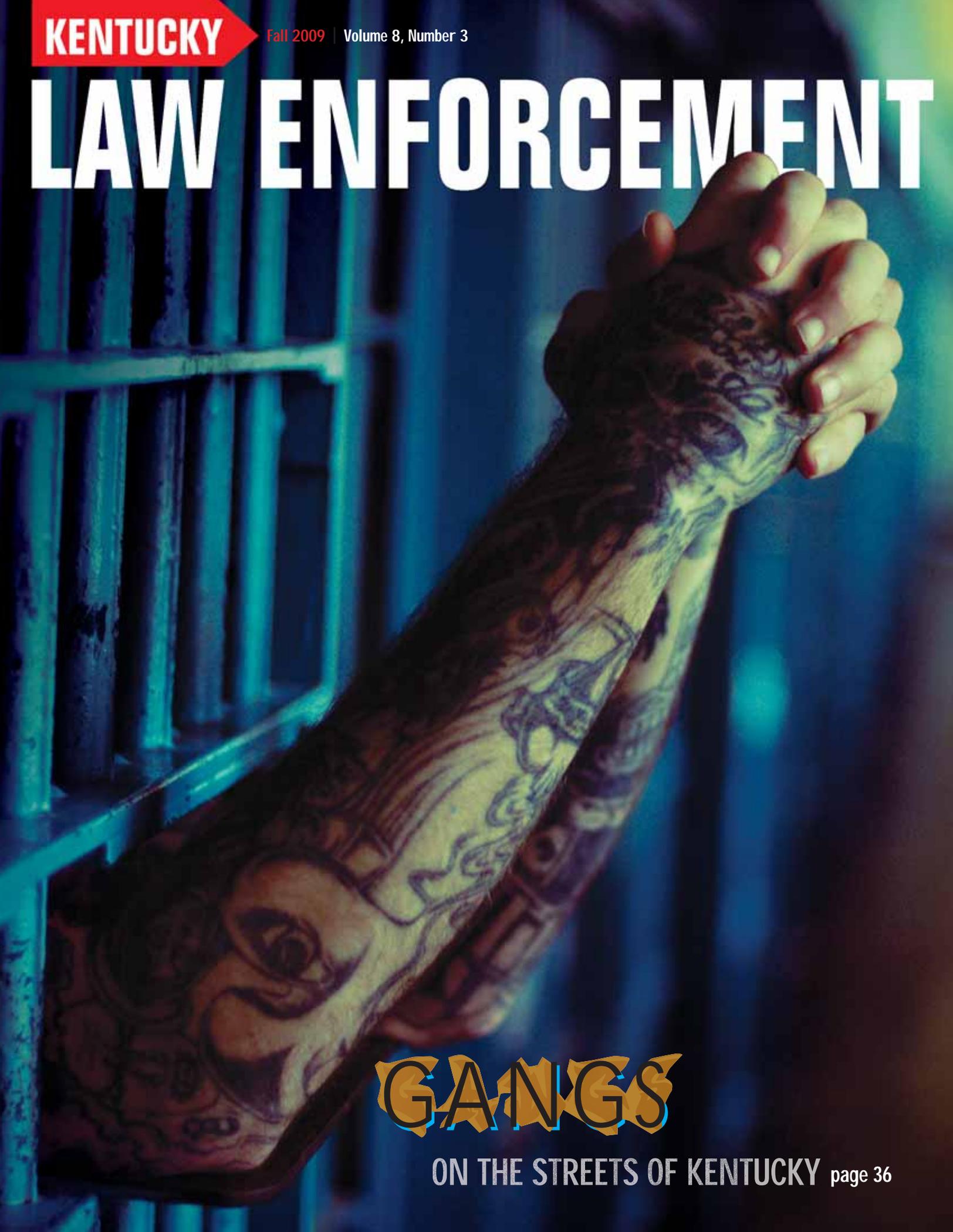


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Profiling Lexington Division of Police Lt. Ken Armstrong. Armstrong was instrumental in creating the division's CLEAR Unit, which has successfully transformed crime-ridden communities through consistent neighborhood coordination and response efforts.

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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital images. KLEN news staff can also publish upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.



Secretary's Column

Greater Awareness of Mental Health Issues Spurring Change

/J. Michael Brown, Secretary, Justice and Public Safety Cabinet

Mental health issues have a tremendous impact on the criminal justice system. The affects on prison populations and treatment within the system are formidable. The cost of training law enforcement to recognize and appropriately deal with the issues is immense.

Current estimates are that about 40 percent of Kentucky adult offenders suffer from some form of mental illness. Kentucky's experience mirrors a national trend: jails and prisons now are the largest mental-health facilities in the country. National statistics suggest people with mental illness are incarcerated, on average, nine times longer than those without mental illness.

In July, I attended the largest forum ever convened by the Bureau of Justice Assistance regarding people with mental illness who are involved with the justice system. More than 500 representatives from state and local governments and community-based programs gathered in Washington, D.C. to discuss the problem.

A *Washington Post* reporter spoke of his experience as a father whose son was unable to get mental-health treatment because "he wasn't dangerous enough."

The United States has not actually "deinstitutionalized" its mental-health system by moving people from hospitals to community-based treatment, he contended. We have "trans-institutionalized" it, by moving individuals from hospitals to communities without adequate community-based treatment, leading to broken laws, public safety concerns and higher incarceration rates.

Fortunately, a greater awareness of the issue is spurring changes.

Because the mental-health and criminal-justice systems often intersect, the GAINS Center – a national center for the collection and dissemination of information about effective mental-health and substance-abuse services – proposed a model that identifies five areas, or intercept points, where people with mental illness encounter both systems.

Law enforcement often is the first to encounter people with mental illness acting out in the community. Crisis intervention training for law enforcement officials and 911 operators has provided strategies to better manage individuals with mental illness who are acting out. Teaching officers techniques to de-escalate a situation by verbal tactics and recognizing the signs increases safety for all concerned.

Initial detention and court hearings are the second intercept points. Screening through the Administrative Offices of the Courts and the Kentucky Jail Triage program helps identify those at risk for self harm.

The third intercept is jails or courts and often involves specialty courts, such as the recently established Mental Health Court in northern Kentucky.

The fourth intercept involves prison reentry. This point has fiscal and public safety implications. The current average cost to house an offender in Kentucky is \$52.14 per day. For those housed at Kentucky State Reformatory, the mental and medical hub for state male offenders, the average cost rises to \$72.38 per day. The current recidivism rate for Kentucky offenders as a whole is 35 percent. Although we would anticipate those with severe and persistent mental illness having a much higher rate due to their needs, when we have provided intensive case management for these individuals, the recidivism rate drops dramatically to about five percent.

The final intercept is community-based programming, and it includes individuals with mental illness on probation or parole supervision. The link to community-based services is critical to the success of individuals living in recovery in the community.

In July, members of northern Kentucky communities mapped out where people with mental illness become involved in systems in their community. Representatives from the GAINS Center worked with community stakeholders to identify where programs and resources were in the community at each intercept. Gaps were identified and plans began for how to fill these gaps.

I applaud northern Kentucky for working together to map out intercepts in an effort to address this issue from a larger inter-system perspective. I am hopeful that through the Governor's Reentry Task Force, progress in this area can occur, resulting in safer communities and healthier Kentuckians.

Commissioner's Column



Kentucky Law Enforcement Recognizes 10 Years of POPS

/John W. Bizzack, Commissioner, Department of Criminal Justice Training

In late 1996, the Department of Criminal Justice Training, at the direction of the governor, surveyed police chiefs, sheriffs and heads of all Kentucky law enforcement agencies to determine the most important issues facing Kentucky policing over the next decade. The results led to what is now known as the Kentucky Peace Officer Professional Standards or POPS.

Throughout 1997, armed with the results of the survey, a committee of chiefs, sheriffs, mayors, professional association heads, officials from the Justice Cabinet, DOCJT, prosecutors and judges studied the objectives thoroughly, introducing, debating and polishing the practices most suitable for Kentucky law enforcement to advance selection, hiring and training. The results were presented to the governor and legislature in 1998, resulting in the POPS Act legislation.

Today, Kentucky's standards for hiring, selection and training are considered among the nation's best. More than 40 percent of all police officers in Kentucky today have been selected and trained under the new standards and are influenced by the facilitation-style training for which Kentucky police now are recognized.

Over the past decade, the face and service-delivery ability of the Kentucky police community has moved progressively forward in long strides. In 2000, another survey was conducted to assure the standards in the POPS Act were on track. Chiefs, sheriffs and other police executives; middle management and line officers across the state affirmed the progress was exceptional. Minor adjustments were made in 2001. The Act has been uniformly strengthened and improved by consensus, assuring effective standards for Kentucky law enforcement have remained uniform and, most importantly, successful.

This year, 2009, marks the 10th anniversary of the POPS Act and the progressive effects it has had on all of Kentucky policing. Parts of the Act and the facilitation-style training delivered by DOCJT have been copied by several states as well as by the Royal Canadian Mounted Police, federal police in Russia, Germany and Australia and other national police training academies. In 1998, DOCJT became the first nationally accredited public safety training academy in the United States and was then honored as a Flagship Agency by the accrediting body in 2007. Today, as a result of the POPS Act and facilitation-style training, Kentucky is recognized around the nation

as one of the premier states for its attention to public safety training and standards.

As promised in 1998, POPS and its training methods would be fully assessed again at the end of its first decade. The process already has begun.

In early 2009, a special committee formed through the Kentucky Law Enforcement Council, began a review assisted by Dr. Bryant Stamford, formerly of the University of Louisville, of the physical standards created by POPS. In August the reviews and assessments were completed. A comprehensive report on the council's assessment and review will be forthcoming, once again validating the standards for physical training.

In mid August, the Justice and Public Safety Cabinet, DOCJT and KLEC initiated a statewide survey and assessment of all Kentucky police and their executive leadership regarding their reactions to POPS and training delivery. Assessment tools were developed to accurately gauge the law enforcement community's perceptions of POPS after 10 years. Likely, a number of measurable differences have evolved between 1999 and 2009. The results are expected to be compiled and completed by the end of September and presented soon thereafter to Gov. Steve Beshear in a full-disclosure progress report.

In 1998, during one of the committee meetings, a northern Kentucky police chief remarked that Kentucky was 30 years behind in standards and contemporary training practices for police and that "...about anyone can become a police officer in Kentucky." While most agreed that was likely to be an accurate assessment at that point in time, it is clear that most agree today that because of POPS and facilitation-style training, this statement no longer has a breath of credibility remaining. POPS has moved Kentucky to the forefront of American policing standards and performance. To meet the upcoming challenges and realize our potential, Kentucky's law enforcement community, local and state leaders need to know where we have been to see clearly where we can go. The progress of the past 10 years is the promise of the next 10 years.

JUSTICE CABINET RELEASES

Annual Report on Hate Crimes

The *Hate Crime and Hate Incidents in the Commonwealth, 2007* report released in July shows the Kentucky State Police reported 56 incidents of hate crime in 2007, 13 percent fewer than in 2006. Kentucky reported fewer hate crimes than its surrounding states, except Indiana and West Virginia.

The Southern Poverty Law Center identified 13 active hate groups in Kentucky in 2007. Eight of the 13 groups identified are chapters of the Ku Klux Klan.

The report, designed to serve as a single resource for all available data on hate activity in Kentucky, was prepared by the Kentucky Statistical Analysis Center, through a grant administered by the Justice and Public Safety Cabinet.

Hate Crime and Hate Incidents in the Commonwealth, 2007, incorporates both official statistics from law enforcement, as well as anecdotal information gathered from local newspapers and state and national human rights organizations to provide a more complete picture of statewide hate activity.

The report showed race was the most common motivation for hate crimes in Kentucky in 2007, followed by sexual orientation. In fiscal year 2007, the Kentucky Commission on Human Rights received a total of 423 complaints alleging illegal discrimination marking the highest number of complaints in the agency's 47-year history.



A copy of the full report is available at <http://www.justice.ky.gov/departments/gmb/Statistical+Analysis+Center.htm>. For further information about the report or the Kentucky SAC, contact Emily Raine Koyagi at (502)-564-7554 or Emily.Koyagi@ky.gov.



TROOPER OF THE YEAR AWARD

Greensburg, Ky. resident and Trooper Andy K. Olson (second from left) received the 2008 Kentucky State Police Trooper of the Year Award. Commercial Vehicle Enforcement Officer Larry Farris (third from left), a resident of Maysville, Ky., received the 2008 Jason Cammack Officer of the Year Award from J. Michael Brown, secretary of the Justice and Public Safety Cabinet (right) and KSP Commissioner Rodney Brewer (left) on May 20 in Frankfort.



CIT AWARDS

Nine Officers Receive CIT Awards

In June, Kentucky's Crisis Intervention Team trainers awarded nine Kentucky peace officers from various mental health regions the 2009 CIT Officer of the Year awards. These awards were given to officers who epitomized CIT training and response techniques in real-life situations, said Denise Spratt, Kentucky's CIT coordinator. These officers, she added, made an impact not only in the lives of those in crisis, but also set an example for other officers across the state in compassionate and professional dealings with mentally and emotionally distraught members of their communities.

The 2009 award recipients were:

- ▶ Officer Merle Young, Elizabethtown Police Department
Communicare Region
- ▶ Officer Beth Ruoff, Louisville Metro Police Department
Seven Counties Region
- ▶ Officer Alto Lee, Henderson Police Department
River Valley Behavioral Health Region
- ▶ Patrolman Marty Hart, Campbell County Police Department
North Key Region
- ▶ Trooper Jacqueline Pickrell, Kentucky State Police
Kentucky River Community Care Region
- ▶ Officer Edward Sparks, Ashland Police Department
Pathways Region
- ▶ Officer Kelly Rager, Madisonville Police Department
Pennyroyal Center Region
- ▶ Deputy Tim Reynolds, Marshall County Sheriff's Office
Four Rivers Behavioral Health Region
- ▶ Officer Chris Scott, Murray Police Department
Four Rivers Behavioral Health Region

NATIONAL SRO AWARD

Received by Daviess County's Day

Daviess County Deputy Russ Day was awarded the National Association of School Resource Officers' Officer of the Year Award. This marks the second time in three years that a Kentucky school resource officer received the national award.

The 2010 NASRO School Safety Conference will be conducted at the Galt House in Louisville, August 2 to 6, 2010.



CLASS 87 GRADUATES

Thirty-four Troopers Graduate

The Kentucky State Police Academy graduated 34 new troopers, making up class No. 87, in June. Their addition to the force brings the agency to a total of 928 troopers serving the citizens of the commonwealth.

"You have achieved what many have not," Gov. Steve Beshear told the new troopers. "You are about to make an important impression on the lives of the citizens of Kentucky," he said. "... We understand and are grateful for your service and sacrifice. The people of the commonwealth are proud of you."

The new troopers include one female and one former Commercial Vehicle Enforcement officer. Their training included more than 1,000 hours of classroom and field study.

"These cadets faced daily challenges that required intelligence, physical stamina, sacrifice and a deep commitment to service," said KSP Commissioner Rodney Brewer. "The attrition rate was high, but the high standards and rigorous training will pay off as the new troopers face challenges in the field."

Several members of the class earned special recognitions including valedictorian Brad Riley, of Lexington, and salutatorian David Hall, of Bowling Green.

Riley also received the Ernie Bivens Award, an honor presented to the cadet who, in the opinion of the KSP Academy staff supported by input from the cadets themselves, shows distinction as a class leader, strives for academic excellence and has excelled in all phases of the academy's physical and vocational training.

The new troopers will be supervised by a training officer for six to eight weeks after reporting to their post duty assignments.

DOCJT

Competition Shoot

The 18th annual Department of Criminal Justice Training's Competition Shoot is scheduled for **October 3**. Competitions include individual, team, combat and retired. Top scorers in each competition receive an award, while second and third place finishers receive a DOCJT challenge coin. The registration fee is \$30 per individual, which includes one attempt at the combat course. Each additional combat course attempt is \$5. Proceeds from the shoot will be donated to a charity chosen by the winning team.



The competition begins at the DOCJT Boonesborough Range at 9 a.m.

Registration forms can be requested through Rob Ramsey at (859) 622-5946 or at Robert.Ramsey@ky.gov.

HOMELAND SECURITY GRANTS

Kentucky Receives \$11.7 Million

Kentucky received \$11.7 million in federal funds for 2009 from the U.S. Department of Homeland Security for local first responders.

"These grants provide direct support for regional preparedness, urban security and medical response efforts in communities across the country," DHS Secretary Janet Napolitano said.

Kentucky will receive \$8.6 million in Statewide Homeland Security Grants, a \$2.2 million Urban-Area Security Initiative grant for Louisville, \$642,442 in Metropolitan Medical Response System grants for Lexington and Louisville and \$230,487 in Citizen Corps program funds.

SHSG funds are used to build and strengthen preparedness capabilities at all levels through planning, equipment and readiness activities. UASI grants enhance urban-preparedness capabilities while MMRS grants help improve regional mass casualty incident preparedness and response capabilities. CCP funds engage citizens in their own community preparedness, response and recovery from daunting events.



CRIMINAL LAW MANUAL



Updated Manual Now Available

The 10th edition of the Kentucky Criminal Law Manual, along with the Legal Handbook for Patrol are now available on the Department of Criminal Justice Training's Web site at www.docjt.ky.gov.

NEW CHIEFS

In Kentucky

► Adam Wright

Beaver Dam Police Department

Adam Wright was appointed chief of the Beaver Dam Police Department on May 4. Wright has more than 10 years of law enforcement experience. He began his career with the McLean County Police Department. Wright graduated from the Department of Criminal Justice Training Basic Training Class No. 303. His primary goals are to wage war on drugs and keep the community informed by becoming more involved through community-oriented policing.

► George "David" Campbell

Corbin Police Department

David Campbell was appointed chief of the Corbin Police Department on February 13. Campbell is a native of Corbin and retired from the Kentucky State Police.

► Mike Robinson

Hardinsburg Police Department

Mike Robinson was appointed chief of the Hardinsburg Police Department on April 27. Robinson began his law enforcement career in 1993 at the Meade County Detention Center. He also served with the Meade County Sheriff's Office before being named chief of Hardinsburg. His goals are to add more staff, department services and equipment and also update the department's current equipment.

► Aaron Yates

Hillview Police Department

Aaron Yates was appointed chief of the Hillview Police Department on August 28, 2008. Before becoming chief, Yates served the Jefferson County Sheriff's Office for 12 years. Yates is a graduate of the Southern Police Institute Administrative Officers Class No. 110 and DOCJT's Academy of Police Supervision Class No. 13. He plans to hire more officers and add more services to his department. Since taking office, Yates already has implemented a home-watch program and begun security inspections for businesses and homes.

RECOVERY ACT FUNDING

COPS Hiring Recovery Program

Kentucky soon will see 31 new uniformed officers on the streets after receiving more than \$5 million in federal funding to hire and rehire law enforcement.

In an announcement July 28 from Vice President Joe Biden, 18 agencies were awarded a portion of the national \$1 billion Recovery Act funding through the COPS Hiring Recovery Program.

These grants will cover 100 percent of pre-approved entry-level salaries as well as the officer's benefits for a period of three years. Awarded agencies can access the funds for hiring within a few weeks from returning signed award documents to the COPS office.

One hundred and forty Kentucky cities applied for the funding. Those awarded were selected based on a variety of criteria; including fiscal health, community policing plans and reported crime. A decision has not yet been made by Congress regarding whether funding will be available for more officers next year. Two of the departments, Benham Police and Coal Run Village, were serving as single-officer agencies prior to the award.

Awarded were as follows:

Department	Officers to be hired	Total funding
Benham Police Department	1	\$87,335
Coal Run Village Police Department	1	\$143,370
Cumberland Police Department	1	\$80,424
Glasgow Police Department	2	\$310,494
Henderson Police Department	3	\$567,588
Hopkinsville Police Department	4	\$667,120
Hyden Police Department	1	\$108,363
Morgantown Police Department	1	\$152,210
Muldraugh Police Department	1	\$109,611
Newport Police Department	2	\$461,972
Owsley County Sheriff's Office	1	\$91,581
Paducah Police Department	3	\$607,194
Radcliff Police Department	2	\$287,212
Richmond Police Department	3	\$491,166
Russell Springs Police Department	1	\$150,308
Russellville Police Department	1	\$166,092
Shepherdsville Police Department	1	\$183,859
Warren County Fiscal Court	2	\$368,426
State Total: 18	31	\$5,034,325

KLEC Presents CDP Certificates /KLEC Staff Report

The Kentucky Law Enforcement Council's Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 17 professional certificates; 12 for law enforcement that emphasize the career paths of patrol, investigations, traffic and management; and five certificates for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

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

INTERMEDIATE LAW ENFORCEMENT OFFICER
Ashland Police Department
 James E. Jordan
 Melvin C. Schoch Jr.

Attorney General's Office
 Joshua A. Devine

Bardstown Police Department
 Thomas R. Blair
 Michael K. Medley

Bluegrass Airport Police Department
 W. Daniel Moore
 Paul F. Pungratz

Bowling Green Police Department
 Rebecca A. Robbins
 Benjamin F. Stickle

Cincinnati/Northern Ky. Airport Police Department
 Benjamin T. Pugh

Cold Spring Police Department
 Chris A. Ratcliff

Covington Police Department
 Christopher P. Gangwish
 Michael D. Jones
 Patrick J. Noll
 Matthew W. Winship

Graves County Sheriff's Office
 Jeremy K. Prince

Hardin County Sheriff's Office
 Clifford Baumgardner

Harrodsburg Police Department
 Larry S. Elder

Independence Police Department
 Mark A. Fielding

Kenton County Police Department
 Brett P. Benton
 Andrew J. Schierberg,

Lexington Division of Police
 David L. Marcum
 Brian R. Peterson
 Jerry J. Smith

Muhlenberg County 911
 Kristi D. Jenkins

Nelson County Sheriff's Office
 Christopher M. Kaminski

Owensboro Police Department
 Timothy J. Clothier
 Adam S. Johnston

Paducah Police Department
 Mark A. Roberts

Pikeville Police Department
 Paul A. Kimberlain

Scott County Sheriff's Office
 Hubert M. Caudill

Joshua D. Hudnall
 Grayson M. Isaacs
 Jearl W. Porter

ADVANCED LAW ENFORCEMENT OFFICER
Ashland Police Department
 James E. Jordan

Bowling Green Police Department
 James C. Pearce Jr.

Cold Spring Police Department
 Brian K. Messer
 Chris A. Ratcliff
Covington Police Department
 Michael D. Jones
 Patrick J. Noll

Danville Police Department
 Kevin W. Peel

Franklin County Sheriff's Office
 Shaka-Tauhid Bridges

Hardin County Sheriff's Office
 Clifford Baumgardner
 Harry M. Braxton Jr.
 Michael F. Riley
 Bonnie S. Wheeler

Independence Police Department
 Mark A. Fielding

Lexington Division of Police
 David L. Marcum
 Christopher D. Holliday

Owensboro Police Department
 Timothy J. Clothier

Paducah Police Department
 Mark A. Roberts

Scott County Sheriff's Office
 Jearl W. Porter

LAW ENFORCEMENT OFFICER INVESTIGATOR
Ashland Police Department
 James E. Jordan

Danville Police Department
 Kevin W. Peel

Hopkinsville Police Department
 Jeffrey S. Woodall

Kenton County Police Department
 Andrew J. Schierberg

Morehead Police Department
 Jack R. Cline

Oldham County Police Department
 Paul N. Kerr

Owensboro Police Department
 Timothy J. Clothier
 Kevin W. Kabalen

Somerset Police Department
 Christopher W. Gates

LAW ENFORCEMENT TRAFFIC OFFICER
Cold Spring Police Department
 Brian K. Messer

Danville Police Department
 Kevin W. Peel

Owensboro Police Department
 Adam S. Johnston

Scott County Sheriff's Office
 Jearl W. Porter

LAW ENFORCEMENT SUPERVISOR

Bardstown Police Department
 William O. Strunk

Covington Police Department
 Michael D. Jones
 Patrick W. Swift

Daviess County Sheriff's Office
 Ottaway Kirby Jr.

Mayfield Police Department
 Ricky C. Lester

Morehead Police Department
 Jack R. Cline

Owensboro Police Department
 Timothy J. Clothier

Paducah Police Department
 Mark A. Roberts

Paris Police Department
 Tony E. Asbury Jr.

Park Hills Police Department
 John R. Eddy

LAW ENFORCEMENT MANAGER
Cincinnati/Northern Ky. Airport Police Department
 Ike M. Lambert

Covington Police Department
 Michael D. Jones

Olive Hill Police Department
 Bobby E. Hall

LAW ENFORCEMENT EXECUTIVE
Bluegrass Airport Police Department
 Paul F. Pungratz

Covington Police Department
 Michael D. Jones

LAW ENFORCEMENT CHIEF EXECUTIVE
Bardstown Police Department
 Charles D. Marksby

BASIC TELECOMMUNICATOR

Bluegrass 911 Central Communications

Shirley M. Burnside
 Vicki N. Dowell
 Courtney D. Durham
 Christina A. Napier
 Cathy M. Preston
 Candy L. Wilson

Carrollton Police Department
 April S. McClellan

Fayette County Schools Police Department
 Roberta Jones

Madisonville Police Department
 Timothy S. Davis

Murray Police Department
 Lisa J. Starks

Nelson County Dispatch
 Ruth K. Hatler

Radcliff Police Department
 Jeffrey W. Hale

INTERMEDIATE TELECOMMUNICATOR
London/Laurel County Communications Center
 Terry Wattenbarger

Murray Police Department
 Lisa J. Starks

TELECOMMUNICATION SUPERVISOR
London/Laurel County Communications Center
 Terry Wattenbarger

Radcliff Police Department
 Jeffrey W. Hale

TELECOMMUNICATION MANAGER/DIRECTOR
Radcliff Police Department
 Jeffrey W. Hale

CRIME SCENE PROCESSING OFFICER
Bowling Green Police Department
 Rebecca A. Robbins

LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR
Ashland Police Department
 James E. Jordan

Oldham County Police Department
 Paul N. Kerr

Owensboro Police Department
 Timothy J. Clothier

A CLEAR SOLUTION

Lexington Division of Police Lt. Ken Armstrong divulges the purpose and success of the agency's CLEAR Unit

/Abbie Darst, Program Coordinator

Three years ago, a particular Lexington apartment complex plagued the Lexington Division of Police. Calls for service to the location were more than double that of nearby complexes and officer safety was threatened. Cars parked directly in front of the complex made excellent barriers for drug pushers dealing to neighborhood kids and outside addicts. The dilapidated apartment conditions inside posed almost as big an issue as the illegal activity on the graffiti-covered sidewalks out front.

