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PUTTING THE PIECES TOGETHER

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NOT ALL TRAUMA HAPPENS IN THE FIELD

NOVEMBER/DECEMBER 2019 | VOL. 18, NO. 6

MATTHEW G. BEVIN
Governor

JOHN C. TILLEY
Justice and Public Safety
Cabinet Secretary

WM. ALEX PAYNE
DOCJT Commissioner

STAFF:
Art Director | **KEVIN BRUMFIELD**
Public Information Officer | **KELLY FOREMAN**
Public Information Officer | **CRITLEY KING-SMITH**
Public Information Officer | **MICHAEL A. MOORE**
Photographer | **JIM ROBERTSON**

CONTRIBUTORS:
RACHEL LINGENFELTER
PATRICK MILLER
DOUG BARNETT

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DEPARTMENT OF CRIMINAL JUSTICE TRAINING

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

EMAIL: KLEmagazine@ky.gov

ON THE COVER:
Vehicle collisions are a daily part of law enforcement work. There are a lot of details, though, beyond vehicle A striking vehicle B. Documentation, technology and up-to-date training can all aid in successfully investigating and, if applicable, adjudicating collisions. Read more about these issues and a new DOCJT course launching next year on this topic.

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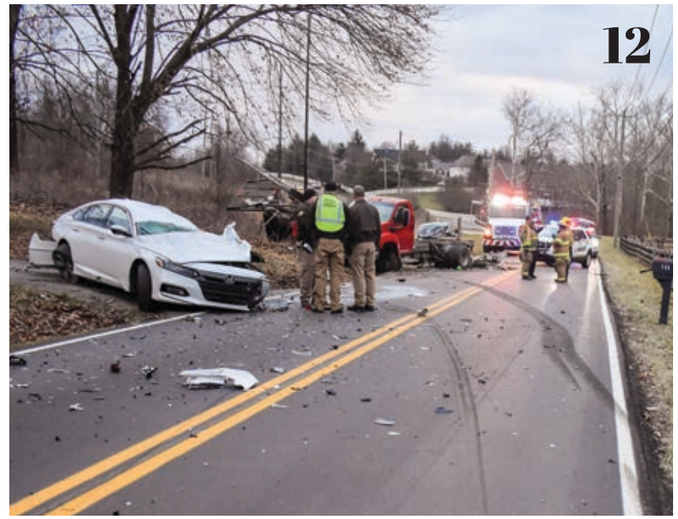

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STATE JUSTICE DEPARTMENTS INNOVATING ON MULTIPLE FRONTS

Over the past three months, we've seen a wealth of innovation and new initiatives throughout the Kentucky Justice and Public Safety Cabinet, which law enforcement professionals should be excited about.

Our departments are moving toward the next decade more committed than ever to securing resources for law enforcement while also tackling some of the biggest challenges for our boots on the ground.

The goal is to improve public safety and transform lives, but we also have an eye on the bottom line. Almost all of our recent efforts are designed to either improve efficiency or trim costs, freeing up much-needed funds to reinvest into our criminal justice system, particularly police.

The Kentucky Department of Criminal Justice Training (DOCJT) announced one obvious example of this work in August. DOCJT partnered with Bluegrass Community and Technical College (BCTC) to launch Educating Heroes, a program that will allow basic training recruits to earn an associate's degree while completing their peace officer certification.

Incredibly, DOCJT and BCTC are offering this opportunity at no charge to the recruits or their agencies. That promises to not only improve recruitment at a tough time for law enforcement but also strengthen retention and help agencies avoid the high cost of constant turnover.

It also demonstrates DOCJT's unwavering commitment to the welfare and advancement of officers.

Likewise, Kentucky State Police announced a groundbreaking initiative in September that will provide trained advocates at every KSP post to assist victims of crime. The effort, called Victim Advocacy and Support Services, is among the first statewide programs of its kind in the country.

KSP advocates will offer support to victims almost immediately, helping them navigate the labyrinth of information, resources and procedures. However, the advocates provide an added benefit to KSP; their efforts will free up detectives to focus more specifically on solving crimes, improving efficiency in police work. The program is funded through federal grants from the U.S. Department of Justice.

I will also note the cutting-edge work at the Kentucky Department of Corrections (DOC) to lower recidivism among drug offenders with a new program called SOAR (Supporting Others in Active Recovery) at Northpoint Training Center in Mercer County.

SOAR offers aftercare, mentoring, and peer accountability for inmates in recovery from a substance use disorder. Studies show that this type of program improves an inmate's chances of remaining drug-free after prison, reducing recidivism and problems with addiction on the streets – and addressing one the biggest drains on law enforcement resources.

These few examples say a lot: We are not afraid of new ideas. We want to focus our resources on the most effective strategies to protect public safety. And, we deeply are committed to the welfare and work environment of our law enforcement professionals.

My commitment to all those who wear the badge is that we will continue innovating – and we welcome your input.

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

WISE EYES

ARIDE/DRE COURSES HELP OFFICERS BECOME INTOXICATION-SPOTTING EXPERTS

Written By **CRITLEY KING-SMITH**

Photography By **JIM ROBERTSON**

All officers see them, the car swerving a little over the yellow line, the stumbling pedestrian or the individual with pupils just a little too wide. Each graduate from Kentucky's law enforcement basic training academies is taught Standard Field Sobriety Tests (SFST) and have cuffed their fair share of town drunks shortly after hitting the streets. However, as America's dalliance with illegal drugs only intensifies, so does the need for increased training to detect the difference between alcohol and drugs.

Kentucky officers have the opportunity to receive additional instruction through Advanced Roadside Impaired Driving Enforcement (ARIDE) and Drug Recognition Expert (DRE) courses, developed by the National Highway Traffic Safety Administration (NHTSA) with input from the International Association of Chiefs of Police (IACP), Technical Advisory Panel (TAP) and the Virginia Association of Chiefs of Police. The program is provided to the commonwealth through grant funds from the Kentucky Office of Highway Safety (KOHS) and sponsored through the Kentucky State Police Training Academy.

MORE THAN SFST

Going beyond the horizontal gaze nystagmus (HGN), the walk and turn and the one-leg stand, ARIDE is designed for officers experienced with utilizing SFST skills but looking to increase their drug-driving detection.

"We have been trying to catch officers after they have been on the road for about a year or two," said Rob Richardson, KSP Law Enforcement Liaison and Drug Evaluation Classification Program Coordinator with KOHS. "(The course) is geared toward drug driving and gives (officers) some more tools for their tool belt to recognize people under the influence of drugs."

The class gives officers three more tests that can be conducted roadside to help determine the cause of impairment, whether it is alcohol, drugs or a combination thereof.

