



# LAW ENFORCEMENT



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PAGES 10-15

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ON THE COVER:

Too often children are falling victim  
to crimes, either directly or indirectly.  
During their careers, law enforcement  
officers will inevitably answer calls  
involving children. This issue explores  
techniques and partnerships, such  
as that held with the Department for  
Health and Family Services, which seek  
safety for Kentucky's youth and ensure  
that trauma is kept to a minimum.



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Supervisor CHIP WHITE**  
*Leadership: A simple concept  
that can be difficult to execute*

# LEADERSHIP: A SIMPLE CONCEPT THAT CAN BE DIFFICULT TO EXECUTE

A counterintuitive fact that continually arises in leadership circles is that even though organizations across the country spend large amounts of resources every year on leadership development, polls show that less than 10% of leaders are effective. Why is it that something that seems like commonsense on the surface is so difficult to put into practice?

In seeking an answer, I have noticed the following common themes in leadership literature.



## PEOPLE SEEK PROMOTION FOR THE WRONG REASONS

For some, the allure of a raise, power, or prestige is their underlying motivation to attempt to move up in an organization. Unfortunately, it normally does not take long for those around the leader to see, or sadly become the victim of, this “hidden agenda.” If we are not willing to put others and the organization’s needs before our own, people will not put their trust in us. Leadership, like any relationship, must be built on trust.

## LEADERS LACK SELF-AWARENESS

It is no coincidence that both the concept of emotional intelligence, which is thought to be a better predictor

of success than IQ and one of the newest leadership models, Authentic Leadership, list self-awareness as the first component. If leaders do not have self-awareness, how can they maximize their strengths, overcome their weaknesses and be true to their values? Unfortunately, many people are either afraid to ask individuals around them for honest, candid feedback, or have created the impression that less than favorable feedback will result in negative consequences for the bearer of bad news.

## LEADERS DON'T PUT ENOUGH EFFORT INTO THEIR CRAFT

Leadership, like any skill, comes easier for some than for others. All leaders who want to reach their maximum potential must constantly put effort into improving their leadership skills. Not only must they expose themselves to the best practices of leadership through mentors, reading and formal training, they must mindfully put those concepts into action. The best leadership course in the world or the newest leadership bestseller is worthless if the leader does not consciously set out to ingrain the concepts into behavior within the context of their organization.

## THERE IS NO ORGANIZATIONAL SUPPORT FOR LEADERSHIP DEVELOPMENT

Finally, a common refrain from students in our courses is that they excitedly attempt to put their newfound knowledge into practice after attending training only to be rebuffed by their leadership when they return to their organization. Leadership training must be supported by the organization’s culture. Leaders of leaders must ensure that leadership training results in positive behavioral change. If not, leadership training becomes merely a line on a résumé.

With today’s ever-growing challenges of recruitment, retention and community support, organizations cannot afford to retain ineffective leaders. After all, it’s always a question of leadership. 🇺🇸



**BY CHIP WHITE**  
TRAINING SECTION SUPERVISOR,  
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# INTERROGATION

A TRUTH-SEEKING ART

KATARZYNA BIALASIEWICZ / 123RF.COM

It's not what you've seen on TV.

That's a common phrase uttered by many law enforcement professionals and instructors. Interrogation remains one of the most iconic functions of a police career. Most cinephiles have watched scenes of bright lights shining in a suspects' faces as broad-shouldered officers stare them down from the other side of a cold, barren room. However, interrogation—it's not what you've seen on TV.

Rather, Department of Criminal Justice Training instructors state, interrogation is much more conversational. It's an art. It's meticulous. It requires preparation and practice to move toward one singular goal—the truth.

## WHAT INTERROGATION IS AND ISN'T

Because of the conversational nature of both interrogation and interview, it's easy to confuse the two. However, according to former FBI and, now, DOCJT Investigations Instructor Larry Savill, there is a difference.

"People interview every day while just gathering information (from witnesses, potential victims and suspects all)," he said. "Interrogation comes in when you're trained in a law enforcement capacity to determine guilt or innocence, to determine the truth. You only interrogate when you have indicators, when that person (a suspect) indicates signs of deception... You may do an interview and never do an interrogation. But you're not going to do an interrogation without doing an interview first."

## PREPARATION MAKES PERFECT

Prepare, prepare and prepare some more, said Savill regarding each case.

"(Work) begins before you ever sit down with the suspect," added David Goldey, DOCJT Basic Training branch manager and former Kentucky State Police trooper. "Gather as much information as you can. Know the elements of the crime and what you are trying to prove. Do some checks and run background. (Find out) what kind of person you're interviewing. Have they ever been arrested? Do they have a record? Have they been convicted of a crime? Whom do they hang out with? Who are their acquaintances? And, who are their family members?"

However, such preparation is not always possible. Officers should do as much as they can based on the situation. Savill noted that much basic information could be obtained quickly through an officer's computer in their cruiser.

## SETTING THE SCENE

Just as preparation is important, so is the location of the interrogation, which should be conducted in a controlled setting.

"You want to have the room set up to your advantage," explained Savill. "Some rooms are better than others. Typically, you don't want a clock in there. You want to be able to position yourself so the (subject) is on camera. You want to be able to see their body mannerisms and clearly hear them. The interrogator wants to be able to go back and see the person from head to toes... If you're going to interrogate someone outside of the police department, you really need to strategize and think about how you're going to accomplish that. You need to eliminate distractions. A restaurant parking lot with people coming and going is probably not going to be a good idea."

Both law enforcement professionals agreed that interrogations, when possible, shouldn't be conducted in a suspect's home or turf where they have too many familiar surroundings. Regardless of location, best practice dictates officers should always have a partner present, not only for safety but also to observe things the one conducting the interrogation might miss.

## BUILDING RAPPORT AND GAINING TRUST

The old saying goes that one can catch more flies with honey than with vinegar. The same can be said of interrogation, said Savill noting the importance of rapport-building even when dealing with hardened criminals, and that this is where interrogation and interview go hand in hand. Be respectful of everyone.

