JANUARY/FEBRUARY • 2019 KENTUCKY KLEMAGAZINE.COM

LAW ENFORCEMENT

2018 COMPREHENSIVE SURVEY

PAGE 6

SURVEY OVERVIEW | ELIZABETHTOWN POLICE DEPARTMENT | NEW KENTUCKY DRONE LAW

JANUARY/FEBRUARY 2019 | VOL. 18, NO. 1

Kentucky Law Enforcement is published by the Kentucky Justice and Public Safety Cabinet, and is distributed free to the Kentucky law enforcement and criminal justice community. Current and past articles are available online at: www.klemagazine.com

DOCJT
DEPARTMENT OF CRIMINAL JUSTICE TRAINING

ACCREDITED BY
ACADEMY ACCREDITATION

ACCREDITED BY
IACET
INTERNATIONAL ASSOCIATION OF CONTINUING EDUCATION AND TRAINING

ADDRESS ALL CORRESPONDENCE TO:
KLE Staff, Funderburk Building
521 Lancaster Avenue • Richmond, KY 40475

EMAIL: DOCJT.KLENN@ky.gov

ON THE COVER:
Art director Kevin Brumfield created the photo illustration for this cover. Using images by photographer Jim Robertson, the cover is intended to show different aspects of Kentucky law enforcement, the survey data provided and the individuals it represents.

LIKE US AT facebook.com/klemagazine
FOLLOW US AT twitter.com/klemagazine
FOLLOW US AT instagram.com/klemagazine

CONTENTS

FEATURES

EQUIPMENT

TRAINING

PROFILES

COLUMNS

LEGAL

SHORTS

WE MUST MEET THE DRUG AND MENTAL HEALTH CRISIS WITH INNOVATION

We've heard anecdotal evidence for years, but now the numbers are in. The mental health and substance abuse crisis is spiraling out of control, and too often it's landing on the doorstep of law enforcement.

The federal government estimates that, of the roughly 11 million people cycling through jail every year, 64 percent struggle with mental illness. Another 68 percent are coping with substance abuse. That's all at a taxpayer cost of $22 billion, not to mention the risk, time and resources it drains from law enforcement.

IGOR STEVANOVIC / 123RF.COM

After 35 years of experience, Alex Payne, commissioner of the Kentucky Department of Criminal Justice Training (DOCJT), recently summed it up well for a reporter.

"When I first started in this career, we were rarely dealing with this issue of the mentally ill or even coming across it in the process of doing our jobs; now, it's daily," Payne told WLKY. "The unfortunate thing is, not all of these people need to be incarcerated; however, that's where they end up."

In Kentucky, we spend nearly $600 million a year on corrections – funds I'd rather see spent on the front end of public safety, especially for law enforcement agencies and treatment providers. But getting there will take innovative thinking and a lot more options for pre-arrest diversion.

The Justice and Public Safety Cabinet partnered with the Crime and Justice Institute in November to host a public forum on the issue and help advance the conversation. We heard about some impressive work already underway.

We should applaud Kentucky State Police Commissioner Rick Sanders for launching KSP's Angel Initiative, which allows those with a substance abuse disorder to visit a KSP post and receive assistance locating treatment.

DOCJT has done tremendous work in providing training to Kentucky officers about crisis-intervention strategies – such as de-escalation techniques – that make encounters safer for all parties.

I also want to praise Alexandria Police Chief Mike Ward for hiring social workers to augment traditional police work with expertise in community interventions and social services.

Initiatives like these will allow us to transition mental health and substance abuse cases away from criminal justice and into a public-health model. But much more work is needed.

According to the Crime and Justice Institute, approximately 22 percent of Kentuckians suffer from some type of mental illness, 5 percent of whom have a serious mental illness. Many also suffer from a co-occurring substance use disorder and vice versa. However, research shows that incarceration does not improve either condition.

Instead, we all should be pushing for more collaboration with our partners in community mental health and the courts to get people the care they need. And when possible, law enforcement agencies would be wise to invest in crisis intervention teams and mental health staff.

These efforts cost money, but all the evidence points to savings in the long-run.

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

WHY WE TRAIN

I am amazed by the dedication of the men and women who put in extra effort to train others. Personally, I am forever grateful to those outstanding individuals who took the time to teach me throughout my career.

I have learned much during my time in this profession, but the answer to the question, "Why do we train?" remains the clearest. Law enforcement train so officers can make mistakes during practice and not when it matters most.

It sounds crazy, but the logic is simple. The more mistakes we make in training the fewer we should make in actual encounters.

Using a sports analogy, take the worst team in whatever professional sport and allow them to train every day for a year before the first game. At the same time, let the other teams in the league practice only one day a week in preparation for the season-opener that is a year away.

Come opening day, who do you think performs better? The team with unlimited practice time or the teams that were only allowed one day per week to practice?

I hope you picked the team that was allowed more time. Why? Because the team had more time to correct and eliminate mistakes they made during training so the chance of making the same mistakes during the game would be slim.

Millions of dollars are spent on sports teams at college and professional levels to ensure players get the best possible training. From facilities to coaches, nutritionists, strength and conditioning experts, mental-preparation specialists, and gear with the latest cutting edge technology – the list goes on. The end goal is simple – win on game day.

This same model for winning applies to law enforcement as well, but obviously without millions of dollars being spent to help ensure success. However, our wins and, more importantly, our losses mean significantly more and should be more than enough motivation to continue training as long as you are in the game.

The goal of any training is to ensure the best possible performance. Think of all the ways law enforcement performs on a daily basis. Some examples of good performance include, interacting with the public in a professional manner, writing a thorough report, operating a police vehicle in a safe manner with due regard, maintaining all equipment in a state of readiness, wearing body armor daily and correctly, being a continuous positive influence on your fellow co-workers, and so on.

I am not familiar with any other profession where high-quality performance is expected on a daily basis more than law enforcement, and scrutinized more intensely when the performance is deemed sub-par. Hence, the importance of training is to avoid sub-par performance.

The way to avoid poor performance is to commit to making yourself better. The way to do that is through continuous learning throughout your career. Continuously train, mentally and physically, through the critical skills of your chosen profession.

JIM ROBERTSON / DOCJT

Constant training helps eliminate mistakes when a real-world situation presents itself. Law enforcement train so officers can make mistakes during practice and not when it matters most. The best way to avoid poor performance is to commit to proper training.

This builds confidence, and confidence is a must for a good performance. No one knows you better than you. While looking in the mirror you cannot lie to the person staring back. That person knows your strengths and weaknesses. Work on areas that are weak until they become strengths. This does not mean at some point you will become the perfect police officer; it will never happen. What matters is the pursuit of that goal. Pursuit of this goal creates drive and passion, knowing that fate favors the prepared. The rewards of this profession are not monetary. The reward lies in living a life well-lived, service above self and hopefully, in the end, hearing the words, "Well done my good and faithful servant."

God bless all of you and your families. Stay safe!

BY WM. ALEX PAYNE
COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

2018 COMPREHENSIVE SURVEY

With new data regarding school resource officers, diminishable skills, investigations and many other critical law enforcement issues, the Department of Criminal Justice Training has released its 2018 Comprehensive Survey findings.

The report summarizes responses from 242 Kentucky law enforcement agencies, with extensive details relating to salaries, personnel topics, equipment and training. More than 6,800 law enforcement officers are represented in this report.

DOCJT is mandated by state law to study law enforcement training standards, and conducts the Comprehensive Survey every three years.

The Kentucky Law Enforcement magazine has focused this issue on highlighting key aspects of the survey, including personnel, equipment and training.

"The information contained in the survey tells us what the trends are with other agencies and generates new ideas about how we can do better in areas that affect all of us," Georgetown Police Chief Mike Bosse said. "It also tells us if we are falling behind in a certain area. For instance, areas that involve training. It is always nice to know how our peers are doing in the areas that affect all of us as agencies. The information provided should draw us closer together as a statewide law enforcement community."

