

Kentucky Law Enforcement News

JUNE 2004 VOLUME 3 NUMBER 2

I N S I D E I N F O R M A T I O N

DRUG SUMMIT



Hearing From Kentuckians

About Kentucky's Drug Problems

F.Y.I.

- 4 **Commissioner's Comments**
- 6 **Deputy Commissioner's Comments**
- 7 **In the Know**
Career Development Program: Why Participate?
DOCJT Continues to Present CDP Certificates
DOCJT Class 339 Graduates as Class of Distinction
- 10 **Training Operations Division**
CJED Program Graduates 19 Law Enforcement Executives
Raising the Bar
Model City Police Station Gives Reality to Training
First Police Corps Graduates Complete Four-Year Commitment
APS Class No. 5 Volunteers for High Ropes Training
The Telecommunications Academy Law: Comments From
Around the Commonwealth
Telecommunications Academy Graduates the First Class of
Distinction
- 18 **Employee Profile**
Steve Lynn
Diane Patton
- 22 **Recognitions**
EKU College of Justice & Safety Celebrates Achievements
DOCJT Raises \$1,890 for March of Dimes
- 23 **Comings and Goings**

Statewide LEN News

- 24 **In the Spotlight**
Owensboro Joins Forces with Neighborhood Alliance
Groups
Alliance Program Still Successful After Five Years
Amber Alert
Amber Plan Guidelines
Florence Hosts Ethnic-Based Citizen Police Academies
- 30 **Kentucky Law Enforcement Memorial**
DOCJT Honors Officers Killed in the Line of Duty
Lt. Governor Praises Sacrifice Made by Fallen Officers
Fallen Officers Honored in 2004
- 34 **Beat News**
ECB Assists Agencies in Investigating Computer Crime
IACP Mentoring Project for Small Police Agencies: Mentoring
for Success
AHIDTA Goes Online with SAFETNet
Mass Fatality Response Team Receives Grant
Kentucky Receives Funds from Drug Prosecution
Cuddly Cops
KSP Commissioner, Deputy Commissioner Meet with Chiefs and
Sheriffs
Kentucky Law Enforcement Agencies Cashing In On Surplus
Equipment
- 41 **In the Spotlight**
Chief Ernest R. Kelty
Chief Michael T. Schnell
Sheriff Keith Cooper
Statewide Briefs

Kentucky Law Enforcement News

JUNE 2004 VOLUME 3, NUMBER 2

INSIDE INFORMATION

- 46 **Appointments**
Roberts Named Executive Director of Homeland Security
Department of Corrections Names Two Deputy Commissioners
Able Joins Kentucky Medical Examiner Division
New Chiefs of Police Across the Commonwealth
- 50 **Promotions — Appointments — Obituaries**
Former Georgetown Chief Takes Position in the State Capitol
John D. Rowlett Dies at 76
- 52 **Calendar**
- 53 **Book Review**

Kentucky Drug Summit Special Section

- 54 **Kentucky Drug Summit**
Drug Summit Considering Recommendations for Change
Who Are the Drug Summit Members
Answering the Call

Legal Information

- 62 **Legal**
The Best Method to Avoid Court
New Administration Hopes to Make Changes to Criminal Justice
Council
A Question of Force
Identification for Foreign Nationals
Interviews and Interrogation: *Fellers v. United States* and the 6th
Amendment Right to Counsel
What is the National Incident Management System?
Governor Fletcher signs Public Safety Officers' Legislation

LEN Technology News

- 72 **Technology at Work**
Making Way for Segway
Lexington Adds Segways to Patrol Units
Kentucky Becomes Compliant with Nationwide Electronic
Criminal Records System
A CapWIN-Win Solution
CyberCops in Training
- 78 **Tech Beat**

June 2004
Volume 3
Number 2

About the Cover

More than 3,000 Kentuckians attended the 16 regional public input meetings that the Statewide Drug Control Assessment Summit held across the Commonwealth. Summit members heard from citizens, officials, and representatives of drug prevention-education, treatment and law enforcement programs about the substance abuse issues in their areas. The Summit will make recommendations to Governor Ernie Fletcher this month on a statewide drug control policy.



Ernie Fletcher
Governor

Lt. Governor Stephen B. Pence
Justice and Public Safety
Cabinet Secretary

John W. Bizzack
Commissioner

Kentucky Law Enforcement News is published by the Kentucky Justice and Public Safety Cabinet, and is distributed free to the Kentucky law enforcement and criminal justice community.