Today, thanks to the efforts of Lexington's CLEAR Unit, calls for service have drastically declined and living conditions for the apartment's tenants have risen considerably. Ken Armstrong, the original lieutenant in charge of the CLEAR Unit has seen many success stories like this in the three years he has orchestrated the out-of-the-box endeavors of the unit and the dedicated officers who serve it.

What is the CLEAR Unit and how did the concept for it originate?

CLEAR stands for Community Law Enforcement Action and Response Unit, and the concept or ideology behind the unit originated in the spring of 2006. Then-Chief Anthony Beatty and then-Assistant Chief Ronnie Bastin, who is now our chief, realized that we were having continuing, long-term, historical issues in specific neighborhoods here in Lexington. Those communities were experiencing an inordinate amount of calls for service and part-one crimes compared to their population. After statistically reviewing our crime numbers, we identified target neighborhoods and determined we needed to approach those areas in a two-fold response.

We realized that not only were there crime issues in those areas, but also >>

▶ Former CLEAR Unit Lt. Ken Armstrong stands in front of an apartment complex in Lexington that was once overrun with criminal activity, drug use and distribution. The CLEAR Unit's efforts cleaned up the complex and changed the face of the neighborhood.



/Photo by Elizabeth Thomas



/Photo submitted by Lexington Division of Police

▲ Lexington's CLEAR Unit is primarily geared toward communication and constant interaction within their targeted communities. Using bicycles, CLEAR officers are able to navigate the CLEAR neighborhoods and respond to any incidents or citizen issues.

there were quality-of-life issues, and we knew that we could not separate those two things. So then-Chief Beatty and Assistant Chief Bastin came up with the concept of the CLEAR Unit.

We actually had a unit that existed before called the Neighborhood Officer Program that loosely mirrored what we do with the neighborhood coordinators in the CLEAR Unit, but there was nothing extra to it. There was no other body they worked directly with to get as much coverage as possible. We looked at some other programs in other places and we never really saw that combination of the two efforts. Then, the theory came that if we combined those efforts; specifically outlined what our goals were to the officers, supervisors and commander of the unit; and we were all on board together, that those two different sections within the unit would come together more in a teamwork aspect and be able to accomplish that efficient combination.

What we have done, best we can, is ensure that every day and every night it is the same officers in those neighborhoods. What that does is build a rapport with the community and also it gives those officers a historical understanding of what-

ever the problems in that neighborhood are.

The ideology that goes along with the unit is that we do our best to use problem-oriented policing, community-oriented policing and traditional policing through proactive, directed patrols. We look at not only what the reported problem is, but we also look at what the core of the problem is. What we do is take the extra step to involve the civic agency that needs to be involved. We call code enforcement, the health department, sanitation, streets and roads or whomever it is, to deal with that problem. Especially in the quality-of-life issues, we are doing our best to take that other step.

How is the CLEAR Unit organized?

The CLEAR Unit essentially is a unit of officers that are centralized under one lieutenant, but is divided into two different sections within that unit – one being the neighborhood coordinators and the other being the neighborhood response officers. The neighborhood coordinators routinely work during the day addressing crime issues, but they spend the majority of their time dealing with quality-of-life issues. They directly answer citizens' complaints and work with other entities,

both in government and outside government, to address those types of issues. They also work very closely with the neighborhood associations, apartment associations and council members on occasion. We found if we tried this direct line of communication there would be more of a closeness between the officer who is actually dealing with the problem and either the council member or the neighborhood association president. There also would be a lot better response from the citizens because they would feel like they were talking directly to the officer who was dealing with the problem, rather than just someone in the chain of command who did not necessarily understand.

The response officers' primary responsibilities are to do proactive and directed patrols. They do both overt and covert operations. They are assigned to specific neighborhoods and are teamed with one of the coordinators during the day. So, the coordinator during the day gathers as much information as he or she can and then relays it to the officers at night and vice versa. You get more of a concise response to all the issues that pop up, and it is more accurate because it is first hand, rather than third hand, e-mail, Twitter or whatever it would be. Those officers at night also work very closely with the enforcement aspects of our department and with the narcotics unit. If we have a homicide in one of these neighborhoods, or honestly, anywhere in the city, they make themselves immediately available until that issue is resolved.

In addition, contained within the response officers are our gang resource officers. We identified gangs as an area in which we needed some concentrated effort, so we created the gang resource officer program about six months after the CLEAR Unit began. Right now we have three gang resource officers.

There are eight neighborhoods in which we have the CLEAR Unit program. Each one of those neighborhoods has a daytime coordinator and a supervisor, and a sergeant is over those eight individuals. Then at night, we actually have six-day-a-week coverage from our response officers.

Approximately how many officers are assigned to the CLEAR Unit? Does it become a permanent assignment for them or do they participate with the CLEAR Unit in addition to other duties? We have 21 response officers who work at night. They are broken up into three squads. One of the biggest priorities of this unit is to facilitate a divi-

sion-wide effort – so if we know there are problems in one of our neighborhoods that are part of the CLEAR program, we work very closely with the sector commander, shift lieutenants and street officers working those areas too. It is not as though on a Friday night the only people working those neighborhoods are the CLEAR officers. We have beat officers assigned as well. The CLEAR officers are not tied to the radio. In other words they have the freedom and ability to do what needs to be done and not have to be tied to other dispatch calls. Also, we use bicycles every night the weather will allow.

Because we are able to build relationships with the people in these communities both day and night, we are able to get them to do certain programs and get involved more than if every time they called they had to talk to someone different. We get the same response from other city entities. One of the operations that we have is a neighborhood enhancement team, and there are various

“ We do not want bodies, we want solutions to problems, and so whatever they need to do to address the problem, that's what needs to happen. ”

entities within city government that are part of it. We look at specific neighborhoods that have an inordinate amount of quality-of-life issues, then we go out there with entities such as code enforcement and, in a proactive manner, we talk to the home owners. We cite people if they have trash in their yard and those kind of things.

The broken-window theory is one of the things we believe in too. It is an old theory from Herman Goldstein that if you have a car and you park it on the street in pristine condition, it can sit there, but if you come along and break a window out and you come back a week later, the tires will be gone and more windows will be broken out, the hood will be missing and everything like that. So, if you keep things in the best possible condition they can be, it ensures that they will stay that way. But if you let one window get broken, then all heck will break loose, and the whole place will deteriorate. Whenever we are dealing with the quality-of-life issues, that is by far our goal – get the community, >>

>> the neighborhood or the street to the best possible condition it can be and then it will help maintain itself.

Of those communities in which you have CLEAR Unit officers, what percentage of the criminal activity is gang related?

That is a hard question to answer. There is a percentage that is going to be in every neighborhood – it is a citywide issue that we are facing in every neighborhood from the wealthiest to the poorest. I think any answer I give would be purely speculation because in essence, we can tell you how many we know for sure, but how many do we not know for sure? We still have a gang

“The game book we have is not a secret. Really it just boils down to effort and motivation to do it.”

presence that makes itself known and they are engaged in criminal activity. But, luckily overall the percentage of crime committed by them is still very, very low. The key is we are trying to be proactive in addressing the issue in the first place. So by putting the resources forward, we are trying to prevent anything from actually getting to the point where I can sit here and say, ‘Yeah, they are responsible for 5 percent,’ right off the bat. We never want it to come to that. That’s why we spend a lot of time and a significant amount of resources in the prevention, enforcement and education of the gang issue here in the region, not just in Lexington.

What type of activity has been seen or complained of in the concentrated neighborhoods/ areas?

Reportable crime and part-one crime, which is, in essence, the thefts, burglaries, assaults, rapes, whatever it would be, those are what our initial reviews looked into. The non-part-one crimes are also inherently an issue in these areas too. Drug-related crime, which is not a part-one crime – but is a part-two crime – is a big issue in these

neighborhoods. One fuels the other. If you have a lot of drug activity in an area, inherently you have a lot of other crime that is occurring also.

When I said we reviewed part-one crime data and calls for service to designate these areas, there were four factors we looked into the most – the part one-crime, calls for service, citizens’ complaints and historical considerations for those neighborhoods. We did not pick specific neighborhoods to apply the CLEAR program to just based on them having a lot of part-one crimes in one year; it has been a continuation. This program is not here today and gone tomorrow.

How has the unit measured its success during the past three years?

The program has been very successful up to this point. Especially here within our organization, we have seen a lot of positives that have come out of it with reductions in crime in those neighborhoods – significant reduction actually. The average is 8 percent over a two-year time frame, which is very good.

Also, we are inundated with response from other neighborhoods wanting their own CLEAR officer. I think, if tomorrow we had the capabilities to do it, we would easily add four or more neighborhoods because of the effect and the amount of positive feedback both from inside our agency and other government entities, but also from citizens calling in. They will call and say, ‘I’m Janet in Cardinal Valley and I need to speak to my CLEAR officer.’ It is not just, ‘I need to speak to somebody,’ they ask for that person, which is a very good thing. And those officers, who are very motivated and dedicated about getting their job done, feel that connection with them, so they put in extra effort because now it is not answering to a sheet of paper, they are answering to that person and have to call this person back and tell him or her what they have done.

When we started on day one, we only had five neighborhoods. We had five coordinators and six response officers – 11 people. We are up to 30 officers and eight neighborhoods now and that is in less than a three-year time period. So, that should give you some indication that not only does Chief Bastin believe in the program, but the citizens and the community and the rest of the organization believe in it too. Because ultimately, whenever we add people to that unit, someone else has to give up someone, or at least a position. So, command-

ers realize that whenever they give a body up to the CLEAR Unit, they are not losing anything because that body will be working in their sector, they will just working in a different capacity. So, it is a give and take, and up to this point, it has been fantastic. We have received so much positive feedback, and a lot of accolades, letters and phone calls.

How do the shifts work with the 30 members of the CLEAR Unit?

Since we have 21 nighttime response officers, we spread it out over three squads, and so the only day we do not work is Sunday, which is not exactly true. We have worked some Sundays too. The nighttime response officers work predominately from 6 p.m. to 4 a.m. Because of their assignment, they also have a great bit of flexibility, which is key to the unit, to change those to address problems. So if they are getting complaints about drugs in the afternoon at two o’clock, then they change their hours to address the problem. We do not want bodies, we want solutions to problems, and so whatever they need to do to address the problem, that’s what needs to happen.

The day-shift coordinators predominately work 9 a.m. to 7 p.m. You have an hour overlap, which guarantees an exchange of information every day too. They should be running into each other and saying, ‘Hey, I just finished my shift – today we had this, we had this, we have been looking for this guy,’ whatever the circumstances would be.

It is definitely a team approach in each neighborhood. The communication and the teamwork aspect of it are huge – it is important to have that overlap, to see that person and not just leave a little handwritten note.

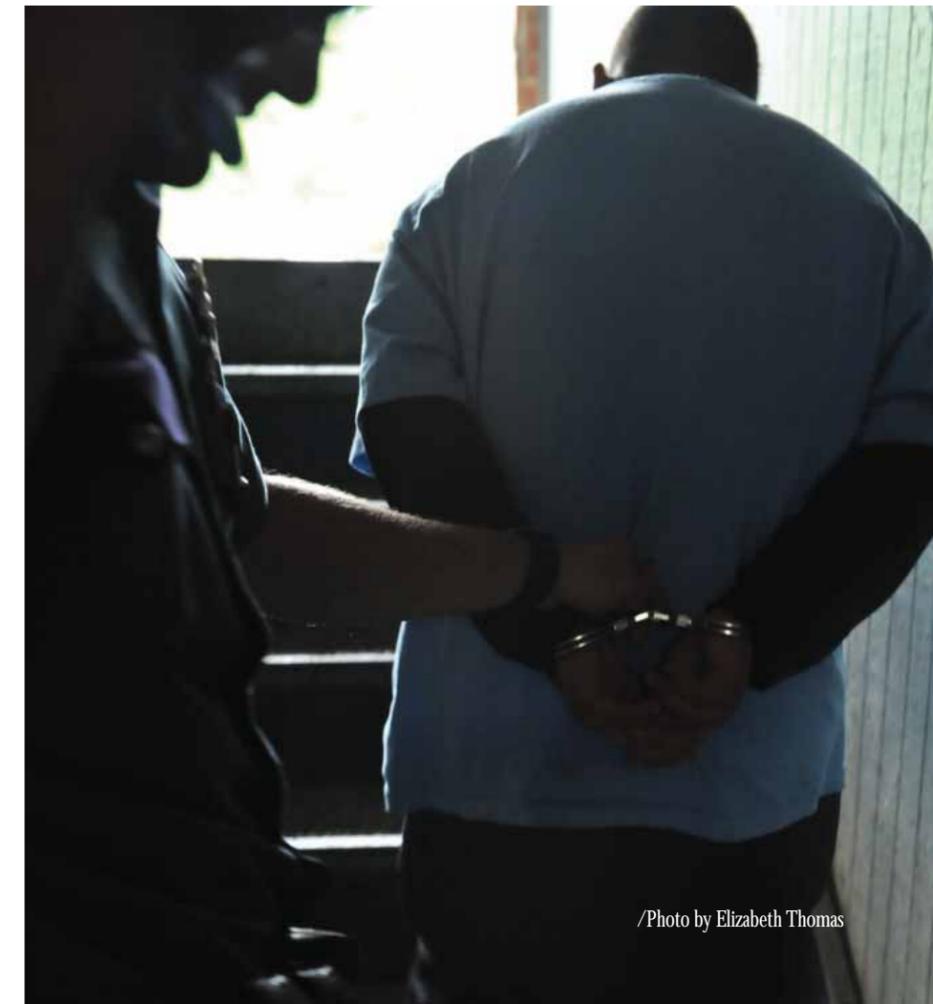
These officers realize that the neighborhoods they are assigned to are their neighborhoods. It is their responsibility. I really do think that when a homicide occurs in one of the neighborhoods to which they are assigned, they take it kind of personally and they want to be the person who catches the suspect. Not because they want the glory, but because they think, ‘How dare you commit this crime in my neighborhood.’ And because of that continuous interaction with citizens, there is a better exchange of information and people feel more comfortable about coming to them. They ultimately can be a huge asset to the robbery/homicide detectives who actually do the investigation.

The things we stress most are teamwork, communication and accountability. But we do not have to stress the accountability much because they take it upon themselves – they understand that.

In that vein, how is an officer chosen or assigned to the CLEAR Unit?

We actually do two different interview processes. Even though it is one unit, the responsibility or skill sets for one aspect of the team and the other are a little bit different. We take into account how they have done around the department over the past couple of years, what training they have had, their education, what interaction we have had with them – if they have come and worked with us on their own – and what specialties they can bring to the unit that will be of assistance. Whenever you diversify and look for different types of people, different experience levels, different ages and different backgrounds before they came on the police department, you get more of a team that can address an effort a lot better. We have some people that are not great at interviewing suspects and we have some that are great at that. >>

▼ An accused Lexington gang member walks to the waiting police cruiser ready to take him back to jail for violating the terms of his release. The suspect, arrested by CLEAR unit officers, had been instructed not to have any contact with other gang members, yet was found armed in an apartment doing drugs with his crew.



/Photo by Elizabeth Thomas

Under New Management



Lt. Garry Sennett has served the Lexington Division of Police in many capacities

since 1986. His new position as CLEAR Unit lieutenant, which he began in June, pulls from many of his previous assignments and experience. He is a Kentucky Law Enforcement Council-certified law enforcement instructor. Sennett holds a Bachelor of Science degree in Police Administration from Eastern Kentucky University.

POLICE LIEUTENANT

- June 2009 to Present — CLEAR Unit
- February 2009 to June 2009 – West Sector Patrol
- March 2008 to February 2009 – Bureau of Patrol

SERGEANT

- 2002 to 2008 – Internal Affairs, Court Liaison
- 1999 to 2002 – Patrol Sergeant
- 1996 to 1999 – Special Assignment Squad

POLICE OFFICER

- 1992 to 1996 – Narcotics Detective
- 1990 to 1992 – Criminal Patrol Unit
- 1986 to 1990 – Second Shift Patrol

RECENT CERTIFICATION AND INSTRUCTION EXPERIENCE

- Crisis Intervention Training (2008)
- Kinesic Interviewing and Interrogation, levels I through IV (2007)
- Internal Affairs Investigations (2006)
- Advanced Hostage Negotiations (2005) ■



But the person that might not be great at interviewing suspects may be the perfect guy to go out and find them. So, there are different abilities and because we have that diversity in what we look for in the interview program, you get a better response unit-wide.

The game book we have is not a secret. Really it just boils down to effort and motivation to do it. There is also some give and take. CLEAR officers have to have very flexible hours. They have some of the best assignments and some of the worst assignments. So there is a trade off there too. But I honestly can say that the morale level in that unit is always high. It is a specialized unit, they have been hand picked. They may have earned the position to get in there, but they have to earn it every day, and they do.

We have been very blessed with the officers that we have chosen over the past three years. I am very impressed with their professionalism, dedication and motivation, and I think that resonates throughout the division. I think we present the police department in a positive light no matter what assignment we have. Which is good, especially whenever we are able to build those bridges in the community that may not have existed in the past.

We have a plaque that lists the unit expectations. Those expectations came from the officers, not from us. We asked them, 'What do you expect from your fellow officers, and what do you expect from yourself?' We have 17 expectations hanging up and make sure that not only the people that are here, but also the people that are coming in, agree to those, understand them and already have them in place before they even come here. And if any of those are missing, then they are not going to be considered for the position.

What has proven the most challenging aspect of this program?

The most challenging aspect of it was getting the message out and getting the right officers involved because it is human nature to not take chances whenever you are happy where you are and enjoy the work you are doing – it is the unknown. So, it took a long time to get out there and explain to people what our goals were, what we were going to be doing, how this was going to work and finding the right people to do it. Right now, I think we have a very good group of individuals. And really, it was just about selecting people that have the right personality, the right motivation and the right ideology that go along

with our group.

Has the unit's mission changed or been tweaked over the years to more effectively respond to crime/gangs?

The basic operation of CLEAR and the ideology behind it may be tweaked with any new sergeant, lieutenant or commander. But, the overall ideology will most likely stay the same, because the officers, the ones who actually do the work and get the job done, are the ones who established that, and there is an ownership there.

We have been in existence for three years, which in the grand scope of things, is not that long. But the amount of change that has happened in three years is phenomenal. We had 11 officers, now we have 30. We only had five neighborhoods, now we have eight. When we first formed, we were not asked to do specialized details because we did not have enough people; now we are asked to do them all. That metamorphosis into this takes a while to catch up to. As the scope and responsibility of the CLEAR Unit continue to grow, at its core it is always going to be about providing the best possible service to the CLEAR neighborhoods. We may be drawn out to different endeavors at different times, but as soon as that's done, we come right back to our neighborhoods.

We owe former-Chief Beatty and Chief Bastin a lot of gratitude for giving us the opportunity to either succeed or fail in this. But ultimately, the success of the unit is the officers within the unit. It is their dedication and motivation. We tell them where to be and what we expect and just sit back and look at the results. We have been very fortunate with the officers that we have been blessed with. If an officer does not have that buy in or that same ideology that we have posted on the wall, then he or she is not going to be able to work here. We had some people that did not work out, and I think that actually makes the bond in the unit even better. If a person does not have the skills that you think they do and you give them an opportunity and they do not have it and you let them stay, then that lowers the unit expectation. So, you have to remove that problem.

In your new role in the Narcotics Unit, will you continue to stay involved with the CLEAR Unit?

I was transferred to our Special Investigations Section in June, which includes narcotics, vice, alcohol beverage control, that kind of stuff. The narcotics unit, the vice unit and the ABC unit,

work with the CLEAR Unit pretty much on a daily basis, because the neighborhoods have those issues.

I am going to continue working with it. Being a part of the CLEAR Unit for those three years were the best three years that I have ever had in this organization. In a way, I hated to leave, but with that being said, I knew that the unit was in good hands. The officers run the unit in the fact that they know what needs to be done, and they take care of it. The amount of direction we have to give them is pretty limited.

CLEAR Unit Sgt. Brian Maynard

What is the most challenging part for you taking the lead on this program, under Lt. Garry Sennett?

Because there is so much that goes on in this unit with our various assignments, the most immediate challenge is getting everyone, including our new lieutenant and our two new sergeants on board and caught up. One of the sergeants is more diverse in investigations, the other sergeant was in patrol. My background was narcotics, so we each have expertise in certain areas. The next challenge is sharing that expertise and making everyone in our unit diverse. The biggest thing is getting everyone caught up with the activities and special assignments of which we are a part. We cover our neighborhoods, we do a good job with it, but we also take a lot of extra tasks from patrol or for the other units so they can do their jobs.

Where do you see the CLEAR Unit going in the months and years ahead?

We already have started to get some secondary neighborhoods, so to speak. Our response officers work at night and a lot of the neighborhood meetings that our coordinators go to are at night as well. These secondary neighborhoods are experiencing some of the same issues as some of our primary neighborhoods. Some of our response guys will take the lead and assist those neighborhood associations.

Another aspect of that is by providing officers to these secondary neighborhoods, we ensure we have more than displaced the crime, but that it actually is a reduc-

tion. Displacing crime does not work here, because ultimately we have responsibility for the entire city as an organization. So, if we are able to displace crime out of one neighborhood and it moves to another, we have not reached our goal.

As the manpower becomes available, I also can see additional neighborhoods being picked up, with coordinators and additional response officers. If it keeps going, there could be other responsibilities that will fall under us as well.

The program, up to this point, has been a huge success, and I see it becoming even more so. I do not see a glass ceiling for it, not right now. The only thing that it may come to is simply running out of resources. Every neighborhood in Lexington cannot have a CLEAR officer, but the concepts that we implement through the CLEAR Unit are funneling down to the patrol officers, and they are taking the extra steps because they are seeing that what we do works. J



Lost Found and Lost Again

Former Ravenna police chief honored by great grandsons 85 years after his death

/Abbie Darst, Program Coordinator

During hot summer days in Norwood, Ohio, two young brothers swang on their great aunt's back porch, enthralled with stories from the past of their great grandfather, once a high sheriff in Kentucky. It was the mid-1970s and the events from decades past captivated them each summer as they returned to visit Roxie and Ruth, surviving daughters of a fallen Kentucky officer.

Thirty years later, grown and serving as police detectives with the Columbus (Ohio) Division of Police, Eric and David Harp vividly recalled the stories of how their great grandfather, James Sexton, was shot and killed in the line of duty. As the story went, the high sheriff was at a barber shop, getting his hair cut and had hung up his gun belt. While sitting in the chair, a man he had arrested a month before ambushed him with the sheriff's own weapon and killed him, Eric Harp remembered.

"That was pretty much all we knew," he said. "We didn't know when it happened. My father, of course, knew about the story of his grandfather as told to him by his mother and other relatives, but never talked about it except to answer our questions when we were children. When I asked him about it last year, his memory was vague at best."

It was the death of his Great-Aunt Roxie in 2007, just short of her 100th birthday, that prompted a re-emerging of the folk stories of her childhood.

"At her funeral, my brothers and I were talking and, now that we are in law enforcement, we got to talking about ... what was the real story behind what happened," Harp said. "Being in law enforcement and knowing that there are various law enforcement memorials, that was the first place we looked. Not finding him anywhere led us to believe that somewhere along the line he had been dropped."

▲ James Sexton in an Army uniform during World War I.

◀ The Hatfield's store in Ravenna is where James Sexton was shot and killed on May 27, 1922.

▶ Donald, Eric and David Harp attended the Kentucky Law Enforcement Memorial Foundation Ceremony in honor of James Sexton in April.

The missing link in that line is where the brothers began their search for an accurate account of the elaborate story they had heard countless times as children.

What began as a simple Internet search from his home in Carroll, Ohio, turned into a three-month trek across a historical trail through southeastern Kentucky and Tennessee of false information, dead ends and surprising finds.

"I took the information I knew and approached it as a detective would ... and went from there," Harp said. "I tell you it was fascinating as the pieces of the puzzle fell together and I found one thing after another."

After discovering that James Sexton was not a 'high sheriff,' but instead a police chief, Harp eventually stumbled upon newspaper articles from the Ravenna Times that recounted the events of May 27, 1922, in what the paper called one of the "most vicious and cold-blooded murders" to have been "committed in Estill County."

Sexton, while sitting on the steps of Ravenna's Hatfield Store was shot four times by Jack King, the former town marshal whom Sexton had replaced just five months prior. Sexton had arrested King on drunken-driving charges 30 days earlier. Found with warrants for King's arrest on charges of wife beating in his pocket, Sexton was likely in the act of serving King these warrants when he was killed.

"I couldn't believe it," Harp said. "I was saddened to hear of the details as I stood there in disbelief I felt as if a lost relative had been found and lost again."

Once the details had been discovered, Harp and his brother, David, began the process of having Sexton added to the National Law Enforcement Memorial in Washington, D.C., and in April they, along with their father, attended the Kentucky Law Enforcement Memorial Ceremony in Richmond.

"There was a sense of accomplishment ... but at the same time, it is kind of bitter-sweet because I wish my [great] aunts had been here," Harp said. "They would have been extremely proud to have seen the events that took place and how he was honored. ... But it's a shame that it didn't happen while they

were still physically here."

Harp's father, Donald Harp, somberly accepted the flag in honor of his grandfather at the ceremony in a final act of closure, Eric Harp said.

Now, as law enforcement officers, Eric and David Harp fully understand the immense sacrifice made by their great grandfather more than 85 years ago.

