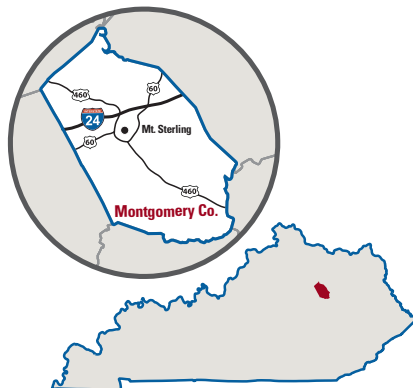
Written By
ABBIE DARST

Photography By
JIM ROBERTSON

When David Charles took over as Mount Sterling Police chief in 2011, he and his staff developed a detailed and rigorous five-year plan – nine months later they had tackled everything on their list and built another plan.

Having just finished his fifth year as chief, Charles and MSPD are finishing up their third 'five-year plan,' having successfully completed large-scale initiatives such as earning accreditation, moving to a new facility, beginning a K-9 unit, starting a chaplaincy service and engaging the community.

This type of initiative, passion and success characterize this eastern Kentucky department of 21 sworn officers who aren't satisfied



with status quo, but instead are committed to making the Mount Sterling Police Department one of the best-trained and capable agencies in the commonwealth.

"I always thought to myself if I ever had the chance to become chief, I'd like to see this and this and this – a list of things I'd like to see – and I tried to keep those in mind when I became chief," Charles said.

But his drive to see bigger and better things stemmed from having served with the capable and forward-thinking department since 1991. Having come up through the ranks, Charles has had a hand in many of the major initiatives MSPD has undertaken in the past two decades.

"I came up in my career having done everything from writing parking tickets to working traffic," Charles said.

He found one of his true passions when he was promoted to investigations sergeant in 1999. It was in this position Charles was directed by then-Chief Michael Schnell to create a narcotics unit.

"For an agency our size, that was unheard of," Charles recalled about the undertaking. "Before the creation of this (unit) we contracted with task forces, which is a common practice. But having our own proved to be so much more reactive, and then that transitioned into being proactive."

For an area heavily caught in the drug scourge sweeping across the commonwealth, the MSPD Narcotics Unit is a vital component in the agency's fight to ensure the health and well-being of its community. In the unit's first round up, they secured 177 indictments, Charles recalled. Through multiple successes, the unit has been able to stay in front of problems.

"When meth peaked, we'd already started our own clandestine lab response team so we could clean them up and not wait on other agencies," Charles said. "We could get neighborhoods back together so much quicker."

MSPD went on to create public forums and heroin conferences in conjunction with other state and federal agencies. Charles also serves as chairman of the Montgomery County Alcohol, Drug Abuse and Prevention Team (MCADAPT), which brings together entities from law enforcement, rehabilitation, health departments and private businesses to address these issues. The group has created a clearing house website where each entity lists its available services, information on signs of addiction to look for in family members and other forms of education, Charles said.

"[Drug addiction] is destroying generations," Charles said. "We need to be more sympathetic as opposed to confrontational. Keep in mind, I have zero tolerance for trafficking narcotics, but those suffering from addiction are not the enemy. They are victims of the scourge, and we need to treat them as such."



Mount Sterling Police Officer **JASON PERRY** rewards K-9 Dexter after successfully alerting on drugs hidden inside this blue truck. Perry is MSPD's first K-9 officer, and he says he and Dexter work hard and train consistently to ensure the K-9 program's success.

COMMUNITY INVOLVEMENT

MCADAPT is just one of many boards and community groups with which Charles serves.

"I really enjoy being on the parks and recreation board and working with those avenues to help improve the community," Charles said. "I love serving on the downtown board – it all comes back to making the community better."

Ensuring the police department is engrained in the community and having a positive impact is high on Charles' priority list. Not only does he look for ways to plug into local groups and community partnerships, he encourages his officers to serve the community both in and out of uniform.

"Our officers participate in many community events," Charles said. "We also encourage them to be mentors through youth coaching and scouts."

"We can't look at it as us versus them because in reality it's just us," Charles continued. "When you try to marginalize or put people out in another boundary, you've set yourself up to fail."

When Charles first took over as chief, he and his officers spent months going door to door to every residence in Mount Sterling, delivering flowers and introducing themselves, Officer Jason Perry said.

"We wanted to get the public involved and let them know what we're doing," Perry said. "[Chief Charles] got the community behind us, and they understand more about what we do than they used to."



Mount Sterling Police Chief **DAVID CHARLES** (above) set high expectations when he took over the department in 2011. Having served MSPD for 26 years, he is passionate about the community he serves and the men and women serving in his ranks.



Perry's main public relations tool is his four-legged partner, Dexter. Perry serves as MSPD's first K-9 officer, and he and Dexter spend their days at local schools, churches and senior citizen centers performing demonstrations on everything from finding hidden drugs to bite work.

"One of the [demonstrations] the kids like is throwing my keys into a field and allowing Dexter to find them because he looks for articles," Perry said. "They really get a kick out of that."

Mount Sterling began its K-9 program in 2011. Since then, Perry says he and Dexter train hard and often in order to safeguard the future of the program.

"When the chief posted the position I was lucky enough to get it, and I want to do well to keep the program going," Perry said. "I want to make sure the community, city hall and the department see the program as an asset because K-9s can find things we just can't. Our officers know they can call anytime and, even if I'm off work, I can be there in 10 minutes."

This camaraderie and dependability among officers are some of the department's greatest strengths according to Charles and Perry.

"Our sense of family – everyone knows each other well, both strengths and weaknesses," Charles said is the best part of working at MSPD.

"We have a great set of guys and everyone gets along," Perry agreed. "We have an awesome chief. He's for the officers. I could call the chief at any time and say this is the problem I've got and ask how to go about it, and he won't hesitate to help. I can call any of the guys; we all have a good working relationship."

PLANNING AND PREPARATION

Perhaps Mount Sterling is best known for its Court Days Festival. Held each year during the third week of October, the festival brings 200,000 visitors to this town of only about 7,000 residents to buy, sell and trade goods.

"We do everything," Charles said of the police department's responsibilities for Court Days. "We are in charge of traffic, crowd control, general complaints, lost kids and adults, shoplifting, intoxicated subjects, domestic violence – it's all there and it's all ours."

During the four day festival this past year, Charles said they handled 298 complaints specifically related to the festival. Court Days festivities keep department personnel hopping – requiring every officer to work 12-hour shifts all four days.

"It's basically all hands on deck," Charles said.

Charles says they have experienced and suffered through everything from large-scale accidents to officer injuries, to an Anthrax scare in the early 2000s, right after 9/11.

"We preplan the event every year and work with the local fire department, EMS and communication

center," Charles said. "We try to plan as completely as possible and then prepare for when things don't go according to the plan."

Thorough planning and training is second nature to the Mount Sterling Police Department, which believes that the minimum is not enough when it comes to training and preparing officers.

"You have to wear so many hats in law enforcement," Charles said. "We encourage specialized training so we have experts on hand."

The agency has accident reconstructionists, fully-trained crime-scene investigators and tactical narcotics response-trained officers.

In addition, MSPD conducts extensive in-house training – from eight firing range trainings each year, to all-inclusive policy and mass casualty trainings with local schools and hospitals. One day each week, every officer in the department is scheduled to work. These four days each month are designated for training, Charles said.

Sometimes it's as simple as roll call training on a policy update, but Charles said if a policy is brand new, or detailed, a face-to-face training will take place to discuss the policy and what is expected from it and from officers in response. The new policy then is downloaded to each work station, where officers can keyword search when looking for specific policies, which is much more convenient for officers than going to the written policy books shelved in the department.

The department also runs the Kentucky League of

Cities firearms simulator every year and sends instructors to train on it constantly.

"We are very into training," Charles said. "Though it can be a burden at times on a short-term basis, long term it helps the agency and the people because it gives them knowledge and ability to do their job and a sense of self worth as well."

Being well trained and always seeking to be the best to provide the best to their community has been instrumental in MSPD's involvement in the Bluegrass and Central Kentucky Unified Police Protection System. BACKUPPS began in 2014 to create shared jurisdiction between central Kentucky agencies. As one of the program's original members, MSPD has watched the program take off – and Charles deems it a huge success.

"The level of communication and cooperation among agencies is off the charts now," Charles said. "We've had so many success stories it's hard to get them all in. I think it will improve law enforcement if it continues in the direction it is going, and 10 years from now it will be hard to imagine law enforcement before this took place."

The Mount Sterling Police Department continues to push full steam ahead, looking for new programs to implement, improved ways to bolster officer skills through training and innovative ways to engage the community to which they are committed.

"I love being able to help people and work within the community to solve problems," Charles said. "I still love what I do." 🇺🇸



MSPD officers are required to work 12-hour shifts during Mount Sterling's Court Days Festival. The festival draws approximately 200,000 people to the community over the course of four days. Last year MSPD handled 298 complaints relating to the festival.

A NEARLY-IMPOSSIBLE FEAT

Would it surprise you to learn that one in every five women and one in every 71 men report being a victim of rape at some point in his or her life? That means if you have an aunt, a sister, a mother and two female friends, one of them is statistically likely to have been a victim. If you ever have been a member of a fraternity, one of your brothers is statistically likely to have been a victim. Would it further surprise you to learn that, among both men and women, one in every 20 reports being a victim of some other form of sexual violence?

It is for all of the above reasons that in April 2016 the Kentucky General Assembly adopted Senate Bill 63, legislation that brought forth numerous statutory changes affecting law enforcement, health care, forensic processing and victim's advocacy throughout our commonwealth. As of Jan. 1, every law enforcement agency in Kentucky that receives money from the Kentucky Law Enforcement Foundation Program Fund adopted a sexual-assault response policy under the provisions of this legislation. These policies are step one in changing the way we respond to sexual assault in Kentucky.

Step two involves changing the way we train our men and women of law enforcement to think about and respond to sexual assaults. The Department of Criminal Justice Training has developed an entirely new curriculum, which marries traditional investigation skills with a more victim-centered approach.


This training will be offered to law enforcement professionals 19 times between now and January 2019. By that date, every law enforcement agency in Kentucky is required to have a statutorily-designated number of officers trained under this new curriculum. Given the rapid and professional response we saw from law enforcement agencies when called upon to adopt the new sexual-assault response policies, DOCJT

harbors no doubt the training requirement will be met with equal fervor.

"I am exceedingly proud of our staff, who met this responsibility with the professionalism and diligence this important issue deserved," DOCJT Commissioner Mark Filburn said about the efforts made to ensure compliance with the new policy mandates. "The nearly-impossible feat of assisting every law enforcement agency across the commonwealth with meeting such a tight deadline – and succeeding – is just another example of how committed DOCJT's staff is to our clients."

The success of this "nearly-impossible feat" surely is a testament to the partnership DOCJT shares with our law enforcement brothers and sisters, and to the respect each side of that partnership holds for the victims' advocacy community.

"Senate Bill 63 was passed to improve the criminal justice response to victims of sexual assault," said Eileen Recktenwald, executive director of the Kentucky Association of Sexual Assault Programs, and co-chair of the SART Advisory Committee. "Now that law enforcement agencies in Kentucky have policies in place that ensure a trauma-informed approach to the investigation of this crime, it could mean that lifelong consequences for the victim can be decreased, and it increases the possibility that more cases are cleared and successfully prosecuted, making Kentucky a safer place to live."

Henry Ford once noted, "If everyone is moving forward together, then success takes care of itself." Law enforcement agencies, law enforcement training and victims' advocacy have demonstrated a solid resolve to move forward together in the work of bringing sexual assault into the light, so that we may scrutinize our process and refine our service to the victims of this horrible crime. Given this forward momentum, we are confident that, together, we can make Kentucky a leader in professional, victim centered sexual assault response. 

Written By
DEAIDRA DOUGLAS
ASSISTANT GENERAL
COUNSEL, DOCJT

“NOW THAT LAW ENFORCEMENT AGENCIES IN KENTUCKY HAVE POLICIES IN PLACE THAT ENSURE A TRAUMA-INFORMED APPROACH TO THE INVESTIGATION OF THIS CRIME, IT COULD MEAN THAT LIFELONG CONSEQUENCES FOR THE VICTIM CAN BE DECREASED, AND IT INCREASES THE POSSIBILITY THAT MORE CASES ARE CLEARED AND SUCCESSFULLY PROSECUTED, MAKING KENTUCKY A SAFER PLACE TO LIVE.