Staff:

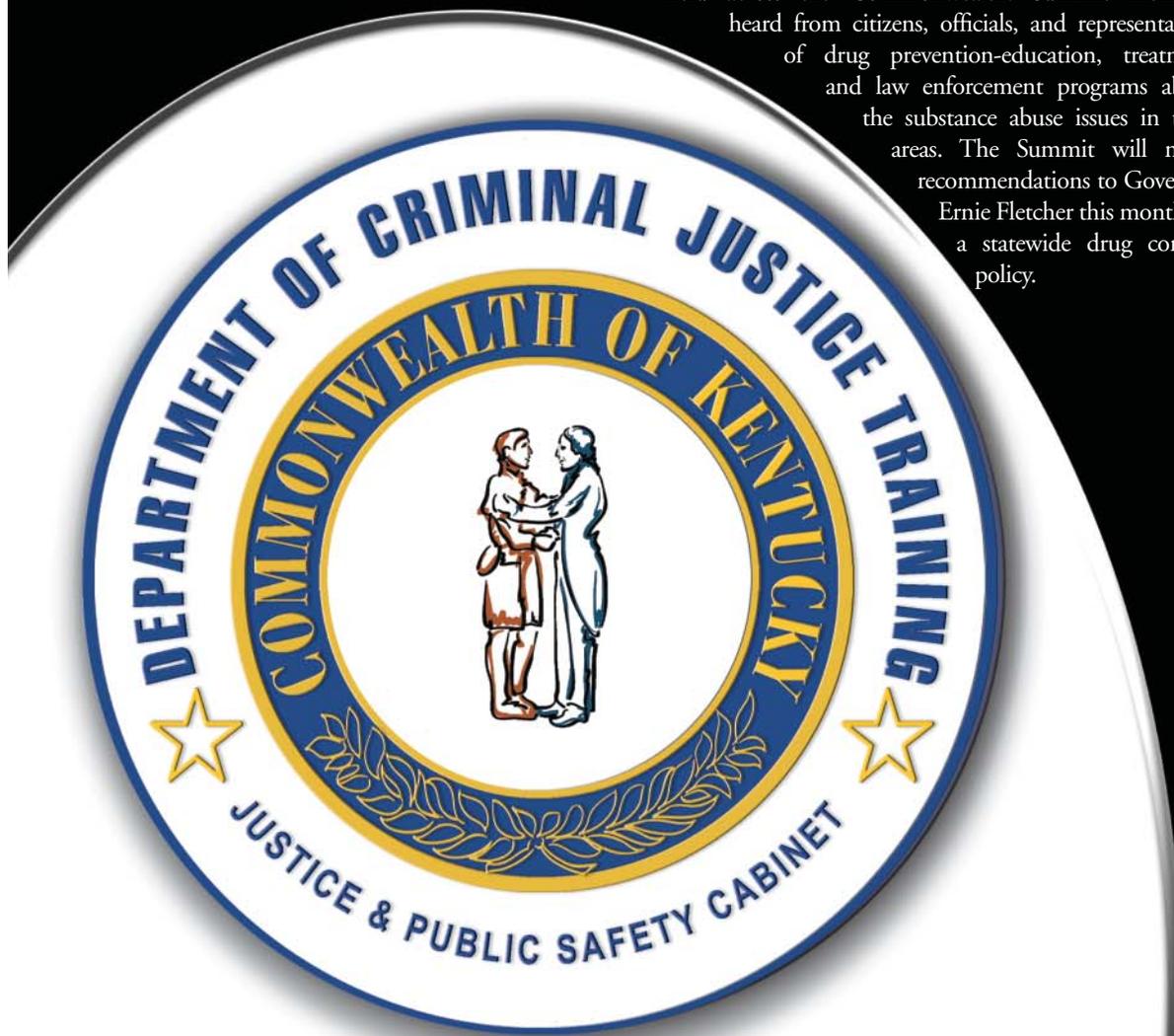
Diane Patton, Editor
Allison Harrison
Rachel Nease
Abbie Tanyhill
Jamie Neal
Jacinta Feldman Manning

Contributors:
Carolyn Schaefer
Edliniae Sweat



Address all correspondence to:
KLEN News
Funderburk Building
521 Lancaster Avenue
Richmond, KY 40475-3102
DOCJT.KLENN@ky.gov

Printed with State Funds



The Kentucky Law Enforcement News (KLEN News) staff is in need of dynamic, law enforcement related photos for possible publication in the magazine. We are interested in photos that are representative of all aspects of the law enforcement profession.