"All cops are different, and all people are different," he said. "There are people who have past experiences with law enforcement that, in their view, hasn't been positive. The next officer who comes along will probably have to deal with some of that preconceived notion. However, if you treat people with respect, hopefully, they will realize that you're a little different. That's where the rapport-building comes in."

Written By  
CRITLEY KING-SMITH

Photography By  
JIM ROBERTSON

"You only interrogate when you have indicators, when (a suspect) indicates signs of deception," said DOCJT Investigations Instructor LARRY SAVILL. "You may do an interview and never do an interrogation. But you're not going to do an interrogation without doing an interview first."



DOCJT Investigations Instructor Jim Root, a former Lexington Police Officer and crimes against children investigator, said that a skilled interrogator is one who engages in conversation and doesn't copy movie clichés by being up in the subject's face.

"No matter who that person is or what they have done, they were somebody's little boy or little girl at some point," said Root, explaining how he can treat even society's worst with respect. "That spark of humanity, that spark of individual dignity is still there. So I interact with that spark of a little child no matter who they are."

### STEMMING THE TIDE

Topics broached during interrogation can bring up intense feelings of anger or guilt from the subject. Sometimes there are no emotions at all. Nevertheless, how does an officer handle someone who becomes emotional during interrogation? According to Goldey, let them run with it.

"Sometimes you may find it's not genuine," he continued. "If you see someone crying without tears, chances are they are trying to throw you off. But you, as an officer, have to maintain professionalism. Don't be aloof. You're involved. You can show concern...It's a give and take."

"I've had to cry with people, and I've had to pray with people...It's almost like a dance," Root added.

Interrogators can empathize with the suspect and acknowledge their emotions. Via an active-listening technique, emotion labeling, interrogators can ask if the individual is upset, angry or frustrated. The nice thing about this technique, Savill said, is that the subject will tell the investigator if they interpret the feeling incorrectly.

"But the fact that you're trying to understand their feelings builds rapport," he explained. "It's human nature. If you don't deal with a person's emotions first, you're never going to get to the logic, which is where an officer needs to get to investigate a crime."

Savill said there are several techniques investigators can use to show a subject they are listening, two of those being nodding as the individuals speak and going back and summarizing the information they have given. Additionally, by summarizing, the officer has the opportunity to make sure the information they are taking down is correct.

### COLLECTING CUES

Many interrogation techniques are taught across law enforcement. Goldey, who was trained in Kinesics,

says he likes the style because it focuses on reading body language.

"People tend to say things, and their body language is inconsistent with what they are saying. You start picking up on those subtle hints," he explained. "Of course, you have to establish a baseline of normal behavior (often during the interview) when asking normal everyday questions."

As the topic turns toward the crime, Goldey said the subject will often display discomfort by movements of the eyes, face, shoulders, arms and legs. They might also change the way they are sitting or how they are moving.

Parts of the body further from the brain become increasingly harder to control during stress, noted Savill. Thus, facial expressions are easier to manage than arms and hands, and arms and hands are easier to control than legs and feet.

During his law enforcement career, Savill said that by the time he reached interrogation and was nearly certain of the suspect's guilt, he was most focused on signals that the individual was about to push past their denials and tell the truth. Examples of these cues include dropping their chin to their chest, slumping in their chair, sighing, talking to themselves or even crying.

"At that point the stress is building up, and they know if they confess whatever they don't want to say the stress will go away," explained Savill. "Now an innocent person giving these indicators might be because of a deep dark secret they don't want anyone to know, such as being molested as a child...that's why it's so important to say an interrogation is to determine the truth."

### PATHWAY TO PITFALLS

Many pitfalls can occur during interrogations and, according to Savill, one of the biggest is thinking that interrogation is to prove someone guilty and simultaneously ignoring indicators that say otherwise.

"You can't think you know somebody because the last 30 (suspects) were that way," he said. "Sometimes that's warranted, but the best officers are open-minded. They give everyone a fair chance, and they let that person's actions, words and deeds dictate what they have to do as a law enforcement officer."

Another pitfall is firing question after question and not allowing the subject to talk.

"You're far better off to ask the question, and let them answer completely—just sit back and listen," advised Goldey. "You want more than a yes or no. Ask open-ended questions. They'll fill in the blanks and, if they're guilty, most likely they'll trip themselves up or talk right into an admission...They'll start telling you something and forget when you ask them the same question a few minutes later. They will forget how they answered it because it was a lie. People can remember



the truth, it's simple. But to tell a lie and maintain it throughout is difficult to do."

### MORE THAN CASES CLOSED

Officers should also be able to admit that not every interrogation will end the way they want them to.

"If someone says they have a 100% confession rate, I'm calling (them out) because they are lying to you," said Root. "People fail. You're going to fail on some interrogations. People are going to beat you and convince you they were right, and then you're going to find out they were wrong. It happens. Sometimes you win, but sometimes you don't."

And once those admissions and confessions are obtained, they must be backed up.

"You have to support the (confession)," said Goldey. "I've never arrested a person I wasn't convinced committed a crime...if you do that, resign and go home. You're not doing the world a favor (by closing the case). You're making us all look bad. Moreover, I don't care if it happens in California, you're making us look bad in Kentucky. It doesn't matter, no one wants to put an innocent person in jail."

"During an investigation, you'll have good and bad evidence, things that support your case and things that shoot it down. You have to include it all. Maybe that's the very thing that shows my guy didn't commit the crime and, maybe, someone else did. That's when it gets hard, and you go out there and start earning your money and start to find the unknown. Remember, it's all about one thing—the truth." 🇺🇸

According to **DAVID GOLDEY**, DOCJT Basic Training branch manager, work begins before an officer ever sits down with a suspect. "Know the elements of the crime and what you are trying to prove. (Find out) what kind of person you're interviewing," he said.



KATARZYNA BIALASIEWICZ / 123RF.COM

# FORGING A STRONGER PARTNERSHIP



## COMMUNICATION, TRAINING KEY IN LAW ENFORCEMENT, DCBS RELATIONSHIP

**T**he partnership between law enforcement and the Department of Community Based Services (DCBS) is undeniable. Both entities have the same goal, which is providing for the well-being of victims – both children and vulnerable adults – of various types of abuse.