— EILEEN RECKTENWALD, EXECUTIVE DIRECTOR OF THE KENTUCKY ASSOCIATION OF SEXUAL ASSAULT PROGRAMS



BRIDGING THE GAP

Exploring how police social workers help departments offer better services to communities and crime victims

Written By
ABBIE DARST

Photography By
JIM ROBERTSON

Every law enforcement agency has repeat customers – that one house officers have been called to so many times the address and wife’s tear-stained face have been memorized by every officer on second shift. The old man who is terrorized by Vietnam nightmares and desperately needs the third shift officers’ company and comfort. That frantic mother who has come home to find her 20-something-year-old son in the throes of another heroin overdose and doesn’t know where else to turn.

“Across our industry, 60 percent of calls for service or more have nothing to do with law enforcement,” said Alexandria Police Chief Mike Ward. “It is social problems that no one knows who to call so they call 911 because they know someone will respond – and we have cops going to these calls.”

According to the National Association of Social Workers, that percentage is closer to 80 percent. In what it refers to as the 80/20 rule, crime fighting takes 20 percent of officers’ time and service-related tasks fill

the other 80 percent. Examples of service-related functions include responding to family disputes in which no crime has occurred and crisis intervention and mediation skills are required. Responding to homicides and robberies are examples of crime fighting; however, even these law enforcement responses could have a service function as victims may require crisis intervention, support and referrals.

“We’ve spent decades trying to make social workers out of cops, and it does not work,” Ward said.

That realization led Ward to pursue the idea of adding a police social worker to his department. Ward first was introduced to the concept of PSWs last spring while attending an International Association of Chiefs of Police working group on pretrial justice reform.

(left to right)
CHRISTINA WEINEL, Angel program volunteer; Police Social Worker **KELLY POMPILIO**; **BECKY STROUSE**, a Northern Kentucky University graduate student assisting with Alexandria’s PSW program; and **KIMBERLY WRIGHT**, Angel program volunteer.

During the discussion, a participant asked about follow up and resources, and a chief from southern Wisconsin said, ‘We just let our PSW handle that,’ Ward recalled.

“I turned to Pennsylvania sitting to my right and asked, ‘What’s a PSW?’ and he didn’t know. So I turned to Texas on my left and said, ‘What’s a PSW?’ And he said, ‘I think it’s one of those ... tree-hugging social workers.’”

“So I pulled up my iPad and Googled it right there,” Ward continued. “And I started seeing that northern Illinois and southern Wisconsin had a police social work association, but that was all I could find.”

Later that night, Ward learned more during a conversation with a chief from Rapid City, S. D., who also had begun looking into adding a PSW to his personnel. Immediately upon returning to the office, Ward began to explore and gather information from the police social worker association and began his proposal to acquire a PSW position at the Alexandria Police Department.

Ultimately, PSWs act as liaisons between the police department, the community and social-service agencies. Police-based social-service programs originated in 1970 out of a pilot project funded by the Illinois Law Enforcement Commission, said Kristin Eby with the Association of Police Social Workers. From there, these programs began to grow in popularity because of the benefits these programs afford to departments and communities. Specifically, PSW programs can minimize the amount of time officers spend on non-criminal calls; allow for a multidisciplinary approach to difficult or complicated cases; provide readily available and trusted mental-health professionals for consultation and response; and provide assistance with victim cooperation, investigations and reducing recidivism rates in juvenile and domestic cases, Eby explained.

In what became a whirlwind of meetings, research and collaboration with Northern Kentucky University social work professors, Ward was able to get his position proposal approved, craft a job description, and hire Alexandria Police Department’s first PSW, Kelly Pompilio, in a matter of a few months.

Holding a master’s degree in social work, being from the northern Kentucky area and having successfully moved through the ranks with the Cabinet for Health and Family Services for 12 years, Pompilio was the perfect candidate for this position, Ward said.

“She has reduced our repeating calls for service because she’s taking these cases and running with them,” Ward said. “So, as a city, we are not just responding, we are helping people and getting results.”

FINDING PERMANENT SOLUTIONS

Law enforcement officers are trained to be excellent problem solvers. However, one of the biggest downsides Ward and other advocates of PSWs saw with law



CHRISTINA WEINEL is a member of Alexandria’s Angel program. The Angel program is a national initiative to help drug addicts successfully receive help and treatment. “Angels,” who often are family members of overdose victims or recovering addicts themselves, are paired with addicts and walk them through each step of their journey toward recovery.



KELLY POMPILIO serves as Alexandria’s first police social worker. With a master’s degree in social work and having served 12 years with the Cabinet for Health and Family Services, she understands the needs of victims and where to turn for resources to help struggling residents.

enforcement officers responding to repeating calls for service, where there usually are deeper issues impacting the situation, is officers don’t have the training nor resources to find long-term solutions.

“Officers solve the problem directly in front of them because they have other problems to get to,” said Alexandria Detective Chris Jaskowiak. “It is permanent to us because we are on to the next thing. We don’t have the connection with the victim.”

Because officers are trained to respond and handle crisis situations, their solutions often are temporary. For example, Jaskowiak shared about a case where officers responded to the home of a mother with a new baby whose home was a disaster. Pompilio recognized that the mother was likely suffering from postpartum depression, and she was able to get her help and on proper medication.

“Cops would have just charged her with neglect because we don’t understand postpartum,” Jaskowiak said. “We are temporary problem solvers.”

However, these officers do not lack any compassion or genuine concern for residents struggling with any number of mental-health issues, vices or complicated situations.

"I've never worked with a department where they are so amazing and helpful to people," Pompilio said about APD officers. "They've made peanut butter and jelly sandwiches and given out coffee - we had a homeless guy living in the bus stop and our guys would go out and give him clothes and shoes, buy him McDonald's, give him a blanket and a pillow because he was sleeping on the concrete. It's amazing that they do those things, but it's really just putting on a band-aid, and then the next day we get a complaint call that he's sleeping in the bus stop again.

"Finally, when I got ahold of him, I got his story and his physical health issues. I was able to get him into a shelter in Covington where he could stay for a year, and they would work toward getting him housing and a medical card," Pompilio continued.

Pompilio and Jaskowiak spent countless hours working with this gentleman. They transported him to his former residence in Bellevue to find two pieces of mail to ensure he could obtain identification, allowing him to get into the shelter and receive a medical card. This level of connection, follow through and time spent are nearly impossible for patrol officers to offer to those they encounter when they respond to calls for service.

"Since Kelly's been here, the officers are seeing things get accomplished," Ward said. "It's making

a tremendous difference from a street officer's perspective."

"It's a totally different focus," Jaskowiak agreed. "I now have access to a social worker who has access to the system and who can help victims. I can focus on the crime and she can focus on the victim."

CHALLENGES

When Ward first hired Pompilio, the APD officers were not thrilled with the idea, he said.

"Officers didn't like the position at first," Ward said. "They didn't think we needed it. But I think if you talk to them now, they'd respond differently because of the feedback and results they are seeing. That has been our biggest accomplishment with Kelly - she communicates with officers."

Of course, like any new endeavor, there are challenges departments will face and should consider as they explore the addition of a PSW within their agencies. In his NASW article, "Police Social Work: A Unique Area of Practice Arising from Law Enforcement Functions," Hunter College Professor George Patterson outlines multiple issues with implementing police social work within police departments.

Patterson first identifies securing and maintaining funding for sustainability of the position. Some departments, like Chattanooga, Tenn. Police Department have sought grants to fund PSW positions. In September 2015, CPD decided to use \$600,000 in grant funds to hire social workers to embed with officers, respond to calls and help victims through trauma,

specifically focusing on victims of gang-related violence, the Times Free Press reported.

Last year, Ward said there was enough money in his budget for a position, but not an officer. When the idea of the PSW position came up, he knew he had the resources to pursue it.

"If you look at it from a budget perspective, there's no hazardous duty, very little equipment," Ward said. "We didn't have to spend \$3,000 to \$4,000 on uniforms and we purchased a little Ford Focus, that didn't need all the police equipment.

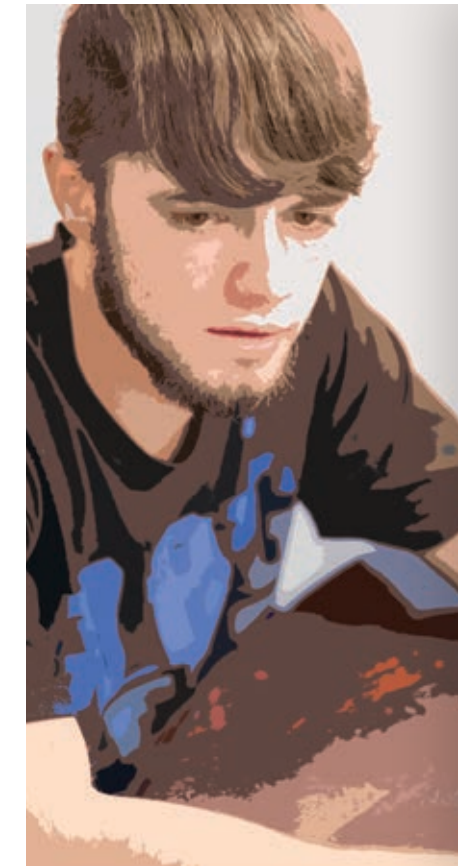
"So from a budget perspective, she's cheaper, but what we're getting out of her is probably better because it's a different discipline to augment and finalize cases. The bang for the buck is huge," Ward continued.

Ward specifically did not want to use grant monies to fund Pompilio's position so that he knew the agency could continue to fund it well into the future. Though, he said if they bring on a second PSW down the road, he may look at grant-funding options.

Patterson also identified training issues for PSWs and ensuring proper supervision as issues to consider when bringing PSWs into a department. In Kentucky, officers are required to complete a minimum of 40 hours of training each year to maintain certification. Continual training is an important element to any professional. However, Ward said he has found this to be a difficult area. Since Alexandria's PSW position is likely the only one in the state, it is hard to come up with a program that only has one person in it, Ward said.

Pompilio has spent time working closely with APD's crisis intervention team supervisor, and attended a Department of Criminal Justice Training-sponsored sexual assault response team training. In addition, she has undergone individual training with specific officers who have specific skill sets, Ward said.

Another issue Patterson identified is with police officers' concerns about the safety of a civilian employee out on calls with them on a continuous basis. Ward said safety was a concern for APD too, and they have taken precautions in areas like Pompilio's attire, keeping it plain and discreet, and always having officers present when she is visiting a home or another



Common Issues Addressed by PSWs

Violent crimes – domestic violence, child and elder abuse, sexual assault

Juvenile problems – runaways, delinquencies

Traumatic incidents and deaths – homicide suicide, death notification

Family conflicts

Alcohol and other drug-related problems

Psychiatric illness and mental health concerns hoarding

Financial needs

Homelessness

Geriatric concerns

Neighbor disputes

From the Association of Police Social Workers

location where the individuals are known to be a potential threat.

Pompilio recalls her learning curve with learning the importance of checking in with dispatch early on when she went to a home to conduct a victim interview. She was concentrating on her conversation with the victim and paid no attention to the requests for her to update her status coming from her radio. Soon, there was a knock on the door, and a very concerned officer stood there asking her if she was OK, because she was not answering her radio.

"We watch her back on the street, and she watches our back in the office," Jaskowiak said about how Pompilio also supports the department's officers.

AN INSIDE JOB

Pompilio's skill set is not designated only for helping people in the community, she also works with officers who have experienced traumatic events, critical incidents or just need someone to talk to about issues in their personal lives. Pompilio went through a training session with the Veteran's Affairs office to conduct mini post-traumatic stress

assessments, to better support officers when they have experienced difficult or traumatic circumstances.

Pompilio was able to counsel an APD officer who had worked a case where a 12-year-old girl was hit by a car, and she was able to walk the officer through that experience, talking to her and linking her up with resources.

"She takes care of the community, but she takes care of us, too," Ward said.

Social workers staffed within police departments are essential to helping bridge the gap between law enforcement and the myriad of human problems they encounter. Between the rise in mental health and substance-abuse calls and the necessity to counsel victims in the aftermath of everything from a house fire, suicide, unexpected death, homelessness and addiction, wherever there is crime, there is always a victim - and police social workers can step up to help.

"We do the protection side, and our PSW provides full service all the way to the end," Ward said. "She continues to follow up until the issue is resolved for that family." 🌟

KELLY POMPILIO has worked as a police social worker since August 2016. She has been instrumental in helping the department follow through on those cases where police contacts need extra assistance, in ways patrol officers cannot.