We are able to use black-and-white glossy, color prints or digital images. If we choose to use a particular photo in our magazine, appropriate credit will be given to the photographer. Because we cannot accept responsibility for lost or damaged prints, we ask that you send duplicates, not original prints.

KLEN News staff is also able to publish upcoming events and meetings. Please include the event title, name of sponsoring agency, date and location of the event and contact information.

The KLEN News staff invites you to communicate with us via e-mail. Our e-mail address is DOCJT.KLENN@ky.gov. We would like to know your thoughts on contemporary law enforcement issues. Article submissions may vary in length from 500 to 2,000 words. We welcome your comments, questions and suggestions about the magazine. Please include your name, title and agency on all e-mail messages. Also, the magazine is available for viewing on the DOCJT Web page. The DOCJT home page address is <http://docjt.ky.gov>.

The KLEN News staff neither endorses nor guarantees completeness or accuracy of material used that is obtained from sources considered reliable, nor accepts liability resulting from the adoption or use of any methods, procedures, recommendations or statements recommended or implied.

Commitment is Necessary During Organizational Change

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

Change is going to be a constant companion in government and business. At the bare minimum, we must learn to live with it.

It is far better if we make friends with it.

Ideally, we can exploit it, seizing the new energy it stirs up and turning that to the organization's advantage. Change can be used to charge up people and open doors, but high velocity change puts heavy demands on organizations. Leaders must rely on people who invest themselves fully in their work. Is it fair to ask for high commitment under today's conditions? It's unfair not to.

If you want to take the pulse of an organization, look at its leaders. Example says it all.

Commitment climbs when people see passion in the people out front. That feeling is easy to catch.

Commitment is, after all, a highly contagious thing. It can stir others and inspire them into action. There is a mental magnetism that captures the attention and enlists the energies of most all who watch.

The more consuming the commitment of leadership in an organization, the more people are drawn to it – and the tasks to be done. The intensity, focus, drive and dedication carries the maximum influence over the levels of commitment leaders can expect from others.

Lukewarm leadership only cools commitment, so, like it or not, leadership sets the overall climate of every organization. People will always take a reading of the persons in charge.

Setting the pulse for an organization can't be done by sitting in an office. People in charge have to get out of their office and go look at what the organization and its people are doing. Often, you can find that there are big people in little assignments and some folks grinding away at jobs that are far too small for their spirits. If that is the case, people can become drugged by the monotony or lack of meaning in their work. Commitment doesn't have a chance in that environment.

Organizations and people need a cause, sometimes one greater than their stated mission. Once a cause comes alive, watch an organization come alive. People become energized and they buy in to change. Some leadership experts today believe that people don't care

anymore about working for an organization or particular company as much as they want to work for a movement.



Commissioner John Bizzack

Commitment grows when people have a chance to contribute. Getting a job done carries its own rewards and satisfaction in a way that pay increases sometimes can't touch. The results? People put more into their work.

When a climate is created where people can achieve, a climate is created for greater commitment. Every little accomplishment then ratchets up the process. Successes, even small ones, breed more commitment to the job.

Doing things and doing them well is a natural turn-on. Do you know anyone who genuinely prefers to do things wrong? The act of achievement is satisfying even when there are no spectators to cheer or be impressed.

Commitment can't take root unless people feel like they count for something. If they come to believe that it's no big deal whether they do sloppy or first-class work, then they can get the idea that nobody really cares, the drive to deliver good results dies a slow death.

It is up to those in charge to make every person feel like he or she really matters. Commitment comes from feeling necessary, or, better still, from feeling that one is critically important to the organization's cause.

Give people responsibility and their commitment grows. It's an amazing thing to watch. We would reasonably expect people who crave responsibility to be pumped up when it comes their way, but what about those who are more inclined to avoid it? The peculiar thing is, whether people want it or not, responsibility for results torques up their level of commitment. Leave people with zero responsibilities and they'll end up with zero commitment.

Progress is compelling. Commitment starts to climb when things start clicking, because people want to be part of a winner. Organizations that keep people focused on achieving hard results, tangible performance gains that provide concrete proof of the group's effectiveness, win. Effective leadership does not try to massage morale, lower stress, or improve loyalty and job satisfaction to build momentum. It works quite the opposite – momentum heals attitudinal problems.