JAKUB JIRSAK / 123RF.COM

PERSONNEL MATTERS

COMPREHENSIVE SURVEY OFFERS A GLIMPSE INTO SALARIES, INSURANCE, RETIREMENT AND MORE

Written By
MICHAEL A. MOORE

Having good people is key no matter if you're talking about a Fortune 500 company or one of the more than 400 law enforcement agencies across Kentucky.

When it comes to hiring good officers, chiefs and sheriffs spend a significant amount of time recruiting. Also, much energy is spent retaining talent in whom training dollars and resources already have been invested.

The Department of Criminal Justice Training's 2018 Comprehensive Survey revealed many things about Kentucky law enforcement in the category of personnel. The survey identified that the average number of sworn officers for all reporting agencies was 29, a 7.4 percent increase from 27 reported in the 2015 survey. These figures also include information provided by the Kentucky State Police, Lexington and Louisville Metro police departments.

Much goes into recruiting and retaining these officers, but no matter the agency, a lot of it boils down to one question: "How much will I make?"

SALARY

Between 2015 and 2018, the average entry-level full-time salary for Kentucky law enforcement officers increased by more than 16 percent, according to the 2018 survey of agencies who responded to the salary question. For the purposes of this study, 'salary' is defined as base salary only. This does not include training/pay incentive, uniform allowance, signing bonuses or specialist pay.

In 2015, the average entry-level salary was $28,727, compared to the 2018 mark of $33,492. This figure represents law enforcement agencies across the state, from larger departments such as Lexington and Louisville Metro police departments, to state agencies such as Kentucky State Police and university and public school police departments.

The breakdown shows the average entry-level salaries in 2018 as follows:

- Municipal police departments - $33,787
- Sheriff's offices - $31,625
- State agencies - $34,641
- University police departments - $35,292
- Public school police departments - $33,815

According to the Bureau of Labor Statistics' Consumer Price Index, the increase in law enforcement salaries from 2015 to 2018 was more than the inflation rate of that period by 10 percent.

The statewide average of $33,492 does not factor in incentives such as the Kentucky Law Enforcement Foundation Program Fund (KLEFPF) or other compensation, for example shift differential pay.

Conducted every three years, the survey shows Kentucky law enforcement's salaries have seen a steady increase between the 2001 Comprehensive Survey ($19,812) and the current year.

The 2018 survey revealed entry-level pay across the state ranges from $10,000 for a part-time chief, in a one-person department (Sadieville, located in Scott County) to $66,290 at the St. Matthews Police Department in Jefferson County.

St. Matthews Maj. Tony Cobaugh said his agency traditionally hires certified officers with previous experience.

"This place is pretty unique," Cobaugh said. "(We) haven't hired a new hire (from the police academy) in over 20 years. Everyone who comes here either retired from another agency or is continuing their career from another agency."

Still, offering a competitive salary is of the utmost importance to many chiefs and sheriffs across the state.

"We just reached out to four other neighboring law enforcement agencies which are similar in size," Scottsville Police Chief Jeff Pearson said. "Though we are close in salary, we discovered our department is paying $1 less an hour for certified officers starting (their careers)."

The survey shows Scottsville's entry-level pay was $31,536.

Without a competitive salary, many agencies become nothing more than a training ground for officers to gain experience and quickly move on, which interrupts continuity. This is the case in Lee County, according to Sheriff Wendell Childers.

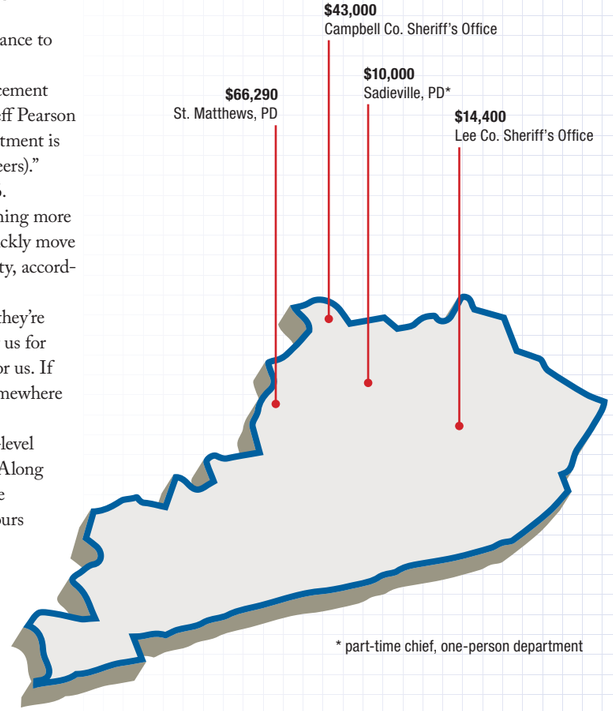
"We're more like a stepping stone," Childers said. "Once they're (hired) and they become certified, they will come to work for us for four or five months and they move on. Salary is a big thing for us. If we can't provide a (decent) hourly rate, they're going to go somewhere else."

The Lee County Sheriff's Office reported the lowest entry-level salary at $14,400 for a sheriff's office, according to the survey. Along with the sheriff, the eastern Kentucky county has one full-time deputy and a part-time deputy, who work approximately 20 hours every two weeks.

On the other end of the sheriff's office spectrum, the Campbell County Sheriff's Office's entry-level salary is $43,000, the survey showed. The average salary for a sheriff's office was $31,365.

$33,492

AVERAGE SALARY FOR A FULL-TIME, ENTRY-LEVEL, PEACE OFFICER



TASHATUVANGO / 123RF.COM

54%

RESPONDING AGENCIES THAT COVER THE FULL COST OF MEDICAL INSURANCE POLICY

Since the survey was taken, Childers said he has been able to increase the entry-level salary, but not by much.

"We hired a deputy and put him through the academy. He's making about $13 per hour, and when KLEFPF kicks in, he comes out pretty good," Childers added. "He's been here about eight months."

INSURANCE, RETIREMENT AND OTHER PERKS

Of course, money isn't the only thing that factors into the equation. Typically, compensation packages include salary as well as insurance and retirement plans.

When asked in the survey about insurance benefits, 54 percent of responding agencies reported paying the full amount of a single-medical insurance cost in the past three years. That represents a 2 percent increase from the 2015 survey.

Having solid insurance and retirement plans helps Harrison County Sheriff Shain Stephens when it comes to attracting and retaining sworn officers, he said.

"It helps for sure," Stephens said. "We offer a good insurance plan, and we offer hazardous duty retirement. The (Harrison County Fiscal Court) supports that, and my budget runs through the fiscal court."

In Scottsville, Pearson said his city carries a policy that is nearly unheard of in other locations.

"The city has Anthem Blue Cross Blue Shield, and the city pays 100 percent for the employee and their family, and also covers their entire deductible," he said. "They also pay vision and dental insurance for the employee and their family."

In addition, Scottsville provides a $25,000 life-insurance policy to the employee at no cost, and gives officers the option of increasing amount at a cost depending on the degree of coverage the employee wants, Pearson added.

The survey showed 34 percent of those who responded provide partial medical insurance payment by the agency.

Nearly 93 percent of responding agencies provide sworn officers a retirement program. Of those, approximately 59 percent reported they provide a state or local hazardous retirement program.

The survey showed that 26 percent of agencies that responded offer non-hazardous (state) retirement for sworn personnel.

Stephens said his agency is fortunate to continue offering hazardous retirement.

"The regular non-hazardous retirement has to be a tough situation for other agencies," he said. "I feel for them, but thank goodness we're not in that situation."

Pearson said having hazardous duty retirement bodes well in recruitment and retention.