RESOURCE MANAGEMENT:

HOW KENTUCKY LAW ENFORCEMENT USE ASSET FORFEITURE TO AID IN DRUG FIGHT

Written By
KELLY FOREMAN

Photography By
JIM ROBERTSON

RELATED: WHAT SHOULD YOU SEIZE?, p. 28
PROCEDURES FOR PROPERTY SEIZURE, p. 30

Drug investigators spend months – sometimes years – investigating traffickers whose drugs are destroying lives in Kentucky communities. Surveillance, undercover buys, confidential informants, late nights and specialized equipment demand time and money for investigations to be successful.

However, it's all for naught if those convicted are able to pick up right where they left off with their profitable business endeavors following a short stint of time served.

That's where asset forfeiture comes in.

"Asset forfeiture takes away the ill-gotten gains of drug traffickers, which serves as a secondary consequence to their illegal activities," said Tommy Loving, director of the Warren County Drug Task Force. Loving has spent more than 20 years in the role. "Since House Bill 463, many drug traffickers receive a lot less time in prison than they once did."

KRS 218A provides details of Kentucky's laws regarding seizure of criminal assets. What can be seized, how it must be disposed and proper reporting procedures all are outlined. Some asset-forfeiture opponents have argued that the practice could be considered policing for profit, but Loving and Warren County Commonwealth's Attorney Chris Cohron said the commonwealth's laws are strong and effective.

One of the most significant components of the law is that Kentucky requires a criminal conviction for a person's assets to be forfeited, Cohron said. The burden of proving the assets are drug-activity proceeds falls to the commonwealth.

Vehicles used in the furtherance of drug activity are one type of property law enforcement should seize when utilizing asset forfeiture in an investigation. Other types of property that can be seized include homes, boats, airplanes and land that can be linked to drug sales or were purchased with profits from those sales.



LEFT: MATTHEW BENDIT/23RF.COM



Warren County Drug Task Force Director **TOMMY LOVING** has devoted much of his career to the fight against drug activity in his community. Loving also serves as executive director of the Kentucky Narcotics Officers' Association.

“And there is a judicial review on top of that,” Cohron said. “Unlike a lot of complaints about federal and other states’ asset forfeiture, Kentucky law is strictly written. Before any forfeiture can be finalized, it has to be subject to judicial oversight. Just as in the policing of drug cases, asset forfeiture is never a factor in how cases are resolved. Asset forfeiture simply is a residual benefit of prosecuting drug-trafficking cases.”

Fifteen percent of forfeiture proceeds are returned to the prosecutor who adjudicated the case. The remaining 85 percent returns to the law enforcement agency or agencies which investigated the crime. Those

funds explicitly are designated for training, equipment and other needs specific to those offices.

“Over the past 10 years or so, law enforcement as well as prosecutors have faced unprecedented budget cuts,” Cohron said. “We have been able to use asset forfeiture as a means to make sure we are able to effectively investigate and prosecute drug cases.”

In the past when the legislature imposed unpaid furloughs on state employees, Cohron said many jurisdictions used asset-forfeiture funds to buy out the furloughs and kept prosecutors working. Loving, who also is the Kentucky Narcotics Officers’ Association executive director, said much of the funds his task force generates through forfeiture are used to buy drugs in investigations, purchase equipment needed to conduct cases, and could be used for overtime, if necessary.

“Drug investigations usually are complex and, many times, don’t end at 40 hours per week,” Loving said. “It also saves the taxpayers a great deal of money in having to fund drug-enforcement activities. These drug dealers, many of them are making huge amounts of cash. You can be assured they are paying no taxes. So when this money is used for a government purpose, at least that helps offset some of the missed tax revenue these people have no intention of paying.”

THE SCALE OF THE PROBLEM

Narcan, overdose and heroin all are words which have become a part of daily discussion in Kentucky, as law enforcement agencies and emergency responders battle the widespread and increasing scourge of addiction. It’s a problem law enforcement faces daily, and asset forfeiture is just one tool in that fight.

According to the 2015 Overdose Fatality Report, compiled by the Kentucky Office of Drug Control Policy, overdose fatalities increased by more than 16 percent from 2014. The 2016 report is not yet available, but reports of overdoses statewide indicate those numbers likely will climb again.

“Overdose death of Kentucky residents, regardless of where the death occurred, and non-residents who died in Kentucky, numbered 1,248 as tabulated in May 2015,” the Overdose Fatality Report states. “Autopsies and toxicology reports from coroners show overdose death attributed to the use of heroin were involved in approximately 28 percent of deaths in 2015.”

Fentanyl, either combined with heroin or alone, was responsible for 34 percent of all 2015 overdose deaths, the report states.

As citizens die each day with needles in their arms, law enforcement and prosecutors need every tool available to fight against ongoing drug activity and minimize the amount of drugs available, Loving said.

“Our primary goal is to take the trafficker and the drugs off the street,” he said. “When you take their resources away, obviously that leaves less resources for them to go immediately back in business and replenish the stock of whatever drug they are selling. In that sense, it is a business – once they sell it and make a profit, they still have to restock.”

Kentucky State Police Major Jeremy Slinker, commander of the Special Enforcement Troop, and KSP Col. Steve Long, director of KSP’s Operations Division, agreed that asset forfeiture is a critical tool in continuing drug-investigation operations. In tight budgetary times, Slinker said forfeiture funds allow the agency to maintain the necessary level of investigations to attack, command and control the drug problem.

“First, I would say the thing we primarily use forfeiture funds for is to operate our drug-enforcement branches and investigations,” Slinker said. “The bulk of our money will go into evidence purchases and information purchases. Typically, the general fund doesn’t have that line item, and if it does, it’s very small. [Not having forfeiture funds] would limit how much good we can do as far as investigations go.”

Like Loving, Long agreed the asset-forfeiture program allows KSP to disrupt the flow of drugs into the commonwealth’s communities.

“Our drug guys, their main goal is to shut down operations and kill the supply, making the drugs more difficult to obtain,” Long said. “If you get enough of [the drug-sale proceeds], you can completely shut down one of those organizations.”

“Seizing drugs is a priority,” Slinker said. “Seizing money – I think the trick is it has to be proceeds from drug trafficking. You don’t just seize people’s money because they have money. You’re required to articulate

how it is associated to drug-trafficking proceeds. The myths that we take people’s inheritances simply are not true. The investigation has to support the fact that it is drug proceeds.”

MEETING THE NEED

When Kentucky State Police leaders first decided to add Tasers to the agency’s weapons arsenal, funding the equipment, batteries and cartridges was cost prohibitive for the second-largest law enforcement agency in the state.

“We had a pretty substantial seizure from a case of a chicken-fighting ring with gambling and drug dealing all intertwined,” Slinker said. “That money was forfeited to the state police at the beginning of the Taser program, and used to fund several hundred Tasers to be given out to troopers in the field or operations.”

The agency soon will upgrade its Tasers using forfeiture funds, too, Slinker said.

“A lot of times, if all we have is the general budget, we may not be able to afford some level of equipment, body armor and things like that we need,” he said.

KRS 18A.420 details how forfeiture funds can be spent. Specifically, the law states that the money is intended to supplement funds otherwise appropriated to the agency or prosecutor, and cannot supplant other funding. In other words, if an agency budgets \$100,000 for the purchase of new cruisers, forfeiture funds cannot be used instead of the previously-allotted money for that budgeted expense.

“We roll our money back into accounts to continuously fund our future drug investigations,” Slinker said. “It’s not pre-determined where that money will go. But that’s probably the bulk of where our money comes from. We identify equipment needs, most of the time related to drug investigations and/or operations, and make those purchases out of those accounts.”

PROPER REPORTING

To ensure agencies are properly using funds, the statute also outlines procedures for reporting all money and property seized. KRS 218A.440 requires that all agencies participating in asset forfeiture file a statement with the Kentucky Auditor of Public Accounts and the secretary of the Justice and Public Safety Cabinet, outlining all the money and property seized during the fiscal year and how it was disposed.

Kentucky’s ODCP Executive Director Van Ingram said the reporting forms are available online at <https://secure.kentucky.gov/formservices/ODCP/AAF>.

“As law enforcement officials, it is incumbent upon us to set the example by following the law and completing our requirements to report seized items annually,” Ingram said. “Law enforcement agencies can go to our website and report electronically there,

or they can download the form, print it, fill it in and fax it to us.”

The reporting period runs on a fiscal year from July 1 to June 30, Ingram said. Anyone needing assistance with filing the report can contact ODCP. Following the reporting procedures keeps critics at bay and allows the state’s law enforcement to operate under the appropriate transparency.

“Despite the negative publicity we have seen from other jurisdictions, this is something Kentucky has done very well,” Cohron said. “I would encourage any agency that is not familiar with asset forfeiture, or doesn’t use it on an ongoing basis, to reach out to those agencies that deal with it on almost a daily basis. Documentation, proper accounting and putting those safeguards in place help everybody ensure this law will remain an effective tool in the war on drugs.”

Loving echoed Cohron’s sentiments.

“I also would encourage jurisdictions not using asset forfeiture regularly to go to their commonwealth and/or county attorneys and discuss the guidelines of what they are willing to do,” Loving said. “Because it is of benefit to the police agency and the commonwealth or county attorneys.”

When property is seized from a suspected drug trafficker, proper records must be maintained and submitted to the Kentucky Justice and Public Safety Cabinet, via the Office of Drug Control Policy. The records also must be submitted to the Kentucky Auditor of Public Accounts, according to Kentucky statute.



WHAT SHOULD YOU SEIZE?

FOLLOW THESE GUIDELINES

When any law enforcement agency becomes involved in a narcotics investigation that involves illegal goods or property purchased from the profits of illegal activity, knowing what you legally should seize is critical. KRS 218A.410 is clear about the types of property that should be taken and held until the case's adjudication.

Warren County Commonwealth's Attorney Chris Cohron notes, however, the knowledge about what to seize is just as critical as proper maintenance and record of the property.

"The main thing is that assets seized during drug investigations need to be treated like any other piece of evidence until the case is resolved," he said. "They should be maintained and accounted for just as any other piece of evidence in any type of prosecution."

218A.410 PROPERTY SUBJECT TO FORFEITURE.

(1) The following are subject to forfeiture:

- (a) Controlled substances listed in Schedule I that are possessed, transferred, sold, or offered for sale in violation of this chapter are contraband and shall be seized and summarily forfeited to the state;
- (b) Controlled substances listed in Schedule I, which are seized or come into the possession of the state,

the owners of which are unknown, are contraband and shall be summarily forfeited to the state;

- (c) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this chapter, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily destroyed or forfeited to the state. The failure, upon demand by the law enforcement agency or its authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he or she is the holder thereof, constitutes authority for the seizure and forfeiture of the plants;
- (d) All substances, machinery, or devices used for the manufacture, packaging, repackaging, or marking, and books, papers, and records, and all vehicles owned and used by the seller or distributor for

Customs and Border Protection officers from the Office of Field Operations referred a 2001 BMW for an inspection after the 35-year-old driver displayed suspicious behavior. Officers removed 412 pounds of marijuana, worth almost \$206,000, concealed throughout the vehicle, including the engine compartment and rear cargo floor.