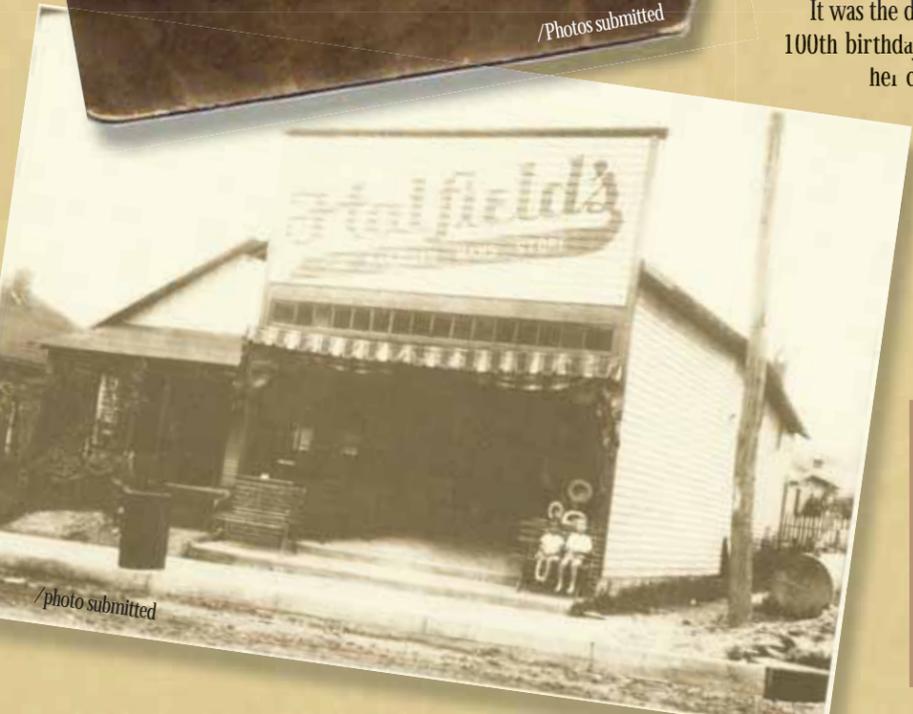
"I wasn't so much driven into law enforcement because of the happenings of my great grandfather; I wanted to be a police officer from the time I was a young boy, and being told the story of my great grandfather early on in my life made law enforcement less glamorous and more realistic," Harp said. "I heard our chief of police of the Columbus Division of Police say not so long ago that 'law

enforcement is a profession that can go from times of boredom to sheer terror in a matter of moments.' I think this couldn't be truer than in the story of what happened to my great grandfather.

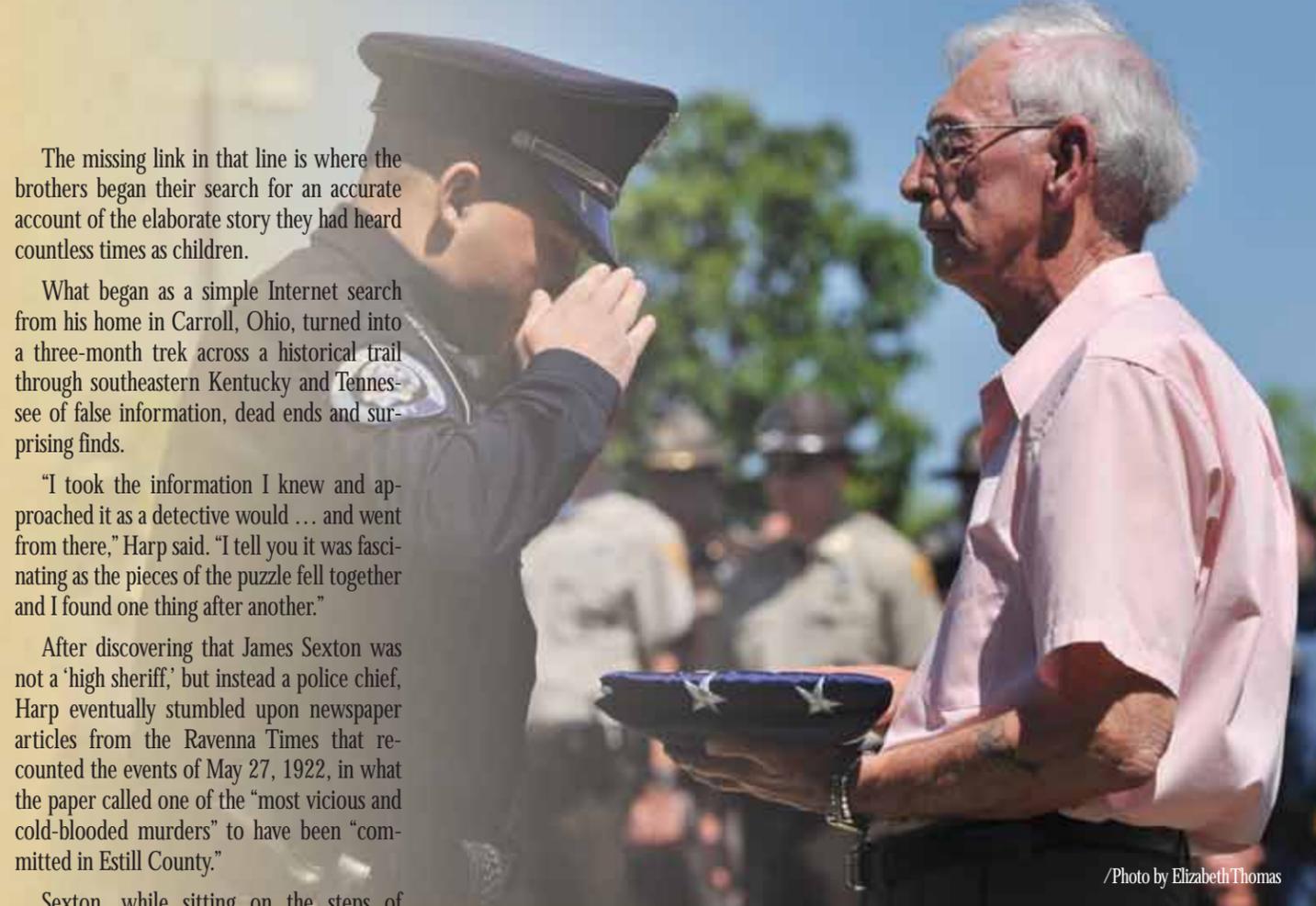
"We in law enforcement today are trained from actions and results of previous officers," he continued. "We have fellow officers, such as James Sexton, to thank today for the tactics we have learned to save our lives that came from their sacrifice." J



/Photos submitted



/photo submitted



/Photo by Elizabeth Thomas



/Photo submitted



Daily, officers across the nation are exposed to the darker side of life – face-to-face confrontations with violent criminals, investigating crimes too heinous to make up and knowing each day they don their uniform could potentially be their last. Officers often build strong defenses as a coping mechanism for these challenges. But when a critical incident, such as a line-of-duty death, injury or wounding occurs close to home, those defensive walls come crashing down, often leaving officers and the departments they serve shattered and exposed.

When a law enforcement agency finds itself in the midst of trauma, Concerns of Police Survivors, or COPS, can be that helping hand to reach in, relieve some of the burden and offer a clear direction in the midst of chaos.

COPS is an organization with a mission to provide resources to assist in rebuilding the lives of surviving families and affected co-workers of law enforcement officers killed in the line of duty.

“Some say we are the best kept secret in law enforcement and nobody hears about us until after the tragedy,” said Jennifer Thacker, president of the national COPS organization and Louisville, Ky. resident. “When a tragedy occurs, we want people to know that COPS is one of the [groups] they need to call.”

COPS began in 1984 as an organization specifically geared toward helping family survivors cope with the loss of an officer. However, in recent years, COPS has expanded its mission to encompass the needs of law enforcement agencies and co-workers in dealing with line-of-duty death situations and their effects – ranging from training about line-of-duty death procedures and filing for benefits to recognizing the

warning signs of officers who are having trouble coping with job stress, guilt or both.

Since the Kentucky Chapter of COPS was formed in 2001, 21 Kentucky law enforcement officers have been killed in the line of duty, many from relatively small departments with no plan about how to manage a line-of-duty-death situation.

“By far, the vast majority of departments in the United States have only 10 or 20 officers; less than 10 percent have 100 or more, so line-of-duty death isn’t something every department deals with regularly,” said former Seattle (Wash.) Chief Gil Kerlikowske in the book “Better not Bitter: The Story of The Concerns of Police Survivors”.

“Nobody wants to plan for tragedy, but without planning, a terrible situation can become even worse,” said Connie Clark, the book’s author. “We owe it to our police officers to make those decisions before the critical incident happens – and before one loss, dealt with improperly or not at all, leads to unnecessary suffering and the loss of good men and women from the law enforcement field.”

In an effort to combat this issue, COPS launched the Traumas in Law Enforcement training. The training, offered about seven times per year from January through March at various locations across the country, consists of three days dedicated to preparing law enforcement personnel for the harsh realities of the career. One day is spent on preparing and handling line-of-duty death and one day on the cumulative stress on an officer. The third day is split in half with part devoted to discussing and recognizing signs of police suicide and the other half on disabled officers and what the agency’s responsibility is when an officer is in- >>

A HELPING HAND TO PICK UP THE PIECES

/Abbie Darst, Program Coordinator

>> jured in the line of duty.

“At these trainings, [the instructors] talk about how we put these officers in harm’s way. And when they get harmed, it is the agency’s job to take care of them,” said Thacker, whose husband, Brandon, was an Alcoholic Beverage Control officer killed in the line of duty in 1998.

Traumas of Law Enforcement addresses more than just the physical harm that can be done to an officer, Thacker explained. It also tackles the emotional and mental harm that officers experience in dealing with the grueling

that allows the department to quickly notify a spouse or family member after a critical incident. It also indicates the wishes of that officer should he or she be injured and unresponsive or killed in the line of duty. Officers can update their profiles at any time, but the agency requires a mandatory update each year.

It is pertinent for agencies to have this up-to-date contact information for its officers’ families. When Thacker’s husband was killed, it took his agency several hours to notify her because she had started a new job and her daytime contact information was outdated.

“Some say we are the best kept secret in law enforcement and nobody hears about us until after the tragedy.”

reality of their jobs.

This type of training is just one form of assistance that COPS offers law enforcement agencies in preparing for line-of-duty-death situations. The organization also stresses the importance of agencies creating and putting into place policies that specifically address how they will deal with a critical incident, especially line-of-duty death.

“It’s important to have a plan in place beforehand, before the crisis happens, rather than wait until afterwards because then you’re reacting chaotically to a chaotic event,” Thacker said.

For instance, the University of Kentucky Police Department has an electronic database with up-to-date information on its officers as a first step toward implementing a critical-incident response policy. The database, which was started shortly after Maj. Joe Monroe and another UK officer attended the Traumas in Law Enforcement training, contains personal information

“Officers don’t look at it as a priority and they don’t want to think about that stuff,” said Monroe, who also serves as UK’s acting police chief. “That’s why we think of it for them.”

If an agency does not have general orders or standard operating procedures, COPS offers a booklet – Supporting Services to Surviving Families of Line-of-Duty Death: A Public Safety Agency Handbook – that only takes about 20 minutes to read, Thacker said. The booklet can help agency heads make sure they aren’t making any mistakes.

Also available to agencies are model policies, which, like the Supporting Services handbook, can be downloaded from the COPS Web site, and can be tailored to fit the needs of each individual agency. Depending on the size of the agency, there are two model policies an agency can download.

“If SOPs are in place and they are reviewing them annually, they are always having that mind

set of being a compassionate agency, and I think that is sometimes lost if they are not thinking along those lines,” Thacker said.

Beyond training and preparation, COPS’ main mission is supporting survivors and agencies when a line-of-duty death occurs.

“I would recommend that they always bring COPS in as soon as possible,” Thacker said. “I tell them we can take the burden off of them, not that the family is a burden, but we can take that responsibility from them.”

In 2003, LaGrange Police Department Officer Eddie Mundo was killed when his patrol car was struck head on by a vehicle. The driver of the vehicle, who was under the influence of alcohol and narcotics, had assaulted his wife and fled the scene before officers arrived and Mundo was searching for the vehicle.

When LaGrange Chief Kevin Collette, who had been chief at LaGrange for less than four months, found himself dealing with the very situation no agency ever wants to face, it was the outreach of other law enforcement colleagues and COPS that helped him and his department get through that difficult time.

“It’s definitely a whirlwind,” Collette said. “I got that phone call that night and I don’t think I slept for about 49 hours straight. You have so much going on and there is so much to do that you have to get taken care of and make sure are taken care of. It’s just nice to have an organization there to make sure that you’re clicking on all cylinders because it’s easy to get off track.”

Within hours of the fatal crash, Collette was contacted by two Louisville Metro officers who wanted to help out the LaGrange Police Department as they went through the tragedy. One of these officers, Eric Johnson, has since retired and formed the organization Supporting Heroes, which offers assistance and support to agencies dealing with a line-of-duty death. These men put Collette in contact with COPS.

COPS assisted LaGrange in two specific ways. First, COPS was able to help Officer

Mundo’s surviving family – his wife, Brandi and 1-year-old son.

“It was all new to us – we are a small department and don’t deal with this on a year-to-year basis, if ever,” Collette said. “So, they could talk to us and tell us what to expect from the family and also give the family someone to talk to that had some knowledge of what was going on.

“It also allowed us to focus on the investigation and arrangements and things we had to focus on when dealing with a line-of-duty death,” Collette continued. “So it was obviously a great benefit for us having an organization to take care of what is really the most important matter, which is the emotional side of the family, the survivors.”

Second, COPS assisted in ensuring the department was properly filing necessary benefits paperwork.

“As an administrator, there’s a lot of paperwork that goes into making sure the family is taken care of,” Collette said. “Nobody wants to be the one that screws something up and the family misses out on a benefit or is delayed on a benefit. It was good for the COPS organization to be there to steer us in the right direction and make sure and keep us on path.”

The LaGrange Police Department is just one of hundreds of law enforcement agencies that COPS has assisted over the years. Though the organization represents a side of law enforcement that few want to face, the training, assistance and emotional support they offer are invaluable.

“Chances are most officers retire and go on to lead a happy life, but the reality is an average of 150 officers die every year (nationwide),” Thacker said. “It’s amazing how few agencies still don’t have a plan. They have a plan for everything else, but not the thing that happens with some regularity in this profession and always has, and unfortunately, probably always will.” J



Training for Trauma

The Traumas in Law Enforcement Training presented by Concerns of Police Survivors is offered approximately seven times each year from January through March. In 2010, the training will be conducted in:

- Salt Lake City, Utah
- Trenton, N.J.
- Grand Rapids, Mich.
- Springfield, Mo.
- Charlotte, N.C.
- Portland, Ore.
- Southern Calif. area

In addition to these trainings, agencies can request COPS to come and bring the training to their area if they are willing to pay for the expenses and provide a facility. For additional information on COPS, COPS training dates and resource materials, visit the Web site at www.nationalcops.org, contact the national COPS director, Suzie Sawyer, at (573) 346-4911 or COPS Ky. Chapter President Priscilla Walls at pwallskycops@yahoo.com or (859) 333-1655. ■

Restaurant honors slain chief

By Valarie Honeycutt Spears, Lexington Herald-Leader
Reprinted with permission from the Lexington Herald-Leader.

It's lunchtime at Randy's Place.

At the new restaurant on Main Street in Clay City, Randy Lacy's police badge hangs on the wall.

In the kitchen, his brother and son are mastering Randy's specialties, including chicken and dumplings. Customers sit around telling the stories and jokes that Randy Lacy loved.

"He's here. You can't see him. But he's here," said Kathy Chaney, a waitress who is also Lacy's cousin. Her voice catches at the thought of the slain Clay City police chief, gone now two years. Lacy, 55, was shot to death June 13, 2007, when he was arresting a man charged with driving under the influence of alcohol.

Although his life's work was in law enforcement, Randy Lacy dreamed of opening a restaurant.

Two years after his death — almost to the day — the late police chief's brothers and his widow opened Randy's Place in Lacy's memory.

The Lacy brothers — Garland, Ted, Chester and Randy — always shared career interests.

They followed each other into law enforcement and at various points co-owned a gas station and a garbage business. The restaurant seemed like a way to keep Randy in the mix and to include his widow, Ruth, Garland Lacy said.

"He could have been a chef," Garland Lacy said. "We just want to carry on what he wanted to do."

Ruth Lacy needed a project to move her into the future.

"It means so much to me," she said.

Like many small-town diners, the doors open at 7 a.m. seven days a week, and the menu is wide-ranging, with an emphasis on homemade and garden fresh food. Ted Lacy, who retired as Powell County jailer in March, said he also cooks up his and Randy's special hot dog chili sauce, their baked beans and coleslaw. Appalachian delicacies like fried cabbage and hoecakes are usually part of the daily \$5.99 special.

In its first three weeks, business has been brisk.

Firefighters from Canada arrived at the Clay City restaurant riding motorcycles. Two vanloads of people made the trip from Fleming County.

Seniors from Montgomery County sat at one table on a recent Thursday, school teachers from Winchester at another. Police officers are coming from all over.

"I never thought it would be this busy," Ted Lacy said.

Randy's son Kevin Lacy said that during the restaurant's most hectic moments, he thinks of how his father would have loved to be washing dishes in the kitchen right beside his 17-year-old grandson Gary.

Chester Lacy, who transports prisoners

for the Powell County jail and is in and out of the restaurant, thinks of what might have been, too. He says that when it's permissible and appropriate, he wears a few pieces of his late brother's uniform just to honor him.

Customer Judy Pergram of Mount Sterling and her friends said they came for the food and got the bonus of hearing the story of Randy Lacy.

"The restaurant is a good way to keep his memory going," Pergram said.

Garland Lacy, who provides court security in Powell County, said the family has been careful in both the way the restaurant is staged and in the demeanor of the staff not to go overboard in memorializing Randy Lacy. There are a few photos on the wall and one image on the menu, and that's about it.

In Clay City, population 1,300, people don't have to be reminded.

"Most everybody thought the world of Randy," Chester Lacy said. "His view of law enforcement was helping people, not hurting them. And that made them not want to disappoint him. They wanted to do good."

Lacy had arrested James H. Barnett, now serving a life sentence in prison, several times before the day that Barnett killed him.

They knew each other in another way, too. Randy Lacy dressed in a Santa Claus suit and gave Barnett's children Christmas presents.

There's another story that happened about five years ago, when a young boy in Clay City was burned in an accident. Randy Lacy wrapped him in a sheet, ran with him to a waiting police cruiser and met the ambulance on the road. People in Clay City credited Randy with saving the boy's life.

Today, the boy's grandmother works as a cook at Randy's Place.

Said Garland Lacy: "Randy would be thrilled." J

Fresh eggs, bacon, biscuits and gravy are served steaming hot to hungry customers, while Randy's Place owner and wife of the fallen chief, Ruth Lacy, chats with customers.

Randy's place opened in June on the anniversary of the date Clay City Police Chief Randy Lacy was killed in the line of duty. Lacy's family operates the eatery in honor of the chief's love for good food and good friends.



Photos by Elizabeth Thomas





U.S. Attorney's Office and Local Law Enforcement Collaborate to **STOP** CHILD PREDATORS

/Kyle Edelen, Public Affairs Officer, U.S. Attorney's Office

Hidden behind the surface of an addicted prescription pill popper or avid cocaine trafficker may lay a true child predator.

In a technology-fueled society, Internet predators constantly use fresh tactics to lure children for sexual exploitation while prosecutors and other law enforcement personnel work tirelessly to keep pace.

But there is one strategy to identify child predators that does not involve pouring over a computer screen or cell phone. It can be summed up in one word – awareness.

“Sometimes just being aware can be the first step that leads to a child-pornography prosecution,” said Assistant U.S. Attorney Erin May.

Awareness is something Pike County Sheriff Charles Kessee recognizes as a critical element to spotting all crimes in the county.

Kessee claims that drugs are responsible for 95 percent of the crime in Pike County. He also added that often drug crimes lead to sex crimes.

“Most of our sex offenders come as a result of drugs,” Kessee said. “Some of those sex offenders have sexually

abused minors.”

May knows these crimes too well. She is the lead child-pornography prosecutor for the U.S. Attorney's Office in eastern Kentucky.

She emphasized the importance of awareness during her presentation on child

pornography prosecutions to two of Kessee's undercover drug detectives and numerous other law enforcement representatives at an annual spring law enforcement conference in Gatlinburg, Tenn.

Last year she prosecuted a 58-year-old man who traded drugs with a minor for sex.

The defendant in May's case videotaped the sexual encounters with the minor and that act falls in the category of producing

child pornography under federal law. That crime automatically results in a 15-year, mandatory minimum sentence and potentially 30 years. In May's case, the judge sentenced the 58-year-old man to 25 years in prison.

“Sometimes detectives are so focused on the drugs that we may not see evidence

that could lead to a prosecution for child pornography,” Kessee said.

May suggested that detectives keep an eye out for child pornography photos during raids or any other evidence that might suggest the suspect is trading drugs for sex with minors.

“What scares me is that this (trading drugs for sex with minors) goes on a lot more than we realize,” Kessee said. “That's why I'm grateful for the conference to have topics like this one and there's no doubt my guys will be able to share this knowledge with other detectives in our office.”

May also wants law enforcement to know all the federal statutes and how they can be used to bring charges against an individual suspected of child-pornography violations. By understanding these laws, state and local officials know when they potentially could work with the U.S. Attorney's Office to prosecute the child predator.

“Investigating these cases can be extremely difficult,” May said. “We want state and local law enforcement to know that the U.S. Attorney's Office can be a great resource for them in these types of cases.”

Kessee emphatically said he would not hesitate in turning to May or other federal prosecutors for assistance during the investigation of a child-predator case.

“I wouldn't have a problem turning it over to the federal authorities,” Kessee

said. “The bottom line is they have investigated and prosecuted more of these cases than we have, and protecting children is the ultimate goal, so whatever it takes.”

Some of the most important advice from May was in the area of search warrants. She stressed the search warrant as one of the most crucial elements to obtaining a guilty verdict.

“If everything isn't aligned properly before the execution of the search warrant, defense attorneys can use this to their advantage in the courtroom,” May said.

May explained that when law enforcement officials file charges, they need to include their background and experience in the area of child pornography cases on the charge sheet to gain more leverage during the prosecution.

The presentation was part of Project Safe Childhood. PSC is a Department of Justice initiative launched in 2006 that aims to combat the proliferation of technology-facilitated, sexual-exploitation crimes against children.

The initiative encourages collaboration between state, local and federal law enforcement entities to prosecute child predators.

“Our office routinely works with state and local authorities to determine which court could offer the greatest punishment possible for the child predator,” May said. **J**

THE DRUG RECOGNITION EXPERT: VITAL TO THE OFFICER'S TOOL BELT

/Elizabeth Thomas, Public Information Officer

Called to perform a drug evaluation at a traffic stop in Beaver Dam, Kentucky State Police Post 16 Trooper Allen Lacy assessed the signs that the driver was indeed impaired. But, as he progressed through the steps of a roadside evaluation, Lacy quickly determined that the individual was not under the influence of drugs or alcohol, but impaired physically. The decision to get that individual, who was on the verge of a diabetic coma, to a hospital, not jail, probably helped save his life.

Situations like these are not uncommon across the state.

Now a collaborative, multi-agency, statewide effort, the Drug Evaluation and Classification Program is running at full speed to train and certify Drug Rec-

ognition Experts. Typically, the one-hour evaluation is conducted post-arrest in a controlled environment – like a police precinct, intake center or troop headquarters – and not normally performed roadside.

“Some are telling me that 90 percent of their traffic stops, they now know, are not under the influence of alcohol, but drugs,” DEC Program State Coordinator Terry Mosser said. “You can see breath-test numbers going down with people covering their drug intake with a little alcohol to mask their drug use.”

The DRE-evaluation process determines whether or not the person is impaired or able to operate a vehicle safely; if their impairment is due to injury, illness or medical complication or drug related; and if drug

“ I wish I had it 17 years ago. It’s night and day – the way we deal with them with this training. It’s so much more for your tool belt on the job. ”

ognition Experts. A traffic safety program focusing on the detection and apprehension of drug-impaired drivers, the DEC program, which trains officers to become drug recognition experts, is vital to Kentucky law enforcement.

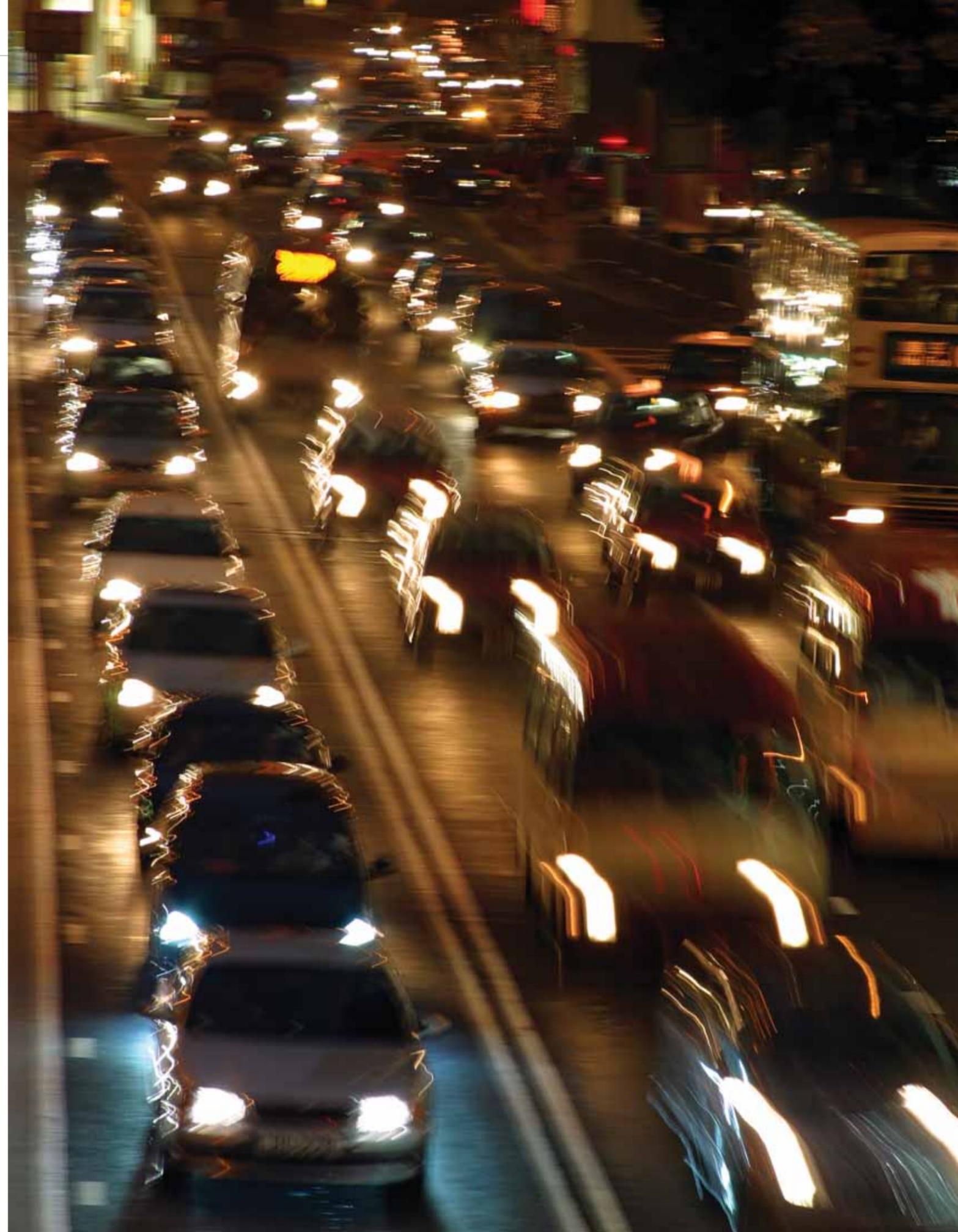
“I wish I had it 17 years ago,” Lacy said. “It’s night and day – the way we deal with them with this training. It’s so much more for your tool belt on the job.”