"I feel that was the trade-off, because most often in the private sector, you can find jobs that pay more, but having a retirement where you can retire after 20 or 25 years means a lot," he said.

More than 19 percent of responding agencies provide specialist pay to some of their officers. Approximately 24 percent provide specialist pay to field training officers or police training officers.

Seventy-four percent of responding agencies provide overtime pay for all sworn officers.

"Overtime pay began when we went to 12-hour shifts, with every other weekend off, two years ago, and since then, the officers feel they have much more time off," Scottsville's Pearson explained.

The survey also indicated 45 percent of responding agencies provide uniform pay/allowances to all sworn personnel, with the average uniform allowance at $708.

Take-home vehicles are a perk that 93 percent of responding agencies reported offering full-time officers. Seventy percent report vehicles are for official use only, and 23 percent of agencies allow officers to use agency vehicles for personal use.

Springfield Police Chief James Smith said allowing an officer to take a vehicle home is a win-win for the agency as a whole.

"(They're) able to respond more quickly and (it's) a partial incentive," Smith said.

Pearson echoed Smith's sentiments.

"The reason behind this is our officers can be called out at any time to assist with an incident where manpower is needed," Pearson said. "(Our) officers are cross-trained in a lot of areas, such as crime-scene processing, and if they are called out, it is beneficial to not have to go pick up a vehicle."

HELP WANTED

Putting out a help wanted sign isn't usually a favorite task for hiring managers. But more often than not, it is a necessary evil in the day-to-day duties of a police chief or sheriff, as officers move on in their careers for one reason or another.

According to the survey, 98 percent of responding agencies conduct a formal application process for initial employment of sworn personnel.

This is the case in Muhlenberg County, where Sheriff Curtis McGehee says it all starts with the employment application.

"We look at those applications, and we will conduct a background check," McGehee said. "If the background comes back clean and they have good references, we make sure they can pass the POPS (Peace Officer Professional Standards). That often plays into who we are able to hire."

From there, McGehee begins the interview process, which includes a panel of supervisors. He said the agency is looking for deputies who have "soft skills," meaning those who are personable and will relate well to the community.

Forty-three percent of responding agencies include a few more steps in the hiring process. A written exam is a key part, the survey showed. Additionally, 73 percent of responding agencies use a formal interview board for initial employment.

"Our hiring process consists of a written exam, multiple interviews, background investigation, polygraph, and medical and psychological testing," said Paducah Police Chief Brandon Barnhill. "There are four categories covered in the (written) exam: reading, writing, math and grammar. The test is on an 11th-grade level."

Barnhill said the written exam is proctored by the agency's human resource department and is an entry-level exam furnished by Stanard and Associates Inc., a Chicago-based human resource consulting firm specializing in employee surveys, testing and assessment systems. Barnhill went on to say that a study guide with example questions is provided to each candidate so they will have a general idea of what to expect on the test.

Agencies such as the Paducah Police Department and Daviess County Sheriff's Office mandate applicants have some college credit hours under their belts.

2018 Comprehensive Survey
For additional information about salaries, insurance, retirement and more, scan this QR code with your smart device or visit https://bit.ly/2DDFNME (5MB PDF download)

15%

RESPONDING AGENCIES THAT REQUIRE EDUCATIONAL EXPERIENCE IN ADDITION TO THE HIGH SCHOOL DIPLOMA/GED THAT IS REQUIRED BY KRS15.382(3)

96%

RESPONDING AGENCIES THAT REQUIRE BACKGROUND CHECKS ON LATERAL-ENTRY PERSONNEL

70%

AGENCIES THAT RESPONDED AN INDIVIDUAL IS SWORN IN AS AN OFFICER AT EMPLOYMENT

"We require 60 credit hours of college or four years of military experience," Daviess County Sheriff Maj. Barry Smith said. "In this day and age, we want to see initiative beyond high school. It gives them a better baseline if they have college or military (experience) when entering a workforce such as law enforcement."

Barnhill added that his agency's 60 credit hours or military experience requirement produces a well-rounded applicant.

"We have benefited from these standards over the years," he said.

The Daviess County Sheriff's Office and Paducah Police Department are two of the 90 percent of responding agencies that indicated some college is required to be considered for employment as a sworn officer.

Making a hire is often tricky, especially for smaller agencies that must constantly compete with larger agencies interested in hiring an already-certified officer.

Ninety-six percent of responding agencies require background checks on lateral-entry personnel. A lateral employee is defined as a POPS-certified graduate of a basic training academy seeking employment by another in-state agency.

According to the survey, of those agencies that responded, there were 260 lateral hires reported for 2017.

For Scottsville's Pearson, having an officer sign a contract is a great way to get a solid return from his agency's investment.

"We do require a contract covered under KRS Chapter 70, KRS 15.410 to 15.510, which requires them to be under contract for three years from graduation of DOCJT basic academy," Pearson said. "Our city invests approximately $50,000 to get a basic recruit through the academy. With us being a small city (estimated population of 4,416 in 2016) with a limited tax base, we know we can't compete with larger cities with a much-larger tax base when it comes to salary. Sometimes we feel we are a stepping stone more or less. Without that contract, we would constantly be losing money on training officers. With the contact, it's more of a break-even deal for our city."

SWEARING IN

Nearly 70 percent of responding agencies indicated that an officer is sworn in upon initial employment, the survey revealed. Another 13 percent of responding agencies reported new hires are sworn in just before the academy, while 16 percent wait until after the officer has graduated from basic training.

When a new officer is hired, there tends to be a waiting period between hiring and the person reporting to DOCJT's basic training. In the interim, many agencies make use of new hires in a variety of ways.

Springfield's Smith said while waiting for their academy class, new hires, "ride along and provide emergency-backup duty only."

"They learn during this period," he said.

"We will have them do ride alongs for a while," Sheriff McGehee said. "Then we may put them in a cruiser and respond with deputies during a call, but they're never the primary responding deputy. They also serve papers for us. When they're out serving papers and a deputy gets a call, they're welcome to respond with the other officers."

PROMOTION PROCESS

Once an officer is hired and they have a few years of experience under their belt, the urge to move up in the ranks takes hold.

JODIE COSTON / ISTOCKPHOTO.COM

JIM ROBERTSON / DOCJT

Fifty-three percent of responding agencies require a minimum number agency service years before an officer becomes eligible for the first promotion. Survey results show it takes roughly 3.4 years of service to an agency before an officer is considered for promotion.

The promotion process differs, depending on the agency. Many agencies, such as the Shelbyville Police Department have multiple facets to the process, Police Chief Istvan Kovacs said.

"We have a written exam and oral interview," Kovacs said.

In Daviess County, Smith said deputies within the sheriff's office are being evaluated for possible promotion from the moment they are hired.

"We consider that an employee interviews for promotion every day they come to work," Smith said.

In Paducah, an officer needs to have a minimum of five years with the police department or three years lateral experience and two years with PPD to be promotion eligible, Barnhill said.

Paducah's promotion process includes a written exam, interview, practical exercise, a review of the most recent (job performance) evaluation and an interview with the police chief.

Aside from written exams and interview boards, some 45 percent of responding agencies mandate promotion applicants must graduate from DOCJT's Academy of Police Supervision (APS) or equivalent. Twenty percent of responding agencies require DOCJT's Criminal Justice Executive Development Course (CJED) or equivalent for supervisors (lieutenants and above).

The reason is simple, Barnhill said.

"Leaders are readers," he said. "We believe our supervisors should always be learning in some form. Also, the networking and relationship building with other agencies across the commonwealth is beneficial. Aside from hiring, promoting the right people is one of the most important components of a good agency."

Daviess County's Smith agreed.

"Our first promotions are corporals, and as soon as they're promoted, they're enrolled in APS. Those command courses give a great understanding for an officer who is just entering the ranks of supervision," he said. "They learn the challenges they will see with different personnel, how they handle different personalities and working behaviors the way it needs to be done."