CUSTOMS AND BORDER PROTECTION

the manufacture, distribution, sale, or transfer of substances in violation of KRS 218A.350 shall be seized and forfeited to the state. Substances manufactured, held, or distributed in violation of KRS 218A.350 shall be deemed contraband;

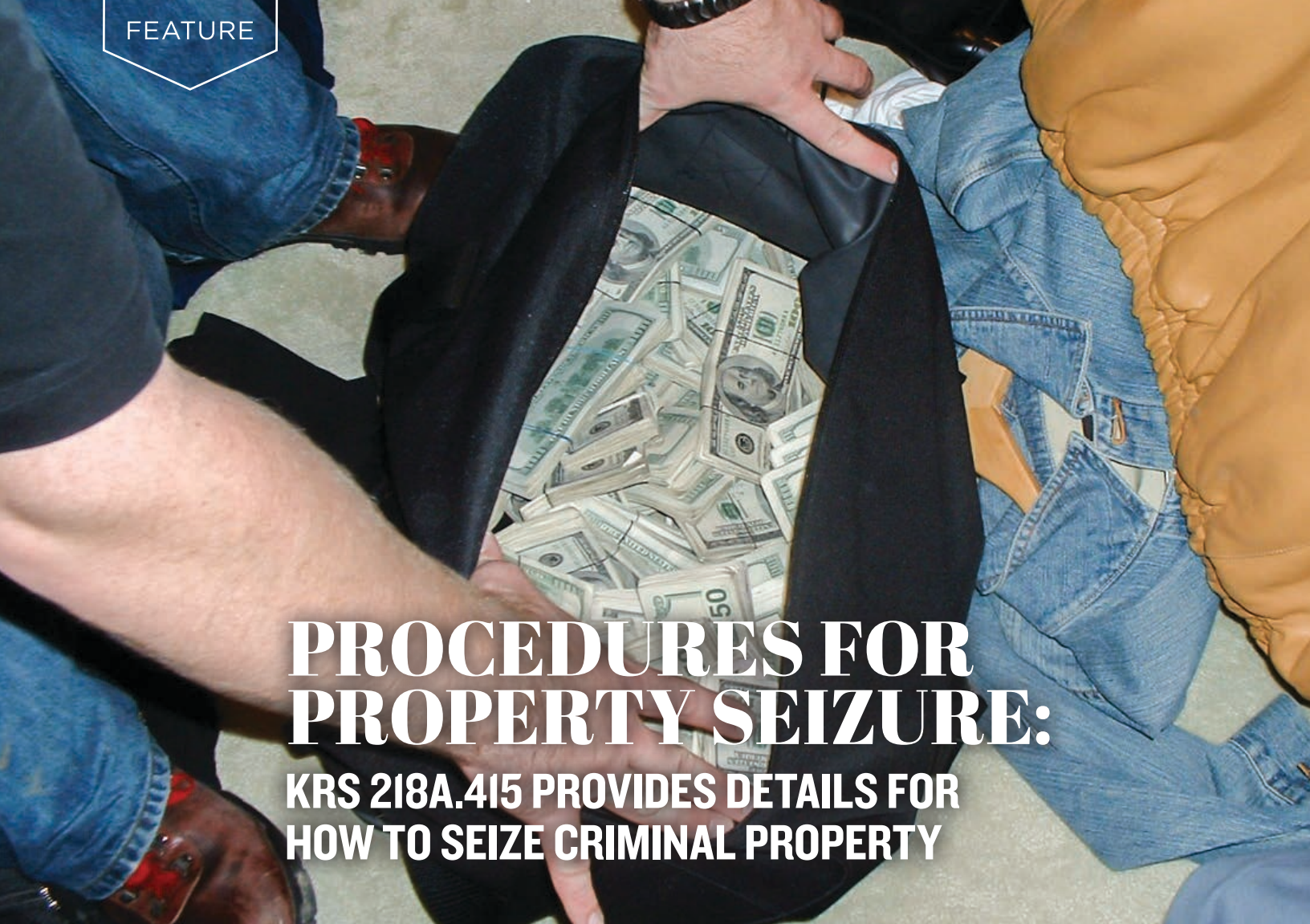
- (e) All controlled substances which have been manufactured, distributed, dispensed, possessed, being held, or acquired in violation of this chapter;
- (f) All raw materials, products, and equipment of any kind which are used, or intended for use, in manufacturing, compounding, processing, delivering, importing, or exporting any controlled substance in violation of this chapter;
- (g) All property which is used, or intended for use, as a container for property described in paragraph (e) or (f) of this subsection;
- (h) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, for the purpose of sale or receipt of property described in paragraph (e) or (f) of this subsection, but:
 1. No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this section unless it is proven beyond a reasonable doubt that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this chapter;
 2. No conveyance is subject to forfeiture under this section by reason of any act or omission established by the owner thereof to have been committed or omitted without his or her knowledge or consent;
 3. A forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission; and
 4. The forfeiture provisions of this paragraph shall not apply to any misdemeanor offense relating to marijuana or salvia;
- (i) All books, records, and research products and materials, including formulas, microfilm, tapes, and data which are used, or intended for use, in violation of this chapter;
- (j) Everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of this chapter, all proceeds, including real and personal property, traceable to the exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of this chapter; except that no property shall be forfeited under this paragraph, to the extent of the interest of an owner, by reason of any act or omission established by him or her to have been committed or omitted without his or her knowledge

or consent. It shall be a rebuttable presumption that all moneys, coin, and currency found in close proximity to controlled substances, to drug manufacturing or distributing paraphernalia, or to records of the importation, manufacture, or distribution of controlled substances, are presumed to be forfeitable under this paragraph. The burden of proof shall be upon claimants of personal property to rebut this presumption by clear and convincing evidence. The burden of proof shall be upon the law enforcement agency to prove by clear and convincing evidence that real property is forfeitable under this paragraph; and

- (k) All real property, including any right, title, and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this chapter excluding any misdemeanor offense relating to marijuana, synthetic drugs, or salvia, except that property shall be forfeited under this paragraph, to the extent of an interest of an owner, by reason of any act or omission established by the Commonwealth to have been committed or omitted with the knowledge or consent of the owner.
- (2) Title to all property, including all interests in the property, forfeit under this section vests in the Commonwealth on the commission of the act or omission giving rise to forfeiture under this section together with the proceeds of the property after the time. Any property or proceeds subsequently transferred to any person shall be subject to forfeiture and thereafter shall be ordered forfeited, unless the transferee establishes in the forfeiture proceeding that he or she is a subsequent bona fide purchaser for value without actual or constructive notice of the act or omission giving rise to the forfeiture. (3) If any of the property described in this section cannot be located; has been transferred to, sold to, or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value by any act or omission of the defendant; or, has been commingled with any property which cannot be divided without difficulty, the court shall order the forfeiture of any other property of the defendant up to the value of any property subject to forfeiture under this section. ■

“THE MAIN THING IS THAT ASSETS SEIZED DURING DRUG INVESTIGATIONS NEED TO BE TREATED LIKE ANY OTHER PIECE OF EVIDENCE UNTIL THE CASE IS RESOLVED. THEY SHOULD BE MAINTAINED AND ACCOUNTED FOR JUST AS ANY OTHER PIECE OF EVIDENCE IN ANY TYPE OF PROSECUTION.

— CHRIS COHRON, WARREN COUNTY COMMONWEALTH'S ATTORNEY



PROCEDURES FOR PROPERTY SEIZURE:

KRS 218A.415 PROVIDES DETAILS FOR HOW TO SEIZE CRIMINAL PROPERTY

Kentucky's asset forfeiture laws lay out specific details regarding the proper procedures for seizing property in a criminal investigation. This statute was current as of the end of the 2016 legislative session. Anyone with questions about the details of this statute should discuss them with the prosecutors in their local jurisdiction, or contact Department of Criminal Justice Training legal staff for guidance.

Below is the portion of Kentucky's law that specifically addresses seizure procedures.

218A.415 PROCEDURE FOR SEIZURE OF PROPERTY.

- (1) Personal property subject to forfeiture under this chapter may be seized by any law enforcement agency upon process issued by any judge that is empowered to issue a warrant of arrest or search warrant and in whose jurisdiction the property is located. Seizure of personal property without process may be made if:
 - (a) The seizure is incident to an arrest or a search under a search warrant;

- (b) The property subject to seizure has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding based upon this chapter;
 - (c) The law enforcement agency has probable cause to believe that the property is directly or indirectly dangerous to health or safety; or
 - (d) The law enforcement agency has probable cause to believe that the property is subject to forfeiture pursuant to this chapter.
- (2) Property taken or detained under this section shall not be subject to replevin, but shall be deemed to be in the custody of the law enforcement agency subject only to the orders and decrees of the court having jurisdiction over the forfeiture proceedings. When property is seized under this chapter, the law enforcement agency may:
- (a) Remove the property to a place designated by it;
 - (b) Take custody of the property and remove it to an appropriate location for disposition in accordance with law.
- (3) Real property subject to forfeiture may be seized

LEFT: DRUG ENFORCEMENT ADMINISTRATION

RIGHT: U.S. CUSTOMS AND BORDER PROTECTION

- only pursuant to final judgment and order of forfeiture or upon order of the court having jurisdiction over the property. The order may be obtained pursuant to this subsection upon application of the Commonwealth. (a) Upon receipt of the application, the court shall immediately enter an order setting a date for hearing on the matter no fewer than five (5) days nor more than ten (10) days after the filing of the application. At the hearing:
1. The court shall take evidence on the issues of whether the property named in the application is forfeit and seizure is necessary to preserve the property pending final judgment.
 2. The Commonwealth shall have the initial burden of showing the existence of probable cause for forfeiture of the property and the necessity of seizure. On the showing by the Commonwealth, the respondent shall have the burden of showing by a preponderance of the evidence that the property is not subject to forfeiture.
 3. Evidence at the seizure hearing may not be suppressed on the ground that its acquisition by search or seizure violated constitutional protections applicable in criminal cases relating to unreasonable searches or seizures.
 4. If the court makes a determination in favor of the Commonwealth, it shall enter an order authorizing the seizure of the property.
 5. The court may, in its discretion, permit the owner of the property to post security equal to the value of the property in lieu of seizure.
- (b) A temporary seizure order pursuant to this section may be entered on application without notice or an opportunity for a hearing if the Commonwealth demonstrates that there is probable cause to believe that the property with respect to which the order is sought is subject to forfeiture and the need to preserve the availability of property through immediate seizure outweighs the hardship that an immediate seizure may cause the owner. The temporary order shall expire ten (10) days after the date on which it is entered or at the time of the hearing provided for in paragraph (a) of this subsection. 🇺🇸

Texas U.S. Customs and Border Protection officers seized over half a ton of alleged marijuana in a commercial shipment of mud floor tiles. Packages containing 1,303 pounds of marijuana were seized.



Federal Forfeiture

For criminal investigations that meet the parameters of federal prosecution, there are guidelines in place for participation in federal asset forfeiture. The United States Department of Justice has provided an online policy manual, which can be accessed by scanning the QR code on this page. Full details of the program are provided on their website at www.justice.gov/afp. For further assistance, you can contact DOJ directly by email at AFMS.Services@usdoj.gov, or call the Forfeiture Systems Customer Service Center at (202) 616-2287.

Below are descriptions from the DOJ website regarding the different types of federal asset forfeiture.

CRIMINAL FORFEITURE is an action brought as part of the criminal prosecution of a defendant. It is an *in personam* (against the person) action and requires that the government indict (charge) the property used or derived from the crime along with the defendant. If the jury finds the property forfeitable, the court issues an order of forfeiture.

For forfeitures pursuant to the Controlled Substances Act, Racketeer Influenced and Corrupt Organizations, as well as money laundering and obscenity statutes, there is an ancillary hearing for third parties to assert their interest in the property. Once the interests of third parties are addressed, the court issues a final forfeiture order.

CIVIL JUDICIAL FORFEITURE is an *in rem* (against the property) action brought in court against the property. The property is the defendant and no criminal charge against the owner is necessary.

ADMINISTRATIVE FORFEITURE is an *in rem* action that permits the federal-seizing agency to forfeit the property without judicial involvement. The authority for a seizing agency to start an administrative forfeiture action is found in the Tariff Act of 1930, 19 U.S.C. § 1607. Property that can be administratively forfeited is: merchandise the importation of which is prohibited; a conveyance used to import, transport or store a controlled substance; a monetary instrument; or other property that does not exceed \$500,000 in value.

SOURCE: *A Guide to Equitable Sharing of Federally Forfeited Property for State and Local Law Enforcement Agencies, U.S. Department of Justice, March 1994.*



For complete program information and an online policy manual scan this QR code with your smart device, or visit <http://www.justice.gov/afp>

ASSET FORFEITURE



101

Written By
SHAWN HERRON
STAFF ATTORNEY

Asset forfeiture, the ability of a law enforcement agency to seize assets for the benefit of the agency, has been part of Kentucky law since 1975. General forfeiture provisions are covered in KRS 500.090, which specifies how any property that is subject to forfeiture will be handled. Other than firearms, forfeited items may be ordered destroyed by the sheriff's office, for example, contraband drugs or other items of no value. If the item has value, and again, other than firearms, it may be advertised pursuant to KRS 424 and sold at public auction with the proceeds divided as required by the statute.

Firearms, if not subject to return to an innocent owner, must be transferred to the Kentucky State Police for disposition. However, any property, including firearms, seized and subject to forfeiture may be kept for official use. A firearm, however, under KRS 500.093, cannot be retained simply for the purpose of avoiding a transfer of the firearm or ammunition to KSP.

A detailed process for forfeiture under KRS 218A is laid out in KRS 218A.405 – 460. It describes the categories of real and personal property that might be seized and how to address a situation where forfeitable

property has been taken out of state and is unreachable. Property may be seized with appropriate court process, or without process if taken pursuant to a search warrant or incident to an arrest, is subject to a prior judgement, is “directly or indirectly dangerous to health or safety” or the agency has probable cause to believe it is subject to forfeiture pursuant to the facts known. Real property (land and buildings) may only be seized pursuant to a court hearing and order. Once seized, the property becomes the responsibility of the seizing agency to maintain and protect.