Tests will include the modified Romberg where the subject is asked to tilt their head back and estimate the passage of time, for example, 30 seconds. Certain drugs can speed a person up, so if a person estimates the time has passed in 60 seconds, it may indicate something in their system slowing down their perception of time, explained Richardson. The same can be said for someone only estimating a fraction of the time, possibly indicating a stimulant.

(LEFT) Paducah Police Officer Jeremy Teague conducts a sobriety test on a fellow classmate under the observation of Drug Recognition Expert (DRE) instructor Allan Stokes during an Advanced Roadside Impaired Driving Enforcement (ARIDE) course.

(RIGHT) DRE instructor Brandon White watches a student conduct the finger-to-nose test during an Advanced Roadside Impaired Driving Enforcement (ARIDE) course held at the Murray Police Department in September.

(MIDDLE) A student listens intently during an Advanced Roadside Impaired Driving Enforcement Course. Officers who took the course learned about drug categories, pre-and post-arrest procedures, court testimony and much more.

(BELOW) Rob Richardson, KSP Law Enforcement Liaison and Drug Evaluation Classification Program Coordinator with Kentucky Office of Highway Safety speaks to a class about important skills needed to determine types of impairment.

In the finger-to-nose test, officers are taught to instruct subjects to tilt his or her head once again and touch the tip of their nose several times.

"We give officers (guidelines) on what they are looking for," said Richardson. "Is (the subject) searching for their nose while they bring their finger up to their face? Are they mashing their nose? Are they using the tip of their finger like they were instructed? It's just one more thing to look for impairment."

The third test taught is the lack of convergence in which officers bring something (a finger or ink pen) up to the bridge of the subject's nose to see if the person able to cross their eyes when focusing on the object since some drugs eliminate this ability.

Some people will say they can't complete the tasks sober. However, Richardson said the tests aren't a "gotcha." All circumstances are considered including medical issues or physical anomalies. No one test is a deciding factor. Rather when combined, they can be indicators for impairment.

Among other topics covered in the course are drug categories, effects of drug combinations, pre- and post-arrest procedures, court testimony, and an SFST review and proficiency examination.

"SFSTs are perishable skills that many (officers) haven't reviewed since their academy," said Richardson. "(Through ARIDE) we are trying to bring them law updates and the most updated curriculum and training."

Prestonsburg Police Sgt. Ross Shurtleff attended ARIDE in early 2019 and touted the course as one every person in law enforcement should take who's serious about better roadside impairment detection.

"In the event you end up stopping (someone under the influence), you will be better prepared to say, 'This guy is impaired,' and articulate why," Shurtleff said of the 16-hour class.

THE EXTRA MILE: BECOMING A DRE

Those seeking to go the extra mile and having completed ARIDE may pursue the DRE course to become an expert at recognizing someone under the influence of drugs.

"We are having a huge problem nationally with people under the influence of drugs causing serious-injury crashes and fatalities," said Richardson, explaining instances when drug recognition experts could be utilized. "When they are out there, they can take a person and put them through a 12-step process and render an expert opinion, based on their training, on whether a person is under the influence of a certain drug category."

Primarily geared toward traffic-enforcement officers, some of the principles taught during the DRE course include the drug matrix chart, the standard 12-step process, an alcohol workshop, taking blood pressure and vital signs, and reviews for psychophysical testing and the physical characteristics present for intoxication from various drug categories.

The student-to-instructor ratio is kept narrow during the intensive 80-hour course, which is regulated by the IACP. In the end, students must pass a multiple-choice test with 80% or higher.

Deciding to dig even deeper, Shurtleff recently completed DRE training as well.

"DRE takes the cake," the sergeant said. "It was very challenging. There is a lot of information to take in and learn verbatim...they make it clear that it isn't for the faint of heart."

Beyond the course, a weeklong field certification must be completed to become a DRE. Additionally, only a few locations are sponsored by NHTSA to conduct the certification, all of which are currently out of state. Shurtleff completed his certification in Arizona in August.

"In DRE, you can look at someone, maybe, 24 hours after (drug) use and see that drugs are still working on them," said Shurtleff, noting that even before field trials DRE helped him in policing. "Being a DUI guy, before DRE, I felt comfortable with my SFSTs, but there would still be a person where you (couldn't) be sure if they were impaired according to clues you were seeing. That uncertainty is gone now."

Those seeking certification must conduct 12 live evaluations on subjects under the influence of drugs under observation of DRE instructors. The selected locations, such as the Los Angeles County Jail, allow DRE students this opportunity when they bring in subjects. Evaluations must be 80% correct.

Richardson noted one benefit of going out of state to conduct certification is that larger populations have a variance of all or most drug categories, such as central nervous system depressants, central nervous system stimulants, hallucinogens, dissociative anesthetics, narcotic analgesics, inhalants and cannabis. An officer has to be subjected to three or more categories before they can obtain certification.

Despite being strenuous, Shurtleff said that for officers willing to take the challenge, DRE is one of the most rewarding courses they can take.

Law enforcement officers who would like to participate in an ARIDE or DRE course should email Richardson at rob.richardson@ky.gov.

(ABOVE) Two Advanced Roadside Impaired Driving Enforcement (ARIDE) students practice the lack of convergence test during a class held at the Murray Police Department in September.

THE DRE 12-STEP PROCESS

1. **Breath alcohol test** - The arresting officer can conduct this.
2. **Interview the arresting officer** - The DRE will ask about characteristics seen in the subject roadside, as drugs can metabolize and dissipate in the body at different rates.
3. **Preliminary examination** - Questions, such as the subject's name, when they drank or slept last, and if they are sick will be asked. The subject's pulse will also be taken.
4. **Eye examinations** - The eyes will be observed to see if they are tracking equally side-to-side and the DRE will check for nystagmus. DRE exams can rule whether a medical event is going on rather than intoxication.
5. **Divided attention tests** - These can include the walk and turn, one-leg stand on both legs, HGN, modified Romberg, lack of convergence and finger to nose.
6. **Take vital signs and a second pulse.**
7. **Dark room examinations** - The subject's pupil will be measured in regular room light, in near-total darkness and in direct light to see if they constrict.
8. **Muscle tone** - DRE's will check for rigid or flaccid muscles that could indicate certain drug categories. During this time, the ingestion examination may be conducted. The subject may be asked to tilt their head back so the DRE can look in their nose to see if the person has a deviated septum or lack of nose hair, a possible indication of inhalation. Inside the mouth may also be examined.
9. **Check for injection sites and third pulse** - The DRE will check the subject for fresh injection sites on exposed skin such as the neck, between the fingers and toes, arms and tops of feet.
10. **Subject statements** - An interview with the subject will be conducted and statements taken.
11. **Opinion of the Evaluator** - The DRE will make an opinion.
12. **Toxicology tests will be requested**

All DRE evaluations are systematic and standard to the 12-step process.