A legend in the automotive industry, Lee Iacocca once said, "Start with good people, lay out the rules, communicate with your employees, motivate them and reward them. If you do all of those things effectively, you can't miss."

Without question, to have a top-notch agency, it starts with personnel.

Nicholasville Police Chief Todd Justice said the information in the survey regarding personnel and its many facets is invaluable to him as an executive.

One of his top goals as chief is to take care of officers under his charge. To that end, he said the survey will not sit on a bookcase collecting dust.

"We are in the process of trying to re-evaluate salary and benefits now," Justice said. "We will use this information, and information from the Kentucky League of Cities, to show the (Nicholasville City Commission) the figures we have are off, and we need to adjust them to be able to attract and retain people."

60%

RESPONDING AGENCIES THAT HAVE MINIMAL REQUIREMENTS TO PROMOTE TO THE RANK OF SERGEANT

There's a Policy for That

Policies and procedures are vital for every law enforcement agency, as shown in the 2018 Comprehensive Survey. More than 90 percent of responding agencies reported having written policies regarding arrest; domestic violence; evidence collection and storage; racial profiling; response to resistance (including deadly force); training; vehicle emergency response; vehicle offender pursuit and vehicle stops.

In 2018, the survey revealed that 47 percent of agencies have a body-worn camera policy, an 81 percent increase from the 2015 survey. Forty percent of responding agencies have a Naloxone policy.

According to the survey, the top three policy areas adopted are:

- Sexual harassment/discrimination – 97 percent
- Domestic violence – 96 percent
- Response to resistance (including deadly force) – 94 percent

According to the survey, the bottom three policy areas adopted are:

- Digital file storage – 50 percent
- Body-worn camera – 47 percent
- Naloxone – 40 percent

FROM DRIVING TO DRONES

COMPREHENSIVE SURVEY REVEALS VARIETY OF FIELD EQUIPMENT

Written By
MICHAEL A. MOORE

Photography By
JIM ROBERTSON

It goes without saying that law enforcement officers spend countless hours driving in the performance of their duty.

According to the Department of Criminal Justice Training 2018 Comprehensive Survey, law enforcement officers throughout the state drive a myriad of front-wheel, rear-wheel and all-wheel vehicles on a daily basis as they crisscross the roads in their respective communities.

With all the miles logged, it is reasonable to think law enforcement agencies would require officers to undergo regular driving training.

But, according to the Comprehensive Survey, that isn't the case. Sixty-five percent of the 208 agencies who responded to the specific question, "Does your agency require officers to attend vehicle operations training?" responded, "No."

Between 2008 and 2017, nearly a quarter of the nation's 1,511 law enforcement officers killed in the line of duty died in motor vehicle accidents, according to the National Law Enforcement Officers Memorial Fund website.

(ABOVE) Berea Police Sgt. **RON WARD**, outside the car, points out the driving course to Sgt. **ERIC DAVIDSON**. The Berea Police Department is one of 26.79 percent of agencies who responded "Yes" to the question, "Does your agency have a certified driving instructor." Berea Police Chief David Gregory said since the agency started holding regular driving training, the number of police-involved collision has gone down.

The reasons for the number of fatal wrecks involving law enforcement are many, but a common denominator is a lack of training, Glasgow Police Chief Guy Howie said.

"Driving skills are like any other perishable skill (that) needs practice from time-to-time," Howie said. "Just because we drive every day does not mean we are doing it correctly."

Howie's agency was among the 34.13 percent who answered "Yes" to the question.

For the Glasgow chief, it's simply a case of practice makes perfect.

"Just because a football team is perfect in a game, they go right back to practice the next week to tune their skills for the next game," Howie said. "We are putting high-energy people behind the wheel of a 3,700-pound police car. I would venture to say police agencies create more property damage and maybe injuries (while driving) than they do arresting people. We need to stay on top of our skills."

According to the survey, 26.79 percent of the 209 agencies responded "Yes" to the question, "Does your agency have a certified driving instructor?"

Driving training is equally as important as firearms or any other training, Berea Police Chief David Gregory said.

"We feel driving training is an important job duty that every police officer encounters every day," he said. "In 2016, our agency was seeing an increase in backing accidents, and we felt, at that time, it was important to address this issue, and lower liability in this area."

To that end, Berea appointed Sgt. Ron Ward as its driving training instructor in August 2017. Berea responded "Yes" to having an in-house driving training instructor, according to the survey.

Since Berea began emphasizing driving training, the agency has seen tangible results.

"We have seen a decrease in police-involved collisions," Gregory said. "We believe that officers are less distracted when backing and become more involved with their surroundings while driving."

In the end, the decision to require yearly driving training and an in-house instructor boils down to officer safety and fiscal responsibility for the agency.

"We understand it's hard, and sometimes difficult to have training on driving," Gregory said. "I believe spending a few minutes in roll call and talking to everyone about speeding, wearing your vest and seat belt, and keeping that extra distance between you and the next car, could prevent injuries."

DRONES

From vehicles and guns to the implementation of new technology, law enforcement agencies are tasked with finding the best methods to combat crime.

With that in mind, a new question the comprehensive survey asked was about the use of drones.

In all, 202 agencies responded to this question, with 12 percent responding "Yes" to utilizing a drone in their operations.

Georgetown Police Chief Mike Bosse said his agency began using its drone in 2016.

"We use the drone in many facets of law enforcement," Bosse said. "From assisting with search and rescue to aerial photos of crime scenes to monitoring community events. We use the drone at night to canvass entire neighborhoods for larceny from car suspects."

The decision to add a drone into its arsenal paid near-immediate dividends, Bosse said.

"Within Georgetown, we used the drone to find burglary suspects hiding on a commercial rooftop within the first month of having it," he said. "This prevented having to call out the fire department (for its ladder) and having an officer peer over the top risking being seen by the suspect."

Georgetown has also successfully used the drone to locate stolen vehicles and missing people, Bosse said.

"We have assisted BACKUPPS (Bluegrass and Central Kentucky Unified Police Protection System) agencies in finding a stolen truck in a rural area and used it to find a lost grandmother and her granddaughter, also in a rural area," Bosse said.

Georgetown spent $4,000 for the drone and another $12,000 for the infrared camera.

The department has three Federal Aviation Administration-certified drone pilots and three support personnel.

"(We) have a six-person Aviation Unit which is subject to call out on a 24/7 basis," Bosse said. "They assist our patrol section with the extra patrol of areas that may be experiencing increased crime. They photograph accident and crime scenes, and the infrared (camera's) capabilities really enhance our officers' ability to locate subjects."

12%

RESPONDING AGENCIES THAT UTILIZE DRONES

OTHER

Equipment questions were not limited to driving and drones. Other areas of interest in the 2018 Comprehensive Survey included:

- 37 percent of responding agencies issue their officers shotguns and require them to carry those weapons; another 21 percent of the respondents said shotguns were issued upon request of the individual officers
- According to the survey, the .40 caliber handgun is the most often authorized for use both on-duty and off-duty
- 60 percent of those who responded to the survey were aware of the Violent Person File. This file is located in the Criminal Justice Information Services (CJIS) system. It is designed to alert law enforcement officers that an individual they encounter may show violence toward law enforcement. But only 34 percent (of the agencies) reported entering individuals into the system.

2018 Comprehensive Survey
For additional information about equipment and more, scan this QR code with your smart device or visit https://bit.ly/2DDFNME (5MB PDF download)

TRAINING TOMORROW'S OFFICERS

LAW ENFORCEMENT EXECUTIVES, DOCJT STAFF DISCUSS SURVEY FINDINGS AND FUTURE PLANS

Written By
KELLY FOREMAN

As the saying goes, few things are more certain in life than change. As technologies progress and societal issues demand new law enforcement skills, the Department of Criminal Justice Training seeks to meet and exceed the needs of Kentucky's officers and leaders.