Changing the cadence of an organization requires inertia to be outlawed. That's done by creating a sense of urgency, getting the organization moving at a faster clip, pushing for daily progress, posting and announcing results, celebrating accomplishments and then raising the bar again.

When leaders make it clear that commitment is a top priority trait and provide their organizations with a clear aiming point, things will take shape. People should always benefit in direct proportion to their efforts and to the results they produce.

Commitment comes naturally when people are hooked on what they are doing. If they are caught up in the challenge of the job, then there is no need to worry about how to light a fire under them. The flame is self-igniting, however, people won't work their hardest for just anybody. They have to have reasons – good ones. In fact, if they're to attack their work with high commitment, it is usually the relationship they have with their leaders that have the most to do with it.

For leaders, the Latin phrase, "Quid pro quo," meaning in this case that you have to be invested in your people if you want them to be invested in their work, is the best guide. Leaders can't promise job security or protection from stress or anxiety, and they sometimes have to do things at the expense of the individual for the good of the organization.

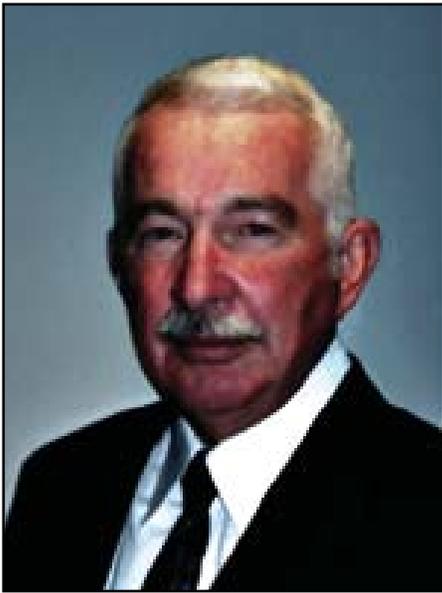
Still, leaders can be fiercely committed to helping people in their organizations succeed in the jobs they face by giving them the support and resources they need; investing in their training, education and overall employability and backing up their work. Beyond that, leaders can commit to honesty, being trustworthy and aboveboard and make it clear that they can count on you to do what's possible on their behalf.

Commitment is simply a no-lose proposition for any organization. Everybody benefits, but the people doing the work enjoy the richest rewards of all.

Ideas included in this article were first published in "Commitment and Organizational Change" published by Pritchett Corporation, 1996.

What is IADLEST?

*Herb Bowling, Deputy Commissioner of DOCJT
Vice-President of IADLEST*



Deputy Commissioner Herb Bowling

The International Association of Directors of Law Enforcement Standards and Training is a non-profit, tax-exempt organization composed of law enforcement training managers and leaders. Many of its members are directors of state peace officer standards and training organizations and training academy directors. The mission of the organization is to “research and share information, ideas and innovations that assist in the establishment of effective and defensible standards for the employment and training of law enforcement officers,” according to its bylaws.

Who is eligible for membership in the organization? “All professional training managers and educators are welcome to become members. Additionally, any individual, partnership, foundation, corporation or other entities involved with the development or training of law enforcement or criminal justice personnel are eligible for membership. Recognizing the obligations and opportunities of international cooperation, IADLEST extends its membership invitation to professionals in other democratic nations,” according to its bylaws.

IADLEST has formed partnerships and worked closely with a number of organizations including the National Highway Traffic Safety Administration, Community Oriented Policing, National Sheriffs’ Association, International Association of Chiefs of Police and Office of Domestic Preparedness.

IADLEST will conduct their annual convention June 13 to 16 in Salt Lake City, Utah. The major theme of the convention will be homeland security with presentations from members of the Department of Homeland Security in Washington, D.C.

The Office of Domestic Preparedness has developed some interesting curricula dealing with domestic terrorism, weapons of mass destruction and other related topics. They will make this information available to training academies at no charge and eventually hope to get it into all basic training curricula in the United States. The curriculum can be modified to be a standard training module of two-, four-, six- or eight-hour blocks.

Jeff Allison from the Office of Domestic Preparedness Training Division will be working with IADLEST on the feasibility of IADLEST being a vehicle to provide the peace officer standards and training organizations with the coordination and resources necessary to have a wide, national dissemination of the programs.