Highly effective and skilled at detection and identification of drug and alcohol-related impairments, DREs conduct a methodical 12-step evaluation consisting of physical, mental and medical components. The DRE is trained to determine what substance(s) of

related, which category or combination of categories is the source of the drug-related impairment.

Judging the individual’s behavior and appearance, measuring their vital signs, administering psychophysical tests for coordination and information processing, are all part of the DRE’s systematic process.

The DRE opinion is often substantiated by a toxicology report, which may not be available for more than 30 days after the arrest. Once the evaluation is complete and the substance determined, the DRE is available to serve as an expert witness in court to offer additional support to the arresting officer, Mosser said. >>



THE 12 STEPS OF THE DRE EVALUATION INCLUDE:

- a breath alcohol test
- interviewing the arresting officer
- a preliminary examination
- examination of the eyes
- divided-attention psychophysical tests
- examination of vital signs
- dark room examinations
- muscle tone examination
- examination for injection sites
- suspect's statements and other observations
- the evaluator's documented opinion
- toxicological examination

THERE ARE SEVEN DRUG CATEGORIES THAT THE DRE IS TRAINED TO RECOGNIZE:

- central nervous system depressants (e.g. alcohol, Valium, Prozac, Zoloft)
- central nervous system stimulants (e.g. cocaine, methamphetamines)
- hallucinogens (e.g. Ecstasy)
- dissociative anesthetics (e.g. PCP)
- narcotic analgesics (e.g. codeine, heroin, morphine, methadone, Vicodin, Oxycontin)
- inhalants (e.g. paint thinner, gasoline)
- cannabis (e.g. marijuana) ■



"Mainly due to the fact we've seen a rise in impaired drivers from not just alcohol, but also drugs, this program offers expertise to correctly identify substances, giving jurors more confidence in the testimony, based on that training," said Bob Stokes, traffic safety resource prosecutor.

"This training offers real-time training, giving officers the expertise to testify to the impairment from the scene or shortly after the scene," Stokes added.

More than 100 law enforcement and public safety officials have been trained or certified as DREs. Due to an eight-month lapse in the program's leadership, additional personnel have been trained and await certification, while others are inactive or no longer certified.

Combining the efforts of the Louisville Metro Police Department, KSP and the Department of Criminal Justice Training, Mosser is on a mission to train and certify more officers, and even prosecutors.

"We need prosecutors to know what it is [DREs are] trained to do, and what questions to ask," Mosser said. "They need to know how to extract the pertinent information from the DRE serving as the expert witness."

Touting DRE as a vital traffic safety program, Mosser encourages officers to first bring it to the attention of their own agency. Second, inform the surrounding agencies about the effectiveness of the program. Third, take it to the prosecutors' offices to inform them of the process and the importance of their involvement.

Interested applicants for the DEC program should be serving in a high, drug-influenced area, active in patrol and traffic, knowledgeable in DUI enforcement and should obtain a letter from their prosecutor recommending them for the program, Mosser suggested.

DRE candidates attend three weeks of course training and are required to recertify every two years. Candidates are encouraged to bring with them a local prosecutor or their supervising officer to attend the 16-hour DRE Pre-School. The follow-up DRE school is 56 hours and the field certification is 40 hours.

Mosser emphasized the importance of the program and its necessity in light of society changes and the age of users since he was first trained.

"It's coming from in the home now," Mosser said, noting that many parents are on a prescription painkiller, antidepressant or other drug, to which teenagers have easy access. Mosser cited a television advertisement in which a drug dealer is depicted as being

out of business because of the availability of pills at home.

Also under the DEC program umbrella is DITEP, or Drug-Impaired Training for Education Professionals. DREs teach a condensed version of the program in schools to teachers, school nurses, school resource officers and education administrators in an effort to help them pinpoint and assess students who may have drug problems and need help.

As well as a DRE, Lacy is a DITEP instructor. Teachers who assess students as being under the influence often call Lacy to formally evaluate them.

"Nine times out of 10, they'll admit to what they've taken and what's taken place, knowing that you are trained to identify [substances based on impairments]," Lacy said.

The DEC program was developed by the Los Angeles Police Department in the early 1970s. The program's effectiveness drew the attention of other departments across the nation, eventually expanding into Canada and other countries. Since the inception of the DEC program, many states have seen a dramatic increase in drug-impaired driving arrests and convictions, notably, Oregon and Washington whose numbers exceed a 150 percent increase.

Legislation was proposed in Kentucky this year that would place a per se violation if a person had a certain amount of controlled substance in their blood. The legislation, which did not pass, would also have created a defense for a person taking the substance with a valid prescription.

Opponents of the legislation argue that a person who is under the influence of multiple drugs may register as being under the legal limit for each individual drug, but still could be severely impaired due to the combination of drugs used. Passing the legislation could restrict the officer, when his or her judgment might otherwise remove an unsafe driver from the roadway.

Forty-six states and the District of Columbia participate in the program, which has certified more than 5,800 DREs worldwide. The program is managed by the International Association of Chiefs of Police with the support of the National Highway Traffic Safety Administration. It is grant-funded on an annual basis, through Sept. 30. J

New Roadside Survey Shows Steady Decline in Alcohol Levels, while Driver Drug Use is Detected

/Submitted by the National Highway Traffic Safety Administration

A new roadside survey by the National Highway Traffic Safety Administration confirms a continuing decline in the percentage of legally intoxicated drivers.

In 1973, 7.5 percent of drivers had a blood-alcohol concentration of .08 or higher. In the latest survey, that figure fell to 2.2 percent. A BAC of .08 or higher is now above the legal limit in all 50 states and the District of Columbia.

Previous roadside surveys conducted by NHTSA have measured only alcohol. But the 2007 survey used new screening techniques that detected other substances as well, and in the future they may help show the extent of drug impairment among drivers.

The survey found 16.3 percent of nighttime, weekend drivers were drug positive. The survey focused on weekend, nighttime drivers and found that the drugs used most commonly by drivers were: marijuana (8.6 percent), cocaine (3.9 percent), and over-the-counter and prescription drugs (3.9 percent).

Transportation Secretary Ray LaHood said he is concerned about the prevalence of drivers who use drugs, and we should continue to fight against all impaired drivers.

"I'm pleased to see that our battle against drunk driving is succeeding," LaHood said. "However, alcohol still kills 13,000 people a year on our roads and we must continue to be vigilant in our efforts to prevent drunk driving."

"This troubling data shows us, for the first time, the scope of drugged driving in America and reinforces the need to reduce drug abuse," said Gil Kerlikowske, director of the Office of National Drug Control Policy. "Drugged driving, like drunk driving, is a matter of public safety and health. It puts us all at risk and must be prevented."

NHTSA is conducting further research to assess how drug traces correspond to driver impairment since some drugs can remain in the body for days or even weeks. Should further research indicate that drugs pose the same type of traffic safety risk as alcohol, NHTSA is

committed to applying lessons learned in fighting the drunk-driving problem.

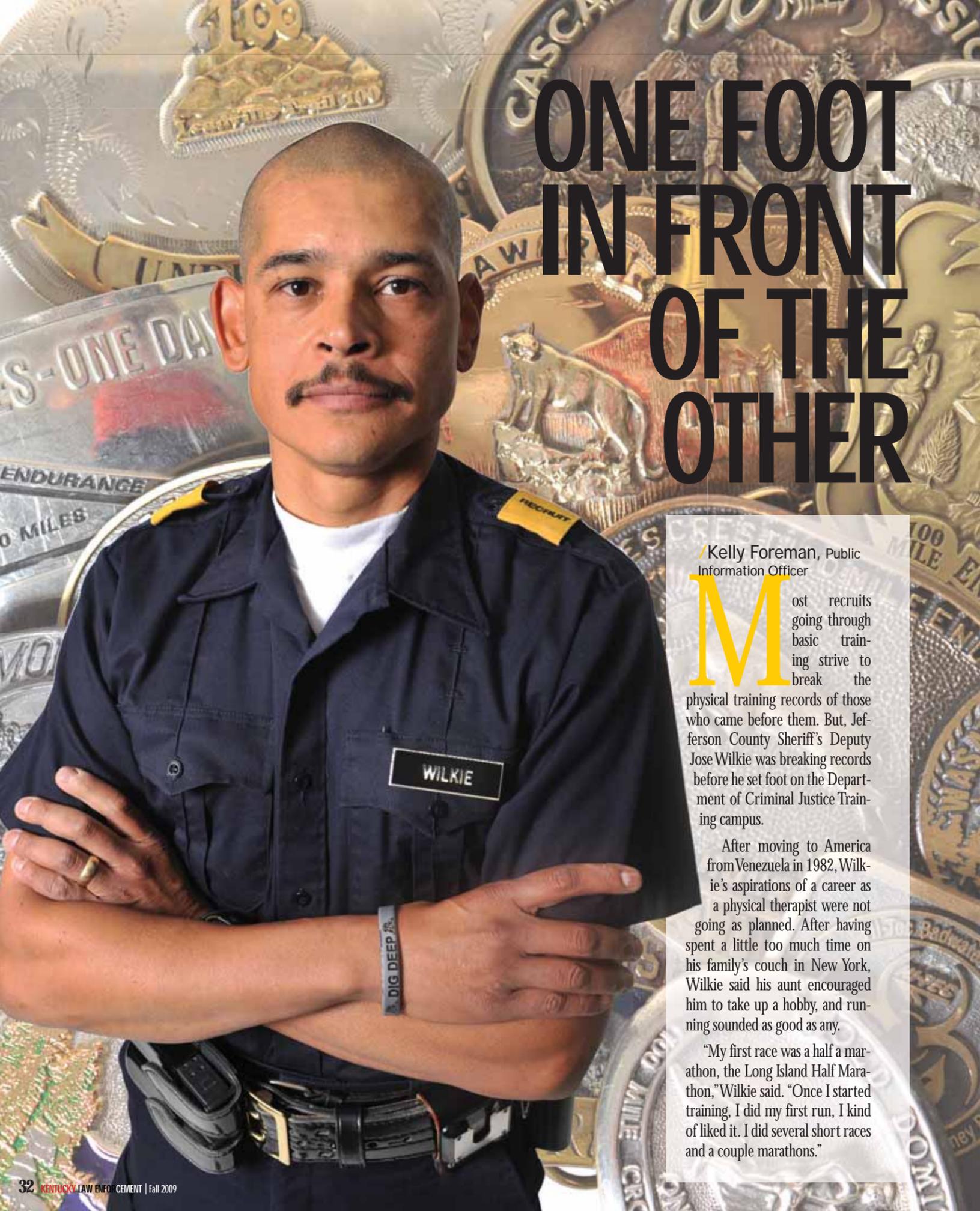
The latest roadside survey found:

- The percentage of male drivers with illegal BAC levels was 42 percent higher than the percentage of alcohol-impaired female drivers.
- Drivers were more likely to be illegally drunk during late nighttime hours (1 a.m. to 3 a.m.) than during daytime or early evening hours.
- Motorcycle riders were more than twice as likely as passenger-vehicle drivers to be drunk (5.6 percent compared with 2.3 percent). Pickup truck drivers were the next most likely to have illegal BACs (3.3 percent).

The 2007 survey involved more than 300 roadside locations throughout the United States. ■



/Photo by Elizabeth Thomas



ONE FOOT IN FRONT OF THE OTHER

/ Kelly Foreman, Public Information Officer

Most recruits going through basic training strive to break the physical training records of those who came before them. But, Jefferson County Sheriff's Deputy Jose Wilkie was breaking records before he set foot on the Department of Criminal Justice Training campus.

After moving to America from Venezuela in 1982, Wilkie's aspirations of a career as a physical therapist were not going as planned. After having spent a little too much time on his family's couch in New York, Wilkie said his aunt encouraged him to take up a hobby, and running sounded as good as any.

"My first race was a half a marathon, the Long Island Half Marathon," Wilkie said. "Once I started training, I did my first run, I kind of liked it. I did several short races and a couple marathons."

As the races became longer and more intense, Wilkie became hooked on the rush that came with trying to get to the finish line before the cutoff time.

In August 1992, Wilkie signed up to compete in his first 100-mile run after completing more than a half dozen 50-mile races in states from Kentucky to Wisconsin. The race was the Leadville Trail 100 Mile run in Colorado.

"My first one I finished, but I didn't finish in the cutoff time," he said. "These races, 100 miles, you have a cutoff time. It took me 30 hours and 30 minutes my first time. It was kind of disappointing. I finished, but I didn't get what I wanted, which is the belt buckle."

Wilkie set his goal higher. A few months later he completed the Arkansas Traveler 100 Mile race, finishing in 22 hours, 22 minutes and 40 seconds. The success still wasn't good enough for Wilkie, so he set his sights on completing long distance running's grand slam – four 100-mile races in one year.

"So I said to myself, 'Well, I'm going to try that,'" Wilkie said. "The first year that I tried, I wasn't successful. But then the second time, I finished. The trophy is a big gold eagle on top of a rock. . . . I was the first one in Kentucky to have it. I decided to pursue breaking the record. The record when I did it was 12 100-mile races in one year."

The beginning of a record

On February 6, 1999, after months of training and preparation, Wilkie began his pursuit of the record in Texas with the Rocky Raccoon Trail 100-Mile Run. With visions of achievement in his eyes, Wilkie said he couldn't help but pray for luck.

"You have to keep in mind all these races are on trails," Wilkie said. "You run into the night too. So if you're not looking down, you could fall, you could break an arm, break a leg; the record is gone. You cannot do it. I was lucky enough to do it."

When 3 a.m. comes around the next big hill of the race, Wilkie said it is with help and support from his wife and friends that he is able to persevere. Neither rain nor sleet, 70 percent humidity nor teeth-chattering cold kept Wilkie from running.

After completing the Texas race with a

run time of 21 hours and 56 minutes, Wilkie moved on to North Carolina, Virginia, Wisconsin, Ohio, Vermont, South Dakota, Colorado, Canada, Utah, California, Arkansas and finally Florida. There, on December 11, Wilkie competed in the Ancient Oaks run. It was his final race – the one not only to surpass the previous record of 12 but to set his new record of 14 in marathon history.

Twenty six hours and 58 minutes later, after running through the middle of the night, eating peanut butter sandwiches and watermelon, Wilkie achieved his goal.

"Oh, it was great," Wilkie said of the achievement. "I mean, I am telling you it was great. My wife bought a bottle of champagne, and we celebrated."

Wilkie took some time off from running after the Oaks to rest, but by September 2000, he was back at it with the Olandar Park race in Ohio. Now, Wilkie sticks to running a couple races a year. As of October 2003, Wilkie's resumé boasts more than 5,800 racing miles. After graduating from DOCJT's basic training, Wilkie hopes to resume competitive running.

"It is all about perseverance," he said. "You get tired. But I said to myself, 'If the person that was in front of me did it and the person

that is behind me is going to do it, I can do it.' It's a matter of putting one foot in front of the other and that's how I was able to tackle it.

"I really enjoyed the whole deal. Yes, there are moments you feel like you want to quit because you are in pain or you're tired. You just have to keep trucking."

Wilkie graduated from DOCJT's Basic Training Class No. 403 on June 12 to begin his career with the Jefferson County Sheriff's Office. In many ways, Wilkie said his marathon experience will help him on the streets.

"They come a little bit together," Wilkie said of running and law enforcement. "The organization, the planning – that is what being in law enforcement is all about. . . . I would say law enforcement is even more detailed because your life is at stake. Running, not so much. But [in policing], once you engage, you have to try to finish, and at the end of the day, you want to come home safe. But [the running experience] does help." J

▼ Jose Wilkie runs with fellow basic training class No. 404 members on the outdoor mulch track at the Department of Criminal Justice Training as part of required physical training.



/Photos by Elizabeth Thomas

Shelbyville Police

A Small Town with Big-town Amenities



and lock your doors,” said Schutte, adding that people, comfortable in the small-town mentality, even leave computers in their unlocked cars.

For a town of Shelbyville’s size, the police department is understaffed. But even with its strained resources, the department finds solutions toward proactive policing.

Under Schutte’s leadership, the department added a Special Investigations Unit comprised of three officers whose primary task is street-level narcotics and gang activity. The two-year-old unit has worked closely with Lexington’s CLEAR Unit in combating Shelbyville’s rising gang-related activity, a problem which has mostly spilled over from the larger cities.

A drive along a community street takes you to a quaint, new subdivision with average middle-income homes standing vacant. When the builder faced economic crisis, the homes were left empty.

Although many of them have been purchased and the building completed, the rest have been left to vandals. A peak around the corner of one reveals broken brand-new windows and busted doors. A walk down a hidden path behind the subdivision leads to a utility shed decorated in gang tagging.

This is where Shelbyville’s SIU makes its presence known. After the unit’s first eight months, crime in Shelbyville dropped 20 percent.

In addition to the SIU, Shelbyville also has a four-officer bike patrol, a new K-9 unit and a citizens’ advisory board. Also, the first case of the newly launched Crime Stoppers program was successfully closed.

“Quite frankly, I wish we had more officers, so we could be even more involved in community relations,” Schutte said. “But when you start adding officers, you start accruing more expenses, and resources are just so limited right now.”

Downtown Shelbyville is adorned with historical houses and wrapped in the rolling hills of the Bluegrass region.

“All throughout Shelby County is a beautiful area,” Schutte said. “You have the small-town atmosphere with the amenities and access to the big city.”

Though most of the area surrounding Shelbyville is beautiful farmland, it has attributed to some of Shelbyville’s recent issues.

Where tobacco barns used to dominate the landscape, now horse barns have taken their place. As the tobacco industry and its farms fade away, the horse industry has taken up residency in the countryside, leaving no lack for labor.

With the media attention that illegal immigration gets nationally, the local police department gets put in the middle of a heated debate when long-time residents see the Hispanic population grow. While many are legal H-2A temporary farm workers, the country’s debate has had a polarizing effect on the residents of Shelbyville, like many communities facing similar situations, Schutte said.



Officer Bruce Gentry, who came from the New Orleans Police Department and was accustomed to the technology available there, noted how Shelbyville’s equipment and technology has improved during the five years that Schutte has been chief in Shelbyville.

“We’ve come a long way since [Schutte’s] been chief,” said Sgt. Gary Kuhlman, 12-year veteran of the department.

Gentry also noted the experience level and diversity of his fellow officers.

“You actually get to be a police officer here,” Kuhlman said. “We don’t get lost in the shuffle of a bigger P.D. I’d put all our officers up against any in the state. In a big city, you might get to be a doorstop at a crime scene, but here you get to be a police officer.”

Shelbyville also has a pro-police mayor and city council.

“You can tell a difference when you have a police-friendly mayor and city council, and we do,” Gentry said. “And we’re a department that works well with the surrounding agencies to solve these crimes.”

“We’re getting the reputation of a department that officers want to come to – and stay here,” Kuhlman said.

Though the department has limited resources for the foreseeable future, the chief is optimistic about his department’s direction and accomplishments.

“We’re proud of where we are; but we’re not where we want to be – yet,” Schutte said. J

◀ Chief Robert Schutte visits Main Street businesses in downtown Shelbyville, just steps away from the department (above).
◀ (Bottom Right) Officer Bruce Gentry points out gang tagging and graffiti on a shed behind a middle-class subdivision.

/Article and photos by Elizabeth Thomas, Public Information Officer

A stroll through downtown Shelbyville, a town sandwiched between Lexington and Louisville, takes you back to the time of thriving downtown shops and familiar faces at every turn. Many residents here still leave the doors of their cars and homes unlocked.

“We want this to be a street-safe community,” said Shelbyville Police Chief Robert Schutte. “But, this isn’t Mayberry anymore.”

Schutte noted that as the neighboring large cities, like Lexington and

Louisville, have increases in certain crimes, so will Shelbyville, which is situated on I-64, the connecting corridor between the two. Although the official population is about 11,000, it is with the unofficial, transient population that Shelbyville’s 23 officers spend most of their time.

Car thefts, according to Schutte, top the list of issues in Shelbyville. Unassuming residents trust their most valuable or expensive possessions to their unlocked cars.

“We tell them, ‘don’t leave things in your car you can’t afford to lose



Criminal Street Gangs Invested in Kentucky >>

/Kelly Foreman, Public Information Officer

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ON THE STREETS



In just two more weeks, Gregory Bolton would have celebrated his first birthday with cake and ice cream smeared from head to toe, with brightly colored balloons and streamers and the friends and family who loved him.

But instead of giggling to the familiar “Happy Birthday” tune, Gregory laid cold and alone in the city morgue – a casualty of gang warfare.

Ossco Bolton, Gregory’s uncle, was starkly familiar with the casualties left from the crossfire of gangs rival to his own. But watching as his 11-month-old nephew was murdered in cold blood for nothing more than being in the wrong place at the wrong time convinced Bolton that enough was enough.

“When your city becomes just overwhelmed with gangs, drive-bys kill so many young children,” Bolton said. “And the reasons these guys in these gangs don’t care about shooting your house up whether it kills a child or not – it’s not that they’re looking to say, ‘Oh, I’m going to kill a child.’ The whole goal of shooting a house up is just to say ‘Look, we’re not playing with ya’ll.’ But in the midst of that, children are being killed.

“My daughter and my nephew were the same age,” Bolton said. “He was killed two weeks before his first birthday. That always holds a lot of weight with me.”

Bolton’s plans for his life did not include peddling drugs in a seedy alleyway to support his activities or carrying a gun with him everywhere he went, just in case. In fact, he never intended to join a gang at all.

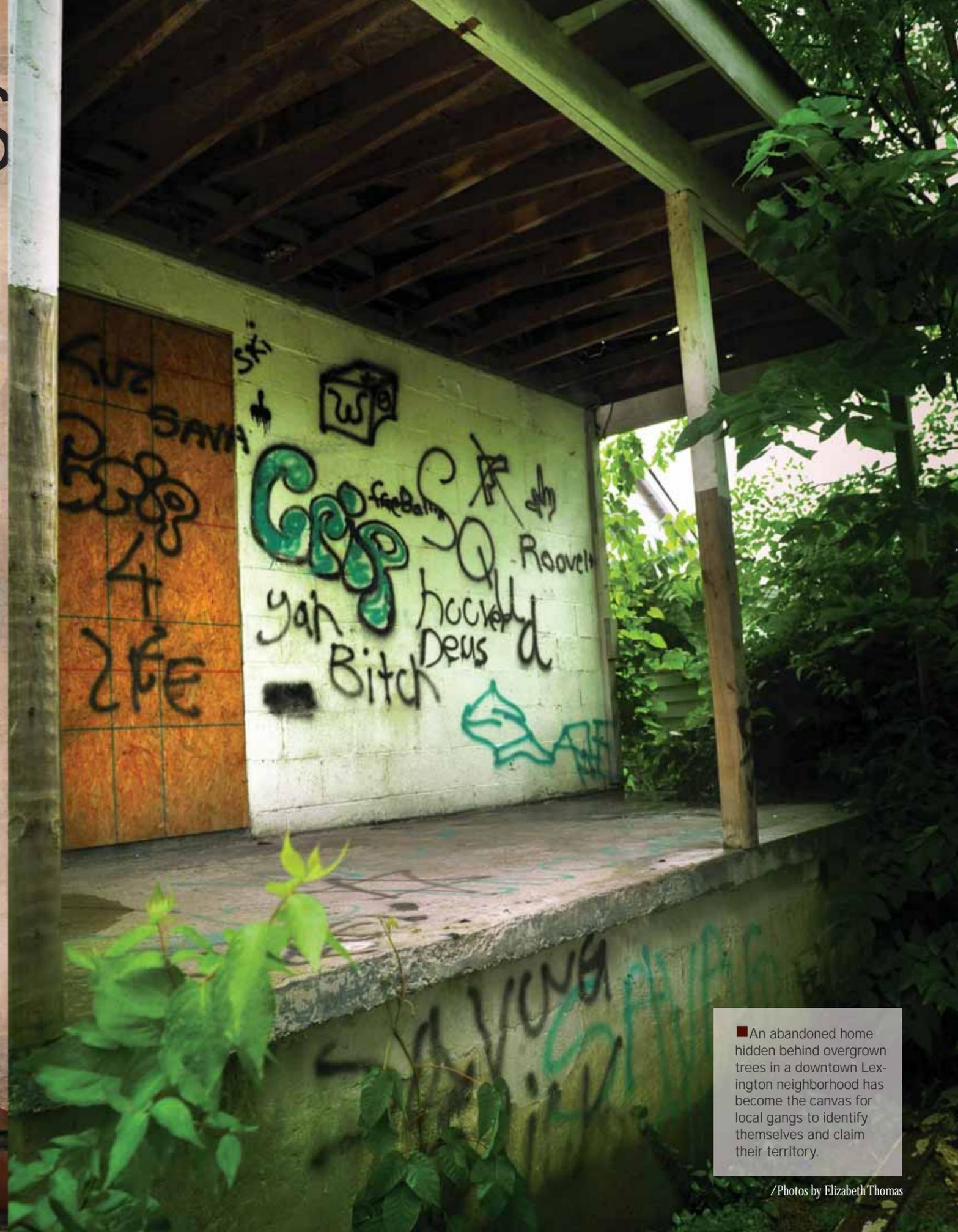
The teen and his friends had aspirations of becoming rich and famous rappers in his hometown of Kansas City. But when Los Angeles gangs began to infiltrate the city with guns, violence and mayhem, Bolton and his friends united together behind weapons and loyalty to protect themselves from the violent intruders.