In DOCJT's 2018 Comprehensive Survey, a plethora of training topics were examined. Among this year's significant findings were those related to online, leadership and school resource officer training.

THE FUTURE OF ONLINE TRAINING

Educational opportunities available online are vastly growing. The demand for knowledge at the click of a button has led colleges and universities to offer everything from a few college credits to doctorate degrees.

DOCJT has offered online training through its Distance Learning Program since 2005, said DOCJT Information Systems Analyst Mike Keyser. However, this online training traditionally has been geared toward mandatory recertification, such as Breath Test Operator training.

In the survey, 79 percent of respondents said they already participate in DOCJT's Distance Learning Program, and 82 percent of those believe it has been beneficial to their departments.

"It is beneficial because of the ease of scheduling people for classes," Keyser said of distance learning training. "When we have Breath Test Operator recertification, we can put 200 to 300 people in one online class, versus having to go somewhere and spread the training out over 10 days to get that same number of people certified."

Several Kentucky law enforcement executives said they would like to see the options for online training grow.

"We are a different animal in Southgate because, of our eight full-time officers, seven of us are retired rehires," said Southgate Police Chief John Christmann. "We have been doing this so many years, and all of us would happily take an online course to get our 40-hour requirements. That being said, I don't want an online class that is a bunch of filler. I would vote for online classes on critical policy issues like legal updates, domestic violence, sexual harassment, pursuit driving and topics like those."

BRIAN JACKSON / 123RF.COM

TOP: EVERYTHINGPOSSIBLE / 123RF.COM

RIGHT: ANTON STARIKOV / 123RF.COM

Christmann was one of the 87 percent of respondents who said they believe online options – including streaming training offered close to their agencies – will reduce their training costs.

"Back in 1993, when I was a patrolman, we didn't have computers," Christmann said. "Today you can't do your job without them. My guys will say, 'I can't work today, my MDT (mobile-data terminal) is down.' They do everything online. It's a different world than it was when I first started. Colleges are offering degrees online – that is just the way the world works in this day and age."

Hopkinsville Police Chief Clayton Sumner said he is an example of the success of online education. Since he became the western Kentucky agency's chief in 2014, he has earned his bachelor's degree and graduated in December with his master's degree from Murray State University.

"It's very convenient, especially while trying to run an agency and raise kids," Sumner said. "I equate training for our officers with having that same opportunity. For me, it's a four-and-a-half-hour drive to Richmond. Online training opens up a variety of opportunities."

DOCJT Special Assistant Carey Kitts said several agencies had expressed a desire for blended training – an opportunity to complete part of their training online and part in a traditional classroom. However, only 32 percent of survey respondents voiced their request for this option.

"Agencies want training that is closer to home so their officers don't have to travel, it can be done in a 40-hour block, and they're done for the year," Kitts said.

In 2018, DOCJT began streaming courses at satellite locations across the state in partnership with Kentucky Community and Technical College System. Eighty-four percent of survey respondents voiced their support for streaming as a future training option.

DOCJT's 2019 Training Schedule does not include streaming training options, but Kitts said it could be added later if it is needed.

"Streaming training is not gone," Kitts said. "We are going to try to revamp it and make it better. But we need the support of chiefs and sheriffs if this is something they really want."

ONLINE-APPROPRIATE TRAINING

Supporters of online training – both distance learning and streaming training – agreed that it has its subject-matter limitations. The top-three supported topics for online training opportunities included legal (95 percent support), investigations (75 percent support) and leadership (70 percent support).

Alexandria Police Chief Mike Ward said he sent a couple officers to DOCJT streaming training last year, and while he sees the potential, he has a couple concerns.

"I think we need to be selective in which courses are offered online," he said. "There is a fine distinction between education and training. Unless we are looking at each other's eyes, we lose that interpersonal relationship. That's a huge problem with these younger kids we are hiring – their interpersonal relationship skills are lacking to begin with.

"The other argument is, maybe they would be better at it because they're used to doing more electronically," Ward continued. "I don't want to be an old stick in the mud and say you have to have your butt in a seat for 40 hours because that's the way we have always done it. But I do think we have to think about it based on the particular subject matter."

Sumner agreed.

63%

RESPONDING AGENCIES THAT AGREE STREAMING TRAINING PROVIDES THE SAME QUALITY OF TRAINING AS TRADITIONAL TRAINING

YOU'RE ACTUALLY GOING TO HAVE TO GET OUT THERE AND PUT YOUR BOOTS ON THE GROUND AND GET YOUR HANDS DIRTY WITH IT. AS LONG AS THOSE SKILLS ARE REQUIRED IN LAW ENFORCEMENT, THEN IT'S GOING TO TAKE HANDS-ON TRAINING TO TEACH THEM.

— COMMISSIONER ALEX PAYNE, DOCJT

69%

RESPONDING CJED GRADUATES WHO SUPPORT A NEXT-LEVEL LEADERSHIP COURSE

"It doesn't apply to everything," he said. "Basic report writing can be taught online. A basic understanding of communication and de-escalation can be taught online. I just don't know that I'd want to dive into tactics.

"Don't get me wrong, I guess it could be like playing (Nintendo's) Duck Hunt," Sumner joked. "We're just not there yet."

Keyser agreed that online offerings would continue to be topic specific. Skills training opportunities could be offered with a blended approach of online material followed by skills practice.

"I'd imagine a topic like a decision-making class based on driving or firearms would be appropriate for online," he said. "I don't like to say never. I think there is always something you can do to enhance the other training."

DOCJT Commissioner Alex Payne agreed that to maintain the quality of training, online opportunities will never take the place of hands-on, participation training.

"That would be horrible," he said. "If a recruit graduated from basic training and, for the rest of their career, all they had to do was log on to get their 40-hour in-service, that wouldn't be appropriate at all."

Training from behind a computer screen will not help officers become proficient with driving, firearms or tactics, he added.

"You're actually going to have to get out there and put your boots on the ground and get your hands dirty with it," Payne said. "As long as those skills are required in law enforcement, then it's going to take hands-on training to teach them."

THE NEXT STEP FOR KENTUCKY'S LEADERS

In 2006, graduates of DOCJT's first School of Strategic Leadership class got an early taste of what online training can offer, Ward said.

The School of Strategic Leadership (SSL) was aimed at the state's top-level law enforcement leaders. It consisted of five college courses, taught by Eastern Kentucky University professors, during a three-semester period.

"Dr. Gary Cordner taught the online class," Ward said of the inaugural SSL course, of which he was one of 10 graduates. "We had to read a book, then every Sunday night he would post a question on the chapter, and we had to respond. Cordner told me later he was overseas and agreed to do the class because it should be a real easy thing. We wore him out. It was funny because (former Elizabethtown Police Maj.) Troy Dye would always post something he knew was going to be controversial. We were hammering back and forth on subject matters. It was a great class because we were engaged."

Graduates of SSL classes, and those who have heard about the course, often have requested SSL be returned to DOCJT's curriculum.

"We looked into bringing SSL back, and it was going to cost about $10,000 per student," said Chip White, DOCJT Leadership Section instructor. "It just isn't feasible. But we have been looking for something to offer beyond the Criminal Justice Executive Development (CJED) course for those who may not be able to go to (University of Louisville's) Southern Police Institute or the FBI (National Academy)."

Of survey respondents who graduated from CJED, 69 percent voiced their support for a next-level leadership course. Forty-four percent of non-CJED graduates also supported the class.

Curriculum is being developed for the yet-unnamed course, which will be designed to challenge Kentucky's leaders. Completion of CJED will likely be a prerequisite, White said.