MAPPING THE SCENE

TOTAL STATION vs. 3D SCANNER

BOTH TECHNOLOGIES ARE PROVEN PIECES OF EQUIPMENT

Written By
CRITLEY KING-SMITH

Photography By
JIM ROBERTSON

What once took a measuring tape, multiple officers and hours on the scene is now a one to two-officer job in half the time as agencies are trading in old-time tools for modern technology in accident and crime scene mapping.

To paint the picture for investigators and juries, crime scenes typically have three modes of documentation: written, photographic and sketch, according to Kentucky Department of Criminal Justice Training Special Topics Section Supervisor Larry Sennett. Advanced crime-scene-mapping tools such as total stations and 3D scanners provide detailed sketches that show everything in the image in relationship to each other, supplement photographs and give enough information to recreate the scene if needed.

"You can't get a whole scene in a picture, but you can in a sketch," said Sennett. "When it goes to court, your jury was not at the scene. So, you have to bring the scene to the jury."

One of the most popular tools of the crime scene-mapping trade, based on its versatility and price range, is the total station.

Traditionally used by surveyors and archeologists, the electronic optical device reads slopes, provides elevation and northing and easting coordinates, and measures angles and distances.

Introduced to law enforcement in the 1990s, as a way to clear crash scenes swiftly, total stations typically require two individuals to operate with one running the device situated on a tripod and another holding and moving a prism pole, to which the machine shoots one point per shot.

"Look at it like this, the prism pole is the pencil that draws the scene," explained Sennett. "The total station is recording that information."

That information is then processed through computer software to create the sketch, which can be viewed in 2D or altered into a 3D rendering.

Even more advanced, 3D laser scanners can shoot hundreds of thousands of points per second by spinning 360 degrees on the X-and Y-axis, producing coordinates and measurements with significantly increased speed, according to Kentucky State Police Trooper Jack Hedges.

Hedges, a member of KSP's Critical Incident Response Team, said his agency added the scanner to their arsenal in 2012. "The scene will dictate what (tool) you use," said Hedges, noting KSP still uses total stations as well since each machine offers benefits and drawbacks.

Total stations, he explained, are often chosen for crash scenes when measuring long distances from one spot and their affordability (often more than $20,000 cheaper than a 3D scanner). However, 3D laser scanners can capture more data at once; can be operated by a single officer and shine in mapping indoor crime scenes.

KSP has also enlisted the use of drones in scene mapping, which expedites the process through photogrammetry. Hedges explained the drone is flown in specific patterns capturing hundreds of photographs, which are input into the software. The software then generates a point cloud, a collection of data points defined by a specific coordinates system, by running algorithms based on pixels, angles and GPS.

Drone work will require a powerful computer and a tech-savvy officer to run the device. Still, having one can greatly aid in quickly mapping an interstate crash to allowing transportation to continue since data collection can be as short as 15 to 30 minutes, depending on the scene, Hedges noted.

"The beauty of the drone is that you can get images and mapping aspects from the air," elaborated Sennett. "You will be able to see things that you wouldn't be able to map otherwise, especially like largescale disasters."

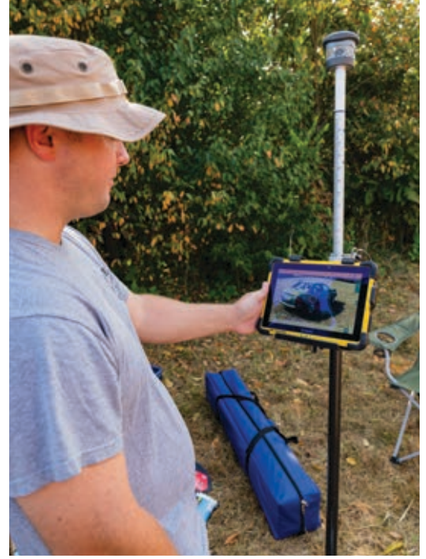
Regardless of what device a department chooses, both experts acknowledged the benefits modern mapping systems have had on investigations and policing.

"It's big," said Hedges. "It's the CSI effect that juries are familiar with…That's who we are keeping in mind from the beginning of our call out to preparing a case for court. The ultimate perspective we want to think about is the jury's. (These tools) capture the crime scene and give us the ability to put a juror in any spot they need to be to see what happened."

By being able to show what can be seen from any point of a scene, these tools can corroborate or refute statements made to police and courts, Sennett added.

To improve ease of use and precision, Sennett urged operators to practice for perfection.