“We got involved with a Crip sect,” Bolton said. “A lot of the guys that I grew up with started claiming a Crip sect (a smaller, offshoot group of the national Crip gang) so, basically, our city got swept into that and I wound up gang banging, getting into shoot outs and all kinds of crazy stuff. ... Kansas City was not a big city. But [the Los Angeles gangs] came to this mug and tore it apart and they used us to help them.”

From age 15 until he was 21 years old, Bolton estimates he was involved in about 200 gang-related shootings – some where he was the shooter and others where he was the target. He recalled three different occasions when his car was filled with bullet holes from rival gangs and another instance when his grandmother’s home was sprayed with gunfire.

“I was just trying to survive,” Bolton said in a tone of frustration. “When my daughter was born, I couldn’t go to the park and enjoy her at the park, I couldn’t take her swinging, I couldn’t do the normal daddy stuff that I wanted to do with my daughter. She was with me all the time.

“Here she was, a month old riding with me; and I was 19, I didn’t know what I was doing,” he continued. “But I’m riding around >>



■ An abandoned home hidden behind overgrown trees in a downtown Lexington neighborhood has become the canvas for local gangs to identify themselves and claim their territory.

GANGS ON THE STREETS OF KY

GANG-RELATED PROGRAMS

GANG RESISTANCE EDUCATION AND TRAINING (GREAT)

The GREAT Program is a school-based, law enforcement officer-instructed classroom curriculum. With prevention as its primary objective, the program is intended as an immunization against delinquency, youth violence and gang membership, its Web site states.

Kentucky is home to two GREAT programs, one in Pulaski County and one in Fayette County. Pulaski County Detention Center Sgt. Rob Cox said the jail has been operating the program for more than 10 years, and has seen results in its participants' attitudes and direction.

Cox is one of two sergeants, a lieutenant and one deputy within the jail system who teach the curriculum and receive grant funding to operate classes and activities in both elementary and middle schools, as well as a week-long, free summer day camp.

For more information about how to get a GREAT program started in your area, call Cox at (606) 271-0964, (606) 678-4315, or visit the GREAT Web site at www.great-online.org.

PROJECT SAFE NEIGHBORHOODS

Project Safe Neighborhoods is a nationwide commitment to reduce gun and gang crime in America by networking existing local programs that target gun and gun crime and providing these programs with additional tools necessary to be successful, its Web site states.

The program is built from five basic tenets: partnerships, strategic planning, training, outreach and accountability. It is designed to get the message out that gun and gang crimes are taken seriously, said Assistant U.S. Attorney Robert Duncan, Jr. The program also seeks to put a positive face on law enforcement and provide alternative, positive outlets to crime.

For more information, visit www.psn.gov. ■

>> with my daughter and got a gun in my lap. I was like, OK, if somebody pulls up, I gotta kill them because I got my daughter with me I mean it was just crazy.”

In May of 1993, Bolton's life was changed after he attended an urban peace and gang summit brought to Kansas City by a group of adults who were former gang leaders.

“I was tired of the drive-bys and the shooting – I was carrying a gun with me all the time,” Bolton said. “... They showed me that there was an opportunity outside of the life of illegal-drug selling and gang banging, that we could actually do something to change our community.”

After the summit, Bolton took the initiative to begin working to counteract the gang violence and warfare going on within the community's streets and schools.

“I started working real closely with law enforcement here,” Bolton said. “The way we work together here is the officer would go out and if they arrested someone, did a kick in at a dope house or something or took down somebody that was known as a heavy-weight gang leader in Kansas City, if that guy had a little brother, they would call me and say, ‘Look man, we had to take this guy down. We've got a lot of little guys that look up to him. Would you start working with those guys?’ So that's what I started doing at that time.”

That connection with law enforcement has grown, and Bolton now helps other communities – like Lexington, Ky. – assess their gang problems and direct them down a path of intervention, prevention and suppression of gang activity.

“What I was noticing in Kentucky when I

first came was like, ‘Man, this is like an early Kansas City,’” he said. “You start seeing the graffiti, there were no major shootings or anything yet, but it was there. I think they had had one shooting at that time. Then they let me go into the schools and I noticed it there, especially among your Hispanic males. I was like, ‘Whoa, ok, I see it.’”

“Part of coming to Kentucky was actually to prevent Kentucky from becoming ... like Kansas City, Missouri,” Bolton continued. “I tell people all the time that [Los Angeles's gang infiltration] was a little more than 20 years ago and we still haven't recovered. If you keep allowing your city to go in the direction that it's going and some people are ignoring it because it's not as bad as other cities, eventually you are going to have a problem. So that was my goal, to come up there and meet with law enforcement, assess it, and then talk about strategies.”

With the creation of the Community Law Enforcement Action Response Unit and other gang prevention initiatives, Lexington Division of Police and other government and community members have focused their efforts on keeping the city's gangs under control. But Lexington is just one city in a state that has documented and confirmed more than 60 active gangs, spreading from the Big Sandy to the Mississippi.

Coming to a town near you

The Los Angeles Police Department began in 2001 to investigate gang-related Web sites, which they say had grown to the tens of thousands nationally. One of the sites they noted belonged to the P-town Gang in Kentucky, which blatantly offered a link to submit a re-

sumé to become a part of their gang.

In Bowling Green, it was 1996 that the community began to take notice of gang members. One group in particular, the Asian Boyz Gang, was found to be responsible for a shooting that year of a family inside their home, which left a young girl orphaned and fighting for her life.

Ten years later, a Louisville television station documented the “changing face of Louisville gang activity,” in a special report identifying groups ranging from Crip sects to local-area gangs, like the Badd Newz Gang, a group mostly of 15- to 21-year-old boys.

More than 70 miles away, Scott County officials investigated a group of teens calling themselves the Cherry Picking Gang, who were targeting unlocked vehicles. Taunting their victims, the gang members occasionally left notes blaming the vehicle owners for the thefts, telling them the crime was their own fault for leaving their doors unlocked.

For years, identifying criminals in our communities as gang members or addressing that crime as gang related was considered taboo, said Lexington Police Lt. Ken Armstrong.

“You don't want to be the chief of police of a small town that has to admit, for the first time in 50 years, that you have gangs operating in your community,” he continued.

But similar stories to those documented above can be found in news reports from Georgetown, Woodford County, Shelbyville, Cynthiana, Covington and beyond.

The media brought even greater attention to stirring gang violence with grueling details of a Fayette County trial earlier this year

against several Latin King gang members accused of murdering one of their own – a 19-year-old boy. His gang brothers turned against him when he missed some of their meetings and began dating a girl from a rival gang.

“A lot of even our law enforcement people in Kentucky are naïve to the fact that there are gangs and they are not just in Louisville and Lexington,” said Kentucky State Police Capt. Kevin Payne, who is assigned to the Drug Enforcement/Special Investigations Unit. “... For those people who had never really considered the idea, it is a wake-up call to say, ‘Hey, here it is folks. And if you are not getting ready, you better, or you are going to have a problem.’”

Competition for Crime

“What really has driven this [coverage of gang activity] in the media has been the Latin gangs, but to be honest with you, that is just what has gotten the most media attention,” Armstrong said. “There are plenty of other groups that exist that are just as bad, just as deadly and involved in just as much criminal activity.”

“There have been assaults and homicides and things that could be considered gang related for years before we ever started talking about it,” Armstrong continued.

Eric Mercer, a special agent with Alcohol, Tobacco, Firearms and Explosives, agreed.

“Whenever we get on this topic, we seem to always go to the Hispanic gangs,” Mercer said. “Because of the influx of Hispanic gangs that came in and because they were so in your face for a while, that really brought the spotlight to it all.” >>

BY THE NUMBERS

772,500

An estimated number of people in the U.S. that were members of gangs in 2000, a drop of 8 percent from the number of active members in 1999.

70

Percent of increase from 1999 to 2003 of incidents of juvenile gang killing in the United States.

15

The age of Raymond Washington when he started what later would become known as the Crips.

1948

The year Hell's Angels motorcycle gangs started in San Bernardino, Calif.

24,500

Approximately the number of active gangs, according to the National Youth Gang Center, in the United States in 2000, which is a decline of 5 percent from 1999.

6

The percent of all reported members who were female in 2000. Also, 39 percent of all youth gangs had female members. Two percent of gangs were identified as predominantly female.

THE STREETS OF KY



■ Following the arrest of several juvenile and adult gang members in a Lexington apartment complex, Lexington Division of Police Officer Jeff May searches the home for weapons, narcotics and other signs of criminal gang activity.

>> That spotlight was not lost on existing gangs in Kentucky's communities. When Hispanic gangs began to increase, it brought out competition for criminal activity from other gangs, said KSP Sgt. Mark Burden.

"They began tagging areas and trying to designate their areas like they do in bigger cities," Burden said. "... They are claiming their territory to keep the other gangs out. As time went on, we noticed other gangs coming out to say, 'Hey, this is our area.' And that is where it leads to more violence."

From Latin Kings and MS-13 to Bloods and Crips, Kentucky has become home to a variety of gangs. But beyond the more commonly known national groups, officers said there are a multitude of home-grown gangs. Mercer described these gangs as "a group of guys that are calling themselves something, who have a common name, who have a common criminal activity."

"If there is a group of them that are acting in concert with each other, they are making just as much impact on their community (as larger, national gangs) and have been for years," he said. "... But that helps us now to use those tactics that we started to use on these migrant gangs that have moved into our areas – these bigger, national gangs – and use those same tactics on these armed, drug-trafficking gangs that we already had in our community for years."

Who are they?

Contrary to stereotype, officers say gang members sometimes can be complicated for the untrained investigator to identify. On the movie screen, gang members usually are distinct, rough-looking, dark-skinned characters with obvious color predilections, baggy clothes, oversized jewelry and body art.

And while there is some of that in Kentucky, there are just as many gang members with crew cuts and khakis, officers say.

"Don't just think of it as a lower-class [issue]," Mercer said. "We had guys in [one] group that were in college. We had guys whose families had good jobs, lived in a nice house, they grew up in a nice neighborhood."

"They did it for a completely different reason; they got caught up in the culture of it," Mercer said. "You will find young, white males and females – don't forget females in this whole crew – you will find affluent young people who have watched it on TV."

Like Bolton, Mercer said members from one group he investigated wanted to be rappers and became gang members to emulate that culture.

"But along with that came violence and shooting," said Assistant U.S. Attorney Hydee Hawkins. "There are a number of cases ongoing right now where there is a lot of violence involved. The guns and the drugs and the violence sort of go along with the culture."

And that violence is key, investigators say.

"It is not illegal to be a gang member," Mercer said. "You can be a gang member all day long, you can wear red all day long, you can flash gang signs – you can admit you are in a gang and there is nothing illegal about that. But you have to focus on that criminal activity. That is where we get involved."

That activity ranges by group, by area and by opportunity, investigators said. Some groups may focus specifically on one type of crime, but others will run the full gamut from breaking into cars and other petty theft to extortion, prostitution, drug dealing – and ultimately murder.

"Every community has ants," Bolton said. >>

REGIONAL GANG MEETING

Every month, between 30 and 60 law enforcement agencies in the central Kentucky region meet to exchange information about gang activity officers have been working. These regional gang meetings have helped to establish a flow of data between agencies and a network of cooperation and intelligence, said Lexington Division of Police Lt. Ken Armstrong.

"Part of the exchange of information is if [an agency] is going to go hot and heavy into, say, Paris, and hit Paris real hard, then obviously they are going to abate some of the problem by putting people in jail, but the other aspect of that is [the gangs] will move somewhere else," Armstrong said. "Well, those meetings are designed to warn somebody that, 'Hey, we're putting the heat on this group and we are seeing this group, so don't be surprised if they show up over in your county or city if you're not doing the same.'"

For details about how to get involved in these meetings as well as the dates and locations, contact Lexington Division of Police Sgt. Brian Maynard at 859-425-2316 or bmaynard@lucg.com. ■

GANGS ON THE STREETS OF KY

>> "You just have to figure out what type of ants you have. Once you understand the type of ants, you will understand the character of those ants.

"Every gang is not about killing," Bolton continued. Some gangs, they just rob. Some gangs they don't even rob or kill, they just watch each other's back then they'll fight for each other. Then you've got some gangs that their whole goal is that they are going to murder someone. They are not going to allow any peace around them. So that is what you have to understand, what characteristic of gangs do you have in your community?"

Sometimes the crime committed by gang members is part of their survival, Bolton said.

"Even those gangs that just get together to protect themselves eventually wind up selling drugs, they wind up having to carry guns, they wind up having to shoot because the rival gangs have guns and they're selling drugs and they're not working," he said. "So if you're not working, you gotta sell the drugs. And it's hard to work when somebody is trying to kill you. You don't want to be at McDonald's in the drive-thru and a rival gang member pulls up and shoots you in the face."

Many times, gang members will live in one place and commit crimes in outlying areas, Hawkins said. Gang members who are involved in drug trafficking often will live and operate in the anonymity of a county where they can have a 100-acre farm and hide their drugs, Armstrong said.

"They are going to the smaller areas in hopes that they won't be noticed," Payne said.

Gonna-be's

But not all of Kentucky's gang members are in hiding. Several are in plain sight, especially in our schools, officers say. Our officers and educators just have to know what to look for.

"The youngest identified gang member that was actively associating themselves with the group and engaging in criminal activity that we have identified up to this point is a 9 year old," Lexington's Armstrong said. "That is prime age, to be honest."

One of Bolton's greatest efforts in Kansas City is keeping the community's schools from becoming a "prison prep system."

"One of the ways you can really look at your gangs is through your schools," he said. "You can look at what's happening in your schools to really step up your conversation when it comes to the street level."

In one Kansas City school, Bolton said every fifth grader claimed a gang. Still, Bolton said many school administrators and teachers are in denial about what is going on around them.

"The teachers say, 'He's really a good child, he's just getting picked on and nobody seems to help,'" Bolton said. "You get that young man that snaps off and the next thing you know he's got a criminal record. But nobody looks at that he's getting jumped on, they're picking on him when he leaves school, they're threatening him – he doesn't know who to talk to because he's been taught 'no snitching'."

"Part of what you want to do is be able to look at the number of fights in your schools — all those things start to triple — and then

what caused those fights," he said.

Thorough investigation into what may appear on the surface to be a simple spat between teens could keep those same children from spending their senior years in a juvenile detention center, or worse.

"One of the things officers can do as a police department: they can start their own mentoring process, because they have to be engaged in those schools," Bolton said. "People have to see that uniform for what that uniform was meant for – to protect and serve. These guys should be looked up to as role models and not just as, 'Oh they're taking my family away, we only see them when there's trouble.' So there are ways to do that. That is really what I preach. Any community that has a strong relationship between their young people and police officers won't allow the shootings."

In Lexington, officers have done a lot of leg work to get programs like Gang Resistance Education and Training into the classroom. But it is not always easy.

"Ultimately the biggest problem we have with GREAT is the statement it brings along with it when it is first introduced into a community or school system – that there are gangs in the schools," Armstrong said.

But, Armstrong said it is important to realize the seriousness of juveniles who are engaging themselves in gangs.

"A lot of people want to say, whenever you're talking about gangs – especially in rural areas – 'Oh, it's just a bunch of wanna-be's,'" ATF's Mercer said. "We try to change that and say, 'You know what, they are not wanna-be's, they are gonna-be's.' Whether you or I believe that this small-town group

of guys that are armed drug traffickers are a gang – if they believe it, it doesn't matter what we believe.

"If they believe they are a gang, they can be very serious about it and they can cause a major impact on your community real fast," Mercer continued. "If you take a small community, it doesn't even have to be a huge group of guys."

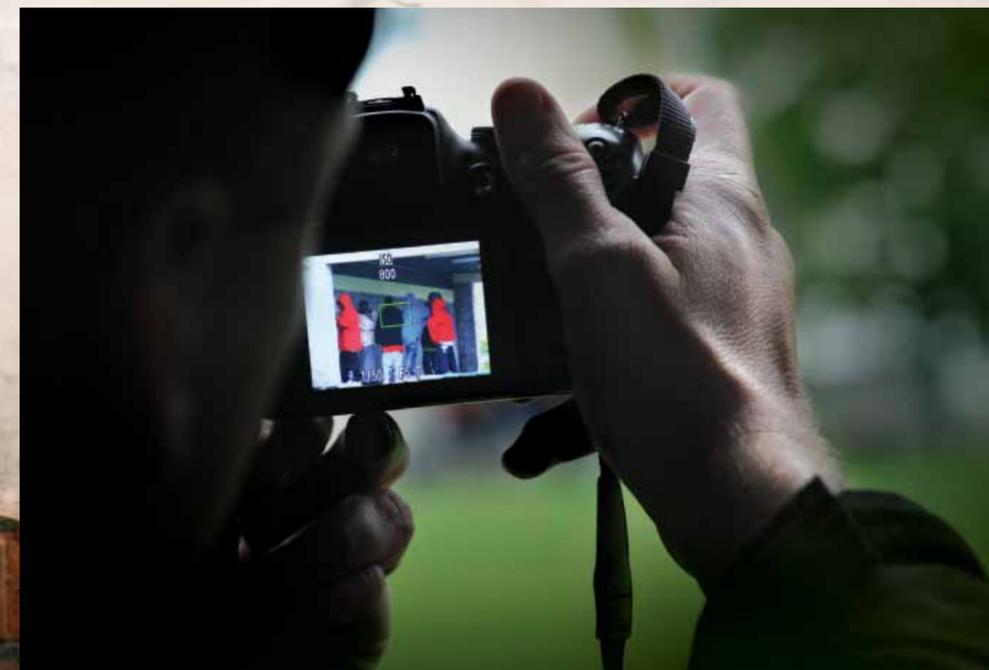
A three-pronged approach

Educating the educators, the community and other law enforcement is one major part of what Lexington believes should be a three-pronged approach to controlling gangs. In addition to education, Armstrong also believes in prevention and enforcement.

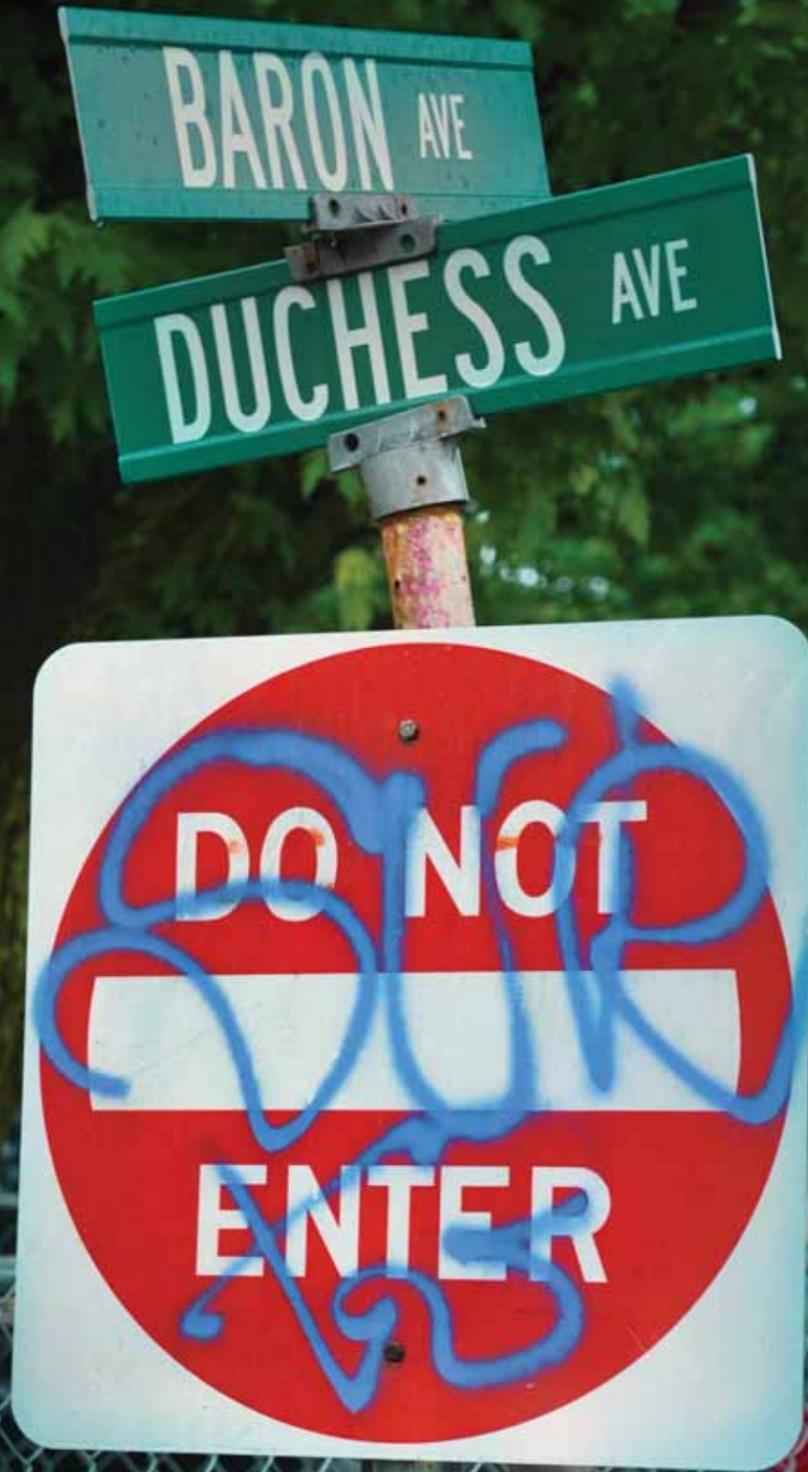
"Each of them has different aspects to it," Armstrong said of the prongs. "If you just stick with one – if all you do is enforcement – you are just banging your head against the wall."

While the terminology he used is slightly different, Bolton agreed that law enforcement needs to focus on suppression of gang activity with as much emphasis on prevention and intervention. >>

▼ While driving through a neighborhood known for criminal gang activity, Lexington Division of Police Officer Bob Terry catches on camera a group of loitering teens huddled together and hiding their activities behind their jacket hoods.



THE STREETS OF KY



■ Street signs entering a Lexington trailer park alert rival gangs that the territory already is claimed by a local Hispanic gang. The park was littered with tagging not only on signs, but also on vehicles and empty mobile homes.

>> “I think you need to know what is really happening and you need to know how serious it can become,” he said. “But also you want to be honest enough to let them know that it hasn’t gotten as deep as other cities and these are the tools we need to prevent it.”

“For the most part, I hate to say it like this, but a lot of times things have to get worse before they get better,” Bolton added.

One of the first things law enforcement should do is educate themselves about the graffiti or symbolism gang members employ to send each other messages often encrypted with details of impending crime, KSP’s Payne said.

“Graffiti is one of the first signs you will start noticing right away,” he said. “When you start seeing graffiti, that ought to be a red flag. Not all graffiti is gang graffiti – some of it is just street art.”

Payne admitted that he did not understand what all the symbols meant until other law enforcement showed him, but he said understanding it is key.

“When you start seeing crowns, when you start seeing arrows up and pitchforks down and different things like that, that means something,” Payne said. “Until you get a little educated, you may look over that and not even know what it is.”

“That is so critical for an officer,” AUSA Hawkins said. “That is safety – life or death. There could be something getting ready to go down right then or that Friday at the end of the school week and if you don’t know how to read that right, it could be dangerous.”

Recognizing that graffiti is not limited to Interstate overpasses and stop signs also is important. Often gang members will display their symbolism in a variety of ways, in-

HIGHLIGHTS OF GANG-RELATED LEGISLATION SPRING 2008

46 states and the District of Columbia have enacted some form of legislation relating to gangs. As of spring 2008, the legislature of a 47th state, Wyoming, was considering adopting gang-related statutes.

36 states and D.C. have legislation that define “gang.”

21 states have legislation on gangs and schools.

Only **10 percent** of the states have enacted laws that address gangs within correctional facilities.

<http://www.iir.com/nygc/gang-legis/highlights-gang-related-legislation.htm>

cluding tattoos, clothing and other personal items, Payne said.

Upon seeing the signs that gangs are becoming an issue in any community, law enforcement and government leaders should next make an effort to learn from other cities’ experiences when establishing a plan to correct the problem, Bolton said.

“You can get something that is viable if you look at all the other cities and what mistakes they’ve made in the past, look at their strengths and then look at how you can build on their strengths and strengthen their weaknesses,” he said. “Then Kentucky can build something so strong because you don’t have the issues yet like your major cities.”

But most important for law enforcement, Bolton said, is engaging the community in whatever the department decides to do to address the situation.

“You’ve got to give some type of power to the community as well to support these young people, to really strengthen them and then see how you can pull some out,” he said. “You’re not talking about an overnight solution. Because the gangs will come in there and you won’t see them until they explode.” J

ILLINOIS

http://www.iir.com/nygc/gang-legis/illinois.htm

Curfew
 ■ Curfew Time for Minors, declaration and definitions

Gang Activity and Forfeiture
 ■ Street Gang Criminal Drug Conspiracy

Gang Databases
 ■ Statewide Organized Criminal Gang Database
 ■ Definitions
 ■ Duties of the Department
 ■ Duties of Local Law Enforcement Agencies
 ■ Interstate Compact on Gang Information

Gang Participation
 ■ Unlawful Contact With Street Gang Members

Gang Prevention
 ■ Bullying Prevention Education; Gang Resistance Education And Training

Gang Prosecution
 ■ Aggravated Identity Theft
 ■ Use Immunity
 ■ Authorization for the Interception of Private Communication

Gang Recruitment, Threats, Intimidation
 ■ Compelling Organization Membership of Persons
 ■ Aggravated Intimidation
 ■ Criminal Street Gang Recruitment on School Grounds or Public Property Adjacent to School Grounds

Gang-Related Definitions
 ■ Definitions

Gangs and Correctional Facilities
 ■ Organization of the Department of Corrections and the Department of Juvenile Justice

Gangs and Schools
 ■ Criminal Street Gang Recruitment on School Grounds or Public Property Adjacent to School Grounds

Gangs and Weapons
 ■ Aggravated Unlawful Use of a Weapon

Graffiti

■ Graffiti ban

Miscellaneous Gang Legislation

■ Division of Operations (formerly Criminal Investigation)
 ■ Assisting Victims and Witnesses of Gang Crime
 ■ Pilot Program: Internet Gang Crime Units.
 ■ Gang-Related Project Approval
 ■ ACT 147. ILLINOIS STREETGANG TERRORISM, Legislative Findings; Creation of Civil Cause of Action; Commencement of Action; Venue; Service of Process; Injunctive Relief, Damages, Costs and Fees

■ Confidentiality of Law Enforcement Records
 ■ Confidentiality and Accessibility of Juvenile Court Records
 ■ Unlawful Contact With Street Gang Members
 ■ Authorization for the Interception of Private Communication

■ Gang Crime Witness Protection Act
 ■ Definitions
 ■ Pilot program to assist victims and witnesses who are actively aiding in the prosecution of perpetrators of gang crime

■ Rules for the Gang Crime Witness Protection Program
 ■ Gang Crime Witness Protection Fund
 ■ Sec. 10. Definitions
 ■ Sec. 15. Creation of Civil Cause of Action
 ■ Sec. 20. Commencement of Action

■ Sec. 25. Venue
 ■ Sec. 30. Service of Process
 ■ Sec. 35. Injunctive Relief, Damages, Costs, and Fees
 ■ Sec. 40. Contraband
 ■ Sec. 45. Abatement as Public Nuisance
 ■ Sec. 33-4. Peace Officer or Correctional Officer; Gang-Related Activity Prohibited.