Once seized, all property held under this section of the law is controlled by KRS 218A.420, which details how the property may be used and the division of proceeds should the property be sold. Each agency that seizes property is required to have a policy that is substantially in compliance with the Kentucky Department of Criminal Justice Training's model policy (available on the DOCJT website) and have at least one employed officer who has attended an asset-forfeiture class approved by the Kentucky Law Enforcement Council.

Annually, any agency seizing such money or property is required to file appropriate paperwork detailing what was seized and its disposition. Under KRS 218A.420, the Kentucky Attorney General, working with the Prosecutor's Advisory Council, is tasked to promulgate administrative regulations concerning how funds are to be expended. This information is provided in 40 KAR 4.010, regarding disbursement of asset forfeiture receipts, and specifies for what purposes the prosecutor's office involved may use the money received. It does not, however, address the use of the money returned to the law enforcement agency. Although it becomes agency money, under KRS 218A.420(4)(a), it must be used for “direct law enforcement purposes.”

Of course, most asset forfeitures in Kentucky are based upon an underlying criminal prosecution under KRS 218A – Controlled Substances. However, there are a number of other provisions of the Kentucky Revised Statutes that may trigger a forfeiture of personal property. For example, under KRS 500.092, a conviction under KRS 508.140-.150, stalking in the first and second degrees, or KRS 510.155, unlawful use of electronic means, may permit the forfeiture of communication devices and computers directly involved in the crime. Almost all convictions under KRS 531, dealing with pornography and voyeurism, will do so as well. A sexual-offender registrant may face seizure and forfeiture, if they use such equipment in violation of KRS 17.546, which prohibits registrants from using social network websites, instant messaging or chatroom programs accessible by minors. This statute also provides that, with one minor exception, all

forfeitures done under the Kentucky Penal Code shall use the same process as laid out in KRS 218A.

Other laws scattered throughout the Kentucky Revised Statutes provide for forfeiture in specific circumstances, such as KRS 242.310, which allows the forfeiture of a premises or vehicle used for selling or transporting intoxicating liquors in a dry territory.

Case law regarding forfeiture is, at this time, minimal. However, in *Com. v. Burnett*, an unpublished Kentucky Court of Appeals case from 2012, the Court agreed that although property could be seized, it could not be permanently confiscated until there was

“ASSET FORFEITURE IS AN IMPORTANT WAY FOR LAW ENFORCEMENT AGENCIES TO BOTH REMOVE ASSETS FROM AN INDIVIDUAL WHO IS USING CASH, VEHICLES, OTHER PERSONAL PROPERTY AND REAL PROPERTY FOR CRIMINAL PURPOSES. IT SERVES AS A PUNISHMENT AND A DETERRENT, AND IT DEPRIVES, TO SOME EXTENT, THE CRIMINAL OF WHAT THEY NEED TO FURTHER THEIR CRIMINAL COURSE OF ACTION.”

a conviction. The Court harkened back to the case of *Singleton v. Com.*, 208 S.W.2d 325 (1948) in which it held “[c]onfiscation of [a person's] property is only authorized after a conviction of the party alleged to have committed the offense. This is a foundation of the commonwealth's right.” This differs, to some degree, from how forfeitures are handled under federal law.

Further, in *Gritton v. Com.*, an unpublished Kentucky Court of Appeals decision from 2015, the Court agreed that the seized and forfeited item, in this case, a recently purchased vehicle, must be connected to the underlying drug trafficking. The case of *Osborne & McClain v. Com.*, another unpublished Kentucky Court of Appeals case, from 2013, the innocent co-owner of the truck was entitled to half the value of the seized vehicle and could elect to purchase the other half of the vehicle from the agency, at presumably fair market value, and receive it, or receive half the proceeds of the vehicle if sold at auction.

Asset forfeiture is an important way for law enforcement agencies to both remove assets from an individual who is using cash, vehicles, other personal property and real property for criminal purposes. It serves as a punishment and a deterrent, and it deprives, to some extent, the criminal of what they need to further their criminal course of action.

It certainly can provide much needed resources to law enforcement agencies as well, but must be used wisely and be carefully documented. Officers should ensure they comply with the law, both in the seizure and in the documentation and use of any funds, to ensure not only good results, but also to maintain public trust. 🏠



DOING ALL THINGS WELL

DOCJT Staff Attorney

SHAWN HERRON

Written By
ABBIE DARST

Photography By
JIM ROBERTSON

Why does a lawyer with an English degree who loves researching history, working search and rescue and writing books and blogs drive 105 miles every day to teach at a law enforcement academy?

“I love the [students] and want them to be confident in what they are doing,” said Department of Criminal Justice Training Legal Instructor Shawn Herron. “I enjoy working with them and having the opportunity to help them do their jobs the best they can – and they want to do it right.”

After 18 years of teaching and influencing the lives and decisions of thousands of law enforcement officers across the commonwealth, it’s hard to believe that Herron hasn’t always been the legal superstar she has come to be recognized as.

In 1981, Herron graduated from the University of Louisville with an English degree and began working for the Courier-Journal newspaper as a journalist. As she pursued stories on crime in Louisville, she worked alongside law enforcement officers from the city and county sheriff’s office, and was in and out of the courts.

“I woke up one day and said, ‘I wonder what I’d need to do to go to law school?’” Herron recalled. “There were so many articles I was working on at the Courier-Journal that I didn’t understand what was behind them.”

That overnight revelation propelled Herron into pursuing a new profession, and in 1990 she graduated from law school – and never looked back. While in law school, Herron began working part-time for the

city of Louisville’s legal office, which represented public servants such as law enforcement, fire, EMS, emergency management, public works and zoo personnel.

After passing the bar exam, Herron stayed with the Louisville legal office for seven years, crafting policy and representing public servants who were sued, she said. Herron left city government to go into private practice, but still was drawn to helping public servants. She began contracting with the Jefferson County Sheriff’s Office, providing instruction for deputies, especially the 180 special deputies who had no prior training.

Eventually, she went to work for the sheriff’s office full-time, and it was there Herron discovered her passion and commitment to help law enforcement succeed. The sheriff’s office was in a time of transition and needed new policy and procedures, and Herron realized she could take the law and break it down and convey it in a way that applied to the agency, she explained.

“At the sheriff’s office, they let me talk to the officers and explain situations, and I was better than my colleagues at bringing the law to them,” Herron said. “I never wanted to make it like I was talking down to them, but instead letting them know, ‘these are the things you need to know, let me package it in a way you can use it.’”

“These are perfectly intelligent [individuals,] but it’s like me speaking to a neurosurgeon – it has to be brought into language they get, she continued. “So I take the law and put it in a way they can understand and know what they are doing.”

To this day, bringing the law to Kentucky’s officers in a way that is both easy to digest and applicable remains one of Herron’s greatest strengths as a legal instructor.

Her experience working with JCISO opened the door for her to share her knowledge, compassion and understanding with officers from all over the bluegrass.

When Herron applied for the legal training instructor position at DOCJT in 1999, she stood out as the only applicant who already was Kentucky Law Enforcement Council certified. This distinction allowed her to hit the ground running from day one.

“I started on a Monday and was told, ‘After we process you, you’re going to Paducah to teach,’” Herron amusingly recalled about her quick start at DOCJT.

That willingness to jump in with two feet has characterized Herron’s tenure at DOCJT. As the agency has grown, DOCJT’s Legal Training Section has expanded its scope and endeavors, too. Because of her background with the sheriff’s office, Herron was instrumental in the creation of the Certified Court Security Officer course, she said. Then around 2005, after the myriad of homeland security changes that were implemented in response to 9/11, Herron was heavily involved in coordinating the incident-command training that had to be accomplished within one year.

“We received kudos from the Federal Emergency Management Agency,” Herron said. “They were shocked we were able to train people as quickly as we did.”

Herron’s ability to help with the incident-command training stems from her other primary love – emergency management. Her involvement in emergency management evolved from a chance circumstance during the 1994 snowstorms that froze Louisville’s roads and resources.

After arriving to work 15 minutes late at the Louisville legal office on Martin Luther King Jr. Day, Herron realized she was one of the three out of 40 employees who actually made it into the office that day. She was told that the emergency management folks could use some help and chose to spend her day assisting them. Her experiences that day led to a lifelong commitment and involvement with Louisville’s emergency management, and specifically with search and rescue.

As DOCJT’s Legal Training Section has continued to grow, teaching more hours and being involved with more basic training practicals and in-service and leadership classes, Herron has developed relationships with law enforcement officers and leaders across the state. After 18 years, many law enforcement lead-

SHAWN HERRON has been active in Louisville’s Emergency Management Unit for more than 20 years. Assisting emergency management in search and rescue is among one of many hats Herron wears. (Photo by Robert McCool)

ers have come to trust Herron and the other instructors in the legal section, calling on them with questions about policy and procedure, how to interpret certain laws and advice on how to approach certain situations dealing with complicated case law, Herron said.



AT A GLANCE

YEARS WORKING WITH LAW ENFORCEMENT: 27

YEARS AT DOCJT: 18

CURRENT POSITION: DOCJT Staff Attorney

EDUCATION: Bachelor’s degree in English from the University of Louisville, Juris Doctorate from University of Louisville School of Law

FAVORITE CLASS TAUGHT: Anything involving the Fourth Amendment because it’s the core of what law enforcement does on a daily basis; search and seizure classes.



“We try to keep up with and look at case law and trends, such as TASERS and body-worn cameras, when we know there is potential for issues,” Herron said. “I tell them (officers) to call and ask me questions and then when the next person calls, I’ll look brilliant because I already have the answer. I figure if I receive one call on an issue, I’ll receive at least three on the same topic.”

Though the legal section instructors avoid labor questions or anything that puts them between the officer and the agency, they are willing to give officers and agency leaders information, and they encourage them to discuss things with their city or county attorneys. But fielding these questions from around the state allows them to understand where the issues are coming from and link together agencies that are dealing with the same issues, Herron said.

“I’ve watched these guys grow up,” Herron said about her interaction with officers. “I’ll be ready to retire about the same time as the first officers I trained are ready to retire. Watching them grow up and make rank or make chief and having that ongoing relationship with them has been so enjoyable.”

Even for the officers with whom Herron has not made those one-on-one connections, her voice and perspective still have impacted thousands of Kentucky officers for the past 15 years through her involvement with the Kentucky Law Enforcement magazine. In its

early days, this publication received a legal submission that conflicted with what DOCJT instructors were teaching officers. At that point, Herron volunteered to look over future submissions to verify they were congruent with current academy legal instruction.

It wasn’t long before the journalist still hidden inside of Herron from her days at the Courier-Journal surfaced, and she began writing legal articles for the magazine, explaining everything from critical case law regarding Miranda rights or Fourth Amendment issues to the latest updates from the Supreme Court of the United States. Her journalistic ability, adept legal knowledge and desire to help positively influence Kentucky officers’ understanding of the laws they are sworn to uphold, became the perfect marriage for producing informative and timely legal articles for the magazine’s audience.

However, writing quarterly articles didn’t completely satiate her desire to research and write. Herron became enamored with researching historical Kentucky line-of-duty deaths that had not been recognized up to that point. Through pursuing this research and the rich, compelling and often complicated stories associated with many of these cases, Herron has embarked on another new journey – penning her first book.

Her book, nearing completion, tells the story of two Louisville officers killed in 1888.

“I became interested in [these officers] because looking at line-of-duty deaths I realized they died on the same day and I wondered what happened,” Herron said. “The more I dug into what occurred, I discovered the significance of what their deaths meant to law enforcement in Kentucky.”

“It is story telling – telling the story of how these two officers in 1888 lived and what law enforcement was like in 1888,” she added. “The significance of this case directly connects to why we have a state death benefit today for officers killed in the line of duty; I wanted to bring that forward for people to understand.”

Herron already is in the early stages of developing her next book based on a 1909 murder trial involving a 9-year-old girl in a Louisville church, she said.

In addition to crafting articles for KLE magazine and working on her books, Herron also writes a blog titled, “Kentucky Cop Stories.” Through her blog she tells the stories of Kentucky’s officers who can no longer speak to tell their own stories.

With all of these additional endeavors and driving to and from Louisville each day, the way in which Herron works with DOCJT students, counsels law enforcement leaders and keeps up with her own training to stay even a half step ahead of new issues as they pop up truly is exceptional.