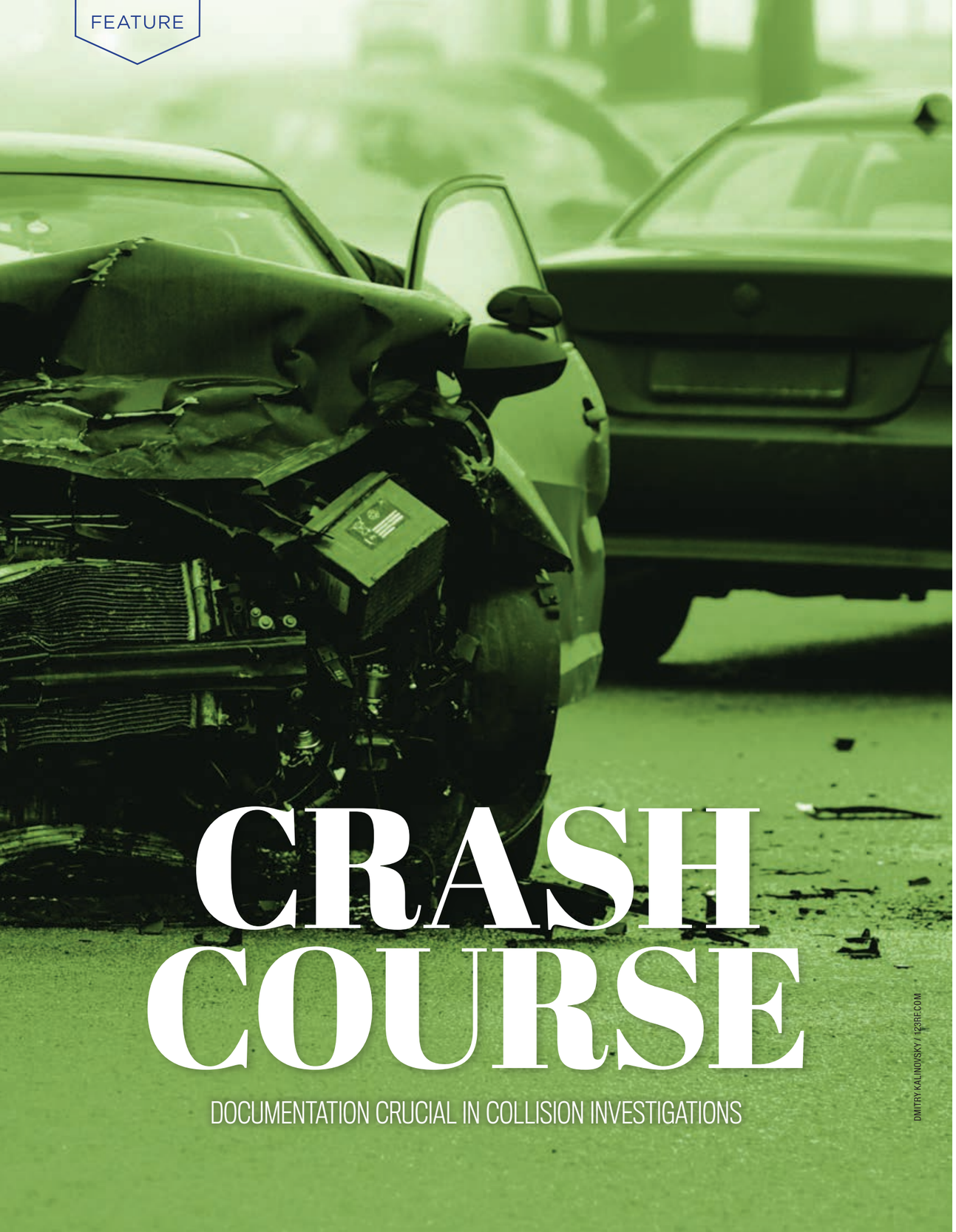
DOCJT offers a 40-hour Forensic Mapping course where students are taught how to use a total station, as well as mapping and drawing software. For more information, visit DOCJT.ky.gov and click on the Training link. A block of DOCJT's Kentucky Criminalistics Academy also covers forensic mapping during the first five weeks. During the second phase of the academy, students will dig even deeper into the use of technology and skills in various situations.



(LEFT-TOP) Kentucky State Police Trooper **JACK HEDGES** operates a 3D scanner during a day at the Kentucky Department of Criminal Justice Training's Kentucky Criminalistics Academy.

(LEFT-MIDDLE) Department of Criminal Justice Training Special Topics Section Supervisor **LARRY SENNETT** observes a Kentucky Criminalistics Academy student operating a total station.

(BELOW) Kentucky State Trooper **JACK HEDGES** pilots a drone, one of the newest tools utilized in crime scene mapping, during a Kentucky Criminalistics Academy field training.



CRASH COURSE

DOCUMENTATION CRUCIAL IN COLLISION INVESTIGATIONS

DMITRY KALINOVSKY / 123RF.COM

Written By
MICHAEL A. MOORE

It's a safe bet that all law enforcement officers, at one point or another in their career, have taken an accident report.

While it is not a glamorous aspect of the profession, it is a necessary and essential function in law enforcement, according to Boone County Sheriff's Lt. Chris Hall.

Hall, who joined BCSO's accident reconstruction unit (ARU) in 2007, speaks from experience on both sides of the fence.

"It's personal for me," he explained. "I lost a family member when I was 9 years old. My uncle died in a crash. My father's sister was in the car as well, her friend was in the car too, and her friend died. It was a double fatality crash."

The event was extremely damaging to his family, Hall recalled.

"I remember everyone asking why and what happened," he said. "Those questions stick with you."

Some years later, Hall approaches his ARU supervisory duties with an inquisitive mindset.

"My approach with my guys is to have them understand that this is someone's family member," he asserted. "Our job is to answer the why. We can't answer every why, but we need to answer as many as we can. We owe it to these families to give it everything we've got and report the facts."

DOCUMENT, DOCUMENT, DOCUMENT

Like most police cases, collision investigations begin with the patrol officer who is first to arrive at the scene.

When a patrol officer arrives, they are the first step in the process. What they do in the preliminary stages of an investigation are crucial to the case, said Lexington Police Department Sgt. Todd Iddings.

"The biggest things are to get the scene secured, identify witnesses, identify the driver of the different (vehicles involved), and decide on impairment," Iddings said.

The Lexington Police Department is unique in terms of the high number of fatalities it sees in a given year, Iddings added.

"Some smaller agencies may only have five fatals a year," he said.

To that end, having a patrol officer secure the scene is of the utmost importance, Hall added.

"Responding deputies need to look for specific things out on the roadway," he said. "When you see tire marks, and they go off the roadway, and the vehicle is down the hill, I need (the deputy) blocking (the marks) off. I can't have traffic going over it."

The timetable for having a full-scale accident reconstruction team deployed depends on the agency's size, Hall said.

For agencies the size of Lexington and Boone County, the response time is reasonably quick as shifts typically have ARU members working.

"Usually, we work various shifts," Iddings said. "There's usually somebody working who can respond, get to the scene and figure out what is going on, and then make contact with the coordinator or sergeant of the unit to get additional resources."

Hall advised that much more is expected during a collision investigation than it was in the past.

"I look at our reports from years ago and what we do now, and everyone just wants more thorough documentation and photographs," he said. "As a second shift supervisor, I tell my people they have to address many things because they're going to get called to court two years down the road on these (cases). If they've written five or six sentences, they're not going to remember all of these things. It's about documenting and taking the extra time at the scene, writing a little bit extra in your report and covering yourself for down the road."

If an officer doesn't go into great detail on these reports, more often than not, it will come back to bite them, Hall continued.

"My wife works for some attorneys who represent (insurance companies)," he added. "Many of the things they deal with are injuries from accidents. They do several lawsuits after the fact. One of their complaints is they'll get officers on the stand, and (the officers) are reading from a two-year-old report that states, 'Unit one was stopped in traffic and unit two rear-ended unit one.' It's very simplistic, but they could have done a little bit more. I tell my deputies to document if they have any injuries. Even if they say it's minor. Document it. We need to be as thorough as we can."

Deputies with BCSO work an average 350 collisions per month, most of which are minor fender-benders, Hall said.

Down I-75 in Lexington, that department's collision reconstruction unit has worked 24 fatalities, including eight that turned into criminal cases, from January 2019 until mid-September, Iddings said.