Public Nuisance/ Premises Used by Gangs
 ■ Maintaining Public Nuisance

INDIANA

http://www.iir.com/nygc/gang-legis/indiana.htm

Carjacking
 ■ Individuals Subject to Adult Criminal Jurisdiction
 ■ Carjacking—Penalty
 ■ Death sentence, aggravating circumstances

Curfew
 ■ Curfew for Children 15, 16, or 17 Years of Age
 ■ Curfew for Children Less Than 15 Years of Age

Enhanced Penalties— Sentencing
 ■ Graffiti
 ■ Death Sentences
 ■ Sentencing Enhancement for Person Committing Felony Offense While a Member of, at the Direction of, or in Affiliation With a Criminal Gang—Expert Testimony Permitted

Expert Testimony
 ■ Sentencing Enhancement for Person Committing Felony Offense While a Member of, at the Direction of, or in Affiliation With a Criminal Gang—Expert Testimony Permitted

Gang Participation
 ■ Juvenile Court Jurisdiction
 ■ Criminal Gang Activity

Gang Recruitment, Threats, Intimidation
 ■ Criminal Gang Intimidation
 ■ Criminal Gang Recruitment

Gang-Related Definitions
 ■ "Anti-Gang Counseling" Defined
 ■ Aggrieved Person
 ■ "Criminal Gang" Definition one
 ■ "Criminal Gang" Definition two

Gangs and Schools
 ■ Establishment of Anti-Gang Counseling Pilot Program
 ■ Establishment of Anti-Gang Counseling Pilot Program

Graffiti

■ Graffiti—Effect on Operator's License or Learner's Permit
 ■ Removal or Painting Over of Graffiti – Rescission of Order Regarding License or Permit
 ■ Graffiti definition
 ■ Criminal Mischief – Institutional Criminal Mischief

Juvenile Gang Members
 ■ Individuals Subject to Adult Criminal Jurisdiction
 ■ Limitation on Parent's Liability
 ■ Child Involved in Criminal Gang
 ■ Delinquent Child

Miscellaneous Gang Legislation

■ Gang Crime Witness Protection Program Established
 ■ Gang Crime Witness Protection Fund Established
 ■ Restitution to Victim

Public Nuisance/ Premises Used by Gangs
 ■ "Psychologically Affected Property" Defined

KENTUCKY

http://www.iir.com/nygc/gang-legis/kentucky.htm

Criminal Gang Activity or Recruitment— Actions not Constituting Defenses
 ■ Criminal Gang Recruitment
 ■ Criminal Gang Recruitment

Juvenile Gang Members
 ■ Preliminary Hearing – Proof Required to Try Child as Youthful Offender in Circuit Court

KENTUCKY GANG STATUTES

During the 2009 legislative session, House Bill 188 was introduced and detailed a number of new initiatives relating to tightening laws regarding criminal gangs. Some of the initiatives included creating a criminal gang database, providing definitions for criminal gang statutes, creating new offenses for criminal gang recruitment and gang-related proceed forfeitures.

The bill passed in the House but died in a Senate judiciary committee. Justice and Public Safety Cabinet Secretary J. Michael Brown said Kentucky's statutes regarding some of our most dangerous criminals need a serious second look.

"Kentucky has not yet seen the problems some of our surrounding states have dealt with regarding criminal gang activity," he said. "But we cannot ignore that gangs are in our communities and must be addressed. It is imperative that we build laws that strengthen the resources of our law enforcement, give peace to victims of criminal gang activity and provide stricter penalties for those who choose to envelop their communities in fear.

"We need to engage and empower our citizens, our schools and our law enforcement in dealing with gangs," Brown continued. "It is time for Kentucky to get ahead of the problem to prevent our communities from becoming a safe haven for those who wish to perpetrate their crimes on our children and families."

MISSOURI

http://www.iir.com/nygc/gang-legis/missouri.htm

Drive-By Shooting
 ■ Unlawful Use of Weapons – Exceptions – Penalties

Enhanced Penalties— Sentencing
 ■ Felony or Misdemeanors Committed to Promote or Assist Criminal Conduct by Gang Members, Punishment in Addition to Regular Sentences
 ■ Evidence to Be Considered in Assessing Punishment in First Degree Murder Cases for Which Death Penalty Authorized

Gang Participation
 ■ Definition and penalty

Gang Prevention
 ■ Department to Identify and Adopt Violence Prevention Program, District to Administer – State Board to Adopt Violence Prevention Program – Duties – Administered How – Funding

Gang-related Clothing, Dress Codes, School Uniforms
 ■ School uniforms determined by school district

Gang-Related Definitions
 ■ Definitions

Gangs and Schools
 ■ Department to Identify and Adopt Violence Prevention Program, District to

Administer – Board to Adopt Violence Prevention Programs – Duties – Administered How – Funding

Gangs and Weapons
 ■ Weapon Defined – Weapons Owned or in Possession of Gang Members May Be Confiscated – Weapon Deemed a Nuisance and Destroyed by Court Order, When
 ■ Weapon Not to Be Declared a Nuisance Unless Notice Given to Lawful Owner, Procedure – Burden of Proof on State That Return of Weapon Would Endanger Lives

Juvenile Gang Members
 ■ Participating Knowingly in Criminal Street Gang Activities, Penalty – Persons Between Ages of Fourteen and Seventeen Participating to be Transferred to Courts of General Jurisdiction

Miscellaneous Gang Legislation

■ Death penalty in first-degree murder cases – jury instructions to include that the crime was committed as part of a pattern of criminal street gang activity.
 ■ Labor Union Activities and Other Employee Activities, Exempt – Local Governments May Adopt Laws Consistent With and Alternative To Establishment and Enhancement of Local Crime Prevention Programs – Proactive Partnership Prevention Approach – Amount of Funding – Audit – Rules

Public Nuisance/ Premises Used by Gangs
 ■ Buildings, Rooms and Structures Used for Criminal Street Gangs' Activities Deemed Public Nuisances – Owner Knowing of Gang Use, Court May Order No Occupancy up to One Year.

OHIO

http://www.iir.com/nygc/gang-legis/ohio.htm

Drive-By Shooting
 ■ Specification That Offender Discharged Firearm From Motor Vehicle

Enhanced Penalties – Sentencing
 ■ Basic Prison Terms
 ■ Specification That Offender Participated in Criminal Gang
 ■ Gang Activity and Forfeiture
 ■ Fines

Gang Participation
 ■ Participating in Criminal Gang

Gang-Related Definitions
 ■ Definitions

Public Nuisance/ Premises Used by Gangs
 ■ Criminal Gang Premises Constitute Nuisance
 ■ Nuisance

TENNESSEE

http://www.iir.com/nygc/gang-legis/tennessee.htm

Carjacking
 ■ Definitions and penalty

Enhanced Penalties – Sentencing
 ■ Criminal Gang Offenses – Enhanced Punishment – Procedure

Gang Prevention
 ■ Safe Schools – Advisory Guidelines.
 ■ Tennessee Section 49-6-1027 – Annual evaluation of threat to and influence on school children by gangs in the community

Gang-Related Clothing, Dress Codes, School Uniforms
 ■ Wearing Clothing Denoting Gang Membership or Affiliation

Gang-Related Definitions
 ■ Criminal Gang Offenses – Enhanced Punishment – Procedure
 ■ Wearing Clothing Denoting Gang Membership or Affiliation

Gangs and Schools
 ■ Wearing Clothing Denoting Gang Membership or Affiliation

Graffiti
 ■ Graffiti Removal – Funds and Manpower
 ■ Mailbox Tampering – Damage or Defacement of Government Property

Juvenile Gang Members
 ■ Transfer From Juvenile Court

VIRGINIA

http://www.iir.com/nygc/gang-legis/virginia.htm

Carjacking
 ■ Use or Display of Firearm in Committing Felony
 ■ Carjacking; Penalty

Drive-By Shooting
 ■ Shooting From Vehicles So as to Endanger Persons; Penalty

Enhanced Penalties – Sentencing
 ■ Enhanced Punishment for Gang Activity Taking Place in a School Zone; Penalties

Gang Activity and Forfeiture
 ■ Forfeiture

Gang Databases
 ■ Criminal Street Gang Reporting
 ■ Powers and Duties of Director
 ■ Additional Duties of the Director

Gang Participation
 ■ Prohibited Criminal Street Gang Participation; Penalty

Gang Prosecution
 ■ Third or Subsequent Conviction of Criminal Street Gang Crimes

Gang Recruitment, Threats, Intimidation
 ■ Recruitment of Persons for Criminal Street Gang; Penalty
 ■ Hazing of Youth Gang Members Unlawful; Criminal Liability

Gang-Related Clothing, Dress Codes, School Uniforms
 ■ Uniforms in Public Schools; Board of Education Guidelines

Gang-Related Definitions
 ■ Definitions

Gangs and Correctional Facilities
 ■ Powers and Duties of Director

Gangs and Schools
 ■ Enhanced Punishment for Gang Activity Taking Place in a School Zone; Penalties

Graffiti
 ■ Willful and Malicious Damage to or Defacement of Public or Private Facilities; Penalty

Juvenile Gang Members
 ■ Admissibility of Statement; Investigation and Report; Bail
 ■ Additional Duties of the Director

Public Nuisance/ Premises Used by Gangs
 ■ Houses and Contents Are Nuisances Subject to Abatement
 ■ How Nuisance Enjoined
 ■ When Case to Be Tried; Dismissal; Substitution of Complainant; Costs ■



GANG LIFE

DOES NOT END AFTER CONVICTION

/Kelly Foreman, Public Information Officer

The price of cigarettes at the corner gas station: about \$4.50.

The price of cigarettes at one of Kentucky's federal prisons: \$500.

Illegal substances, money and power are at the heart of gang activity on the streets. So it should come as no surprise that in prison, gang members wishing to continue their criminal activity thrive on the same vices.

Kentucky is home to two high-security federal penitentiaries, two medium-security federal correction institutions, one federal medical center, 13 state-operated adult institutions and three private prisons. This does not include the multitude of local and regional jails operated by our counties or federal satellite prison camps.

While some may argue that Kentucky's gang problems are minimal compared to metropolitan cities, inside the walls of our correctional facilities gang members serving sentences from across the country attempt to continue perpetrating crimes.

"I think it is a reality that gangs are present in all the prisons," said Rob Duncan Jr., assistant U.S. attorney for the Eastern District of Kentucky. "Just because you're in prison doesn't mean that you necessarily give up that gang affiliation once you go in. There is carry over from the street inside the prison, but I think that our institutions do a good job of policing that internally, and when appropriate, referring us cases for prosecution."

Duncan and Assistant U.S. Attorney Pat Malone are part of a special prison litiga-

tion unit that uses existing laws to prosecute inmates committing crimes – particularly gang-related assaults, corruption, contraband and more.

Both Duncan and Malone have worked several cases stemming from activity inside the Big Sandy Federal Penitentiary in Inez, Ky. The high-security facility was opened in 2003 about the same time as a Washington, D.C. prison was closing, Malone said. Several of the Capitol's most violent gang members found their new home in Kentucky.

"That particular institution housed a great many violent criminals — people who had committed . . . assaults, rapes, armed robberies and homicides," Malone said. "So when that institution shut down and Big Sandy was starting up, Big Sandy got the lion's share of those inmates. Which meant not only was it a high-security institution, but they got a tremendous number of violent people."

Beaumont, Texas also served as home for gang members from a variety of gangs including the Arian Brotherhood and several Hispanic gangs, Malone said. When it was downgraded to a mid-level security facility, a

lot of the prison's high-security inmates were shipped to McCreary County's federal penitentiary.

But Beaumont and Washington, D.C. are not the only cities from which inmates come to Kentucky. In the federal system, Malone said inmates can be brought here from anywhere in the country.

With the migration of inmates into Kentucky's federal prisons, so come the families of those being lodged inside. In many cases, Duncan said those family members will take up residence in the same town or a nearby city and help the inmates continue their criminal activity from the outside.

"Once the inmates are released, they may be released back to their home district or they may be released here," Duncan said. "You have family members who will come and follow some of the inmates; which can be particularly troubling if the inmates are gang members and are trying to further their gang activities. You will have people who may be associated with them moving in to help them further their goals, or to establish a new base once they are released from custody."

In Kentucky's Department of Corrections, that is where Jeff Hulker steps in. Hulker, a retired Frankfort police officer, now serves as the DOC security threat group coordinator, where he helps to monitor security-threat groups, which often include gang members.

"A lot of times it is obvious they are still communicating with others on the outside," Hulker said.



■ From behind the bars of his prison cell in the Kentucky State Reformatory's Segregation unit, a Latin Kings gang member displays just a portion of his body art identifying his alliance.

/Photo by Jim Robertson

Throughout their prison stay, Hulker said a lot of information is gathered about inmates identified as security threats. Upon an inmate's parole, Hulker uses that information to inform law enforcement within the community the inmate is supposed to be released to about what they might experience in dealing with that individual, including details about what gang with which he or she might be associated, he said.

"It is just kind of a heads up that this person is coming to your community, so that has kind of been favorable to law enforcement," Hulker said. "By law enforcement knowing that they are coming back to their community, I think it is important they know who these folks are, and it could be a potential source of information for them if there are crimes that start occurring that could lead them to a suspect that they didn't know was back on the street."

Gang life in prison is unique
Alliances and allegiances inside an institution often are very different from what they may

have been on the outside, both Hulker and Duncan said.

"It is unique," Hulker said. "When these folks end up in a new institution, where they might be rivals on the street, they might not be rivals in the prisons. They're just trying to survive, I guess."

"Prison gangs will have different alliances than they may or may not have on the street," Duncan said. "A number of inmates will band together to form affiliated groups for various purposes – for continuing criminal activity, a perceived need for protection or whatever it may be. The Bloods and the Crips on the street are typically perceived as rival gangs, but inside any given institution they could be united for some common purpose."

One of the most common links investigators see among inmate gangs is narcotics. Not only does the contraband lead to the undermining of the prison authority, but it also leads to safety concerns and the threat of correctional officer compromise through bribes and blackmail, Duncan said.

"It hurts the entire system when an officer is compromised," Duncan said. "But I would say by and large, the officers who staff the prisons are good, hard-working people."

Special police investigators are stationed inside each of the federal institutions to monitor criminal activity, Malone said. It is hard to identify the number of gang-related cases the Eastern District of the U.S. Attorney's Office works annually, Malone said, because they are not cataloged as "gang" cases, per se.

But the crime committed by inmates typically is the same as by citizens anywhere – 90 percent of the problems are caused by only about 10 percent of the people, he said.

"I think realizing that there is a gang presence . . . is a step in the right direction – to recognize that there are gang members in our district, that they are committing crimes and they are becoming active," Duncan said. "That, I think, is the focus of everybody, to see what we can do to address the issue early rather than later." J

Arizona v. Gant:

IT'S NOT AS BAD AS YOU HAVE HEARD

Every so often, a Supreme Court case comes along that causes a great deal of fluff and fuss from the defense bar, and a simultaneous worry among police officers and prosecutors as to what effect it will have on the way searches or other police practices have been handled. This is understandable, since officers are trained to deal with situations according to established procedure, which is based on training received, which is drafted to comply with established statutory and case law. The whole principle of *stare decisis*, more familiar to lawyers but not alien to the police officer either, is based on the idea that the law should ideally remain the same over time. It should be dependable so that those who must enforce the law can know what it means and act within its limits. Cases which upset the way things have been done in the past, that go against an officer's training and experience, are unsettling to say the least.

/Robert E. Stephens, Jr., Assistant Commonwealth's Attorney, 34th Judicial Circuit

The recent United States Supreme Court case of *Arizona v. Gant* (Slip Opinion, October Term, 2008, Decided April 21, 2009) is such a case. Officers, prosecutors and an extensive number of lower courts have routinely relied upon an expansive reading of *New York v. Belton*, which seemed to permit vehicle passenger compartment searches, as a search incident to the arrest of a vehicle occupant, under almost any circumstances. *Arizona v. Gant* reins in this largely accepted, previous reading of *Belton*, but it does not totally eliminate vehicle searches incident to an occupant's arrest. *Arizona v. Gant* rather gives new guidelines on how such searches are to be conducted consistent with the Fourth Amendment to the U.S. Constitution. So, with all professional candor, *Arizona v. Gant* is undeniably not as bad as you have heard, but it does present some concerns in its own way.

Previous Case Law and the Ruling in *Arizona v. Gant*:

The first and basic rule, of course, is that the Fourth Amendment to the U.S. Constitution normally prohibits searches and seizures without an intervening check of a neutral judge or magistrate. There are "a few specifically established and well-delineated exceptions," to this rule, among which is a search incident to a

subject's lawful arrest. The Court in *Chimel v. California*, 395 U.S. 752 (1969) had "held that a search incident to arrest may only include the arrestee's person and the area "within his immediate control" – construing that phrase to mean the area from within which he might gain possession of a weapon or destructible evidence." *New York v. Belton* 453 U.S. 454 (1981) was the Court's application of the *Chimel* ruling in the context of an automobile search.

The ruling in *Arizona v. Gant* grew out of what the High Court considers an expansive reading, which many lower courts, and also prosecutors and police trainers, had taken of *Belton*. The Court in *Belton* had said if an officer lawfully arrested "the occupant of an automobile, he may, as a contemporaneous incident of that arrest, search the passenger compartment

of the automobile' and any containers therein." The Opinion of the Court in *Arizona v. Gant* noted that Justice Scalia, who, among others, had previously taken aim at this extensive reading of *Belton*: "[A]lthough it is improbable that an arrestee could gain access to weapons stored in his vehicle after he has been handcuffed and secured in the backseat of a patrol car, cases allowing a search in 'this precise factual scenario...are legion.'" Such searches had even been found permissible when the subject had already left the scene.

The United States Supreme Court in *Arizona v. Gant* now holds that such expansive readings of *Belton* went too far. What then is the officer to do during a traffic stop that leads to an arrest? When is a search of the passenger compartment of a vehicle permitted as a search incident to arrest?

Analysis Post-*Gant* of Vehicle Searches Incident to Arrest:

The officer arresting a subject who was an occupant of a vehicle at the time of arrest must now perform a two-step analysis before searching the interior of the vehicle as a "search incident to arrest" exception to the warrant requirement. First, he or she must determine if the *Belton* rule still applies. In other words, does an unsecured arrestee (thankfully a rare circumstance, as discussed below) have access to (i.e. are they within reaching distance

of) possible weapons or destructible evidence in the vehicle at the time of the search? If so, *Belton* still applies and the officer can search the passenger compartment of the vehicle and any containers found therein under the search incident to arrest exception to the warrant requirement. This is a matter of circumstances on the scene. *Belton* itself involved an officer who alone stopped and ultimately searched a vehicle with four arrested occupants, each of whom he could not restrain because he had only one set of handcuffs. Several factors could go to answering this question, including the number of officers versus the number of arrestees, and whether the arrestees can physically be restrained. It goes without saying that the officer cannot simply choose not to restrain the arrestees to meet *Belton's* requirements, but under the right, rare circumstances (always unfortunate for the officer facing them) *Belton* still can apply.

Second, if a *Belton* scenario is not present, officers may still, according to *Gant*, search the passenger compartment (and any containers therein) *if the officer reasonably believes he can expect to find evidence relevant to the crime of arrest*. This is important, and a saving grace in the *Gant* opinion. By so ruling, the Court in *Gant* recognizes the unique privacy concerns in the automobile context. As the Court noted, individuals have a privacy interest in the passenger compartment of their vehicle (and every container in the passenger compartment such as luggage, bags, etc.) which is deserving of constitutional protection, but which is less substantial than in the home. Searches of the passenger compartment (and containers within) are permissible under *Arizona v. Gant*, and thus the Fourth Amendment, so long as the officer reasonably believes he can expect to find evidence related to the crime of arrest.

What does this mean practically? It means an officer stopping a motorist for driving under the influence could reasonably search the vehicle for evidence of drugs or alcohol. *Arizona v. Gant* also means that an officer who stops a motorist on a traffic violation and who discovers an occupant of the vehicle has an outstanding warrant, can only do a search incident to arrest looking for items related to the outstand-

ing warrant charge, *if* he reasonably believes he could actually find any such evidence. It also means an officer who has probable cause to arrest vehicle occupants on a drug charge can then search the vehicle for drugs and related contraband. (This last scenario would be permissible anyway, under *U.S. v. Ross*, which permits a search of any part of a vehicle where evidence may be found if the officer has probable cause to believe the vehicle contains evidence of a crime, which need not be the crime of arrest.)

The particulars are going to be as varied as the circumstances officers meet on the street, but *Arizona v. Gant* should not prove an insurmountable hindrance on the ability of officers to search vehicles when appropriate without a warrant. Never forget too, that should neither *Belton* nor *Gant* (or any other warrantless search case) seem to apply, the officer with probable cause that a crime has been committed could and should always seek and receive a warrant. The warrant process, while rather cumbersome, is always the preferred first step in search scenarios, with the absence of a warrant being the exception, not the rule. Also, most evidence in the vehicle could eventually be obtained via an appropriate inventory search of the vehicle if the vehicle is properly impounded. Again, however, even an inventory search should not become a pretext, and inventory searches should proceed according to department guidelines, including the use of a search warrant for objects not in plain view during the inventory (for example: the interiors of luggage or sealed containers).

This last point raises an important note about *Gant*-type searches for evidence from the crime of arrest. If the officer conducting such a *Gant* search locates a container, the contents of which are not in plain view, and which could not reasonably contain evidence, he is deliberately searching for, he must obtain a search warrant to open the container. The safest road is always to obtain a search warrant anyway, and should be the first line of attack in such situations. A minor inconvenience at the beginning is better than the major issue of letting the criminal ultimately get away because of a constitutional violation.

Where Do We Go From Here?

The Court majority in *Gant* (those who joined the Opinion of the Court plus Justice Scalia, who agreed with the Court's Opinion in the outcome but wrote a separate, concurring opinion) seemed to be concerned primarily with ensuring police did not behave as if they have an entitlement to search vehicles at their mere whim. The bright line rule, as *Belton* had been read, would have been preferable to remain the law, since it did not infringe heavily on citizens' privacy interests, worked only in vehicles with occupant(s) already under arrest and was easy for officers and courts to measure against real world facts. The Court's new course in *Gant* is going to be none of these things. *Gant* will be neither easy to enforce nor to follow. But neither does *Gant* totally cripple officers' ability to search vehicles without a warrant if circumstances on the ground require such action.

A brief word should be said about the liability of officers sued for violations of the Fourth Amendment after *Gant*. The High Court has at least addressed that issue for officers who acted prior to the *Gant* ruling, opining: "Because a broad reading of *Belton* has been widely accepted, the doctrine of qualified immunity will shield officers from liability for searches conducted in reasonable reliance on that understanding." Officers following the old reading of *Belton*, however, after the release of *Arizona v. Gant*, by implication may face civil liability for their actions. That fact alone makes *Gant* a case officers should know about and be prepared to follow accurately.

Because of the circumstance-based, case-specific nature of each analysis under *Gant*, it is inevitable that lower courts, and ultimately the U.S. Supreme Court, will have to feel out the law as to what is deemed to be within the arrestee's area of control for purposes of *Gant*, and when an officer reasonably believes he may find evidence of the crime of arrest in the vehicle. The only thing officers can do is try to work within the guidelines of *Gant* unless and until a new opinion of the Court directs otherwise. J

Second, if a *Belton* scenario is not present, officers may still, according to *Gant*, search the passenger compartment (and any containers therein) if the officer reasonably believes he can expect to find evidence relevant to the crime of arrest.

KLC VEHICLE SEARCH MODEL POLICY

Related Policies: Biased-Based Policing

This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy should not be construed as creating a higher duty of care, in an evidentiary sense, with respect to third party civil claims against employees. A violation of this policy, if proven, can only be for the basis of a complaint by this department for non-judicial administrative action in accordance with the laws governing employee discipline.

Applicable State Statutes:
CALEA Standard: 1.2.4
Date Implemented: Review Date:

I. Purpose: The purpose of this policy is to direct officers in their contacts with motor vehicles.

II. Policy: The policy of this department is to protect and serve the constitutional rights of all citizens when conducting vehicle stops and searches while balancing the needs of law enforcement in solving crime for the protection of the community.

III. Definitions:

A. Motor Vehicle: Any motorized vehicle that is capable of movement to include motor homes.

B. Probable Cause: (search): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that evidence of a crime exists and that the evidence exists at the place to be searched.

C. Probable Cause: (arrest): Facts and circumstances based upon observations or information that would lead a reasonable law enforcement officer to believe that a crime has been or is being committed and the person to be arrested is the one who is or has committed the crime.

D. Reasonable Suspicion (temporarily detain): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that criminal activity is afoot.

E. Reasonable Suspicion (frisk): Facts and circumstances based upon observations or information, short of probable cause but based upon articulated facts that would lead a reasonable law enforcement officer to believe that a person who is lawfully stopped is in possession of a weapon.

F. Frisk (weapon): A limited type of search, the limit being to those areas capable of holding a weapon and located within the subject's immediate area of control.