Often, the cases intersect, and the importance of getting it right is paramount, said Alicia Miller, Service Region Administrator Associate for DCBS.

“Depending on what county you’re in, you could have three different law enforcement agencies,” she said. “There can be a disconnect, no matter where you’re located. The biggest part is each agency not understanding the roles of the others.”

### COMMUNICATION IS VITAL

With the uncertainty of the role each agency plays, Alexandria Police Department Social Worker Kelly Pompilio said having open communication channels is necessary.

“Notifying law enforcement in critical cases, such as fatalities and sexual abuse, before investigating to allow joint investigations is one example,” Pompilio said. “On drug-related cases, contacting law enforcement before investigating to identify if there are concerns with drug activity. If DCBS could get access to deconfliction, this could identify if there is an ongoing drug case.”

April Davis, DCBS Service Region Administrator, agreed.

“My staff knows what a critical partnership it is (with law enforcement), and they want to have a good working relationship with law enforcement,” she explained. “Communication is so critical because those cases don’t work unless we’re both working together.”

### AVOID BEING COUNTER-PRODUCTIVE

When law enforcement and DCBS are not on the same page, the cases both sides are working could become compromised,” Pompilio said.

“There have been times when DCBS hasn’t requested information about a family until after

making contact with the family,” she elucidated. “Then, DCBS has discovered law enforcement’s involvement, which could have changed the outcome.

“There have been instances when DCBS closed a case, and law enforcement was not aware, then another incident occurred,” Pompilio continued. “There was a case when a child was injured, but law enforcement nor DCBS could prove it. Law enforcement was under the impression that DCBS opened a case and was working with the family. Another child in the household was injured only a few months later. When the new investigation was opened on that child, it was discovered the prior case had been closed.”

On the DCBS side, if law enforcement doesn’t relay information or begins an investigation without notifying social workers, it could be detrimental to that agency’s cases.

“If they do interviews without us, it’s a huge deal because, under Kentucky law (KRS 431.600), we should be doing joint investigations,” Miller explained. “DCBS has had cases where law enforcement conducts interviews, makes an arrest, and the social worker doesn’t know anything about it until the next day or if it is over the weekend, the following Monday.”

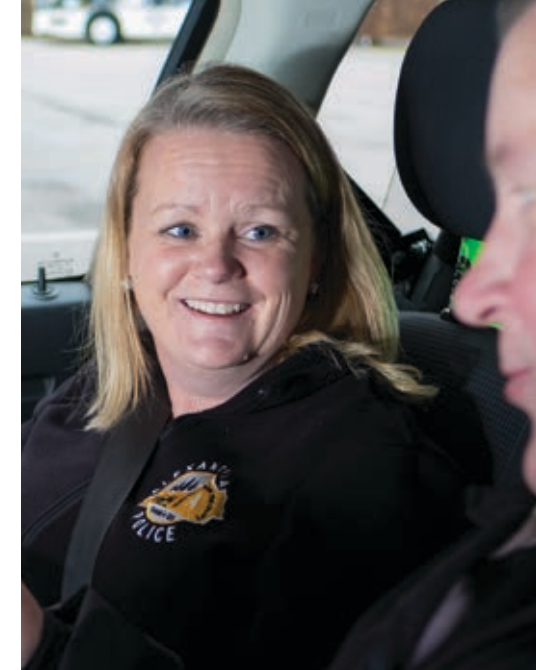
### TRAINING OPPORTUNITIES

Both Miller and Pompilio said joint training could go a long way in improving the process.

“It should include the basics of what each entity does, and what their abilities and purposes are,” Miller said.

Pompilio agreed.

“It would help to understand the expectations,” she said. “It would help law enforcement understand what meets criteria (to make it a DCBS case); how to write a JC-3 (a report law enforcement prepares to send to the Cabinet for Health and Family Services). It would



(LEFT) Alexandria Police Department Social Worker **KELLY POMPILIO** said when law enforcement and Department of Community Based Services (DCBS) are not on the same page, cases could become compromised. (Photo by Jim Robertson)

(OPPOSITE PAGE) **ALICIA MILLER**, DCBS Service Region Administrator, said a critical element in successful cases is an open channel of communication between her agency and law enforcement. (Photo by Michael A. Moore)

explain the key terms needed in writing a report. It could also help understanding interview techniques from the law enforcement perspective as well as DCBS perspective.”

Currently, each side has very little training about what roles the other plays, Davis said.

“We have many brand new social workers who don’t understand (law enforcement’s role),” she opined. “The information at the Protection and Permanency Academy about what the police can do is limited. How they learn is by working with them, so it’s on-the-job training.”

An open line of communication and an understanding of the roles each body plays is critical in a successful outcome for both DCBS and law enforcement, Miller concluded.

“We have unique skills that complement each other and make the investigation solid,” Miller said. “We’re all here for the same reason to ensure the safety of that victim, whether it be a child or an adult.”

## BEST PRACTICES

### DCBS to Law Enforcement:

- When in doubt, always Call DCBS – DCBS may have case history law enforcement does not know about.
- Respect the DCBS social workers’ insight – Listen to their concerns about the cases.
- Always conduct joint interviews – it is a state mandate.
- Communicate – relay all information promptly.
- Multi-disciplinary Team (MDT) meetings – Every county is required to conduct MDTs in sexual abuse cases. Social workers and law enforcement representatives are required to attend.

### Law Enforcement to DCBS

- Obtain law enforcement’s call responses before going into the home.
- Become familiar with law enforcement agencies. Know their operations, whether they have a police social worker, what shifts they have, and who the detectives are.
- Know the points of contacts on each shift.
- Contact law enforcement agencies regularly to identify if there have been any call responses of which DCBS should be aware.
- Contact law enforcement before closing a case to make sure there are no additional concerns.

# CHILD WITNESSES

ATTEMPTING TO PROTECT INNOCENCE IN THE FACE OF TURMOIL

It's the call law enforcement officers never want to receive. A child has been the victim of a crime. It's a high-stakes call where, with every step, officers must focus not only on catching a perpetrator but also on protecting the shreds of innocence left in a child victim or witness to trauma.