> "IT USED TO BE, YOU GO TO A NORMAL FENDER-BENDER, WRITE A FEW SENTENCES, AND THAT WAS THE END OF IT. NOW, PEOPLE EXPECT SO MUCH MORE FROM DEPUTIES IN A NORMAL COLLISION INVESTIGATION.
>
> — LT. CHRIS HALL, BOONE COUNTY SHERIFF'S OFFICE

No police agency is immune to collision investigations. The University of Kentucky's Transportation Center performed a five-year (2012-2016) analysis on traffic crashes across the state. The study found state law enforcement officers worked between 91,205 (2012) and 116,160 (2016) collisions in a given year. Of those, 3,416 were fatalities.

(TOP) Members of the Boone County Sheriff's Office's Accident Reconstruction Unit, from left, deputies **JARED HORTON** and **DREW CHRISTIAN**, Sgt. **BRYAN CURRY**, Deputy **JEFF NAGY**, Lt. **CHRIS HALL** and Deputy **MIKE PARSONS**. BCSO typically works an average of 350 collisions per month. (Photo by Michael A. Moore)

(RIGHT) Boone County Sheriff's Office Lt. **CHRIS HALL** demonstrates plotting points using the prism for the agency's total station. BCSO treats fatality and serious accidents as it would other crime scenes. Hall said the ARU has "… one chance to get it right." (Photo by Michael A. Moore)

According to data from the Kentucky Transportation Cabinet, 724 people died in vehicle collisions in 2018. Therefore, the need for thorough investigations is a must, Hall said.

"We treat every fatality accident and serious physical injury or deemed life-threatening accident seriously," Hall continued. "We tell (deputies) to handle it like a crime scene because, until proven otherwise, we don't know what we have. We have one shot at getting this right."

An officer's attention to detail is vital, whether it be in a homicide investigation or collision investigation, Hall added.

"It may be something as small as a filament in a headlight," he said. "It's importance could make or break the case."

IMPROVED TECHNOLOGY

From Total Stations to 3D Scanners (see related story on page 10), law enforcement officers have many state-of-the-art tools available at their disposal for collision investigations.

In recent years, automotive companies have also stepped up their game in terms of technology that aid law enforcement in collision investigations.

One of the most helpful pieces of technology, now standard in most vehicles, is the Event Data Recorders (EDR), also known as the "Black Box."

"We can mine that data from the EDR," Iddings said. "We can do math work on (the data) to figure out speeds. If you have only one car with an EDR, but you have one set of good EDR data, you can figure out what the other car was doing. Most cars have EDR since the mid- to late-2000s. It is hit or miss before that."

Every manufacturer's EDR has a different set of data it captures, Iddings added.

"Some have engine RPMs, and most all of them will tell you if the seatbelt was in use," Iddings said.

If airbags are deployed in a collision, most EDRs will go back five seconds before the crash and record various data points.

"The biggest piece of information from EDRs is the change of velocity, the Delta V," Iddings said. "It will tell you what the vehicle's speed was five seconds before the collision."

Hall echoed Iddings' thoughts on EDRs.

"It's wonderful technology," he stressed. "I'm utilizing one in an active manslaughter case I'm working. With the data, I can look at a defense attorney and say, this tells me the person was doing 107 mph in a 45 mph zone five seconds before the impact. The look on the defense attorney is absolutely great. It deflates their balloon because they can't argue against the data."

Aside from EDRs, Hall said many people are now using dash-mounted cameras, which have proven useful in collision investigations.

"Last year, three of our reconstruction investigations had actual dash-cam footage from the parties involved," he explained. "We've seen an uptick in citizens doing that. About a week and a half ago, there was a claim about a person who stopped at the light and was rear-ended. The other person said, 'No. He rolled back into me.' He had a dash-cam that disproved the claim altogether. It's helpful. You can't argue with the footage."

Department of Criminal Justice Training Law Enforcement Instructor Charles Nichols said vehicle technology is a valuable tool for collision investigations.

"As new cars come out, more and more technology is available, which will make it easier for us," Nichols said. "There are whole classes on data recorders out there. At the end of the day, you don't use (data recorder information) as definitive evidence, but it can support your findings."

PLAYING WELL WITH OTHERS

At a collision scene, law enforcement is one piece of the puzzle. More often than not, law enforcement, fire departments and emergency medical services are working at the same time on the scene, and amid the chaos, the evidence is trampled.

Iddings and Hall said working with fire and EMS personnel is necessary given the broad scope of public safety.

"We call the fire departments the evidence eradication units, it's a running joke in police work," Hall jested.

Joking aside, Hall said the role of fire departments and EMS are essential too.

"There are certain times they're going to have to do things, but they have to do what they have to do, he said. "Sure, I don't want them to cut the roof off a car because I can use that in the investigation. However, they may have to do it to get the people out. It's something we have to deal with."

Iddings echoed Hall's thoughts.

"Our first job is public safety and to preserve human life," he said. "When we have car wrecks, fire and EMS are going to respond and their thought process is to help the victims.

"They're not going to park 300 feet back to make sure they're not driving over evidence," Iddings continued. "They're going to get the resources they need to the vehicle … we let them do their thing and when they leave, we do our thing."

TRAINING

Aside from formal reconstruction training, both Hall and Iddings' departments conduct training for members of the reconstruction teams as well as members of the department as often as they can.

"We do periodic roll-call training," Hall said. "We have a PowerPoint presentation that we do at roll calls. We try to do it every quarter. It's about a 20-minute presentation, and it goes through what we expect as a reconstruction unit from the responding officer. It also addresses what supervisors should do."

The training at BCSO goes into detail about the should and should nots of a patrol deputy.

"It's something most road deputies do not know – that if the airbag does not go off, that data is not locked in the EDR," Hall said. "So, if they move the car or do something drastic, data can be lost. Responding deputies need to look for specific things out on the roadway, and we have pictures in our roll call presentation."

As second-shift supervisor, Hall also has one-on-ones with deputies.

"On a shift, I will take the opportunity to teach guys when I can," he said. "I explain this is what I've seen on their reports. I will say, 'Hey, next time do this.'"

In Lexington, the collision reconstruction unit conducts bi-monthly training, Iddings said.

"We walk through our cases and get everyone's input," he explained. "We talk through, physics-wise, the best way to figure out speeds, the direction of travel, approach and departure angles and things like that. It's a lot of math practice. We come up with problems, give a scenario and figure out the math on it."

Training and honing skills is necessary, Hall said.

"This is something that if you don't practice it often, you'll forget it," he said, referring to the vast number of math formulas needed to perform the job.

Like nearly every area of police work, the specialty of collision investigations is continually changing, especially in the area of technology, Hall opined.

"As a team, we have to foresee where technology is taking us and prepare for that," he explained. "We have to understand the direction this field is going. I became a reconstructionist in 2007. What I learned then has changed. What I learned now will change in the next 10 years. We have to stay ahead of the curve."