When asked why she enjoys wearing multiple hats, Herron used an example from an Alexei Panshin novel, “Rite of Passage,” in which the characters living their whole life on a spaceship had to decide if they were going to spend their entire lives as specialists or generalists.

“That always stuck with me because I like being the generalist,” Herron said. “I like knowing a lot of different things and pulling them together to make something new – and that’s what we get to do here. I’m not practicing doing one thing, instead I’m able to be broad and know enough about different things to make the links.”

SHAWN HERRON has been a legal instructor at DOCJT since 1999. Her favorite topics to teach and discuss are anything related to the Fourth Amendment and search and seizure.

SHAWN HERRON and the other legal section instructors, provides legal instruction to nearly every type of student that passes through DOCJT. In Public Safety Dispatch Academy classes like this one, Herron teaches students basic intro to law, legal issues related to emergency medical dispatch and what happens in court, should they be called to court to testify.





TACTICAL EMTS CAN PLAY A BIG ROLE IN SAVING SWAT OFFICERS' LIVES

Written By
DARIUSZ WOLMAN,
PHD, NRP
ASST. PROFESSOR,
EKU COLLEGE OF
JUSTICE AND SAFETY

A special weapons and tactics team arrives at a hostage situation. Shots are fired. “Officer down” is broadcast on the radio. Medical personnel at the scene treat the officer, and he survives what otherwise would have been a fatal injury.

This is the world of Tactical Emergency Medical Services/Support. TEMS is designed to provide emergency medicine in a situation that places caregivers in harm’s way, such as barricaded suspect situations, warrant service or a terroristic event. The Association of the United States Army describes these situations as “Good Medicine in Bad Places.”

BACKGROUND

In 2016, 135 law enforcement officers were killed in the line of duty. Similarly, in 2015, 58,000 assaults are reported, resulting in more than 17,000 injuries annually. SWAT members are at an increased risk for injury and assault. According to the United States Park Police, SWAT teams have a casualty rate of 9 per 1,000 officer-missions.

TEMS is not a new concept. There is documentation of medical treatment being performed on the battlefield as far back as 1500 B.C. The basic idea of triage and providing care on the battlefield originated during the Napoleonic War from Dr. Dominique Jean

Larrey. Larrey is credited with the first modern field treatment and evacuation system. The Korean War saw the first deployment of hospitals close to the front lines called Mobile Army Surgical Hospital, according to John Campbell, Lawrence Heiskell, Jim Smith and John Wipfler in their book, “Tactical Medical Essentials.”

In civilian law enforcement, the Los Angeles Police Department is widely recognized as creating the first SWAT team in the United States. Former LAPD Chief Daryl Gates is credited with organizing and fostering the team. In a policemag.com article, Paul Clinton discusses how the LAPD SWAT team formed in response to the Watt’s Riots and the University of Texas Clock Tower shooting. These events highlighted law enforcement’s need for a new methodology to control crowds and shooters.

TRAINING

The United States Park Police Service started a Counter Narcotics and Terrorism Operational Medical Support training program in 1990. The goal of the CONTOMS program was to provide an evidence-based medical training course coupled with a continuous quality improvement program. The program also offers certification as an Emergency Medical Technician-Tactical

and has become a national standard. This program serves as the model for most other TEMS training offered by other agencies and institutions.

The CONTOMS training consists of the following components:

- Medical threat assessment
- Downed officer rescue
- Care under fire
- Special equipment and kits
- Toxic hazards
- Medical support of specific operations

The weeklong training consists of 56 hours of didactic and practical education leading to certification as an EMT-Tactical. There also is a medical director’s course and a 24-hour Advanced EMT-Tactical course leading to certification.

The U.S. Department of Defense also has a course called Tactical Combat Casualty Care. Conducted by the National Association of Emergency Medical Technicians, it is very similar to CONTOMS training. Another training is the Tactical Emergency Casualty Care course.

STRUCTURE

There are two main types of TEMS. The first type is EMTs, paramedics, nurses or physicians being deployed with SWAT teams during call-ups. Sometimes the members are sworn officers, armed and with the team at all times. In other situations, the TEMS member is unarmed but still in close proximity to the SWAT team. There are other variations of this imbedded model. The other main type of TEMS structure is municipal ambulance service being staged at a safe location and called to the scene only if needed.

A 2009 case study presented by Jeffery Metzger, Alexander Eastman, Fernando Benitez and Paul Pepe, documents a SWAT officer who was shot in the neck by a .45 caliber weapon. The bullet entered the right side of his neck, hitting the pharynx and spine at vertebrae C4-C5. He instantly was rescued and transported to two TEMS physicians who were with the team. They began treatment, which consisted of bleeding control and airway control via a surgical cricothyroidotomy. The local ambulance service also responded within eight minutes. The officer

survived with intact neurological functioning and speech, and is able to perform most activities of daily living. It is likely that this officer would not have survived his injuries without TEMS members being present. There are countless similar stories indicating TEMS’ effectiveness.

In a 2013 TEMS overview article, Jim Morrissey documented a military casualty fatality rate decline from 19.1 percent in World War II to 9.4 percent in the Iraq/Afghanistan conflicts due to the TCCC training and imbedding medics in the field. It is logical to infer that imbedding medical providers in the civilian SWAT domain also would decrease the casualty rate.

However, this writer was unable to locate specific data that shows a reduction in the casualty rate following TEMS involvement. In 2012, William Bozeman, Benjamin Morel, Timothy Black and James Winslow provided statewide data on the increase in TEMS units, but did not report casualty reduction. Further research is warranted. To this end, a TEMS registry similar to the CARES registry for data collection and analysis could produce an evidence-based national study.

NEW MODEL

Given the recent terroristic events in Brussels; Paris; San Bernardino, Calif.; and Orlando, Fla., TEMS will continue to be an integral part of law enforcement. However, a proposed third model would include a fully-independent TEMS that can function within the active threat area without drawing resources away from law enforcement activity. This would consist of a five-member team that can defend itself if they encounter a threat, and also provide appropriate medical treatment to victims, and extract/rescue victims to a triage location in an active shooter, terrorist bombing or ambush event.

This team would need to have all the same training as the current TEMS members and more. One option is a modified police academy in which defensive tactics, handcuffing, use of force, firearms training, ballistic shields, weapon retention, and alike are taught. This training would be in addition to the medical training and CONTOMS, TCCC or TECC training. 🚒

Available Course

Dr. Dariusz Wolman, assistant professor in Eastern Kentucky University’s College of Justice and Safety, is offering the Law Enforcement/First Responder Tactical Casualty Care course on May 5, from 9 a.m. to 5 p.m. The cost is \$50 per participant.

Law Enforcement/First Response Tactical Casualty Care is continuing education offered through National Association of Emergency Medical Technician’s Pre-Hospital Trauma Life Support program. It teaches public safety first responders the basic medical care interventions that will help save an injured responder’s life until EMS practitioners can safely enter a tactical scene.

Course participants will learn life-saving medical actions such as bleeding control with a tourniquet, bleeding control with gauze packs or topical hemostatic agents, and opening an airway to allow a casualty to breathe.

UPON COMPLETION OF THE COURSE PARTICIPANTS WILL:

- Understand the rationale for immediate steps for hemorrhage control (including external hemorrhage control, direct pressure and wound packing, early use of tourniquet for severe hemorrhage, internal hemorrhage control by rapid evacuation, and transportation to major hospital/trauma center).
- Demonstrate the appropriate application of a tourniquet to the arm and leg.
- Describe the progressive strategy for controlling hemorrhage.
- Describe appropriate airway control techniques and devices.
- Demonstrate the correct application of a topical hemostatic dressing (combat gauze).
- Recognize the tactically relevant indicators of shock.

For more information, contact EKU Professor Dariusz Wolman at Dariusz.Wolman@eku.edu or (859) 622-2067.



COOL UNDER PRESSURE

Public Safety Dispatch is the Most Misunderstood Job You'll Ever Love

Written By
CHRIS FREEMAN
TELECOMMUNICATIONS
INSTRUCTOR, DOCJT

Photography By
JIM ROBERTSON

If one were to ask an average resident in his or her community to describe their understanding of what a public safety dispatcher does, one would get responses like answering the phone, talking on the radio and even watching TV in their spare time. If one were to ask a responder the same questions, sadly the responses remain similar. This misunderstanding of what the public safety dispatcher does has never been more alarming than this past summer.

The Association of Public Safety Communications Officials attempted to reclassify public safety

dispatchers from clerical to protective by the Federal Office of Management and Budget. This reclassification would not change job duties or benefits, and on face value, may not seem like much. What it would do is bring about a better understanding and appreciation for the job of public safety dispatcher. This reclassification further emphasizes the importance of the job and puts the profession on the same level as other first responders. This recognition would assist with hiring and retaining quality people in the profession.

“Telecommunicators often are not thought of as true ‘first responders’ because they are not actually on

the scene,” said Josh Glover, director of Carlisle County 911. “This, to me, is a huge mistake not only made by lay citizens but by police, fire and EMS professionals. When the caller makes the call to 911, it often is when they are mentally and physically at their worst.”

It can be disheartening to see the dispatcher’s role in public safety thought of as unimportant. The public safety dispatcher is more than a clerical position; not everyone has the heart or the courage to do the job. The reclassification is about bringing recognition and respect to the job dispatchers do on a daily basis. No one wants to feel unappreciated or have their chosen profession looked down upon.

All too often public safety dispatchers are an afterthought. For example, if a fatal incident were to happen, dispatchers are not considered to be affected by it. That’s because they did not physically respond to it. This seems logical to a person looking in from outside the radio room, but to anyone who has ever worked as a public safety dispatcher, this cannot be further from the truth. Ashley Hawks with Kenton County 911 shared a perfect example of this common misunderstanding.

Hawks called a customer service representative in a large call-taking center with a concern about her mother not being able to utilize 911 from her phone. During the conversation, she mentioned she was a public safety dispatcher. The person told her she could understand his frustrations since she worked in a call center, too. Hawks let the gentleman speak and compare his clerical jobs to the lifesaving and stressful environment she worked in, realizing any attempt to explain the job or correct his perception would be futile.

“This is one of the biggest frustrations of our job,” Hawks said. “Unless someone sits in your chair, on your radio, tethered to the phone for hours and hours, listens to what you listen to, does what you do, they’ll never understand. I can try to explain how I’ve heard someone take their last breath, how I’ve brought a child into the world and conversely been on the phone with a mother who has discovered her child has passed away, how I’ve heard firefighters yell over the radio that they were being shot at, and how my job is so much more than taking a phone call, but no amount of this will give them a true understanding of what you do and how important you really are.”

A recent study conducted by researchers at Northern Illinois University, shows public safety dispatchers are prone to suffer from post-traumatic stress. Public safety dispatchers working in radio rooms across the country can vouch for that. PTS and depression eventually lead to other medical problems such as weight gain and high-blood pressure.

What the federal government, local communities and first responders fail to realize is that public safety dispatchers never get closure. They never see what

actually happens with the calls. The minds of dispatchers are left to wonder and, unlike units that physically respond to the scene, dispatchers don’t stay on the critical incident for the remainder of the shift. A physical responder is dispatched to a critical incident, which depending on the situation may take hours, days or even weeks to clear. The dispatcher does not have that luxury; they are unable to see the call through to the end. Dispatchers often are bombarded with calls and work between eight and 12 hours a day with few opportunities for breaks and no time to reset between calls.

Georgetown Police Officer Abdullah Bholat recalls the stress he saw placed on dispatchers the night he was involved in a shooting. Bholat was shot by the suspect as he responded to a call wearing his vest, which saved his life.

“As a police officer who started out as a dispatcher, I definitely can agree with the need to reclassify dispatchers,” Bholat said. “At least as an officer, I am usually able to see a call from beginning to end and get closure. However, dispatchers don’t necessarily always get that.