The tip-offs can come from various sources—sometimes it's from schools, pediatricians or parents who realize something is wrong with their child's little friend.

"Everyone in the state of Kentucky is mandated to report if they know or suspect abuse or neglect," said Jim Root, former Lexington Police officer and Department of Criminal Justice Training instructor. "It gets reported to the Cabinet for Health and Family Services and should also be reported to the police."

However, handling a case where children are involved requires special skills and efforts throughout to ensure no additional trauma is inflicted on the child—specifically when it comes to interviewing and collecting information from one so young.

## THE FIRST RIGHT THING

According to Root, state protocol indicate the preferred method of interviewing children who are victims of or witnesses to crimes is through use of the Children's Advocacy Center of the Bluegrass (CACBG) with forensic interviewers, specifically trained in working with the young.

"Child interviewing is fundamentally different because children don't think like adults," explained Root, who spent much of his police career assigned to a crimes against children unit. "They don't think in a linear fashion. Children think in times, dates, seasons, their birthdays or whose class they were in. So when you ask them questions, it can't be in the standard interview format of who, what, when, where and why. You never ask why. It doesn't matter, and it implies blaming the victim. You never want to do that.

"It has to be about the child first and foremost. So no matter what question you ask, you don't retraumatize the child," Root added. Questions should always be non-leading and non-suggestive as the goal is to get as much information as possible through free-flowing and open-ended answers that are unbiased.

## CHILDREN'S ADVOCACY CENTER OF THE BLUEGRASS

When allegations of abuse or neglect are made to law enforcement or social services, they can call the CACBG and request to set up an interview.

According to Lindsey Burns, one of the Center's forensic interviewers, the child will be brought to the CACBG by a non-offending parent or guardian, someone the Cabinet has deemed can be in a caretaking

*Written By*  
**CRITLEY KING-SMITH**

*Photography By*  
**JIM ROBERTSON**

Officers should try to have a personable presence when interacting with children, such as allowing them to use their first name or getting down on their level to speak. Pictured opposite, Madison County Deputy **TODD CHITWOOD** demonstrates those skills in a photo illustration while talking to a 4-year-old girl at a local park.

role. An advocate will speak with the caregiver regarding intake information, resources and answer questions, said Burns.

The child will be taken to a child-friendly room with the forensic interviewer. There is space for an interpreter if one is needed. Burns said closed-circuit recording equipment is set up to capture the interview and an observation room is just outside where officers working the case may watch and listen.

“That way, if we need to check (with them) and see if there are any other questions we need to ask, we can,” she explained. “When we interview a child, we make sure we are being developmentally sensitive and using legally sound structure. We can’t lead the child or give them allegations. Our foundation involves rapport as one of the foundational components ... to make sure the child is comfortable and feels at ease as best as possible as we go about the interview.”

Afterwards, Burns said the CACBG could provide law enforcement a copy of the interview which can be treated as evidence that can be turned over to prosecutors.

To make forensic interviews more assessable to families involved in such cases, the Berea Police Department and the Franklin County Sheriff’s Office have set up friendly interview areas within their agencies. This allows CACBG to provide their services closer to families and community partners for whom a drive to Lexington would be a hardship, said Burns.

### WHY IT WORKS

Forensic cognitive interviewing works because it allows the interviewer to elicit great detail, even from a young victim or witness, by building connections.

“You’re able to get sights, smells and sounds,” said Root. “So say a child says they kept smelling peanuts (at

the crime scene), but they don’t know where it was. It just so happens, there is an area there that has a peanut butter factory. Those kinds of details help a police officer determine where something happened.”

Root added that one good thing about forensic interviews is that they give children a chance to correct the interviewer. When he was responsible for conducting forensic interviews for his department, Root said he would always ask questions specifically to let the child set him on the right course and then thank them for correcting him. This allows them to understand they could do so throughout the interview.

“This gets you a better quality of information because he knows he can correct you if you’re wrong,” said Root.

### EMERGENCY CONTACT

In some circumstances, responding officers will find that they must conduct a minimal facts interview with the child. Often this is when the alleged perpetrator is still in the home and poses an imminent threat.

“The minimal facts are just that—we don’t want to retraumatize the child,” said Root. “We aren’t going to get deep into anything. It’s going to get referred to the (Center), so you can just get the nuts and bolts.”

Root advises that officers avoid speaking to children in their bedrooms or their parent’s rooms. Rather, opt for a common room, like the kitchen or living room, where abuse is less likely to occur.

Officers should also try to have a personable presence with the child, such as allowing them to use their first name and getting down on their level to talk to them.

“Talk to kids, use child-appropriate language,” said Root. “Kids are smart, but their language is different than ours. Children will use words that perpetrators use as tools so people can’t find out what’s been going on (such as using pet names for private areas). You don’t want to substitute adult language for what the child said. Whatever the child said, you say because you don’t want them to feel like you’re talking down to them or like they have done something wrong. This could cause them to shut down or change their story. One of the keys to interviewing is just to listen to them.”

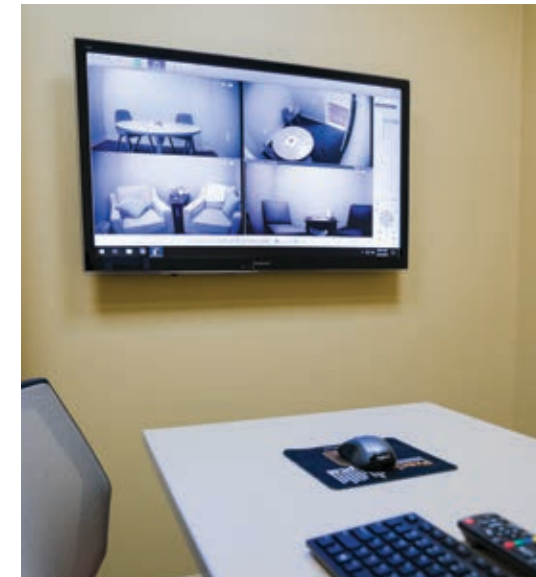
Departments are mandated to investigate jointly with the Cabinet for Health and Family Services who’s on-call social worker will respond with the agency to assess if the child or other children in the home need protection or emergency removal from the home.