It is essential for law enforcement personnel who may not be a part of reconstruction teams to know how to proceed when they arrive on the scene. To that end, DOCJT will offer a collision investigation course starting in 2020 (see related story on page 16).

"In other words," Nichols said, "it will address things to think about when they first get there."

(LEFT) Lexington Police Department Sgt. **TODD IDDINGS** said his department's collision reconstruction unit holds bi-monthly training to sharpen skills. The training typically includes reviewing recent cases and seeking team members' input. (Photo by Jim Robertson)

(BELOW) Lexington Police Department Sgt. Todd Iddings shows the detail in a scan from the department's 3D scanner on the computer screen. Through mid-September 2019, LPD has worked 24 fatalities, eight of which turned into criminal cases, Iddings said. (Photo by Jim Robertson)

BRIDGING THE GAP

NEW DOCJT COURSE WILL FOCUS ON COLLISION INVESTIGATIONS

Written By
MICHAEL A. MOORE

A new class designed to bridge the gap between the basic-training-level collision investigation course and a full-blown accident-reconstruction investigator course will be taught at the Department of Criminal Justice Training next year.

The 40-hour course will be taught seven times in 2020 at various locations throughout Kentucky, according to Special Topics Section Supervisor Larry Sennett.

"This class is for the officer who first arrives at the scene, and he or she notices that (the incident) could be more involved than just a regular fender-bender," Sennett said.

THREE FORMS OF DOCUMENTATION

The course will cover many aspects of collision investigations, said Law Enforcement Instructor Charles Nichols.

"The way I envision this class going is this: If you don't have an accident reconstructionist available, we're going to give the officer enough information so a reconstructionist can take that information and run with it," Nichols said. "This isn't going to be math-heavy, mostly division. There's going to be a couple of things we do to get the coefficient of friction off the roadway or whatever surface they're on. That's all the math we're going to do. But we're going to document enough so that when an accident reconstructionist comes in, (the officer) has documented everything, and they'd have all the information they would need."

The three forms of documentation (written notes, sketches and photographs) are among the topics discussed during the week, Nichols said.

"We're going to break those down specifically for collision scenes," Nichols said. "We're going to start with the series of the event – what happens before the collision. We're going to look at the evidence at the scene. That will include the most common such as the skid marks, scrapes and gouges, everything down to the debris in the roadway. You can determine a lot from the debris in the roadway."

Holding a middle-ground course between basic-training-level collision investigations and accident-reconstruction will be a welcomed addition, Boone County Sheriff's Office Lt. Chris Hall said.

"I think that's a fantastic idea," said Hall, who serves as BCSO's accident reconstruction supervisor. "We go through a lot of training to be reconstructionists. I'm looking at several things. Were there engineering issues here? Was it weather or cell phone use? Or maybe mechanical issues or impairment. There are so many factors in play that a road guy doesn't understand. So if we can bridge that gap and have them understand a little bit about it, then by all means."

PHOTOGRAPHY CHALLENGES

There are many challenges regarding collision investigations, with perhaps one of the most significant being photography, Nichols said.

"We will have a big section on photography," he explained. "Collision-scene photography is probably the hardest photography you will do because you're looking at something larger than a typical crime scene. If you're out on the interstate, you'll find that vehicles carry a long distance in a collision. It's tough to capture all of that in one photo."

Not every collision-investigation will happen during daylight hours, and the course will address that.

"At night, the roadway can be hard to light up, so there are some techniques we're going to do called painting with light and time-lapse photography. Those things will help," Nichols said. "Most people don't have 15 or 16 flashes they can set up in a line to light up the whole scene at once. We will show them some techniques that will help in those situations."

AGENCIES WITHOUT RECONSTRUCTION TEAMS

Many smaller agencies across the state do not have collision or accident reconstruction teams, Nichols said. The course will empower those agencies in collision investigations.

"Most agencies don't have a reconstructionist. However, if they work a collision with all of this information, they can call Kentucky State Police and hand off the information, and KSP can start the reconstruction process based on the report," he continued. "When you have a DUI-involved collision, many times they don't have their headlights on. I am going to show them how to determine if they were on or off. When the light bulbs are on, there's a filament, and it gets very hot. Therefore, in a collision, it will stretch out. If they were off, it would be a clean break. It's something to look at. It's an indication that the lights were not on, which could be the cause of the wreck. You have to document that."

The course is new territory, Sennett said, and it will benefit every agency, no matter the organization's size.

"This is like a basic crime scene investigation course," he said. "We've never done a class looking at it from this angle. We're not doing reconstruction, but there will be something in this class that an officer can look at, recognize, document and take measurements."

Moreover, the course will discuss resources available to agencies who need assistance, Nichols said.

"If you have a collision involving a semi-truck, most agencies don't know they can call the Kentucky State Police's Commercial Vehicle Enforcement. They will come out and inspect the vehicle at the scene," Nichols said. "They will weigh the truck as they have mobile scales in their vehicles where they can throw it under the truck's tires and weigh it on the spot. They will also inspect (the truck) because they're certified to do such things."

For information on the course, including description, dates and locations, visit kydocjt-portal.acadisonline.com.

The Department of Criminal Justice Training will offer a new class designed to bridge the gap between the basic-training-level collision investigation course and an accident-reconstruction investigator course. The collision investigation course will be taught seven times at various locations in 2020. (Photo courtesy Boone County Sheriff's Office)

HAZARD POLICE DEPARTMENT

ADAPTING TO A NEW-ISH NORMAL

Written By
KELLY FOREMAN

Photography By
JIM ROBERTSON

Hazard, Kentucky has been synonymous with coal for over a century. The Queen City of the Mountains thrived for decades when dozens of coal-producing companies offered thousands of jobs throughout Perry County.

By the 1950s, Hazard's population had consistently grown and topped more than 7,000 – a roughly 1,160% increase since the first train came to town in 1912. Efforts to attract tourists to the Appalachian region included the construction of a 5-star resort, La Citadelle, overlooking the community's landscape from high atop the mountains. The resort entertained celebrities and wealthy guests in lavish accommodations until it shuttered its doors in 1997.

Hollywood directed even more attention to the town in the early 1980s as the Dukes of Hazzard TV show grew in popularity. While Hazard was never established as the official namesake for the fictional locale (minus one "z," of course), the show's cast made a grand appearance in 1981 during Hazard's annual Black Gold Festival, which celebrates the community's history of coal.

(ABOVE) The Hazard Police Department employs 20 sworn officers in a community serving about 5,300 citizens. However, Hazard Police Chief Minor Allen said the daytime population is often closer to 20,000 because of commuters who come to town for work or school

According to a People Magazine article published in October 1981, that year's festival attracted more than 80,000 guests to the seven-square mile town and caused traffic jams three miles long. It also brought an estimated $3 million in business to Hazard. But even by the 1980s, Hazard was starting to see a decline, as its population growth experienced a consistent downward turn.