If you are interested in becoming a member of IADLEST or learning more about the research and services provided by IADLEST, feel free to log onto the Web site www.iadlest.org, or call me at (859) 622-2217.

Career Development Program: WHY PARTICIPATE?

*Joseph Boldt, Administrative Specialist III
Kentucky Law Enforcement Council*

The Kentucky Law Enforcement Council's Career Development Program is now in its second year of operation. In the first 15 months of the program (through March 2004), more than 115 law enforcement officers and telecommunicators have earned 150 professional development certificates. To receive the certificates, these individuals demonstrated that they had completed the required levels of training, education and experience.

Each of the Career Development Program certificates represents a particular career path for a law enforcement officer or telecommunicator. The nine law enforcement certificates are associated with the career paths of patrol, investigations, traffic and law enforcement management. The five telecommunications certificates are basic, intermediate and advanced telecommunicator as well as a telecommunications management career track for supervisors and directors.

Why participate in the Career Development Program? What advantage does it give individuals and agencies involved in the program?

First, from an individual standpoint, it helps by placing structure in the training and learning process, and it takes some of the guesswork out of which professional development courses to take from year to year. Second, the program helps individuals to remain focused and goal-oriented in their training. Most people perform better when they are focused or have goals. Third, the program offers opportunities for participants to expand the skills needed (technical, human, conceptual) to become a more professional law enforcement officer or telecommunicator, which makes one more attractive for promotions. Career Development Program certificates are noticed on resumes.

The Career Development Program also provides advantages from a departmental and management standpoint. The CDP can be used as a recruiting and retention tool to market an agency as one that emphasizes the importance of an organized training and education program for its personnel. The program can also be used as an aid in planning personnel needs and agency direction for the future. For example, there may be a need in the future for more CDP-certified traffic officers within a department as a city grows in size and population. They may also need for more CDP-

Through March 2004, the following CDP certificates have been awarded:

Type of Certificate	No. of Certificates Awarded
Intermediate Law Enforcement Officer	43
Advanced Law Enforcement Officer	17
Law Enforcement Officer Investigator	5
Law Enforcement Traffic Officer	2
Advanced Deputy Sheriff	0
Law Enforcement Supervisor	6
Law Enforcement Manager	15
Law Enforcement Executive	9
Law Enforcement Chief Executive	8
Basic Telecommunicator	44
Intermediate Telecommunicator	0
Advanced Telecommunicator	0
Telecommunication Supervisor	1
Telecommunication Director	0

certified law enforcement supervisors or managers as an agency loses management staff to retirement or for upgrading a telecommunications staff to intermediate or advanced telecommunicators in anticipation of requesting a pay increase. Finally, the Career Development Program can provide a way that management can mentor and teach career pathing and development to employees participating in the program. By helping to satisfy the career needs and interests of personnel, management can improve the morale and spirit of the organization.

As the old baseball player, Yoggi Berra once said, "The future ain't what it used to be!" In order to retain the best employees in the workplace today, organizations must find ways to challenge them and meet some of their needs. CDP does both and is destined to become more recognized as an important part of the training and education mission of law enforcement and telecommunication agencies in Kentucky.

For more information on the Career Development Program, please contact Joseph Boldt or Deanna Boling at (859) 622-6218 or e-mail at Joe.Boldt@ky.gov.

DOCJT Continues to Present CDP Certificates

DOCJT Staff Report

The Kentucky Law Enforcement Council continues to present Career Development Certificates to officers and telecommunicators across the state.

The Career Development Program is a voluntary program that awards specialty certificates based upon an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 14 professional certificates, nine for law enforcement and five 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.

One certificate was presented for the first time this quarter.



Paul Nave

Paul Nave, Daviess County Sheriff's Office, is the first person to earn the Telecommunicator Supervisor Certificate. The certificate is aimed at the first level of supervision in telecommunication centers and requires completion of a 40-hour supervision course, and 16 additional hours of KLEC-approved supervision training. Years of supervisory experience are matched with levels of education. Nave began working part time for the Morehead State University Police while attending college. After graduating, he was hired at the Daviess County Sheriff's Office as a part-time dispatcher and worked his way into a full-time position. He held several positions in the agency and was eventually promoted to Daviess County 911 director. Nave has an Associate of Science from Morehead State University, an Associate of Arts from the University of Kentucky Community College and a Bachelor of Science from Western Kentucky University. He has also earned a Basic Telecommunicator Certificate.