### MANAGING MISTAKES

One mistake to avoid when responding to a crime involving children is touching. It’s completely natural to want to put a hand on a child’s arm or hug them after they have disclosed the most horrible moment in their life. However, Root says an officer should never touch



(TOP) DOCJT instructor **JIM ROOT** says interviewing children is different because they don’t think like adults. “Children think in times, dates, seasons, their birthdays or whose class they were in,” he said, noting forensic interviews help elicit free-flowing and open-ended answers.



(LEFT) Through closed-circuit cameras at the Children’s Advocacy Center of the Bluegrass, officers can watch forensic interviews as they are conducted. The interviewer will communicate with officers to see if additional questions are needed to improve clarity to the case.



Forensic Interviewer **LINDSEY BURNES** says the Children’s Advocacy Center of the Bluegrass is designed to be child-friendly. Inside are specific interview rooms geared toward providing comfort, whether the child needs playdough or is a teen needing comfortable chairs and color pencils.

a child because contact is often a method abusers use to manipulate victims.

“Neither should they make promises they can’t keep nor promise to arrest someone — because the case could fall through, and then the promise would be broken,” said Root. “One of the best things to say is, ‘Listen, I’m here to try to help, and I’m sorry this happened to you. These things shouldn’t have happened to you. But my job is to listen to you and see what I can do to help.’”

### TALL TALLIES

In 2014 when Burns began work with the Children’s Advocacy Center of the Bluegrass, about 600 forensic child interviews were conducted. For 2019, Burns said the number had grown to approximately 1,000.

“Unfortunately, there is a great need for the services we offer,” she said, adding that CACBG is able to assist with any case involving children. Other resources outside of interviews include medical examinations and coordination of services, such as therapy.

To see DOCJT’s latest courses on child abuse and sexual assault visit, [docjt.ky.gov](http://docjt.ky.gov) and click Acadis Scheduling from the Training drop-down menu. For more information on CACBG, visit [kykids.org](http://kykids.org).





# LEADING BY EXAMPLE

## DAVIESS COUNTY SHERIFF'S OFFICE

Written By  
**KELLY FOREMAN**

Photography By  
**JIM ROBERTSON**

**T**he Daviess County Sheriff's Office is like many Kentucky sheriffs' agencies – juggling both law enforcement and constitutional responsibilities, serving the people while trying to encourage and support deputies and staff internally.

But DCSO stands out in just as many ways. The office is led by a long-serving, iconic sheriff – Keith Cain – whose 10-gallon hat, blue jeans and cowboy boots are as much a part of his persona as his five-point badge. Beyond their leadership, DCSO has also developed a reputation for being creative with their resources to provide service beyond the call, despite limited personnel and funds.

Responsible for a countywide population of more than 100,000, DCSO employs 67 personnel, including 22 deputies assigned to patrol. Twenty-four employees are part-time certified court security officers, which fulfill services ranging from prisoner transports to courtroom security.

In his 46 years with DCSO, Cain said he has watched many deputies start

(ABOVE) Led for the past 21 years by Sheriff **KEITH CAIN** (center), the Daviess County Sheriff's Office is committed to leading their western Kentucky community. The 67-person team includes patrol deputies, court security, tax collection, detectives, school resource officers and K-9 Astor. According to 2018 office statistics, the agency responded to nearly 17,000 calls for service that year and logged more than 5,800 training hours.

their careers, rise through the ranks and retire with his organization. Longevity of service is something DCSO is very proud of, but it also means Cain rarely gets to hire new deputies. Those who attain leadership positions often stay in them long term.

"The problem with that is that, if one of the only times I get to hire is to replace someone, there is no growth within the organization. We are just maintaining," Cain said. "Status quo is fatalistic to any organization, and that is most certainly true of law enforcement. It is a tremendous challenge."

To counter that challenge, Cain has encouraged what he refers to as horizontal growth. Cain and his command staff look for opportunities where deputies can expand their interests within roles such as the K9 unit, school resource officers, narcotics investigation or training.

"When you break it down to its most simplistic form, I think our communities expect three things," Cain said.



(1) This framed photo of Sheriff **KEITH CAIN'S** father sits on his desk as a daily reminder to live up to the principles the elder Cain instilled in the sheriff. When asked about what it takes to be a good police officer, Cain often replies that they are the same qualities it takes to be a good person.

(2) DCSO Detective **BRAD YOUNGMAN** (pictured) and his father, DCSO Special Deputy **ALLEN YOUNGMAN**, are two of the agency's members who work with Daviess County schools to teach active-shooter response training.

(3) The kneeling knight symbol found on DCSO cruisers represents the agency's philosophy to be a humble servant first. The latin beneath the symbol, "Inginio Vir Bellator Corde Servi" translates to "skills of a warrior, heart of a servant."

(4) DCSO Special Deputy **CAROL PURDY** exercises her skills and knowledge in many cases, as cell phones have come to be a part of so many investigations.

"Number one, they expect us to be accessible to their needs. Very close behind that, you have to be responsive to those needs. It's not enough to be accessible without responding. Third, we should always hold ourselves accountable for the manner in which we do respond. If you do those three things and live by them, you will be well served in this profession."

### SPECIAL SKILLSETS

Three sworn special deputies serve the agency in unique roles because of their specialized skillsets, Cain said.

Special Deputy Carol Purdy, for example, has served the agency for the past nine years as a digital forensics examiner. Purdy's career in information technology began in the classroom teaching digital forensics. But with a husband who served with the Owensboro Police Department, Purdy saw the advantage of using her skills and training to solve cases.

"Most of what I do is mobile forensics," Purdy said. "I do computer forensics, but most is mobile. That is because there is a mobile component in virtually every crime there is. Text messaging – in burglaries they will send pictures, text that they have this or that. (I look for) GPS locations and child exploitation."

Like Purdy, Special Deputy Allen Youngman was a friend of Sheriff Cain's and brings a distinguished set of skills and experiences to DCSO. Youngman spent of his 34-year Army career developing firearms training programs, including overseeing the creation of a post-Sept. 11 special firearms training program.