"You keep digging coal, and what happens in the end?" Hazard insurance agent Danny Martin was quoted as saying in the People Magazine article. "It runs out. Before the Dukes of Hazzard, there was just no reason for anyone to come here."

In 1985, a young Minor Allen joined the Hazard Police Department (HPD), anxious to serve his hometown community. Allen, who serves today as HPD's police chief, said it was a different world back then.

(TOP-LEFT) Many Hazard Police officers drive SUVs, which is especially helpful in reaching citizens whose homes are in areas more difficult to reach without four-wheel drive.

(TOP-RIGHT) Hazard Police Chief **MINOR ALLEN** is a town native and enjoys serving in his home community. Allen first joined HPD in 1985 and has been chief since 2012.

"If somebody would have told me in 1985 I'd be seeing the things I see today, I probably would have laughed at them," Allen said.

Allen completed the Department of Criminal Justice Training Basic Training Academy in 1987, a member of Class No. 174.

"We went from seeing marijuana and cocaine, then we went through all the Oxycontin and prescription pills, and the number of overdose deaths we worked during that time was just mind-blowing. People themselves have changed. We went from dealing with the normal town drunk – you don't see that guy anymore – to people today on drugs who, are basically walking zombies. There have been drastic changes, I think, in the way we have to deal with them, too."

The Hazard Police Department employs 20 sworn officers – Chief Allen included. The brass ranks include a chief deputy, assistant chief, captain, two lieutenants and two sergeants. HPD also employs two school

(BELOW) This picturesque overlook into Hazard can be found from the old La Citadelle resort. The community is surrounded by Appalachian mountains.

Hazard Police Officer **BRANDON GIBSON**, who is originally from Letcher County, is a new addition to HPD. He began his career with the department as a dispatcher.

resource officers assigned to the community's high schools, one code enforcement officer and six public safety dispatchers for the police department. One officer is assigned to the Drug Enforcement Administration task force, Allen said.

The population HPD serves today is about 5,300, though Allen said it swells to nearly 20,000 during the day, as employees living in nearby bedroom communities come to Hazard for work. The Hazard Regional Medical Center, Appalachian Regional Healthcare, for example, employs roughly 1,000 people and admits about 14,000 patients annually, according to its website. Hazard Community and Technical College also draws an increased daytime population, serving roughly 3,000 students per semester.

"We have primarily had mining-related industry for 100 years or so, and the majority of that has either dried up or went away to some other place," Allen said. "We are transitioning right now, as far as the economy is concerned, and looking at different avenues as far as jobs and things. There is still mining that goes on, but it is nothing like it was at one time."

An April 2018 CNBC article, "This Kentucky coal town is fighting for survival long after the war on coal is over," quoted statistics from the Kentucky Energy and Environment Cabinet noting that in 2016, the coal industry "slumped to its lowest point in 118 years." The region produced 17 million tons of coal in 2008 and dropped to about 4 million tons in 2017 – resulting in thousands of layoffs.

"The last time Kentucky had so few coal jobs was 1898 when they averaged 6,399," the article said.

Most of HPD's officers are "homegrown," the chief said, and are accustomed to the ongoing changes to the community and how they influence their jobs daily. Even those who aren't from Hazard are from neighboring counties, like Letcher, Knott and Leslie.

"To me, it's important to have somebody who has a vested interest in this area and is connected with the local people," Allen said. "They can interact with them better a lot of times. Individuals come in sometimes who know an officer and will come ask for them in person because they specifically have a history with them or something to help them."

Over the years, the community's expectations from the police department have shifted significantly, Allen said.

"Back in the 1980s, all they really wanted was an officer to show up when they needed to call," he added. "Now, the community expects us to be more involved and more visible. I think that's a positive thing."

Community service in a mountainous community means that when winter falls, HPD officers devote time to helping citizens safely traverse hazardous terrain.

"We provide inclement weather transportation for physicians and medical workers," Allen said. "We pick up medicine for shut-ins, and things like that. That is part of how we take care of that population, and we do that very well."

COMMUNITY CHANGES

HPD works very few violent crime cases. A woman was killed in a nearby park in July, and the chief noted it was the first local murder in about six years. Still, Allen said the department faces a lot of the same problems many other departments face. Homelessness, a lot of drugs, and theft resulting from the drug epidemic are a few examples of what dominates HPD's caseload.

"Meth is what we see now," Allen said. "At one time it was all just prescription drug problems, and now we have transitioned to meth."

Many communities saw relief in methamphetamine production after a 2005 Kentucky law limited the sale of over-the-counter pseudoephedrine, a critical ingredient. However, Allen said meth abuse is relatively new to Hazard, accompanied by cocaine and the occasional heroin.

The change in drug activity also has changed the way HPD interacts with the community. In his early days on the road, Allen said officers were more hands-on.

"Now we are using universal precautions," the chief added. "I have had officers stuck with needles and experience different kinds of exposures and had to take them to the hospital. That has really been the biggest game-changer, I think, is the possibility of officers getting hurt or killed because of something like that."

MOVING INTO THE FUTURE

Becoming chief of the Hazard Police Department was a longtime aspiration for Allen, who assumed the role in 2012. But he anticipates that in a couple more years it will be someone else's turn to do the job.

"I have always tried to lead by example," Allen said. "I don't ask anybody to do anything I wouldn't do myself. I have always tried to make this a family-type environment for the department."

Education and training are top priorities. All HPD sergeants have graduated from DOCJT's Academy of Police Supervision, and most of the agency's lieutenants have graduated from DOCJT's Criminal Justice Executive Development course, Allen said.

"Since I have been chief, I have always tried to push my guys into expanding their knowledge," the chief added. "I have several who have completed the Kentucky Criminalistics Academy, accident reconstruction courses and anything to do with leadership. I want to continue to push them to learn as much as they possibly can to benefit themselves down the road."

These efforts have served the department and officers well, but also have added to the challenge of retention – which Allen identified as his most significant hardship.

"We have been real lucky that we have hired some really sharp individuals and have always tried to maintain that," the chief said.

Many young officers begin their careers at HPD and then advance into new roles with neighboring law enforcement, like the Perry County Sheriff's Office or Kentucky State Police's Hazard Post 13. Of the 20 sworn officers, Allen said the department's age demographics are split with a pretty significant gap between new and seasoned officers.