OSTILL / 123RF.COM

JIM ROBERTSON / DOCJT

SSL's success was largely attributed to the topic-based discussion among peers. White said his vision includes encouraging group discussion, and that the class will be student driven.

"When we do that, the students always say that's when they get the most out of learning, learning from their peers in the class," White said. "Plus, from my own experience, I know it is kind of boring to sit and listen to six hours of PowerPoint lectures."

Early plans for the class include students meeting quarterly during a weekend for a total of 10 training hours per quarter. Dinner and networking would be encouraged Friday night, while Saturday morning would begin class work and discussion. Some pre-course assignments might be assigned online before the class, and a written assignment will be due following the in-class portion of training.

"The plan is to have each session be a totally different topic," White said. "They will all be independent curriculums. We want to keep things at a higher level to challenge people."

ADVANCED SRO TRAINING

School Resource Officers (SRO) have been a topic of note on the national stage as communities everywhere seek to keep schools safe from tragedy. Thirty-nine percent of survey respondents reported utilizing SROs. Of those, 95 percent have completed DOCJT's Basic SRO training course. Another 51 percent have completed the Advanced SRO course.

However, the question of whether more training is needed to prepare officers for their duties inside school walls was addressed in a survey question about a potential three-week SRO academy. Seventy-three percent of respondents agreed they would support a training academy specific to SRO functions.

"I think it's a good idea because schools are a strange environment," Ward said. "There is a distinction between what school administrators and SROs can do for a kid."

Ward noted locker searches as an example that needs more attention.

"A school administrator can open a locker any time they want," he said. "We need a search warrant. Attorneys will tell you opening the locker has to occur by a school administrator. We do not have the authority, short of having consent to search or a warrant, to open it."

The complication of an SRO academy, however, lies in the vast differences between school systems, Sumner said.

"I think the idea of saying yes to an SRO academy sounds good," he said. "And I am probably one who said yes. However, practicality is another issue. Basic SRO skills should not take even a 40-hour course if the officer is already a certified, sworn police officer. The real training needed would be so greatly sporadic, based on individual school district's needs, wants and expectations, that an overall academy wouldn't suffice."

School safety was a hotly-debated topic during Kentucky's 2018 legislative session, as two students were killed and another 17 injured during a school shooting at Marshall County High School earlier that January, shortly after legislators convened. As discussions have continued, Kitts said DOCJT is making preparations to provide the training deemed necessary.

"We are preparing, if need be, to set up an academy," he said. "I'm not sure how many weeks it would be yet, but it is something that could be added later on in the year.

"We know it's coming," Kitts said of potential continued SRO training. "As a training agency, we are preparing for the future so in the case that, if any legislative changes are made, we will be ready."

2018 Comprehensive Survey

For additional information about training and more, scan this QR code with your smart device or visit https://bit.ly/2DDFNME (5MB PDF download)

58%

RESPONDING AGENCIES THAT ARE INVOLVED WITH SAFE SCHOOL ASSESSMENT

39%

RESPONDING AGENCIES THAT UTILIZE SCHOOL RESOURCE OFFICERS

ELIZABETHTOWN POLICE DEPARTMENT

EPD OFFICERS AND STAFF ARE COMMUNITY MINDED, ENGAGEMENT DRIVEN

Written By
KELLY FOREMAN

Photography By
JIM ROBERTSON

When Darrell Brangers began his career as a dispatcher with the Elizabethtown Police Department, he was one of four dispatchers working with 21 police officers. It was 1980. Brangers worked the night shift and remembers a time when around midnight, dispatchers could log themselves out and there were no calls again until after sunrise.

"It was just that dead after midnight," he said.

Of course, at that time the city's population was slightly more than 15,000. But Elizabethtown was steadily growing. In 38 years, Brangers has watched the city double in size – and the police department doubled along with it.

(ABOVE) Fully staffed, Elizabethtown Police Department employs 76 officers and civilians. Fifty-seven staff members are sworn officers.

Today, EPD boasts an authorized strength of 57 sworn officers, 34 of whom are assigned to patrol duties. The police department also employs 19 civilians – including Brangers, who is now EPD's dispatch supervisor. Thirty-eight years into his career in EPD's communication center, Brangers said he's happy to be in an administrative role, no longer answering 9-1-1 himself. The stress and secondary-trauma of dispatching was taxing.

"I couldn't do it anymore," Brangers said of dispatching full-time. "I loved it, and when I started dispatching it was fun."

EPD's officers responded to more than 42,000 calls for service in 2017, the majority of which included vehicle crashes, alarms, suspicious persons and thefts, according to the department's annual report.

"We work a lot of wrecks," said EPD Chief Jamie Land. "Typically, we work anywhere from 1,500 to 1,600 wrecks every year. A lot of our crime is property theft. People leave their cars unlocked – we have lots of groups who like to go around neighborhoods pulling on door handles."

But the department also responds to a myriad of welfare check requests, largely stemming from an abundance of individuals who travel to Elizabethtown seeking addiction treatment.

"We are kind of unique here," Land explained. "We have several drug-treatment centers, and we have halfway houses that, when individuals leave the treatment centers, they go to our sober-living facilities. We get a lot of welfare check calls from their families wanting to know how they're doing and if they're here."

"Another huge contributing factor is that Communicare, our regional mental-health service provider, is based here," added EPD Public Information Officer John Thomas. "We get a lot of welfare check calls from them, too. They have clients they're concerned about who live in this area, and they need us to check on them. We also have people who leave facilities against medical advice. Hardin Memorial Hospital calls us frequently when somebody walks away from care."

The treatment centers create an influx of temporary residents, not only from surrounding counties, but also from surrounding states. This transient population is becoming an issue for EPD officers, Land said, leading to an increase in homelessness and panhandling in the community.

However, EPD is not fighting the issue alone. Often there is a crossover between the population seeking drug treatment and individuals suffering from mental-health issues. To properly respond to these individuals' needs, EPD participates in a regional Crisis Intervention Training (CIT) board.

"Police officers, county attorneys, judges, Communicare, hospitals – everyone comes together to troubleshoot CIT issues in the area," said Thomas, who also serves as the department's CIT coordinator. "We are all different links in the same chain. With this group, everybody can sit down and have a say at the table."

(TOP) Elizabethtown Police Dispatch Supervisor, **DARRELL BRANGERS** (right), is the longest-serving EPD employee. Dispatcher **BILLY JO HAYCRAFT** (left) is just behind Brangers' record with 36 years of service.

(LEFT) Elizabethtown Police Chief **JAMIE LAND** has served the department for 20 years. He has been chief for about one year, following the retirement of former EPD Chief **TRACY SCHILLER**.

"It has paid dividends, most definitely," Land added.

CIT is a program that trains officers in "verbal de-escalation, active-listening skills and non-lethal weapons use," its website states. Thirty-six EPD officers have been trained in CIT skills, and Thomas said the department's goal is to see everyone CIT trained.

"The reality is, police are dealing, at an increasing rate, with the mentally ill," Thomas said. "All trends point to that continuing to be a greater and greater issue. Officers learn de-escalation skills, and learn to recognize the signs and symptoms of mental illness. The main goal is to get the mentally ill the help they need and not to criminalize behavior that should be

addressed as a mental illness. It just keeps everybody safer, both the safety of the officer and the consumers we encounter."

COMMUNITY-FOCUSED

In 2011, when former-EPD Chief Tracy Schiller took the helm of the agency, Land said he began a cultural shift toward a more community-oriented department.

"At first, I was hesitant," Land said of the directional change. At the time, Land had served roughly 13 years with the department. "But (Schiller) sold me on it. Now that's really moving forward."

Two officers are assigned to community activities, and the department's list of participating events is robust.