Following his military retirement as Adjutant General of Kentucky, Youngman joined DCSO as a special deputy firearms instructor. The role grew to include the development and implementation of an active shooter response training program in coordination with Daviess County Schools.

Brad Youngman, Allen's son and a DCSO detective, joined his father in the school training program alongside other instructors as the school training program continued to grow.

"We are fortunate to have schools that approached us asking for our assistance because they truly care about their students," Brad Youngman said. "That's easy to build on. We really work with the teachers and school folks on what can they do before we get there. Because ultimately that's how they're going to survive."





# IN THE BLACK

U.S. ATTORNEY'S LAW ENFORCEMENT COORDINATOR BRINGS 24 YEARS OF POLICE EXPERIENCE

MICHAEL A. MOORE / DOJT

**D**uring his 24 years in law enforcement, Eric Black experienced just about everything – from patrolling the streets to running down drug traffickers. It's safe to say, Black knows the ins and outs of policing.

United States Attorney of the Western District of Kentucky Russell Coleman was looking for that level of experience when he sought out a new law enforcement coordinator.

Black, who retired from the Louisville Metro Police Department in September 2019, became the law enforcement coordinator a month later.

"He's the most important person in the room," Coleman matter-of-factly stated.

As the law enforcement coordinator, Black will be responsible for advising Coleman on state and local law enforcement issues throughout the 53 counties making up the western district.

"I will primarily act as a liaison between local, state and federal law enforcement for the U.S. Attorney's Office," Black explained. "My job is to promote coordination and cooperation between those agencies."

Black retired after a long career with the Jefferson County Police Department (before the government merger) and Louisville Metro Police Department, where he reached the rank of sergeant.

During his career, Black led a multi-agency High-Intensity Drug Trafficking Area (HIDTA) Drug Task Force, served as commander of LMPD's robbery unit, commander of LMPD's narcotics street platoon and was a detective with one of LMPD's major case units.

## NETWORKING

Much of Black's duties involve relationship building and making sure every agency is the district's voice is heard.

"(Coleman) made that a priority," Black said. "In the past, many counties may have been underserved, but ... he wants prosecutors in those communities to know that they have access to (the U.S. Attorney's Office), and they have a partnership and working relationship with us to prosecute cases."

Successful networking is one of Black's goals.

"It's making sure the U.S. Attorney's Office keeps their finger on the pulse of local law enforcement," he explained. "We manage those relationships so that we foster a positive environment, so when local or state police need assistance from this office, we're ready and capitalize on that, and we can come in and help them."

## UPGRADING CHARGES

The U.S. Attorney's Office working alongside the Commonwealth Attorneys can help prosecute cases where the penalties in federal court carry more weight

than a state court prosecution. Most federal statutes prosecuted require a defendant to serve 85% of their sentence, Black added.

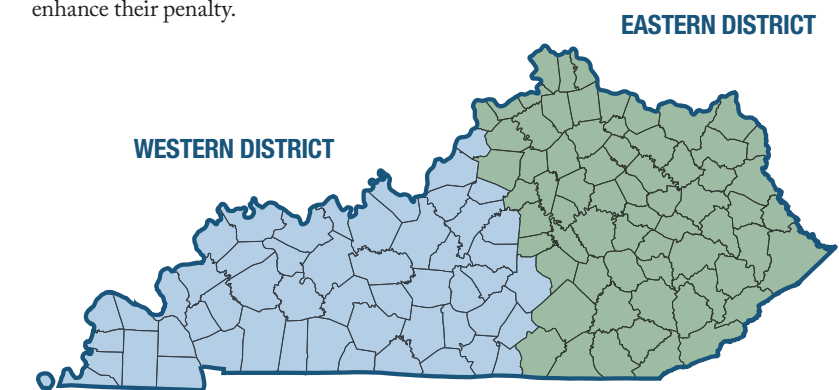
"The sentencing guidelines for federal prosecutions are significant," he explained. "So, as it relates to drug traffickers, violent gang members and trigger pullers, it enables us to come in and prosecute those cases and remove those people from the community."

For example, in drug-related cases, the number of drugs involved can move a case from a local or state level to the federal arena.

"Many times, it's more complex drug-trafficking cases, such as cartels," he explained. "Cartels are supplying drugs to Kentucky. Much of it comes to Louisville, and it is distributed throughout western Kentucky. That is why it is so important for us to have relationships with drug task forces, Kentucky State Police, local law enforcement and local commonwealth attorneys. The drug cartel supplies the drugs for all the state and America."

When law enforcement is dealing with drug cartels, they are dealing with a high volume of drugs such as heroin and cocaine.

"You're dealing with kilos versus smaller amounts," Black explained. "With that said, if there is a problematic person who is a menace to the area, and they're drug trafficking, it may be a smaller amount of narcotics; there are federal sentencing guidelines that will enhance their penalty."



"For example, if they're a convicted felon or if they have prior convictions that were violent in nature," Black continued. "It's not necessarily all the time for the large amounts (of drugs)."

Black said the role of the U.S. Attorney's Office in Kentucky's Western District is a fantastic tool law enforcement agencies can utilize, especially smaller agencies.

"I've seen it firsthand traveling around with Mr. Coleman," Black said. "They have small budgets, and they're doing the best they can with what they have. The biggest thing is they don't know what we do and how we can help them." 🇺🇸

Written By  
MICHAEL A. MOORE



## GAINING ACCESS TO PASSWORD-PROTECTED CELL PHONES

**T**hese days, everyone has a cell phone. They are mini-computers, used for a variety of tasks. Owners secure important information using passwords. The downside of cell phones for law enforcement is that, unfortunately, criminals also regularly use these devices in their unlawful activity. That same password that law-abiding citizens use to keep their information safe can be a significant deterrent in criminal investigations.

Even though cell phones are common, the issue of forcing a suspect to give the password to a locked cell phone is a new one for the courts. It has not yet been addressed in either Kentucky courts or the Sixth Circuit courts at the federal level. The decisions issued by courts that have evaluated this question are often inconsistent.