IV. Procedures:

A. Vehicle Stops - Vehicles may be lawfully stopped under the following circumstances:

- a. Reasonable-Suspicion Based Stop - where an officer has articulated facts that support a belief that criminal activity is occurring and that a vehicle is involved, the officer may stop the vehicle to investigate further.

The stop may continue as long as the officer diligently investigates to confirm or dispel his or her suspicion that criminal activity is occurring and the occupant(s) of the vehicle are involved.

b. Probable-Cause Based Stopped-Traffic Violation - where an officer has probable cause to believe that a violation of the motor vehicle code has occurred, he may stop the vehicle and detain it for a reasonable amount of time while the citation is completed.

c. Probable-Based Stop Arrest/Search - where an officer has probable cause to believe that a person in a vehicle has committed a crime or probable cause to believe that a vehicle contains evidence of a crime or contraband, the officer may stop the vehicle to arrest the occupant (in the arrest situation), or stop the motor vehicle to search the vehicle in the search scenario.

d. Consensual Contact - An officer may approach any stopped vehicle (a vehicle which is stopped by the operator's own volition prior to police contact) and attempt to speak to person(s) in the vehicle. The officer has no power to force compliance with his or her attempt to contact in the consent situation.

B. Ordering Persons from a Vehicle: An officer may order any occupant of a lawfully stopped vehicle to exit the vehicle during a lawful stop.

C. Frisk of a Vehicle: An officer who has reasonable suspicion to believe that a lawfully stopped vehicle contains a weapon may search the vehicle subject to the following limitations:

- a. The search is limited to a subject's immediate area of control which would be the passenger compartment of the vehicle.
- b. The search is limited to those areas in the passenger compartment capable of holding a weapon.

D. Search Incident to Arrest (Vehicle): Following the lawful arrest of a subject from a vehicle or who had exited the vehicle just prior to arrest, officers may search the vehicle incident to arrest, subject to the following limitations:

- a. The arrest must be lawful and must be a full-custodial arrest.
- b. The search must take place at the time of the arrest.
- c. A search incident to arrest may not take place once the arrestee is secured in handcuffs and secured in a law enforcement vehicle unless the officer has reasonable grounds to believe that the vehicle contains evidence of the particular crime for which the subject was arrested.

d. The search incident to arrest is limited to the arrestee's immediate area of control (passenger compartment only), but is a thorough search.

e. Unlocked containers within the vehicle may be searched irrespective of who the containers belong to.

f. The person or other occupants may not be

frisked or searched simply because another person in the vehicle has been arrested.

E. Consent Search of Vehicle: An officer may ask the person in control of any lawfully stopped vehicle or a vehicle that is not moving at the time of a consensual contact for consent to search the vehicle. Consent searches are subject to the following limitations:

- a. The consent must be voluntary.
- b. Written consent is not required under federal law; however written authorization or a mobile video recording that documents consent will assist in proving the voluntary nature of the consent.
- c. The scope of the search is within the control of the person granting consent, thus, the consenting party can direct the area an officer is allowed to search, as well as how long the search may last.

d. Under the rules of consent, there is no requirement that officers inform a person of their right to refuse the officer's request. However, a person who is told of their ability to refuse will be less likely to make out a claim that their consent was not voluntary.

F. Probable-Cause Searches of Vehicles (Carroll Doctrine/Motor Vehicle Exception to the Warrant Requirement/Mobile Conveyance Exception) An officer may, without a warrant, search a motor vehicle when the officer can articulate probable cause to believe that the vehicle contains evidence of a crime or contraband subject to the following limitations:

- a. In cases where the vehicle was stopped or parked prior to contact by the police, the area where the vehicle is parked is not private property such that officers would have to obtain a warrant to gain access to the property itself.
- b. The vehicle is capable of movement. This does not mean that the vehicle is occupied; it simply means that the vehicle could be started and driven off with the turn of a key.
- c. Officers may search the entire vehicle unless the information known to the officer indicates that the evidence or contraband is located in a specific place within the vehicle in which case the scope of an officer's search would be limited to the specified area.
- d. Officers may only search those areas within the vehicle capable of containing the item being sought. For example, an officer looking for stolen stereo equipment would exceed the scope of a probable cause search if he or she were to search the ashtray for the stolen equipment.

G. Drug-Sniffing Canine: Where officers have a lawfully stopped vehicle, they may use a drug-detection canine to sniff the exterior of the vehicle as long as the sniff occurs within the duration, from a time standpoint, of the purpose that initially justified the stop. For example, if the vehicle was stopped for speeding, the canine would have to arrive and conduct the sniff in the

time it would take to write the citation.

- a. If the stop must be prolonged beyond its justification to wait for the canine to arrive, the vehicle must be released and the canine cancelled.
- b. If the canine conducts a sniff in accordance with this policy and alerts on the vehicle, the officer has probable cause and may conduct a probable-cause search of the vehicle.
- c. Putting a canine inside a vehicle is a search for Fourth Amendment purposes and must not be done unless the officer can support the search by probable cause to believe the vehicle contains contraband.

H. Inventory Searches: An inventory search is not a search for evidence or contraband and is not a search with an investigative purpose. The primary objective of these searches is to protect the property of persons whose vehicles

are towed at the direction of law enforcement. These searches also have the objective of protecting law enforcement from false claims with respect to vehicles that are towed at the direction of law enforcement. Inventory searches are subject to the following limitations:

- a. All vehicles towed at the direction of an officer of this agency, irrespective of the reason for the tow, shall be inventoried in accordance with this policy.
- b. Officers will note in their report any items of value that are within the vehicle.
- c. All compartments in the vehicle which the officer has access to, including those areas which the officer can open with a key or by activating a lock to the unlock position, without causing damage shall be searched. This includes the trunk, glove compartment or containers of any type that are present within the vehicle at the time of the tow.

d. If an item of extreme value is located within the vehicle and is removable, the officer shall take the item for safekeeping and either turn the item over to the owner or, when that is not possible, take the item to the department to be held for safekeeping in accordance with the provisions of the property and evidence policy.

I. Community Caretaking Search: Where officers have reason to suspect that a vehicle contains a dangerous item, which, if left unattended will endanger public safety, the officer may search the vehicle to remove the dangerous item for safekeeping. An officer removing such an item should protect the owner's property interest by ensuring that the item is stored in accordance with department procedures relating to property and evidence.

VEHICLE INVENTORY

Shawn M. Herron,
Staff Attorney, Legal Section

With the passage of *Arizona v. Gant*, law enforcement agencies are looking for legal ways to search vehicles when appropriate. Inventory searches, when a vehicle is impounded and towed, are one method, but there are certain parameters that must be followed to ensure that items found during an inventory are admissible.

In *South Dakota v. Opperman*, the Supreme Court noted the vehicles often are taken into police custody for various reasons. The Court stated that the "authority of police to seize and remove from the streets vehicles impeding traffic or threatening public safety and convenience is beyond challenge." Further, when "vehicles are impounded, local police departments generally follow a routine practice of securing and inventorying the automobiles' contents. These procedures developed in response to three distinct needs: the protection of the owner's property while it remains in police custody, the protection [for] the police against claims or disputes over lost or stolen property, and the protection of the police from potential danger." Such actions fall under the "community caretaking functions" of *Cady v. Dombrowski*. The Court held that "inventories pursuant to standard police procedures are reasonable." In the *Opperman* case, the Court noted that there was no indication that the inventory "was a pretext concealing an investigatory police motive." The Court found the inventory appropriate under the Fourth Amendment.

A few years later, in *Colorado v. Bertine*, Boulder police had Bertine's car towed to an impoundment lot following his arrest for driving under the influence. Another officer, acting in accordance with agency policy, did an inventory of the contents and opened a closed backpack inside the vehicle. There, the officer found a quantity of cocaine, cash and paraphernalia. Bertine was charged and tried, but Colorado ruled that the search violated the Fourth Amendment and suppressed the evidence. The Supreme Court, however, ruled that there was no indication that the police, "who were following standardized caretaking procedures, acted in bad faith or for the sole purpose of investigation." The Court ruled the evidence should have been admitted, so long as the search was done "according to standard criteria and on the basis of something other than suspicion of evidence of criminal activity."

In *Florida v. Wells*, the Court, however, ruled that an inventory that involved the opening of closed containers in a vehicle, was "insufficiently regulated to satisfy the Fourth Amendment." In *Wells*, the Court stated that such standardized criteria or established routine was necessary to prevent "individual police officers from having so much latitude that inventory searches are turned into a ruse for a general rummaging in order to discover incriminating evidence." (The Court noted that an "all or nothing" policy was permissible, however.)

Kentucky courts, however, have put more stringent rules on towing and inventorying vehicles.

In *Wagner v. Commonwealth*, the Kentucky Supreme Court ruled that a vehicle may be impounded without a warrant in only four situations:

1. The owner or permissive user consents to the impoundment.
2. The vehicle, if not removed, constitutes a danger to other persons or property or the public safety and the owner or permissive user cannot reasonably arrange for alternate means of removal.
3. The police have probable cause to believe both that the vehicle constitutes an instrumentality or fruit of a crime and that absent immediate impoundment the vehicle will be removed by a third party.
4. The police have probable cause to believe both that the vehicle contains evidence of a crime and that absent immediate impoundment the evidence will be lost or destroyed.

The Court noted that "[s]o long as the only potential danger that might ensue from non-impoundment is danger to the safety of the vehicle and its contents, no public interest exists to justify impoundment without the consent of its owner or permissive user."

If a vehicle is lawfully impounded, however, the Court ruled that an inventory is "impermissible unless the owner or permissive user consents or substantial necessities grounded upon public safety justify the search." To complicate matters, *Wagner* was overruled, but only in part, by *Estep v. Commonwealth*, which affirmed that if officers have probable cause to believe that the vehicle contains contraband or evidence of a crime, a search of the entire vehicle is permitted. (*U.S. v. Carroll* and *U.S. v. Ross*.) *Estep* also overturned an earlier case, *City of Danville v. Dawson*.

So, where does that leave Kentucky law enforcement agencies? Reading the Kentucky case law in conjunction with federal case law, a Kentucky law enforcement agency that uses inventory searches must have a formal policy that provides guidance to officers. It should indicate, in particular, that all vehicles impounded must be inventoried, with the intent to remove any individual discretion as to which vehicles to inventory. (Documentation to prove this is done also is critical.) A decision to inventory is not a search to discover evidence, although if evidence is found during a proper inventory, it will be admissible. It must indicate that a vehicle cannot be impounded simply because a subject inside the vehicle is arrested, but may only be impounded subject to the limitations provided by *Wagner*. In effect, that indicates a vehicle may only be impounded when it is actually necessary to do so, for public safety reasons, and if that is done, the officer should maintain documentation as to the reason for the decision to impound. *Estep* clarified, as well, that a *Carroll* search, based upon probable cause that the vehicle contains contraband or evidence, is also a separate legal justification to search a vehicle, whether impounded or not.

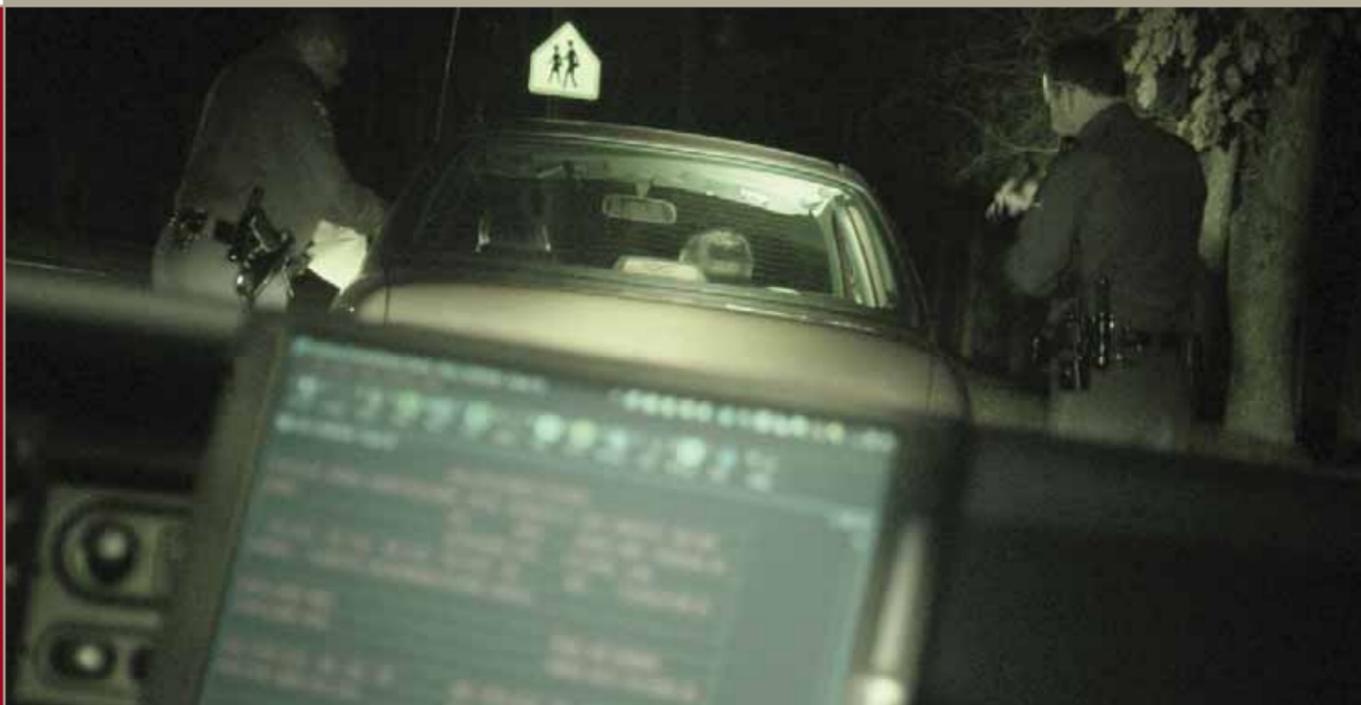


Kentucky law enforcement agencies are encouraged to contact the Kentucky Department of Criminal Justice Training, Legal Section, at docjt.legal@ky.gov, with any questions related to inventory or other legal matters.

How Does it Affect Us?

A LOOK AT ARIZONA V. GANT'S AFFECTS ON KENTUCKY'S AGENCIES

/Kelly Foreman, Public Information Officer



Questions among officers and police administrators have been swirling since the United States Supreme Court decided on April 21 that search and seizures as officers knew they would change.

"When something comes out from the Supreme Court, we may get notification through the Department of Criminal Justice Training or the Kentucky League of Cities, but this decision has really seemed to have gotten the attention of everybody," said Wilmore Police Chief Steve Boven.

The decision, best known around roll-call rooms as *Gant*, involved an Arizona case in which officers used an unrelated charge to stop and arrest a suspected drug dealer in an effort to search his vehicle without a warrant. The Supreme Court ruled that the Fourth Amendment requires officers to prove either a threat to their safety or a need to preserve evidence

relating to the crime for which the suspect was arrested to search a vehicle without a warrant.

So what does this mean for Kentucky law enforcement? Assistant Fayette County Commonwealth's Attorney Cindy Rieker said the true effects have yet to be played out.

"What really changed for them is the whole search incident to arrest essentially is gone for a vehicle," Rieker said.

In Fayette County, Rieker said she has begun to see court hearings related to the *Gant* decision almost weekly, and some judges are applying the case retroactively. Others are applying the previous but similar case of *New York v. Belton* – which allowed passenger-compartment searches incident to arrest – on a much narrower scale, she said.

"I think there is just so much that is just unknown with this case, and it will just be a matter of courts making decisions," she said.

That ambiguity has some officers question-

ing what is allowable during a traffic stop without search incident to arrest.

"It is vague," Boven said. "I know that, putting myself out there in the street – because I still work the street, not as much as I used to – but when you are stopping a car and you are getting a person out of a car, you may be handcuffing them for your own protection and he may not even be under arrest yet. So, that area is vague in what you can do and what you cannot do. And, if you are there by yourself, it just leaves a lot of gray area."

Because of that gray area, Rieker said officers are going to have to go back to the basics in most cases.

"What they are going to have to do is go back to a time before all of this *Gant* was there and before *Belton* which was, you have to be able to articulate the reason why you believe evidence might be in that car," she said.

Owensboro Police Chief Glenn Skeens agreed.

"I think it was the initial reaction by law enforcement when we first read it, that it could really impede our operations. But I think once we step back and the officer articulates the probable cause, it may take an extra measure to get a search warrant when needed, but it has not been anything we can't live with or still be proactive," he said.

When the ruling was handed down, Skeens said he met with local prosecutors and the county judge to discuss what the changes meant for Owensboro. From there, the agency implemented roll-call training to explain those changes to frontline officers. So far, Skeens said he has not had any negative or concerning feedback from the ranks.

In Elizabethtown, Police Chief Ruben Gardner said after adjusting the city's policy in ac-

us a little more inconvenience, but it does safeguard the case for prosecution."

Possible drug activity ongoing in the stopped vehicle is one area Henderson County Sheriff Ed Brady said he believes could be demonstrated to the court as an emergency case in which a search could be conducted post-arrest for officer and community safety.

"You know there are meth labs being carried around in vehicles, for example, if a car starts smoking," Brady said. "If you get a guy who you arrested for drunk driving and while you are getting the paperwork together and all that, you see smoke start coming from the car, certainly we are going to get in the car and find out what the problem is and things of that nature. But other than a situation like that, we're going to do what the Supreme Court tells us

our safety, we are going to get a search warrant in every possible situation that we can."

St. Matthews Police Chief Charles Mayer said that obtaining a warrant always is the best policy. In fact, Mayer said he does not think *Gant* will make much of a difference for officers, like him, who remember a time before search incident to arrest was allowed in Kentucky.

"We would hang our hat on the tow of the car if we made an arrest," Mayer said of one avenue he pursued if there was a feeling that the vehicle needed to be searched. "Of course we did plain sight if we could see anything laying there the driver had access to."

Rieker believes there still are several options, such as the inventory search, that still are on the table.

CAN WE STILL PERFORM AN INVENTORY SEARCH IF WE SUSPECT THERE IS SOMETHING MORE IN THE VEHICLE?

DOES INVENTORY WORK WHEN THE AGENCY DOES NOT DO THE TOW?

CAN I STILL SEARCH INCIDENT TO ARREST WITHOUT A WARRANT?

HOW DOES THIS AFFECT MY CASES THAT WERE PENDING PRIOR TO THE DECISION BEING MADE?

cordance with *Gant*, a meeting was conducted with supervisors to address the new policy and pass it on to patrol.

"As far as any complications from the decision, I have heard none," Gardner said. "It is a slight limitation on what was already, I thought, a broad court ruling. Personally I don't see that it is going to have any great impact on the city of Elizabethtown."

Most vehicle searches in Elizabethtown are done by consent, Gardner said. If it is a serious, felony case then the agency deals with searches by warrant.

"We don't jeopardize a case with something that might be reversed down the road," he said.

However, Gardner recognized that drug cases resulting from traffic stops are one area agencies may see a slight decrease in arrests.

"But, if you have probable cause to believe there are narcotics in the car, you can still acquire a search warrant," he said. "It just causes

to do."

While it is going to take some minor modifications from standard practice to comply with the ruling, Brady said one thing his officers still will be doing is a cursory search of the interior prior to arrest to ensure their safety.

Henderson County is in the process of reviewing and rewriting several policies with the intent to seek accreditation from the Kentucky Association of Chiefs of Police. One of those policies will include the practice of performing an inventory search on a vehicle impounded after its driver has been arrested.

However, Brady questioned how the court will view inventory searches and even K-9 searches in light of the *Gant* ruling.

"We want to search as often as we legally can, and I plan to get some guidance in writing from our county attorney on how to do that," Brady said. "Our policy down here is going to be that if that person has been placed under arrest, other than making a cursory search for

"We are encouraging our officers to use other methods," she said. "Consent is big. Probable cause – a lot of times officers know things they do not want to reveal, particularly in narcotics. ... They need to be utilizing their drug dogs much more than they are."

However, Rieker cautioned officers not to extend traffic stops beyond their normal scope in order to get a K-9 on scene. The most important thing officers need to understand is why they search something, and then be able to articulate that reasoning to the court.

Being flexible to the changes that come down from the Court is just a part of law enforcement, Boven said.

"We are not a police state," he said. "We are still answerable to the citizens and our structure that we have in our judicial system."

"I think it is just a matter of changing the way that you do things," Rieker said. "It is going to hamper investigations to some degree because it was easy to arrest and search the vehicle. That was a big tool." J

2008-09 Supreme Court Updates

/Shawn M. Herron, Staff Attorney, DOCJT Legal Section

The Kentucky Department of Criminal Justice Training provides the following case summaries for information purposes only. As always, please consult your agency's legal counsel for the applicability of these cases to specific situations. This summary may be copied, for educational purposes only, with attribution to the agency.

A detailed summary of each of these cases may be found on the DOCJT Web site at <http://docjt.ky.gov/legal>. Full text of the cases may be found at <http://www.supremecourtus.gov> under "Recent Decisions."

Search and Seizure – Arrest Warrant

Herring v. U.S.

ISSUE: Does the Fourth Amendment require evidence found during a search incident to arrest to be suppressed when the arresting officer conducted the arrest and search in sole reliance upon facially credible but erroneous information negligently provided by another law enforcement agent?

HOLDING: The Court noted that "[w]hen a probable-cause determination was based on reasonable but mistaken assumptions, the person subjected to a search or seizure has not necessarily been the victim of a constitutional violation.

The Court concluded the exclusion of the evidence would not deter police misconduct, since the officers directly involved

had done nothing wrong. Herring's conviction was affirmed.

Qualified Immunity

Pearson v. Callahan

ISSUE: Are the courts required to use the two-pronged Saucier analysis in deciding qualified-immunity cases?

HOLDING: The Court in *Harlow v. Fitzgerald* reviewed the doctrine of qualified immunity, which protects government officials "from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." Further, the Court agreed that the "protections afforded by qualified immunity" ... "appl[y] regardless of whether the government official's error is a 'mistake of law, a mistake of fact, or a mistake based on mixed questions of law and fact.'"

In *Saucier v. Katz*, the "Court mandated a two-step sequence for resolving government officials' qualified immunity claims." "First, a court must decide whether the facts that a plaintiff has alleged or shown make out a violation of a constitutional right. Second, if the plaintiff has satisfied this first step, the court must decide whether the right at issue was 'clearly established' at the time of defendant's alleged misconduct. Qualified immunity is applicable unless the official's conduct violated a clearly established constitutional right."

The Court concluded that "while the sequence set forth [in *Saucier*] is often ap-

propriate, it should no longer be regarded as mandatory." Instead, the lower courts should decide which of the two prongs of the qualified immunity analysis should be addressed first in light of the circumstances in each case.

With respect to the case at bar, the Court concluded that the conduct of the officers did not violate clearly established law. The decision of the Tenth Circuit Court of Appeals was reversed and the officers granted qualified immunity.

Search and Seizure – Passenger Frisk

Arizona v. Johnson

ISSUE: If a vehicle is stopped for a minor traffic violation, may a passenger be frisked when the officer has an articulable basis to believe the passenger might be armed and presently dangerous, but has no reasonable grounds to believe that the passenger is committing, or has committed, a criminal offense?

HOLDING: The Court concluded that a lawful roadside stop begins when a vehicle is pulled over for investigation of a traffic violation. The temporary seizure of driver and passengers ordinarily continues, and remains reasonable, for the duration of the stop. Normally, the stop ends when the police have no further need to control the scene, and inform the driver and passengers they are free to leave. An officer's inquiries into matters unrelated to the justification for the traffic stop, do not convert the encounter into something other than a

lawful seizure, so long as those inquiries do not extend the duration of the stop.

A traffic stop "communicates to a reasonable passenger that he or she is not free to terminate the encounter with the police and move about at will." As such, under the facts of the case, the frisk of the passenger was appropriate.

The judgment of the Arizona Court of Appeals was reversed and the case remanded for further proceedings.

Absolute Immunity

Van de Kamp v. Goldstein

ISSUE: Does a prosecutor enjoy absolute immunity for failing to disclose informant information in violation of *Brady and Giglio*?

HOLDING: The Court analyzed the difference between prosecutorial functions and administrative functions and made it "clear that absolute immunity may not apply when a prosecutor is not acting as 'an officer of the court,' but is instead engaged in other tasks, say, investigative or administrative tasks." To determine the nature of a particular task, the Court "must take account of the 'functional' considerations" of that task. In the years since *Imbler*, the court had decided that, for example, "absolute immunity does not apply when a prosecutor gives advice to police during a criminal investigation," but that it does apply when a prosecutor "appears in court to present evidence in support of a search warrant application."

The Court agreed "purely for argument's sake, that *Giglio* imposes certain obligations as to training, supervision or information-system management." However, the Court concluded that prosecutors enjoyed absolute immunity for such claims because they are "directly connected with the conduct of a trial," and that an "individual prosecutor's error in the plaintiff's specific criminal trial constitutes an essential element of the plaintiff's claim."

Although the Court acknowledged that "sometimes such immunity deprives a

plaintiff of compensation that he undoubtedly merits," that such immunity was essential for the functioning of the prosecutor's office.

The Court reversed the decision of the Ninth Circuit Court of Appeals and remanded the case for further proceedings.

NOTE: Law enforcement officers, however, have only qualified immunity, and thus may be sued for withholding evidence under *Brady*.

Federal Law – Domestic Violence/Weapons

U.S. v. Hayes

ISSUE: Must a federal charge under 18 U.S.C. §922(g)(9) be based upon a state charge that includes, specifically, as part of the statute, that the victim be in a domestic relationship with the perpetrator?

HOLDING: The Court agreed that 18 U.S.C. §922(g)(9) "imposes two requirements." First, the crime must include "as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon." Second, it must be committed by a "person who has a specified domestic relationship with the victim." The Court ruled that "in a §922(g)(9) prosecution, it suffices for the government to charge and prove a prior conviction that was, in fact, for "an offense ... committed by the defendant against a spouse or other domestic victim."

The decision of the Fourth Circuit Court of Appeals was reversed and the case remanded for further proceedings consistent with the opinion.

Interrogation – Confession

Corley v. U.S.

ISSUE: Is a confession made more than six hours after an arrest (by federal authorities) presumptively inadmissible?