Cops and Cones (a free ice cream event), Cram the Cruiser (a school-supply-gathering event), Cops and Bobbers (a fishing event), D.A.R.E., Coffee with a Cop, five Halloween events, National Night Out (a community-police-awareness raising event), Christmas Shop with a Cop, honorary veteran luncheon – these activities simply scratch the surface of the two-page list of community-minded activities in which the department participates and/or leads.

In addition to these short-term events, EPD also operates an eight-week Citizens' Police Academy for adults twice per year and a five-week CPA program once annually for teens. EPD recently graduated its 33rd adult CPA class and its sixth teen CPA.

The teen CPA was created by popular demand, largely from parents who attended the department's adult CPA and saw the benefit of teens learning more about local law enforcement functions, Thomas said.

"We had 45 in our last class," Thomas said of the teen academy. "The way that we pitch it, No. 1, it's just a great way for students to learn a little bit more about their community, become aware of some of the crime problems, drug problems and quality-of-life issues that are in their community. Then it's a great way to get a first-hand look at policing as a possible career option. The program is for kids 14-18, so they are kind of in their formative years where they're trying to make decisions."

Teens hear from EPD's major crime investigators, K-9 unit, accident reconstructionists, Special Response Team and one of its use-of-force instructors during the five weeks. One week is devoted to teaching the teens about response to resistance and involves the participants engaging with the firearms training simulator.

"They get to step into the shoes of a police officer and make those life and death decisions that we make," Thomas said. "That's probably one of the most eye-opening experiences our participants can go through. We get routine feedback that it is one of the best experiences to realize we make decisions under great duress with very little time to make them."

Teens who want to take a more committed step toward a potential law enforcement career also have the opportunity to participate in EPD's cadet program. Beginning at the age of 16, residents can apply to become a cadet – a program that has been operational for more than 20 years.

"The program began as a way to provide career and leadership training to young people who are considering law enforcement, and has developed into a substantial resource to the police department and the community," the EPD website states.

Cadets meet twice a month at the police department and participate in a variety of department activities, ranging from traffic control during city parades to assisting with the Kentucky Special Olympics Torch Run.

EPD Detective Joe Swartz became an EPD cadet when he was 17. A good friend of his was involved at the time and talked him into coming. While he was considering a variety of public service careers, he had not settled on law enforcement as his reasoning behind becoming a cadet. It was just a cool thing to do, he said.

"It was almost like every other job I was considering was theoretical," Swartz said. "I would hear about it or read about it. In high school, they have you do those surveys where they tell you what job they think you would like. But really, the deciding factor was the ride-alongs. And just being here (at the police department). I could see myself doing what I saw them doing."

Swartz went to college still undecided about his future career, but maintained his cadet status with EPD until he was 21 – the oldest age a cadet can serve. When he finally applied and was hired as a full-time patrol officer, Swartz said the experience he earned as a cadet was beneficial to his transition.

"There are a lot of people who get into policing who may have a pretty good idea, but don't know that full picture of what it's like to do the job," Swartz said. "I'm not saying as a cadet I understood it, but (after being hired as an officer), nothing was a shock or surprise. Of course, sitting in the car and seeing a response to something was really exciting. I also saw the hours-on-end of almost nothing. I knew that was coming and I was fine with it."

All the efforts EPD officers invest into the community have come back ten-fold, Land said. Graduates from the many Citizens' Police Academies now serve in an alumni association and volunteer to assist with nearly every community event.

"We couldn't do what we do without them," Land said.

But the community also has found another way to give back to the police who serve them. In 2013, the Elizabethtown Police Foundation was created. The non-profit organization is led by Executive Director Carl Bee, EPD's evidence manager, who retired as EPD's deputy chief in 2011, after a 22-year career. The foundation has a board of directors comprised of local business and community leaders.

"After the death of Officer Jason Ellis in Bardstown, the thought was, 'Well, what if something like that happened in our community? What resources would we have available to help?'" Bee said. "There's obviously Supporting Heroes and those organizations, but they wanted something that would be a little closer to home, just for the police department.

"Our basic function is to provide support for employees of the police department," Bee continued. "Not just sworn employees, but all employees in times of crisis and need."

Since its inception, Bee said the foundation has assisted an officer who was critically injured in an incident, an officer whose home burned and an employee whose husband died suddenly. The financial assistance is generated through a multitude of fundraisers, including a golf scramble, a murder-mystery dinner, and recently, the Light Up the Night 5K run, which had more than 400 participants.

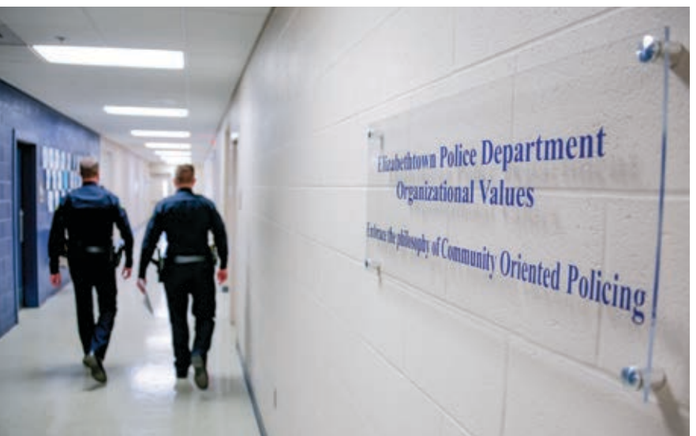
"I think it gives them some peace of mind knowing that if something happens, the community is behind the police department," Bee said. "We have had an unbelievable outpouring of support for this foundation. When we have a fundraiser, Elizabethtown is very willing to open their pocketbooks to support this department."

(LEFT) Unlike most Kentucky law enforcement agencies, Elizabethtown has its own Public Safety Garage inside the police department. PSG staff are responsible for vehicle maintenance, striping and repairing all police and fire vehicles.

(BELOW) EPD Detective **JOE SWARTZ** became an Elizabethtown Police cadet when he was 17. Considering several public safety careers as a teenager, Swartz settled on law enforcement after spending time with EPD officers on ride-alongs.

(RIGHT) EPD Public Information Officer **JOHN THOMAS** (right) is assigned to coordinate community programs. Many programs are geared toward children and provide insight into potential law enforcement careers.

(BELOW) EPD Chief **JAMIE LAND** (left) said the transition toward a community-oriented style of policing was a hard sell for him, but after seeing the benefits firsthand, he is now a believer.



DRONE AGE

STATE LAW SPELLS OUT RULES FOR LAW ENFORCEMENT

Written By
SHAWN HERRON, DOUG BARNETT
STAFF ATTORNEYS

Photography By
JIM ROBERTSON

During the past decade, unmanned aerial vehicles (UAV), more commonly known as drones, have become more prevalent throughout the commonwealth's skies. A few years ago, the proliferation of drones exploded through their availability for purchase at electronic stores and online retailers. Drones are used by a wide range of individuals and organizations, ranging from hobbyists and farmers to corporations and the U.S. armed forces.

Law enforcement agencies throughout the commonwealth have started to utilize drones for various purposes. Those include traffic management, crowd control, search and rescue operations, crime-scene photography and detecting criminal activity.

As with any emerging technology, concerns have arisen regarding where drones can, and should, be utilized. Drone usage has created legal issues concerning trespassing, property damage and privacy rights. To address these issues, federal and state lawmakers have enacted laws governing their operation.

Law enforcement agencies should be aware of such laws and regulations.

With respect to federal law, the Federal Aviation Administration (FAA) is responsible for regulating the safe and efficient flow of air traffic in the U.S. Accordingly, law enforcement agencies must abide by FAA rules.

To operate a drone, law enforcement must follow Small Unmanned Aircraft Rule Part 107. Under Part 107, unmanned aircraft must weigh less than 55 pounds. The drone must remain within sight of the remote pilot and the person manipulating the drone's flight controls.