Most cases start the same way. A crime has been committed.

The officer legally seizes a cell phone. The cell phone is password protected and law enforcement cannot access information on the phone without the password. The defendant refuses to provide the password. The prosecutor files a motion for an order compelling the defendant to provide the password. The court will compel the defendant to produce the password or deny the motion. No matter the outcome, the case ends up on appeal. There, the appellate court evaluates two questions.

The first question is, “Does requiring an act of production (providing the password) trigger the defendant’s Fifth Amendment protection against self-incrimination?” The Fifth Amendment states, “No

person . . . shall be compelled in any criminal case to be a “witness against himself.” There must be a compulsion of testimony that is incriminating.

In *Fisher v. the United States*, 425 U.S. 391, 408 (1976), compulsion is clear via the court order. Is the giving of the password then incriminating testimony? Requiring a defendant to provide a fingerprint to unlock a cell phone does have Fifth Amendment protection; it is analogous to giving a handwriting sample. However, requiring a defendant state or write down the password is considered an incriminating testimony by most courts. *State of Missouri v. Johnson*, 576 S.W.3d 205, 225-226 (2019)

The second question that needs to be answered is, “Does the ‘foregone conclusion’ doctrine apply to this testimony?” When it is applicable, then Fifth Amendment protection is not triggered, and the defendant can be compelled to provide the information. This is where courts across the country have diverged in their opinions, following two different schools of analysis. The U.S. Supreme Court has not addressed this issue; state courts rely on U.S. District Court or Court of Appeals opinions for guidance.

The Eleventh Circuit has stated the “foregone conclusion” exception will apply if the government describes with “reasonable particularity” that (1) the information exists in a specified location, (2) the defendant possesses the information, and (3) the information is authentic. Nissman, David M. and Hagen, Ed, *Law of Confessions*, 2d ed., §3.19 (June 2019). The information sought by law enforcement is not the password itself but the content behind the password. In *Re Grand Jury Subpoena Duces Tecum Dated March 25*, 670 F.3d 1335 at 1346. This is a higher standard.

The Third Circuit has opined that a defendant can be compelled under the foregone conclusion exception if, in the application for the search warrant, the officer documents the following: “. . . that (1) the Government had custody of the device; (2) before the seizure, [the defendant] possessed, accessed, and owned the device; and (3) there is [evidence] on the device” associated with the crime. In other words, if law enforcement is already aware of the testimonial part of complying with the order of compulsion, and they are not trying to prove that testimony via the order, then the defendant cannot hide behind the Fifth Amendment. *Law of Confessions*, 2d ed., §3.19.

The biggest problem that results from inconsistent court opinions is what needs to be a foregone conclusion. Courts have focused on the password itself, the defendant’s knowledge of the password and/or the contents of the device itself. *State of Oregon v. Pittman*, 300 Or.App. 147 (2018)

How is this applicable for law enforcement in Kentucky? The most recent cases come out of

Massachusetts, Missouri and Oregon, issued in 2019. These decisions followed the requirements outlined by the Third Circuit. However, Kentucky law enforcement investigations should strive to meet the requirements of the Eleventh Circuit, as it is the higher standard.

An officer meets the “reasonable particularity” standard required under In Re Grand Jury is met when probable cause is established in a search warrant application for the cell phone. The prosecutor will incorporate the affidavit in any motion to compel. The facts include telling how the officer encountered the defendant, the crime believed to have been committed, how the phone was obtained, what evidence is contained on the phone, and where that information might be within the phone’s contents. The officer should also include as many facts as possible about the defendant’s possession of, access to and ownership of the cell phone, as well as knowledge of the cell phone’s password.

*Commonwealth v. Jones*, 117 N.E.3d 702 (2019) demonstrates how this standard is met. Police were dispatched on a theft call. Sarah reported Dennis Jones had stolen her purse. She met Jones on a dating website, but Jones’ intent was to traffic Sarah as a prostitute. Sarah stated that Jones used an LG cell phone in communication via calls and texts. Sarah had the number connected to this LG phone listed in her phone as “Dennis.” An examination of Sarah’s phone showed calls and texts related to prostitution, including customer communications responding to online ads and instructions on how Sarah should perform certain sexual acts. Police also found postings on backpage.com advertising Sarah as an escort, providing the LG cell phone number for contact purposes.

Jones was indicted for human trafficking. In a search incident to arrest, the officer found an LG cell phone in his front pants’ pocket. He had previously acknowledged ownership of the phone. The LG phone number was listed as a “back-up” number for another phone with his cell phone provider, including Jones’ social security number and birthdate. Finally, the officers provided cell-site location information (CSLI) as to the phone’s location at various times, in relation to where Sarah’s location.

Officers provided particular facts showing emails, texts, online dating sites, phones call records and voice-mails would be on the LG cell phone; the defendant owned the LG phone (found in his pants’ pocket, records connecting it to Jones); and the information is authentic as items on LG phone were also on Sarah’s phone.

While it may seem like an impossible task given the lack of guidance from the Sixth Circuit and Kentucky’s appellate courts, legal precedent from other jurisdictions demonstrates that it is possible to compel a defendant to provide the password to a locked cell phone. 🐾

Written By  
**KELLEY L. CALK, J.D.**  
STAFF ATTORNEY

# APB: CRIMINALS ARE USUALLY DECEPTIVE AND TRICKY



## KEEN OBSERVATION IS A GREAT TOOL IN LAW ENFORCEMENT

**B**ourgeoning criminals will do just about anything to pull the wool over the eyes of law enforcement and the public.

Those involved in drug trafficking are always looking for ways to conceal contraband from police. Most of their tricks are well known, but it's still good to keep those methods in mind when policing.

One telltale sign is when the occupant of a vehicle has more than one cell phone, according to stonewall-tactical.blogspot.com. Often, people will carry multiple cell phones that seem to be ringing at once. They could have a personal cell phone, as well as a cell phone given to them from the origin of a load, and a cell phone from the contact at the contraband's destination for monitoring their location. Law enforcement officers should see this as a possible indicator and question the suspect in detail as to why they have multiple phones and use their answers to build reasonable suspicion.