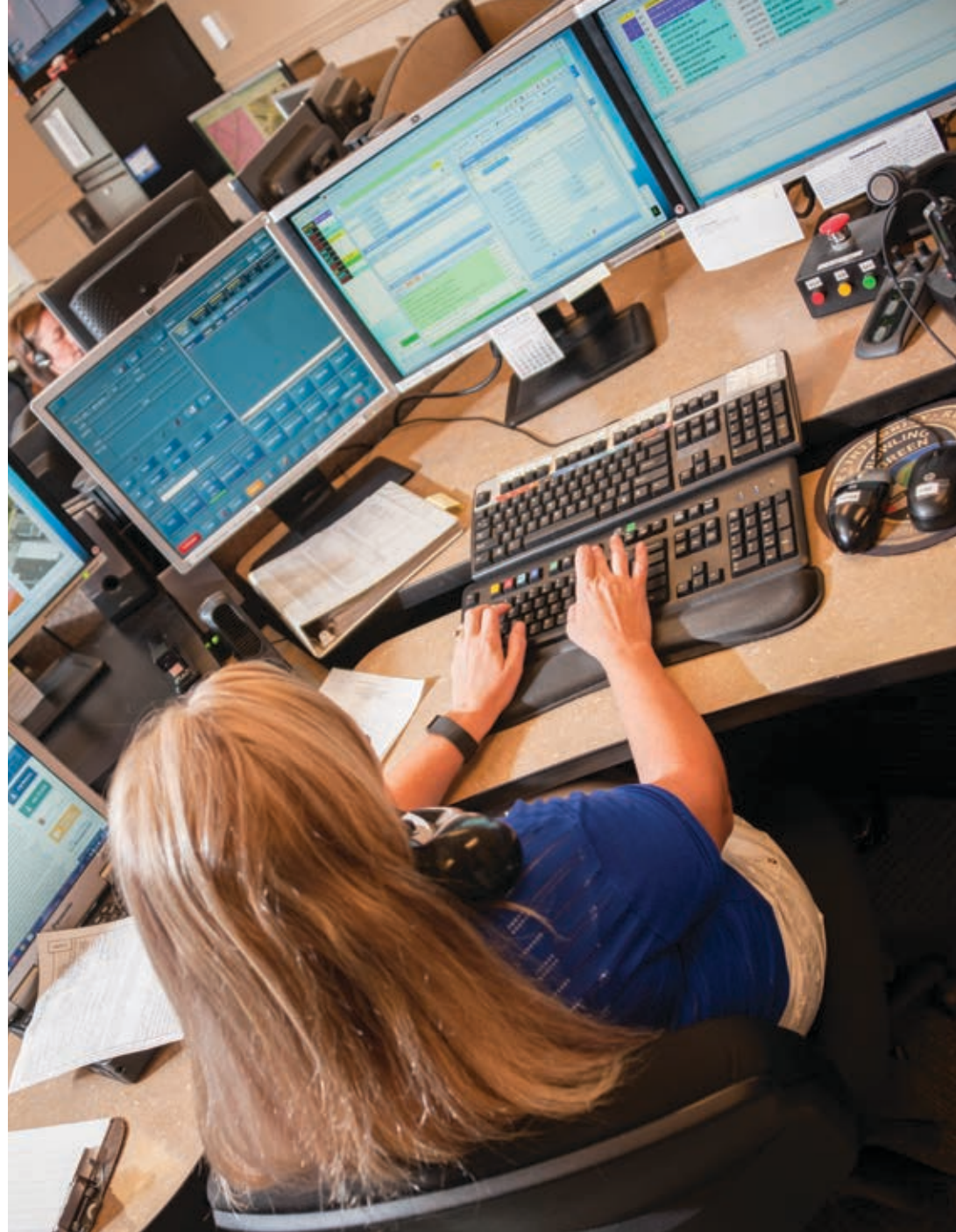
“When I was shot, I saw the stress that it brought to the dispatchers who worked the incident after the fact,” he continued. “They often are forgotten and not included in post-incident debriefings. Knowing this, I did what I could to fill them in and help put their minds at ease, so their imaginations wouldn’t fill in the blanks for them. Being a dispatcher is definitely a job that is under paid and underappreciated.”

Anyone who has watched the local news has seen images of exhausted police, fire, EMS and other first responders after working long hours during a critical incident. What no one has seen or taken into account is the public safety dispatchers. Many work long, exhausting hours to ensure responders and communities receive the best service possible. But that critical incident making headlines on the evening news was not the only call they handled. Other 911 lines still rang with different emergencies.

Imagine a person trapped in a burning building talking to a dispatcher who is trying to assist them in getting out or just survive until help comes. While that emergency is happening, others are too – wrecks, domestic violence, EMS calls that require pre-arrival instruction. Public safety dispatchers must juggle each of those calls, never really seeing them to the end or getting any down time between them.

“TELECOMMUNICATORS OFTEN ARE NOT THOUGHT OF AS TRUE ‘FIRST RESPONDERS’ BECAUSE THEY ARE NOT ACTUALLY ON THE SCENE. THIS, TO ME, IS A HUGE MISTAKE NOT ONLY MADE BY LAY CITIZENS BUT BY POLICE, FIRE AND EMS PROFESSIONALS. WHEN THE CALLER MAKES THE CALL TO 911, IT OFTEN IS WHEN THEY ARE MENTALLY AND PHYSICALLY AT THEIR WORST.”

— JOSH GLOVER, DIRECTOR OF
CARLISLE COUNTY 911



There is no way to describe the sound or feeling of hearing a person take their last breath on the phone. The dispatcher immediately wonders if he or she did enough or could have dispatched a little faster, and any number of other emotions.

Public safety dispatchers take several calls a night, experiencing this cycle two, three or even four times a shift. That emotional roller coaster will eventually take a toll on any person. It doesn't help that this cycle could lead to PTS, depression, weight gain, various emotions and other health issues, leaving most dispatchers feeling as if no one understands where they are coming from. Talking to others about those experiences helps dispatchers work through these emotions and issues. It has become a more common practice to debrief

dispatchers after an incident, and many agencies have seen the need to include dispatchers in stress debriefing.

The job of the public safety dispatcher is not promoted by agencies as a career. Many times it is the proverbial foot in the door to become a police officer or firefighter. Though there is nothing wrong with doing that, hiring and retaining dispatchers must improve, and the job reclassification would help. The stress level and burnout rate lead to incredible turnover within the radio room. There is little to no research on turnover within dispatch centers, but the average career span is three to five years. The job is too mission-critical to have a radio room staffed with inexperienced personnel caused by the high turnover rates that could be prevented.

The recognition and understanding of the job duties and emotions involved could help to alleviate some of the burnout. Dispatchers truly are the first 'first responders.'

"Telecommunicators are the calm voice that the caller first hears. We are the one who ensures them that help is on the way; the ones who instruct them on CPR, and how to stay safe," Glover said. "We give the precise location and directions to responding units. We are the ones who make it our goal to make sure each and every responder goes home safe to their families. If this is not a true first responder, I don't know what is. Although 911 telecommunicators never step foot on the scene, they become emotionally connected to it and mentally put themselves there with the caller."

Many agencies say they support public safety dispatchers, but refuse to put the first-responder label on them. Each time that 911 line rings, dispatchers' hearts race and they go through a range of emotions as they assist the caller with the emergency, while obtaining the necessary information for those responders going to the scene. They are invested and involved in their communities and agencies, but often forgotten and misunderstood. The dispatcher is left feeling alone with no outlet to assist them in alleviating some of the stress and burnout. Thus, they leave the job but forever are affected by it.

Some of these issues can be remedied with education and recruiting. Police, fire and EMS routinely attend job fairs at colleges and high schools to actively seek out candidates. When have you ever seen a representative from a 911 center try to actively recruit employees? The answer is few and far between. There are agencies doing it now, but not many. The men and women who make up the public safety dispatch profession must come together to do a better job promoting the career and taking care of their health and emotional well-being.

Public safety dispatch centers must be seen in the public eye with positive stories, not negative ones. While this is improving, all too often employees who are unable to do the job are kept in this most crucial position. When asked why, most times the answer is they are dependable. There is more to being a dependable public safety dispatcher than just showing up for a shift.

Agencies must strive to find more people who take pride in the community, the agency, the profession, and most of all, in a job well done. Questionable employees should be dealt with accordingly. When protecting the lives of responders and the residents of the community, the word dependable should mean more than coming to work.

An emphasis should be put on educating the community on the duties of 911. First and foremost, explain to the community why a dispatcher has to ask questions while sending help. Show residents the big

picture of how public safety actually works and the vital role dispatchers play. While this reclassification does not bring money or better benefits, it should give a better understanding of the stress related to dispatching, and more professionalism and longevity to a job that can be made into a rewarding career.

A recent video by Resolute Productions which is simply titled, "Dispatch – Short Film," has been making news on social media sites. The video was created to demonstrate the range of emotions a dispatcher can go through while handling a critical call. It won first place at the 2017 AT&T Developer Summit. As a professional, if you want to be respected, you must act the part. Dispatchers have to keep their emotions in check even though the person they are helping does not. It is hard to keep that level of composure without seeing the big picture.

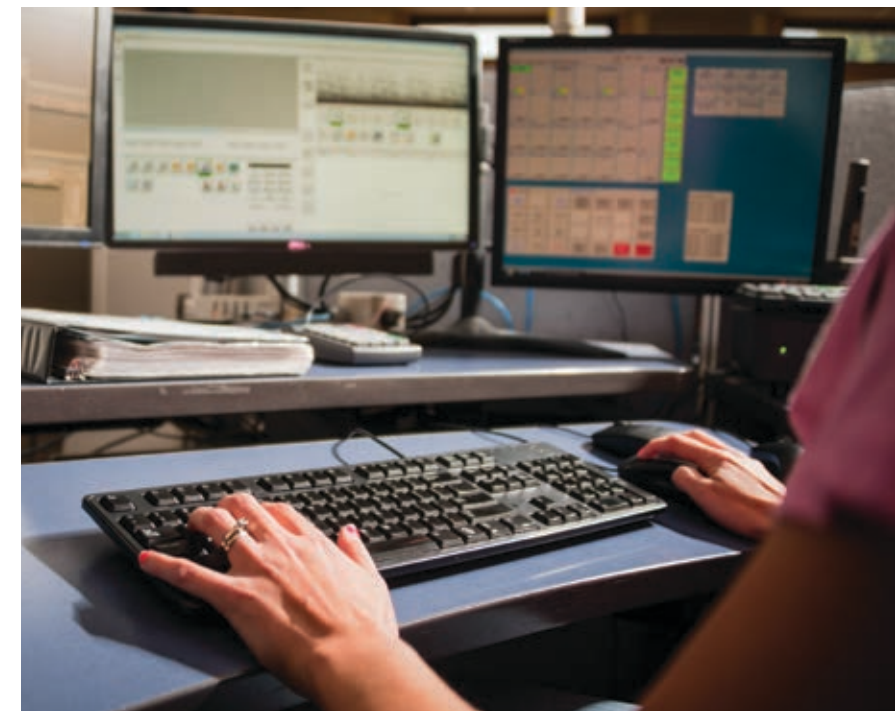
By utilizing the big-picture approach, dispatchers can understand how to serve their job and community better, and truly realize what an impact they are making.

Dispatchers have the ability to make positive or negative impacts at crucial times in peoples' lives. There are instances when small tokens of kindness prevented a violent outcome. You never know what people are struggling with, so a little empathy can go a long way.

The Department of Criminal Justice Training's goal is to have zero new names added to the Kentucky Law Enforcement Memorial Foundation monument each year. Telecommunications instructors do not take that goal lightly. They do all they can to support public safety dispatchers. Responder safety starts in the radio room. Agencies are only as strong as their weakest link. 🇺🇸

“ WE ARE THE ONES WHO MAKE IT OUR GOAL TO MAKE SURE EACH AND EVERY RESPONDER GOES HOME SAFE TO THEIR FAMILIES. IF THIS IS NOT A TRUE FIRST RESPONDER, I DON'T KNOW WHAT IS. ALTHOUGH 911 TELECOMMUNICATORS NEVER STEP FOOT ON THE SCENE, THEY BECOME EMOTIONALLY CONNECTED TO IT AND MENTALLY PUT THEMSELVES THERE WITH THE CALLER.

— JOSH GLOVER, DIRECTOR OF CARLISLE COUNTY 911



SPOTLIGHT ON: MADISON COUNTY SHERIFF MIKE COYLE



AT A GLANCE

YEARS IN LAW ENFORCEMENT: 38

CURRENT POSITION:
Madison County Sheriff since May 2013

PRIOR LAW ENFORCEMENT EXPERIENCE:
Richmond Police Officer; Berea Police Officer; Kentucky State Police Trooper

EDUCATION:
Bachelor of Science in Police Administration from Eastern Kentucky University

COMMUNITY OUTREACH/SERVICE

The Madison County Sheriff's Office continually works to make Madison County a safer community. We partner with civic groups, churches, local school systems and other law enforcement agencies as we conduct programs to educate our citizens on crime prevention and the effects drugs have on our community. We participate in Safety City, which is designed to educate our youth on overall safety. We encourage our citizens to reach out to us through social media or our tip line with any questions, concerns or problems in which they may need assistance.