The Kentucky Law Enforcement Council would also like to congratulate and recognize the following individuals as having earned Career Development Certificates. This quarter each has demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

Hugh Alsup, Lewisburg Police Department, Intermediate and Advanced Law Enforcement Officer

Mark Ballentine, Murray State University Public Safety, Intermediate Law Enforcement Officer

Michael Bandy, University of Kentucky Police Department, Intermediate Law Enforcement Officer

Gregory Bone, Maysville Police Department, Law Enforcement Supervisor

Elyse Brooks, Logan County EOC, Basic Telecommunicator

Rhoda Brown, Pendleton County Dispatch, Basic Telecommunicator

Timothy Brown, Mt. Sterling Police Department, Law Enforcement Executive

Kyle Callahan, Morehead Police Department, Intermediate Law Enforcement Officer

Timothy Chesser, Florence Police Department, Law Enforcement Manager

Tiua Chilton, University of Kentucky Police Department, Intermediate Law Enforcement Officer

Kayla Christie, Logan County EOC, Basic Telecommunicator

Ricky Cox, Eastern Kentucky University Police Department, Law Enforcement Manager

James Cranmer, Kentucky State Police, Basic Telecommunicator

Mark Crowdus, Woodford County Police Department, Intermediate Law Enforcement Officer

John Debarte, Morehead Police Department, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer

David Devoss, Murray State University Public Safety, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer, Law Enforcement Officer Investigator

Harry Embry, Russellville Police Department, Law Enforcement Supervisor

Judy Frazier-Toombs, Logan County EOC, Basic Telecommunicator

Mavis Fryman, Paris Police Department, Basic Telecommunicator

Mary Gatewood, Kentucky Transportation Cabinet, Basic Telecommunicator

Paul Grant, University of Kentucky Police Department, Intermediate Law Enforcement Officer

Gregory Hall, University of Kentucky Police Department, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer, Law Enforcement Officer Investigator

Christy Hendren, Kentucky State Police, Basic Telecommunicator

Randall Hogan, Jefferson County Sheriff's Office, Intermediate Law Enforcement Officer

Franklin Hollis, University of Kentucky Police Department, Intermediate Law Enforcement Officer

Robert Holmes, Murray State University Public Safety, Intermediate Law Enforcement Officer

Ronald Hughes, Trigg County Sheriff's Office, Law Enforcement Officer Investigator

Sarah Hughes, Logan County EOC, Basic Telecommunicator

Joyce Johnson, Logan County EOC, Basic Telecommunicator

Michael Jones, Morehead Police Department, Intermediate Law Enforcement Officer

Michael Kasitz, Eastern Kentucky University Police Department, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer, Law Enforcement Manager

Steve Knauf, Taylor Mill Police Department, Law Enforcement Chief Executive

Joseph Lannan, Jefferson County Sheriff's Office, Intermediate Law Enforcement Officer

Joseph Lawrence, Murray State University Public Safety, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer
Peggy Lewis, Logan County EOC, Basic Telecommunicator
William Marcum, Murray State University Public Safety, Intermediate Law Enforcement Officer
Katherine Matthews, Logan County EOC, Basic Telecommunicator
Christopher Messenger, Logan County EOC, Basic Telecommunicator
Larry Nixon, Murray State University Public Safety, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer, Law Enforcement Chief Executive
Billy Phelps, Morgantown Police Department, Intermediate and Advanced Law Enforcement Officer
Maureen Randall, Murray State University Public Safety, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer
Robert Ratliff, Ashland Police Department, Law Enforcement Executive

Teresa Rick, Pendleton County Dispatch, Basic Telecommunicator
Michael Schnell, Mt. Sterling Police Department, Law Enforcement Chief Executive
Lloyd Setty, Paris Police Department, Basic Telecommunicator
David Sexton, Morehead Police Department, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer, Law Enforcement Traffic Officer
Steven Spillman, Murray State University Public Safety, Intermediate Law Enforcement Officer
Rebecca Templeton, Kentucky State Police, Basic Telecommunicator
Alice Warren, Logan County EOC, Basic Telecommunicator
Houston White, Kentucky State Police, Basic Telecommunicator
Angel Williams, Logan County EOC, Basic Telecommunicator
Edward Winstel, Jefferson County Sheriff's Office, Intermediate Law Enforcement Officer
Ronald Wyatt, Woodford County Police Department, Intermediate Law Enforcement Officer, Advanced Law Enforcement Officer

DOCJT Class 339 Graduates as Class of Distinction

DOCJT Staff Report

The Department of Criminal Justice Training's Basic Training Class 339 graduated on April 2 as a Class of Distinction, becoming the first group of law enforcement officers to earn the honor in more than two years.