### DRIVING UNDER THE SPEED LIMIT

An easy pre-stop indicator is those who drive under the speed limit. Drug traffickers are incredibly paranoid, and that makes them do stupid things such as drive 10-15 miles under the speed limit. Drug haulers will generally stay in the slow lane as well.

### OLDER MODEL CARS

While older cars are not uncommon on highways, those

late-model vehicles in immaculate condition are rare. According to the website, older cars are often used to transport drugs. However, what sets them apart is that they are mechanically well kept while sporting new tires and cleaned to blend in with the average citizen's vehicle. While that in itself is not enough to be a sign of drug trafficking, paying attention to multiple indicators can increase the chance of finding the proverbial mother load.

### CONFLICTING STORIES

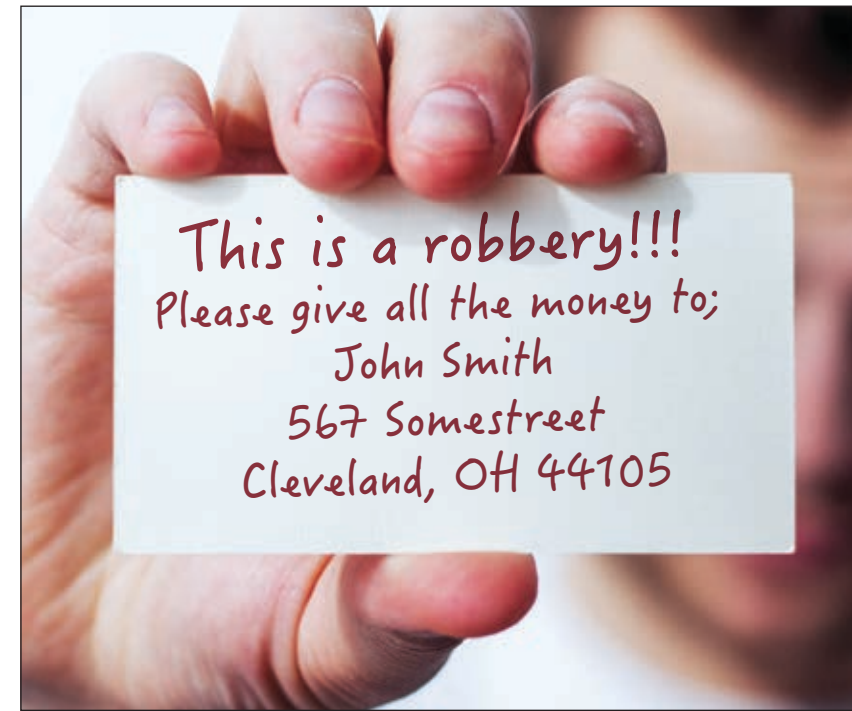
Finally, he said she said. Conflicting stories that passengers give as to the purpose and destination of their interstate travel can be a red flag. Developing these conflicting stories is paramount in your investigation. Getting the suspects to give you intricate details that contradict each other not only is an indicator, but also a great tool in reasonable suspicion.

Has your agency seen anything like this? Maybe a disguised weapon or something hidden in plain sight, such as a book with a center portion hollowed out to hide drugs or other contraband. Or perhaps you have seen a juice box where the contents have been replaced with alcohol or other substances added to cause impairment.

If your agency has seen something along those lines, and you are willing to share it, we would like to speak with you. Share it on DOCJT's social media platforms or contact Michael Moore at michaela.moore@ky.gov. 🇺🇸

Written By  
MICHAEL A. MOORE

# STRANGE STORIES FROM THE BEAT



## No Problem IDing this Would-be Bank Robber

Some bank robbers wear wigs. Others put on masks. Then there is the case of an Ohio man who made little effort to conceal his identity. A man in Cleveland handed a teller a note that had his personal information, including his name and address. The teller complied with the note, and when the man left the bank, the teller gave the note to the police who arrested the man soon afterward. An FBI agent at the time said, "When you present a note that has your name on it and address, it helps law enforcement tremendously."



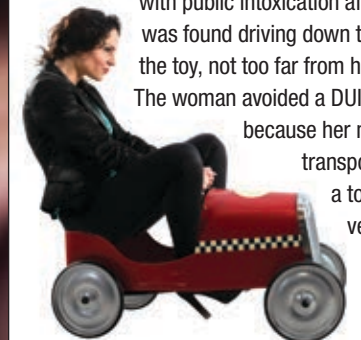
TOMAS1111 / 123RF.COM

## Colorado Man Experiences Difficulty in Stealing Cars

A Colorado man tried to steal multiple vehicles in recent weeks but was caught in the act. Each time he confessed that he wasn't good at stealing cars. A homeowner thwarted his first attempt. A short time later, the man attempted to swipe another vehicle down the street from the first, only to be arrested by responding deputies. A few weeks after being released from jail, the man was at it again. Deputies once again arrested him for attempting to steal a car. It was then the man allegedly told a deputy, "I suck at this."

## Woman Driving a Toy Truck Leads Police on Slow-speed Pursuit

A South Carolina woman's joy ride in a child's motorized toy truck ended when police pulled her over. Police arrested and charged her with public intoxication after she was found driving down the road in the toy, not too far from her home. The woman avoided a DUI charge because her mode of transport was a toy, not a vehicle.



## Man on Probation Burglarizes Probation Office

A Florida man violated his probation by breaking into a probation office. Officers responded to the scene in the early morning hours after the man tripped an alarm. When officers arrived, they saw him riding away on a bicycle, ignoring the officers who yelled at him to stop. The chain on the bike broke as police caught up with the man, and he was taken into custody. The man was charged with causing more than \$1,000 in damage, possession of burglary tools, petty theft and resisting arrest.



## It's About the Sauce

A Florida woman's late-night cravings went a bit too far when she threatened to rob a McDonald's over dipping sauce. The incident happened New Year's Day when the woman became upset that extra dipping sauce cost 25 cents. She broke into a profane tirade and allegedly shouted that she would rob the restaurant if she didn't get extra sauce. Deputies arrested her at 3:47 a.m. for disorderly conduct.

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



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