HOLDING: The Court noted that the government's argument focused on 18 U.S.C. §3501(a), "which provides that any confession 'shall be admissible in evidence'

in federal court 'if it is voluntarily given.'" The government essentially ignored, however, the rulings in *McNabb v. U.S.* and *Mallory v. U.S.*, the *McNabb* ruling provided that confessions obtained after an "unreasonable presentment delay" will be inadmissible. Rule 5(a) (Federal Rules of Criminal Procedure) was enacted shortly thereafter and stated that individuals under arrest must be taken before a magistrate without undue delay. A few years later, *Mallory* applied Rule 5(a) and held that a confession given seven hours after arrest, when the suspect was held "within the vicinity of numerous committing magistrates" constituted unnecessary delay and was thus inadmissible. (Specifically, the Court noted that "delay for the purpose of interrogation is the epitome of 'unnecessary delay.'") In 1968, Congress enacted 18 U.S.C. §3501, which codified *McNabb-Mallory* to some extent. It held that a pre-presentment confession made within six hours of arrest, that is otherwise found to be voluntary, will be admissible. (Those made after the six hours may also be admitted, depending upon the circumstances.)

The Court ruled that a court faced with a "suppression claim must find whether the defendant confessed within six hours of arrest (unless a longer delay was 'reasonable considering the means of transportation and the distance to be traveled to the nearest available [magistrate]')." A confession made during those six hours that is voluntary will be admissible, so long as it meets other applicable evidentiary rules. "If the confession occurred before presentment and beyond six hours, however, the court must decide whether delaying that long was unreasonable or unnecessary under the *McNabb-Mallory* cases, and if it was, the confession is to be suppressed."

The Court vacated the Third Circuit's decision and remanded it back for a determination as to whether the delay was justifiable.

Search and Seizure – Search Incident To Arrest
Arizona v. Gant





ISSUE: Does the Fourth Amendment require law enforcement officers to demonstrate a threat to their safety or a need to preserve evidence related to the crime of arrest in order to justify a warrantless vehicular search incident to the arrest, conducted after the vehicle's recent occupants have been arrested and secured?

HOLDING: The Court concluded, "officers may search a vehicle when genuine safety or evidentiary concerns encountered during the arrest of a vehicle's recent occupant justify a search" and "[c]onstruing *Belton* broadly to allow vehicle searches incident to any arrest would serve no purpose except to provide a police entitlement, and it is [derogatory] to the Fourth Amendment to permit a warrantless search on that basis." The Court stated that police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of the arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies.

The Court upheld the decision of the Arizona Supreme Court.

(Note: For an in depth review of the *Gant* decision, see page 52.)

Federal Trial Procedure – Habeas Corpus

Cone v. Bell

ISSUE: Is a claim under federal law (habeas corpus) "procedurally defaulted" because it has been presented twice to the state courts?

HOLDING: The "State of Tennessee offered two different justifications for denying review of the merits of [the petitioner's] *Brady* claim." First, the Court addressed the claim that the "repeated presentation of a claim in state court bars later federal review," and concluded that it does not create a "bar to federal habeas review." The Court stated that

a "claim is procedurally barred when it has not been fairly presented to the state courts for their initial consideration – not when the claim has been presented more than once."

The Court remanded the case back to Tennessee to determine if the suppressed evidence may have made a difference in [the petitioner's] sentencing, "with instructions to give full consideration to the merits of [the] *Brady* claim."

Trial Procedure/Evidence – Sixth Amendment

Kansas v. Ventris

ISSUE: May a defendant's voluntary statement, obtained in violation of their right to counsel, be admitted for impeachment purposes?

HOLDING: The Court stated that an investigator would have to anticipate both that the defendant would choose to testify at trial (an unusual occurrence to begin with) and that he would testify inconsistently despite the admissibility of his prior statement for impeachment. Not likely to happen – or at least not likely enough to risk squandering the opportunity of using a properly obtained statement for the prosecution's case.

The Court concluded that the statement "was admissible to challenge [the petitioner's] inconsistent testimony at trial" and reversed the decision of the Kansas Supreme Court. The case was remanded back to Kansas for further proceedings.

Federal Law – Identity Theft

Flores-Figueroa v. U.S.

ISSUE: Does the federal crime of identity theft require that a subject know that a Social Security number they are using actually belongs to another individual?

HOLDING: The Court concluded that it was the intent of Congress to require "the government to show that the defendant knew that the means of identification at issue belonged to another person." (The Court distinguished this case from those where the defendant used the identification to commit

overt fraud or theft upon the person whose identity the card or number portrays.) The decisions of the lower courts were reversed and the case remanded for further proceedings.

NOTE: This case involves federal identity theft, rather than state identity theft. Kentucky may rule differently in a similar situation, based upon state law.

Federal Law – Drug Trafficking

Abuelhawa v. U.S.

ISSUE: Does the use of a telephone in a federal drug misdemeanor cause it to become a felony offense?

HOLDING: The Court noted that "history drives home what is already clear in the current statutory text: Congress meant to treat purchasing drugs for personal use more leniently than the felony of distributing drugs, and to narrow the scope of the communications provision to cover only those who facilitate a drug felony." The Court found it "impossible to believe that Congress intended 'facilitating' to cause [the] 12-fold quantum leap in punishment for simple drug possessors."

The Court reversed the conviction and remanded the case back to the trial court for further proceedings.

Interrogation – Sixth Amendment

Montejo v. Louisiana

ISSUE: When an indigent defendant's right to counsel has attached and counsel has been appointed, must the defendant take additional affirmative steps to "accept" the appointment in order to secure the protections of the Sixth Amendment and preclude police-initiated interrogation without counsel present?

HOLDING: The Court initially noted that the issue was complicated by the fact that some states do not appoint counsel for an eligible defendant until that individual actually requests counsel, while other states do so automatically. In *Michigan v. Jackson*, the

defendant had properly requested counsel, but in this case, the defendant had said nothing at the first appearance at all. It also would mean that "[d]efendants in states that automatically appoint counsel would have no opportunity to invoke their rights and trigger *Jackson*, while those in other states, effectively instructed by the court to request counsel, would be lucky winners."

The court then addressed whether a *Miranda* warning and waiver was sufficient to also waive the right to counsel and agreed "that typically does the trick, even though the *Miranda* rights purportedly have their source in the Fifth Amendment." Under *Edwards v. Arizona*, the Court had "decided that once 'an accused has invoked his right to have counsel present during custodial interrogation ... [he] is not subject to further interrogation by the authorities until counsel has been made available,' unless he initiates the contact."

Further, the Court noted the *Edwards* rule is "designed to prevent police from badgering a defendant into waiving his previously asserted *Miranda* rights." It does this by presuming his post-assertion statements to be involuntary, "even where the suspect executes a waiver and his statements would be considered voluntary under traditional standards." This prophylactic rule thus "protect[s] a suspect's voluntary choice not to speak outside his lawyer's presence."

School Search

Safford Unified School District #1 v. Redding

ISSUE: Does the Fourth Amendment prohibit public school officials from conducting a search of a student suspected of possessing and distributing a prescription drug on campus in violation of school policy?

HOLDING: The Court concluded that the public interest is best served by a Fourth Amendment standard of reasonableness that stops short of probable cause." We have thus applied a standard of reasonable suspicion to determine the legality of a school administrator's search of a student,

and have held that a school search "will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction."

The Court reviewed the evidence available to the Vice Principal about prescription drug trafficking in the school and agreed that the evidence available justified a search of the student's belongings.

From this point, however, the Court noted that the student was subjected to a search that violated "both subjective and reasonable societal expectation of personal privacy," and required "distinct elements of justification on the part of school authorities for going beyond a search of outer clothing and belongings."

The Court noted that the "content of the suspicion failed to match the degree of intrusion" of the search. The vice principal knew that the suspected drugs were the equivalent of taking two Advil (ibuprofen) or one Aleve (naproxen). As such, "[h]e must have been aware of the nature and limited threat of the specific drugs he was searching for, and while just about anything can be taken in quantities that will do real harm, he had no reason to suspect that large amounts of the drugs were being passed around, or that individual students were receiving great numbers of pills."

The Court made it clear that such searches "require the support of reasonable suspicion of danger or of resort to wrongdoing before a search can reasonably make the quantum leap from outer clothes and backpacks to exposure of intimate parts."

However, the Court further concluded that given the divergence of court opinions on the meaning of T.L.O. and its authority for such searches, that it was appropriate to require a grant of immunity for the individual school officials in this case. The school district, however, remained as a defendant in the case. J



The Henry County sheriff's deputies are very proud to be part of an agency that is perceived by the people it serves to be a professional, caring law enforcement office...

Sheriff Danny Cravens

Henry Co. Sheriff
 Danny Cravens began his law enforcement career in 1981 as a corrections officer for the Kentucky Department of Corrections. He joined the Eminence Police Department in 1985 as a patrolman. Cravens graduated from the Department of Criminal Justice Training Basic Training Class No. 177 in 1987. He joined the New Castle Police Department in 1993 and was promoted to police chief and served until 2000. Cravens was a deputy with the Henry County Sheriff's Office for six years prior to being elected sheriff in November 2006. He and his wife, Vickie, have been married for 23 years and have two children, Matthew and Macey.

What new initiatives have you begun since becoming sheriff of Henry County?

My first endeavor was to modernize book-keeping and tax collection. To achieve this process, I hired a very skilled bookkeeper who was up to the challenge. I then improved court security by changing procedures. I also increased law enforcement services to the county by restructuring the existing positions to include a process service team, a patrol unit and added a new detective position. We then joined forces with the Clackamas County Sheriff's Office in Oregon. They had organized and implemented a program and entitled it Annual Domestic Violence Apprehension Detail. Along with 188 law enforcement agencies across the country, the Henry County Sheriff's Office set aside one 12-hour day annually to combat domestic violence. I feel it is a necessary commitment to provide a better quality of life for our citizens. We also partner with the Kentucky State Police for marijuana eradication details. The information we provide along with their information, results in hun-

dreds of marijuana plants eradicated annually from our community.

How do you keep your work force motivated, skilled and professional?

Providing the latest equipment and training we possibly can along with my support and confidence in the decisions officers make on a daily basis, gives officers the confidence and motivation to go forward and face challenges with a positive attitude. This reinforces their desire to make a difference in this community. The Henry County sheriff's deputies are very proud to be part of an agency that is perceived by the people it serves to be a professional, caring law enforcement office that is gaining trust and faith from the community.

What are your department's strengths, challenges and opportunities?

The Henry County Sheriff's Office is made of a diverse group of dedicated individuals that exceeds exceptionally in carrying out their everyday duties. The court security officers and the process service team start work every day with a strong initiative of accomplishing a long-awaited goal. For example, we have a patrol deputy with three years experience who already possesses the knowledge and mature skill level of a motivated, seasoned investigator. We have a detective who is a retired 20-year veteran of the KSP and state certified arson investigator, who still throws himself into every investigation with a high regard of sympathy for the victims and a strong desire to solve the case. We have a school resource officer with a unique ability to get involved with students.

As I took the challenge of being sheriff of Henry County, my goal was one of turning this office into a positive functioning law enforcement office. I now can provide that opportunity by constantly looking for ways to improve its service abilities. By opening new doors of involvement, our office allows deputies to go down the avenues of enforcement and investigations that were once thought of as, "not our responsibility." We now have the opportunity to provide top-quality service to the public and build a proud and reliable sheriff's office.

Does your office have any new projects in the works?

Having a small agency and a tight budget does not leave room for much expansion, but I am working on implementing a unit to specialize in crimes against women and children. J



Our goal was to regain our citizens' trust, and we have accomplished this with community policing, bike patrols, walking through neighborhoods and implementing the citizen ride-along program.

Chief Billy Holbrook

Paintsville Police Dept.
 Billy Holbrook is a 1990 graduate of Johnson Central High School and a graduate from the Department of Criminal Justice Training Basic Training Class No. 318. Holbrook began his public service career in 2001 with the Johnson County Sheriff's Office and joined the Paintsville Police Department later that same year. Holbrook held various supervisor positions before being appointed chief in September 2007. He served in the Kentucky National Guard from 1989 to 2003, receiving an honorable discharge. He has partnered with Fire Chief Bob Dixon to enhance the children's Christmas program. He and his wife, Gina, have two sons, Ethan and Mason. He enjoys spending his spare time with his family.

How would you define leadership?

Position – function of a leader. I think if you hold a leadership position it should be held with respect and honor.

What are some cost-saving measures you and your department have done in the economic crises?

We started patrolling with bicycles and not leaving the cruisers idle when performing school details or while dealing with complaints. We also used need versus want when it comes to purchases, and we use drug forfeiture assets to supplement.

Have you explored securing alternative funds for your department?

The highway safety grant placed additional officers on the streets during peak traffic times and holidays. Through a ballistic vest grant, we purchased new vests for every officer. The department also purchased a new police cruiser through grant assistance.

challenges and opportunities?

Our goal was to regain our citizens' trust, and we have accomplished this with community policing, bike patrols, walking through neighborhoods and implementing the citizen ride-along program. One challenge is the everyday battle of prescription drug abuse, as with any community.

How do you celebrate ongoing accomplishments within your department?

During my tenure, we started having cook-outs at the park or pool for officers and their families with no cost to the city. We also give individual officer awards at our Christmas dinner.

What impact did your department have on the safety and growth of your youth this summer?

We partnered with court officials during their Safe Nite which focuses on drug awareness. Using the Fatal Vision goggles at these events, we set up a course and the kids drove a golf cart wearing them for a better understanding of the dangers of impaired driving. J



What are your department strengths,

MAKING AN IMPRESSION

/Abbie Darst, Program Coordinator

Kentucky police departments create programs to engage young people and build positive relationships

To protect and serve is the creed many law enforcement agencies hang their hat on, but many officers go well beyond protecting and serving the communities in which they live. They teach, mentor and inspire the youngsters in an attempt to reverse the negative perceptions of law enforcement officers that pervade their media-hyped, TV-drama influenced lives.

Several police departments across the commonwealth have taken the idea of the citizens' police academy and given it a twist – reaching out to the younger generation to educate them about the reality behind law enforcement, dispel misconceptions about policing and build positive relationships with the youth and families of their communities.

"If [the youth] walk away from the [academy] having a better understanding of what we do, having had fun learning the difference between what the misperception and the reality is, it's worth its weight in gold," said Bowling Green Police Chief Doug Hawkins. "And really, in the long run, they can then educate their friends about the truths."

Bowling Green began what they call the Junior Police Academy in 2006. Operated much like a day camp, the department's three-day program targets 10 to 13 year-old children

and strives to give them a better awareness of what law enforcement is.

"We really built it around the philosophy of what would be interesting to kids, what could they learn from, and we wanted to make it as hands on as possible," Hawkins said. "One of the ways you hold kids' attention is to have them involved and engaged."

Conducted at Safety City, an educational facility, which also consists of a small replica of the city of Bowling Green, the program is an information-packed three days allowing the children to explore and experience many different aspects of the police department. The program touches on areas such as drug and gang awareness; computerized composite sketches; traffic stops; first aid; and K-9, motorcycle and bicycle unit demonstrations. However, the two most in-depth sections of the program are crime scene investigation and a mock criminal trial.

On the second day of the JPA, half of the day is spent on CSI: Bowling Green, during which the children learn about what CSI actually is and what law enforcement officers are capable of doing as opposed to what is seen on TV. Then, they are given the opportunity to enter a set-up crime scene and dust for fingerprints, find physical evidence and learn how and what DNA evidence can be collected from a crime scene.

"One of the things that we're able to do in this environment is dispel rumors or misconceptions with these 10 to 13 year-olds that adults have," Hawkins said. "We call it the CSI >>



/Photos submitted



■ A Bowling Green Junior Police Academy student dusts a shell cartridge for fingerprints during the CSI: Bowling Green section of the academy.

◀ During Bowling Green's JPA, students use Fatal Vision goggles to simulate alcohol impairment. While wearing the goggles, students were asked to walk around placed traffic cones in an effort to show them how significantly alcohol consumption can affect physical actions.



effect, where people think law enforcement can solve crime, run lab tests and get DNA results back in unrealistic times... We use JPA as an opportunity to correct the misconceptions of what law enforcement can do and what they are supposed to do."

On the third day, the children participate in a mock trial where they serve as the attorneys, judge and jurors and learn the ins-and-outs of a criminal trial. By the time they get to graduation at the end of the third day, the children have run the gamut on what Bowling Green's police officers do and how and why they do it.

"There is pure joy on their face on graduation day; they have loved every minute of what they've done," Hawkins said. "They haven't been bored; the parents are excited. It really is a fun event to go to the graduation because you see the real excitement of them having been in the class."

But possibly more important, they have spent three days in a positive environment, developing relationships with the officers that serve their community.

"The interaction between the children and the officers is the most beneficial part of having these programs," said Officer Andy Myatt who runs the Lexington Division of Police's Junior Citizens Police Academy. "A lot of times, children can be afraid of officers to a degree, but it's important to have that positive interaction with them and for them to see that we have a human side too."

Lexington's JCPA began in 2004 and runs as a weeklong academy for 10- to 14-year-old children. Lexington normally runs three academies each year, but was only able to run two this past summer. Their curriculum is very similar to Bowling Green's JPA, but Lexington's JCPA also includes visits to the mounted patrol, air support and hazardous devices units, as well as a demonstration from Commercial Vehicle Enforcement's roll over car for seatbelt safety. However, the environment of their camp is

structured differently.

"It is a disciplined environment," Myatt said. "Children are required to show proper manners, respond with yes sir, no sir, yes ma'am, no ma'am. They are issued an ID badge and are required to bring it with them every day. We also have a motto that we leave places better than when we got there, so every place we go, we make the place better."

"They kind of pick up on that philosophy and get a little bit of a sense of personal responsibility and sense of discipline of what it takes to become a police officer," Myatt continued. "It is kind of an educational way we can show them, these are some pitfalls that you can fall into – if you aren't a good citizen, you don't listen to your parents and you don't listen to your teachers, you are going to have a difficult time if this is a career you are interested in."

Likewise, the Louisville Metro Police Department's Youth Citizens' Police Academy is centered around the idea of instilling discipline, requiring respectful attitudes and encouraging responsibility. Officer Minerva Virola, who coordinates the YCPA, uses these principles to help build character and confidence in the teenagers she mentors through the program. After graduating 17 YCPA classes, Virola has proven her techniques for getting students involved and accomplishing her overall mission.

Virola identifies neighborhoods and communities whose citizens complain that the police do not do anything for them, and then she goes to those neighborhoods and presents this program as an opportunity for the community to partner with the police department to help the young people in their community, she said.

"I do this basically to let them know that we are human and here to protect them and take care of them," Virola said. "We are not here to run the world, we just follow the law. Second, I let these kids exercise their rights. I let them know they have a voice and they can exercise that, but they have to do it professionally, >>

■ Louisville Metro Police Department Officer Minerva Virola marches with the Youth Citizens' Police Academy at Iroquois Park in Louisville. The marching drills, in addition to uniform requirements, help foster a disciplined atmosphere during the two-week academy.





courteously and respectfully... They have to stand up straight, stick out their chest and be proud.”

Louisville Metro’s two-week program, geared at teens ages 14 to 17, is often attended by students whose lives may not be on the right track when they come in because of their backgrounds and experiences. But Virola uses the academy to break down the stereotypes they may have of law enforcement and build



up their confidence and belief in themselves.

“I tell them they are powerful and strong – that they are loved and people care about them,” she said. “That’s what they need – to know and hear that. A lot of times their lives don’t show them that.”

In the four years that Virola has offered the YCPA, the program has dramatically impacted the lives of several attendees. Anna, a YCPA graduate, recently was awarded a \$50,000 scholarship from a Louisville women’s group based on her YCPA participation. Anna, who had gotten into trouble as a younger adolescent, had a felony charge on her record and had spent time in a girls’ group home, chose to turn her life around after attending the YCPA, Virola said. She was unable to get government assistance to attend college because of her felonious background. In an effort to really help Anna get money toward college, her school guidance counselor said, “There

must be something special that you’ve done, something that makes you unique.’ When Anna told about her YCPA participation and the letters of acknowledgement that she had received from the mayor, council members and senators, among others, she was able to land the \$50,000 scholarship and is now a student in the University of Louisville’s nursing program, Virola said.

“I think [this program] is important because so many kids come from single-parent homes or homes where there is no real role model, and we can help be that role model for them,” said LMPD Officer Ray Page, who assisted Virola during the mounted patrol unit demonstration on the fourth day of the YCPA. “It’s important to be present and to have a positive influence from the police department on them.”

Showing young people a different side of law enforcement is key to an underlying mission of youth and junior police academies – to potentially inspire them to look at law enforcement as a future career choice.

“This 10 to 13 age group is not by accident,” Bowling Green’s Hawkins said. “Ten is old enough for them to focus in the class for three days. But the 13 being the maximum age was by design because at 14 they are eligible for our Explorer Post. We have... created levels by which they can be involved in the police department... This is a strategic continuation of exposure for young people in order for us to engage them in some education, but also to promote law enforcement as a career opportunity.”

In Bowling Green, a child could theoretically come to the Junior Police Academy at age 10, then follow that interest through by getting involved with the explorers program at 14, the cadet program at 18 and go on to become an officer at 21, Hawkins explained.

For many years, police departments have used explorer and cadet programs as a recruitment tool for high school- and college-age students to develop an interest in law enforcement as a career. These programs allow these students a behind-the-scenes look >>

Lexington Division of Police Officer Stephen White shows members of Lexington’s Junior Citizens’ Police Academy how the controls of a helicopter’s infrared camera work.

Lexington Officer Stephen White talks to junior academy students about the Lexington Division of Police’s helicopter unit. During the tour, students learned how the helicopter works and how often the division uses its helicopters, and they were allowed to sit in the cockpit.





at what law enforcement officers do and have hands-on access to learning officer duties.

"The challenge is, if you build a JPA and it is targeted at an age group, if you do not have opportunities for them to get engaged after that experience, you may lose them," Hawkins said. "So, what I would suggest is that you build this continuum of opportunity for these folks.

"But because we have this tie-in and this age group is designed to then lead them into the next level, I think it is important to do that," Hawkins continued. "If not, you have this stand-alone program that may or may not create a lasting impression, and if you're not providing other follow-up opportunities, then you don't know what the impact on these kids is."

Louisville's YCPA has encouraged numerous teens to get involved with Louisville Metro's explorer program.

"I usually get five or six [teens] out of my academy to experience/try the explorers program," Virola said. "They may not stay because it may not be for them, but it has piqued their interest and helped them decide what they do or do not want to do with their lives."

Whether they are called youth citizens' or junior police academies, and regardless of their exact structure, these programs allow officers to reach out to the youth of their communities, shape their lives and their ideas and essentially create well-exposed, productive members of their community. With just a relatively small investment in time, these officers can make a huge impact in the future of young citizens. J

◀ During Louisville Metro's annual Kentucky Law Enforcement Explorer Academy, students participated in a drill where they had a confrontation with an officer dressed in 'red man' gear. After successfully subduing the 'red man,' participants had to handcuff this dummy as if it were their suspect and then immediately write a report about the entire incident.

EXPLORING THEIR OPTIONS

The Louisville Metro Police Department Explorers program hosts an annual Kentucky Law Enforcement Explorer Academy each summer, inviting cadets from departments across the state. This academy, like many of the activities most explorer posts across the state engage in, allows these high school- and sometimes college-age teens to get a good sense of what it will be like to go through a police training academy, whether it is at Louisville Metro, Lexington, the Kentucky State Police or Department of Criminal Justice Training.

Since most explorer and cadet programs are geared at early recruitment efforts, the agencies that participate in the explorers academy want to expose their explorers to as many facets of the law enforcement career as possible so that if they choose to become officers after reaching age 21, they are educated, motivated and prepared for what they will face on that career journey.

"I hope they take away a sense of maturity and of how serious a job this is," said Officer Jeremy Henry, who is responsible for the Owensboro Police Department's explorer program. "Because it is one of the more serious jobs you can have."

The explorers' academy offers a real police academy setting with 6 a.m. wake-up calls, physical training and a structured environment, Henry said.

"When I first joined the program, I thought this academy would just be fun and games, but this is the real deal," said Jessica Tong, an 18-year-old Owensboro explorer. "It teaches self discipline through a very structured environment."

"The PT helps out a lot because the motivation we receive from the instructors carries throughout the academy and helps us push through even when it is hard," added KSP Post 4 Explorer Timothy Nunn, 18.

Beyond discipline and motivation, the academy also offers early camaraderie building and networking opportunities for young people who plan they are going to pursue a career in law enforcement.

"My favorite part [of the academy] is everybody joining as one and learning that as law enforcement officers you should always have each others' back," Tong said.

Because explorers from across the state attend this academy, various departments and agencies are able to build ties that will hopefully carry through to their law enforcement careers.

"It gives us a connection," said KSP Post 12 Explorer Alex Stumbo. "KSP can cover the whole state and if I meet someone here, that comes into play. When I actually become an officer, I'll have that connection with other departments." ■

STRANGE STORIES FROM THE BEAT

Broken Head for Beer

Seems this Arkansas guy wanted some beer pretty badly. He decided that he would just throw a concrete block through a liquor store window, grab some booze and run. So he lifted the concrete block and heaved it over his head at the window. It bounced back and hit the would-be thief on the head, knocking him unconscious. Seems the liquor store window was made of Plexi-Glass. The whole event was caught on videotape.



This driver's license was actually presented at a traffic stop.

Dumbest Fake Driver's License

Running stop light - \$100

DUI - \$5,000

Not wearing a seat belt - \$50

Putting you and your girlfriend on your fake driver's license - PRICELESS



Man Calls 911 Over 28-year-old Son's Messy Bedroom

An Ohio man who argued with his grown son over a messy bedroom said he overreacted when he called 911. Andrew Mizsak called authorities after his 28-year-old son threw a plate of food across the kitchen table and made a fist at him when told to clean his basement room.



Just Give Me the Cash

The Ann Arbor News crime column reported that a man walked into a Burger King in Ypsilanti, Michigan at 5 a.m., flashed a gun and demanded cash. The clerk turned him down because he said he could not open the cash register without a food order. When the man ordered onion rings, the clerk said they were not available for breakfast. The man, frustrated, walked away.

Cereal DUI

A Massachusetts man may wish he had breakfast in bed instead of in his car. Police said a man who was stopped for erratic driving was eating a bowl of cereal and milk while he drove. The 48-year-old man also was driving with an expired license. The man was cited for unlicensed operation, failure to stay in lanes and operating to endanger.



» IF YOU HAVE ANY

funny, interesting or strange stories from the beat, please send them to elizabeth.thomas@ky.gov



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