"Right now I have about eight officers who are less than 28 years old," he said. "Beyond that, you're looking at officers in their 40s. The majority of my supervisors are in their late 30s and early 40s. I really look at retention more for my mid-level supervisors than anybody because those are the ones who are going to take the department into the future. If we are going to lose someone, it is usually the younger officers wanting to go be a trooper or something else.

"We have always prided ourselves on our hiring process," Allen continued. "We run a pretty rigorous background investigation. When you look at our officers, we have produced close to 40 troopers who used to work here at this department. They are now in different positions of leadership either with KSP or other departments."

Despite the challenges Hazard citizens have experienced through their changing community, HPD is confident in the future. Recently having moved into a new building – a former two-story McDonald's restaurant – Allen said the city's administration is working hard to bring in new businesses and handle dilapidated properties that have been a blight on the small town.

"We're doing some good things," he said. "I think we've really got it going in a good direction right now."

Hazard Police Chief **MINOR ALLEN**, right, talked with dispatchers in the agency's new dispatch center. The department moved into a new facility in summer 2019 and is still settling into the larger space.

ALL IN A DAY'S WORK

SHERIFFS WEAR MANY HATS

Written By
DOUG BARNETT
STAFF ATTORNEY

Photography By
JIM ROBERTSON

The office of sheriff is one of three positions in the Kentucky Constitution that holds law enforcement authority. However, it is the only agency that works in all three branches of the criminal justice system, which include courts, corrections and law enforcement. The office came into Kentucky with the birth of the commonwealth in 1792 and its first Constitution. At that time, sheriffs were elected to three-year terms. By the second Constitution in 1799, the position had become an appointed office. The county court nominated the sheriff and appointed from a list provided to the governor. The term was two years.

That lasted until 1850, when in the third Constitution dedicated it once again become an elected office with a two-year term. The current Constitution, revised in 1891, increased the term to four years. As an elected county official, sheriffs are subject to all laws that apply to other officers.

Most statutes relating to sheriffs' offices are found in KRS 70. Much of the language in that chapter appears antiquated to modern eyes and has not changed since the major KRS overhaul in 1942. Much of it was a carry-over from existing statutes that date back before 1900. The Sheriff's Oath, taken by elected sheriffs and each deputy in addition to the Constitutional Oath and the required Peace Officer Oath to enforce gaming laws, is particularly evocative in its language:

> *"I, A B, do swear that I will do right, as well to the poor as to the rich, in all things belonging to my office as sheriff; that I will do no wrong to any one for any gift, reward or promise, nor for favor or hatred, and in all things I will faithfully and impartially execute the duties of my office according to the best of my skill and judgment, so help me God."*

Sheriffs' offices are different from other law enforcement agencies in that they are an elected "office" rather than a department of the county government. Each office has deputies – which under common legal understanding indicates an individual who is empowered to act for the principal. It is still not unusual in Kentucky to hear the elected sheriff called the "high sheriff," and his or her deputies called sheriffs. Up until the early 1990s, all employees of the sheriff's office had to be deputy sheriffs. However, sheriffs are permitted to hire non-sworn assistants, civilian staff, to handle the office and administrative duties. In 2006, following the evolution of increased training requirements for deputy sheriffs, the position of a court security officer was created by statute, to lessen the burden on sheriffs for staff that would only work in the court environment.

LAW ENFORCEMENT DUTIES

Sheriffs in most counties have regular law enforcement responsibilities in the area outside the city police's jurisdiction. They can enforce the law in those cities as well, if necessary. In a few counties, that responsibility has been subordinated by the presence of another countywide law enforcement agency. However, unlike other law enforcement agencies, sheriffs have a myriad of other duties to keep them busy.

Sheriffs handle court functions of their respective counties. They work closely with the Administrative Office of the Courts and also take responsibility for serving all civil, criminal and other processes that come to their office.

Sheriffs are responsible, in conjunction with jailers, local corrections and state corrections, for managing the flow of prisoners between jail, court, and state prison facilities. In addition, the sheriff, in most instances, handles out-of-state extraditions, making trips to far-flung places in the United States to bring prisoners back to Kentucky.

TAX COLLECTOR AND OTHER DUTIES

In addition to duties in law enforcement, courts and corrections, sheriffs have other essential functions as well. Just like in Robin Hood, one of the primary responsibilities of a Kentucky sheriff is collecting taxes and then distributing them to the agencies on whose behalf the sheriff works. This is a primary duty, and during "tax season," the sheriff's staff will be bustling.

Over time, the sheriff's office ended up with other miscellaneous duties, such as auto inspections for out-of-state vehicles and Concealed Carry Deadly Weapons licenses, because it was necessary to have a responsible countywide agency in every area handling the process.

The sheriff is legally required to attend the county fiscal court meeting, or delegate someone to do so. The sheriff, and in an election year for the sheriff, his or her delegee, sits as a member of the County Board of Election and has legal duties to ensure the process is secure.

Sheriffs may also be tasked to be the county property custodian, but that will be on a county-by-county basis.

Sheriffs have responsibilities in forcible detainer – also known as eviction – cases.

For example, the case of *Greene v. Lindsey*, 456 U.S. 444 (1982), the Jefferson County Sheriff's Office had a case that went to the United States Supreme Court. It concerned the civil process used to initiate a forcible detainer case, and the alleged insufficiency in providing adequate notice and due process to respondents, especially those in a multi-unit building, as was the situation for Lindsey and two others who joined in the case.

"SHERIFFS' OFFICES ARE DIFFERENT FROM OTHER LAW ENFORCEMENT AGENCIES IN THAT THEY ARE AN ELECTED "OFFICE" RATHER THAN A DEPARTMENT OF THE COUNTY GOVERNMENT. EACH OFFICE HAS DEPUTIES – WHICH UNDER COMMON LEGAL UNDERSTANDING INDICATES AN INDIVIDUAL WHO IS EMPOWERED TO ACT FOR THE PRINCIPAL. IT IS STILL NOT UNUSUAL IN KENTUCKY TO HEAR THE ELECTED SHERIFF CALLED THE "HIGH SHERIFF," AND HIS OR HER DEPUTIES CALLED SHERIFFS.

The Court agreed that the process in use at the time, simply posting the notice on the door, was not enough to make the resident aware of the pending action. As a result, such notices are now also mailed to the residence.

A rare duty, one that certainly surprises sheriffs when they are called to perform the function, requires them to administer the estate of a decedent in the absence of a personal representative, public administrator or guardian. Sheriffs are also permitted through KRS 431.250, although not mandated, to attend the execution of a person convicted in their county.

In the law enforcement community, sheriffs' offices are the epitome of multi-tasking. A sheriff's day might start with serving the court and include patrol, civil process, eviction and helping with tax collection.

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521 LANCASTER AVENUE
RICHMOND, KY 40475-3102