Becoming a Class of Distinction is the highest honor a graduating class can achieve. To earn the title, a class must have an overall class GPA of 90 percent or higher, have no major conduct problems, have no major room inspection violations and have no member of the class removed due to test failures or disciplinary actions. The class must also organize and participate in a community project.

"This class was a pleasure to coordinate," said Class Coordinator Stella Plunkett. "They worked together as a team to ensure that everyone graduated. All of them expressed a sincere desire to become professional law enforcement officers."

The graduates of Class 339 are David L. Burton, Kentucky Vehicle Enforcement; Kevin J. Dolen, University of Kentucky Police; Timothy Doyle, University of Kentucky Police; Carl Frith, Kentucky Department of Parks; Deann Hopkins, University of Kentucky Police; Chuck T. Jackson, Lawrence County Sheriff's Office; Anthony Jenkins, Cumberland Police Department; Trent Kelly, Kentucky



Department of Parks; Timothy K. Leyenaar, Todd County Sheriff's Office; Eddie W. Melton, Kentucky Vehicle Enforcement; Dewel M. Miller III, Kentucky Vehicle Enforcement; Gary D. Mullins II, Kentucky Vehicle Enforcement; Shannon L. Salley, Bellefonte Police Department; John W. Scott, Kentucky Vehicle Enforcement; and Charles T. Tinsley, Kentucky Vehicle Enforcement

The last Class of Distinction the academy graduated was Class 312 on March 15, 2002.

CJED Program Graduates 19 Law Enforcement Executives

Jacinta Feldman Manning
Public Information Officer

Law enforcement leaders from 15 agencies across Kentucky graduated March 12 from the Criminal Justice Executive Development Program, an advanced leadership course for supervisors at the state's small and medium-size agencies.

The class's 19 graduates include three chiefs and two assistant chiefs, as well as other high-ranking law enforcement executives.

The program's goal is to provide supervisors with modern theories, management techniques and leadership skills that will enable them to perform more effectively and efficiently in their departments and ready them for future command positions.

CJED is a five-week program. Students attend courses one week each month for five months. To participate in the program, attendees must be supervisors who rank sergeant or above, apply for entrance into the program and be selected by a committee of CJED graduates from across the state.

The program focuses on leadership; identifying, analyzing and solving problems; personnel administration; operations and fiscal management; and executive and environmental relationships.

During the graduation ceremony, guest speaker Lt. Col. Terri Winstead of the Louisville Metro Police Department, told the graduates that integrity is one of the most important aspects of good leadership.

"It's not always easy to make the right decision, but you have to do it so the community will have trust in you and those who are under your command will have trust in you," she said.

Winstead has been in law enforcement leadership positions for 10 years, rising through the ranks from sergeant to assistant chief. She now leads the patrol division of the Louisville Metro Police Department, where she is the commander of six patrol districts, six departmental majors and about 550 officers.

She challenged the graduates to hold everyone in his or her agency accountable and to mentor the upcoming generation of leaders. She also encouraged them to always think outside of the box and try new challenges.

"We might feel like we're doing the best that we can," she said "but we can always do better."

The Criminal Justice Executive Development Program began in 1998. Since then, a total of 106 ranking peace officers have graduated from the program.



Nineteen law enforcement administrators graduated from the CJED program on March 12.

ANDREA BROWN/DOCJT

CJED VI graduates and their agencies:

- Lt. John W. Branscum, Nicholasville Police Department
- Lt. William K. Clark, Berea Police Department
- Chief Joseph S. Cline, Morehead Police Department
- Sgt. Timothy F. Davis, Madisonville Police Department
- Lt. Col. Jeffery M. Dektas, Wilder Police Department
- Lt. David K. Ellis, Berea Police Department
- Chief Thomas L. Farris, Falmouth Police Department
- Lt. Kenneth W. Fecher, Fort Thomas Police Department
- Lt. Terry L. Gabbert, Owensboro Police Department
- Lt. F. Marvin Hayden, Owensboro Police Department
- Sgt. Edwin Q. Hughes, Bowling Green Police Department
- Chief Tony Kramer, Edgewood Police Department
- Lt. Col. Michael J. Newell, Danville Police Department
- Lt. Glynn Powers, Kentucky Vehicle Enforcement
- Capt. Larry D. Roberts, Danville Police Department
- Lt. Jeffery A. Sears, Somerset Police Department
- Maj. Corey Tapp, Henderson Police Department
- Sgt. D. Wade Williams, Madisonville Police Department
- Sgt. Ronald T. Wilson, Taylor Mill Police Department