Drones are limited to daylight operations, or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset) if equipped with appropriate anti-collision lighting. Drones must yield right-of-way to other aircraft and operate at a maximum ground speed of 100 mph. Drones must remain within an altitude of 400 feet above a structure or ground level.

Law enforcement should be cognizant of security-sensitive-airspace restrictions or temporary flight restrictions prohibiting operation of a UAV in a designated area, as published on www.faa.gov. Federal law prohibits drones operating within a three-nautical-mile radius of stadiums or venues hosting NCAA football games or NASCAR Sprint Cup, Indy Car or Champ Series races. This rule applies one hour before and ends one hour after the scheduled time of such events.

Finally, Part 107 requires UAV used for recreational, governmental or commercial purposes to be registered with the FAA. Registration costs $5 per drone and is good for three years.

NEW KENTUCKY DRONE LAW

During its 2018 Regular Session, the Kentucky General Assembly enacted House Bill 22, creating several statutes governing drone usage by law enforcement. House Bill 22 provides the first definition of a drone in the Kentucky Revised Statutes. KRS 446.010(57) defines a UAV as an "aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft, that are required for the safe and efficient operation of unmanned aircraft in the national airspace system."

House Bill 22 also created KRS 500.130, which governs the use of drones in the commonwealth. It permits businesses to use drones for legitimate business purposes. The statute also provides specific governance regarding law enforcement drone usage. This statute, entitled the "Citizens' Freedom from Unwarranted Surveillance Act," was designed to balance a citizen's right to be free from unreasonable searches and seizures with the needs of law enforcement.

KRS 500.130(5) specifically provides that, "no law enforcement agency, or agent thereof, shall use an unmanned aircraft system to conduct a search unless authorized under the Fourth Amendment to the United States Constitution and Section 10 of the Kentucky Constitution. If the search is conducted pursuant to a warrant, the warrant shall specifically authorize the use of an unmanned aircraft system."

While KRS 500.130(5) requires law enforcement to obtain a search warrant before utilizing a drone to search a citizen's property, KRS 500.130(6) authorizes law enforcement to use a UAV for legitimate government purposes.

Under KRS 500.130(8), no evidence obtained or collected as a result of drone use shall be admissible as evidence in any civil, criminal or administrative proceeding within the state to enforce state or local law, except for evidence collected as permitted by KRS 500.130(6).

When law enforcement uses a UAV, KRS 500.130(7) mandates that drones "shall be operated in a lawful manner and shall minimize data collection on non-suspects" with the disclosure of such data prohibited except by order of a court. This statute also prohibits non-military UAVs from carrying a lethal payload.

House Bill 22 is significant because it created two criminal offenses within the Kentucky Penal Code concerning drone use. KRS 501.110 states that a person is guilty of an offense committed with a drone if the device is under the person's control. The conduct would rise to criminal liability if performed by the person, unless the conduct consists of flying the drone through navigable airspace in the normal course of operation.

Additionally, House Bill 22 created KRS 525.015, which prohibits individuals from intentionally obstructing or disrupting emergency responders while performing official duties. Obstructing emergency responders is a violation for a first offense and a class B misdemeanor for any second or subsequent offense. House Bill 22 became law in July 2018.

As with any technology used by law enforcement, the development of policies and procedures governing drones for official purposes is vital to legal compliance and avoidance of liability. Agencies should adopt clear policies and procedures for drone usage to address privacy concerns.

At a minimum, policies and procedures addressing the UAVs should include a strong statement about the importance of preserving individual privacy rights. It should define how the agency would use drones for traffic control, search and rescue operations, photographing traffic accident scenes, evidence collection and surveillance. These policies and procedures also should address how evidence collected by drones will be maintained. Finally, policies and procedures should define how operators of the devices will be trained in accordance to federal and state law.

UAVs can be invaluable technology for law enforcement. But, care must be taken to ensure compliance with applicable state and federal laws.

Georgetown Police Department purchased a drone in 2017. Officers trained and assigned to the department's aviation unit have used the equipment in law enforcement operations as well as for community relations events.

STRANGE STORIES FROM THE BEAT

FACEBOOK/MONTGOMERY COUNTY SHERIFF'S OFFICE

Deputy Takes Bull by the Horns

One Texas deputy took a hands-on approach to a wayward bull. The bull – Samson – is well-known in the Montgomery County community. Deputies were tasked with leading the bovine home. That is when one deputy grabbed Samson by the horn and walked him back to his owner. The sheriff's office posted a picture of Samson and the deputy on its Facebook page. "Only in Texas!!! Our deputies believe in 'grabbing the bull by the horns' to get the job done," the agency wrote.

Virginia Police Involved in Armored Personnel Carrier Pursuit

Virginia police found themselves involved in a two-hour chase with a National Guard soldier who was driving an armored personnel carrier. According to reports, the soldier was participating in an exercise when he allegedly took the vehicle off the military base. State police pursued the vehicle, which was driven at speeds that topped 40 mph. The pursuit ended, and the soldier was taken into custody and cited with several charges. There were no injuries during the chase, according to officials. Army officials said they were conducting an internal investigation.

Opossum in the Shower, eh!

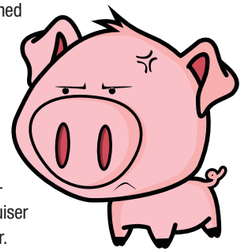
A Canadian police officer found himself in a wild situation when he was dispatched to a British Columbia home for an opossum trapped in a walk-in shower. The officer used an animal-control pole to catch the critter. "The possum had its lip drawn back, was foaming, and releasing a foul smell," according to the police department. Eventually, the officer caught and later released the animal back into the wild.

Gator Head-butts Officer in Escape Attempt

A Florida fish and wildlife officer found himself going head-to-head with an 8-foot alligator, with an emphasis on head-to-head. Officers were sent to catch the gator, which was near several homes. Officers caught and loaded it into the back of a pickup truck when the animal suddenly jerked to free itself and head-butted one officer, knocking him to the ground. The gator also struck officers with its tail during the encounter. Officers suffered minor injuries, but their efforts thwarted the gator's escape bid.

Ohio Police Respond to Pig Call

Police in Ohio were suspicious when they responded to a call involving a pig following a man home. But, as it turned out, the man was totally sober and a swine was, in fact, following him home. The man tried unsuccessfully to shake the pig before calling the police. An officer loaded the pigheaded swine into his patrol cruiser and returned it to its owner.



SEND FUNNY, INTERESTING OR STRANGE STORIES FROM THE BEAT TO MICHAELA.MOORE@KY.GOV

KYPCIS

KENTUCKY POST-CRITICAL INCIDENT SEMINAR

YOU ARE NOT ALONE

What is PCIS?

The Post-Critical Incident Seminar is a three-day seminar modeled after highly successful programs developed by the FBI and South Carolina. These seminars are led by mental-health professionals trained to work with peace officers and driven by a team of law enforcement peers who have experienced their own critical incident and received training in Critical Incident Stress Management.

What is a Critical Incident?

A critical incident is any event that results in an overwhelming sense of vulnerability and/or loss of control. This can result from a single incident or a culmination of events, to include exposure to horrific crime scenes, on-duty injuries, line-of-duty shootings, events that bring prolonged and critical media attention, personal tragedies and the like.

Program Goals

Post-traumatic stress is a body's normal reaction to an abnormal event. Normalization of the attendee's experience is a critical goal of the PCIS program. In addition, PCIS strives to send officers and their attending spouses back home re-energized, healthier and with a fervor for sharing their new skills.

FOR MORE INFORMATION
GO TO WWW.KYPCIS.COM
OR
CALL 1-844-559-7247

DOCJT

DEPARTMENT OF CRIMINAL JUSTICE TRAINING

DOCJT
FUNDERBURK BUILDING
521 LANCASTER AVENUE
RICHMOND, KY 40475-3102