CRIME PREVENTION

We started a Street Crimes Unit in 2016 after receiving many anonymous complaints on our tip line. The Street Crimes Unit consists of two deputies and a K9. They directly attack the root of complaints and personally contact each person for whom we have a name and number. Lt. Todd Allen spearheads the effort and tracks every complaint. This has proven to be a powerful deterrent.

LEADERSHIP NUGGETS

We encourage our personnel to have ownership in the Madison County Sheriff's Office. Our office belongs to them, and I try to provide the materials needed for them to make it the success it is today. We empower our employees to make decisions and be accountable and responsible for their actions. I want them to seek training and education to make themselves more competent and confident employees.

INTERESTING FACTS

The Madison County Sheriff's Office became the 17th sheriff's office in Kentucky to be an accredited law enforcement agency on July 20, 2016. This was one of our goals, and we are proud to hold that title.

Our agency has grown from 32 personnel to nearly 50 in the past six years. We have increased our court security and road deputy positions to combat an overload in the court system and rising volume of complaint calls our deputies answer. We have acquired some new vehicles to bolster an aging fleet.

CORE VALUES

We have core values that are posted in our office and we work toward these core values daily. The badge of the Madison County Sheriff's Office is a seven-point star. Each prong represent the seven core values of our office: integrity, honor, loyalty, commitment, pride, honesty and courage. These values is impressed on our employees and our visitors how much this means. I believe the first impression is the lasting impression and I want our personnel to be professional and honest.

TEAMWORK

The Madison County Sheriff's Office has two detectives who work full time on the Madison County HIDTA Drug Task Force. They work vigorously with officers from KSP, Richmond Police, Berea Police and the ATF to dismantle drug-trafficking organizations. This has been a very successful initiative and a great agency partnership. We believe in getting the job done and realize the importance of communication and teamwork.

We have a great team of workers within our office as well. Each person is caring and willing to step up and do whatever is necessary to help in any given situation. 🏞️



SPOTLIGHT ON: LOUISVILLE REGIONAL AIRPORT POLICE CHIEF JIM SOHAN

WELLNESS

Due to the unique responsibilities of the Louisville International Airport Police, our officers have to pass not only the Peace Officer Professional Standards testing, but also the State Fire Commission's Candidates Physical Ability Testing. Our officers are given the opportunity to exercise on duty and have to pass a modified POPS test twice a year, once in October and once in April. They are also given a complete physical and stress test every year that has to meet National Fire Protection Association standards for firefighting.

CRIME PREVENTION

Most of our crime prevention efforts come from uniformed presence and obvious video surveillance. We have a myriad of cameras that cover the airport terminal and surrounding properties. Signs notify individuals that they are under video surveillance. Our officers are in uniform and drive marked vehicles. We keep one officer inside the terminal, one in a marked vehicle inside the perimeter fence and one in a marked vehicle on the outside of the perimeter. We have a uniformed shift captain who works in a marked vehicle that floats between all areas. We also have four uniformed canine officers who work varying shifts. Aside from those officers, Transportation Security Administration and Customs also work in the terminal in uniform. Our agency made 74 arrests in 2016.

INTERESTING FACTS ABOUT YOUR AGENCY

We have 41 sworn police officers who also are state-certified firefighters and state-certified Emergency Medical Technicians. We have three platoons that work 24-hour shifts. There are 11 officers assigned to a shift. Officers not working police duty, are assigned to fire/EMT duty. Our officers made 458 calls for fire and EMT responses in 2016. Officers are required to complete 40 hours of law enforcement in-service training as well as 100 fire-training hours and 36 EMT-training hours. We operate with a \$4 million budget in the public-safety department. Due to the KRS that guides our agency, our officers are allowed to work for another police agency. We have several who work for Taylorsville, Graymoor-Devondale, Pioneer

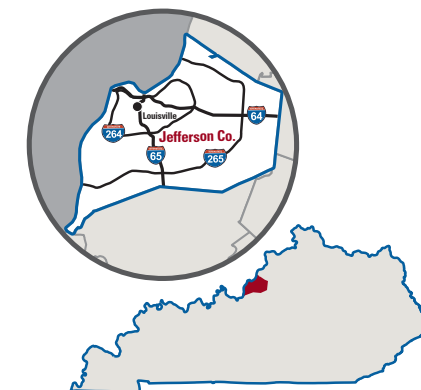
Village and the Bullitt County Sheriff's office on their off days. We operate a communications dispatch center 24 hours a day, seven days a week. All our dispatchers go through the Department of Criminal Justice Training's Public Safety Dispatch academy.

LEADERSHIP NUGGETS

People are more willing to follow someone if they know that person is willing to help them in good times and bad. Both the assistant chief and I make runs on a daily basis with those on fire and police duty, not only to keep our skills current, but also to let officers know that we're there for them and don't place ourselves on a different level. Both of us have an open-door policy and attend roll calls on a daily basis. This keeps rumors down to zero. Rumors can ruin an agency faster than morale. Anytime someone has a question, it's answered immediately.

LAW ENFORCEMENT WISDOM

Most situations can be resolved through effective communication. Our officers deal with a traveling public on a daily basis. They're not only law enforcement, but customer service. Our officers may be the last person someone sees as they leave the Louisville Airport or the first person they deal with when they fly into Louisville. Our officers have learned that sometimes people just want to be heard. We listen and, if needed, offer solutions. We deal with a small homeless population that trickles over from Metro Louisville and have trained our officers in crisis intervention. This has paid off with no use-of-force incidents in 2016. 🏞️



AT A GLANCE

YEARS IN LAW ENFORCEMENT: 27

CURRENT POSITION:
Louisville Regional Airport Police Department Chief for four years

PRIOR LAW ENFORCEMENT EXPERIENCE:
Louisville Division of Police; Louisville Metro Police

EDUCATION:
St. Xavier High School graduate in 1983; Bachelor of Science in Justice Administration from the University of Louisville in 1987

BLIND SPOTS

Why We Fail to Do What's Right and What to Do About It

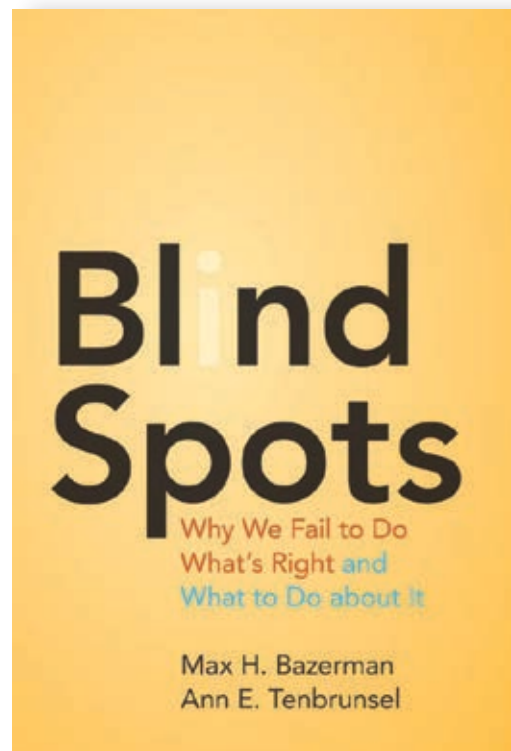
“Over the past 18 years, I have taken classes, studied and read recommended books about human and organizational behavior in an effort to learn about this complex discipline called leadership.

The search engine on leadership has many drop-down boxes defining the term and how best to apply it across a broad spectrum. Nonetheless, in all of the literature on leadership there is one common thread that appears throughout the discourse, and that is trust. So, if trust is the foundation of exemplary leadership, why do we fail to do what's right? Why do we rationalize our behavior? Why do we weigh the consequences before we make an ethical decision? The book, “Blind Spots,” addresses these inconsistencies and what we can do about it.

When confronted with an ethical dilemma, most of us like to think we would stand up for our principles. But we are not as ethical as we think. In “Blind Spots,” the authors examine ways we overestimate our ability to do what is right and how we act unethically without meaning to. From the corruption at Enron and in the tobacco industry, to the defective Ford Pinto, the downfall of Bernard Madoff and the Challenger space shuttle, ethical failures are investigated in the business world and beyond. When we look at a problem, how do we view it? Is it an ethical question, or is it a business issue? Many times we don't see the moral issue because of the overriding pressures of a social group or economics. Moreover, the authors illustrate how we can become more ethical, bridging the gap between who we are and who we want to be.

Explaining why traditional approaches to ethics doesn't work, the book considers how ‘blind spots’ like ethical fading — the removal of ethics from the decision-making process — have led to tragedies and scandals such as the space shuttle disaster, steroid use in Major League Baseball, the crash in the financial markets and the energy crisis.

Bazerman and Tenbrunsel explain how ethical standards shift, how we fail to notice and act on the unethical behaviors of others and how compliance initiatives can promote unethical behavior. They argue that scandals will continue to emerge unless such approaches take into account the psychology of individuals faced with right-right decisions, which are ethical dilemmas, and right-wrong decisions which are moral temptations. Distinguishing our ‘should self’ (the person who knows what is correct) from our ‘want self’ (the person who ends up making decisions), the



authors point out ethical sinkholes that create questionable actions.

I encourage you to visit the website ethicsunwrapped.utexas.edu and explore the Behavioral Ethics link. This site addresses many of the issues discussed in the book.

The book “Blind Spots” is an easy read, well written, with captivating research. It is a little more than unsettling, and it should make you reconsider most of, or at least some of, your beliefs.

“This fascinating book holds up a desperately needed mirror that objectively reveals a reflection we might not want to see,” said Stephen R. Covey, educator and author of *The Seven Habits of Highly Effective People*. “Yet through experienced guidance and genuine input, Bazerman and Tenbrunsel offer solutions that can powerfully change the way we do business.”



BY KEN MORRIS
RETIRED DOCJT INSTRUCTOR,
LEADERSHIP SECTION

STRANGE STORIES FROM THE BEAT



Bird-Brained Pigeon Thief Disguises Self with Bucket on Head

A thief managed to steal \$7,000 worth of pigeons and tools from a Miami store despite using a disguise that can only be described as bird-brained: A bucket on the head. The pet store was robbed a few hours after the owners closed up for the evening. Surveillance cameras recorded a person jumping over a fence and entering the locked business. The thief, who also was wearing a trash bag, grabbed about 40 racing pigeons valued anywhere from \$100 to \$1,000 as well as some tools. Surveillance video shows the thief walking around the cages and stuffing the pigeons into a box before climbing a ladder over the fence — but not without falling to the ground in the process.

Rogue Llama Prompts Comical Response from Sheriff's Office

It's not every day that a llama goes on the lam — but when it does, it tends to make headlines.

A llama, in the college town of Athens, Ga., frolicked through traffic. A bystander called the local sheriff's office to report it — but apparently they weren't quite sure what the animal was, calling it a baby camel. The local sheriff's office wooed the llama using a bag of carrots into the parking lot of a local fast-food joint. Afterward, one of their captains was deemed the “llama whisperer.” Deputies, with the assistance of, and I kid you not, several llama experts who just happened to be traveling on the road at that exact moment, managed to corral the llama in the dumpster area behind the restaurant.



Thief Gets Stinky Surprise

A victim, of the growing problem of package theft, in a California community purposefully put an item outside his door that isn't in high demand. Inside it, there was not one thing of value, just a bunch of poop.

“Since we've lived at this house we've had three packages stolen; so just trying to get back at somebody,” the homeowner said.

Woman Stages a Peanut-Butter Protest

A Wisconsin woman was charged with disorderly conduct after she allegedly spread peanut butter on 30 cars that she believed belonged to Donald Trump supporters. Turns out the cars actually belonged to members of a conservation club. Witnesses say the 32-year-old stormed into the club meeting holding what deputies described as a “family-size jar of low-sodium, creamy natural Jif.” The suspect allegedly yelled at club members about how much she hated Trump before being asked to leave the meeting. A few minutes later, members started worrying that she might be doing something with that family-sized jar of peanut butter. So they ran out to the parking lot, where they saw the woman spreading peanut butter on a club member's car.



Suspect Returns Stolen Mortuary Van after Finding Body

A man was arrested after police say he stole a van from a southern California mortuary with a dead body inside. He returned it and then stole a different van from the same business.

A mortuary employee was nearly run over as he tried to stop the man as he drove away a second time. An officer investigating the theft of the first van chased the second van for more than two miles. The suspect was arrested and could face several charges including vehicle theft. Stealing a dead body isn't included in his list of charges because police believe he didn't mean to steal it.



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