Raising the Bar

Command Decisions Being Reshaped to Meet Needs of Law Enforcement Leaders

*Horace Johnson, Director
Training Operations Division*

Command Decisions has been the most important course offered to chiefs and sheriffs in the Commonwealth for 34 years. Each year since Charles Ransdall named the original course in 1971, Command Decisions has offered excellent training sessions for Kentucky's chief law enforcement officers.

But the needs of law enforcement executives have evolved, and the Department of Criminal Justice Training recognized the need for its course aimed at the top level of law enforcement to evolve as well.

In October 2003, the executive staff of the Department of Criminal Justice Training discussed the continued evolution of course offerings. Following a review of critiques from the three Command Decisions courses in 2003, a plan was developed to raise the bar for the institutional course.

During early 2004, more than 50 executives, including chiefs, sheriffs and state law enforcement directors, were invited to attend a series of focus groups held across the state. The purpose was to discuss the evolution of a new course for police executives. A summary of these discussions provided a focus for change: Command Decisions was appropriately retired, and the Police Executive Command Course (PECC) was brought to life.

The plan to revisit Command Decisions included establishing a council to voice and recommend change. The council is made up of chiefs, sheriffs and a state law enforcement representative, and is chaired by the director of Training Operations at DOCJT. Its purpose is to establish and arrange curricula for the following year from contiguous recommendations and trends. The council does not have oversight of the course; final authority remains with DOCJT to administer and the Kentucky Law Enforcement Council to authorize.

"It (the PECC Council) is continued evidence of the fact that DOCJT does want input from the agencies," said Bowling Green Chief Bill Waltrip, who was one of nine law enforcement executives appointed to the council.

The other members of the Police Executive Command Council are Ashland Chief Tom Kelley, Kenton County Chief Bill Dorsey, Daviess County Sheriff Keith Cain, Randy Fawns of Alcoholic Beverage Control, Louisville Metro Assistant Chief Phil Turner, Jessamine County Sheriff Joe Walker, Henderson Chief Ed Brady and Oldham County Sheriff Steve Sparrow.

The council represents a cross section of leadership from all areas of law enforcement across the state.

Fawns, who is the acting assistant director of the law enforcement division of Alcoholic Beverage Control, said he thinks it's important to have all disciplines of law enforcement – city, county and state – represented. He said allowing all areas to have a say in how the course evolves will help ensure the training meets the needs of all law enforcement executives.

"I think that when the agencies as a whole are represented, then there's an automatic buy in to it because they feel like they have a voice," Fawns said.



ABBIE TANHILL/DOCJT

Nine law enforcement executives were named to the Police Executive Command Course Council. The council held its first meeting in April.

The council held its initial meeting in Richmond on April 6, and the bar was raised for Kentucky's police executives.

"I think any time you look to change, it's healthy," said Henderson's Chief Brady.

Brady said he thinks everyone on the council will take the job of helping redefine the training that is offered to the top level of law enforcement seriously. He said the committee might not agree with every suggestion that is offered, but that everything should be brought to the table for discussion.

"I think we need to knock on every door as we explore change, and some of those doors will shut and lock and never open again," he said.

Individual learning and enhanced cooperation and coordination of policing have been given a new vehicle in the Police Executive Command Course.

Other items to enhance the course include a professional audio evaluation of the training site, space allocation and criteria for who should attend. A significant part of the plan is to establish an annual budget for the purpose of bringing in nationally recognized speakers and experts on issues important to law enforcement executives. The scheduling and streamlining of the current course, to include the testing mechanism and project, will also be considered for change.

Fawns said making changes to the Command Decisions course is just another step in offering advanced training, like the Criminal Justice Executive Development program and the Academy of Police Supervision, to law enforcement leaders in the state.

"Those programs were established, and this is just the next step," Fawns said. "You can't be stagnant, you have to move on."

Model City Police Station Gives Reality to Training

*Danny J. Dailey, Training Instructor
General Studies Section*

“Man! This police station is nicer than our station back home. It’s even bigger too!”

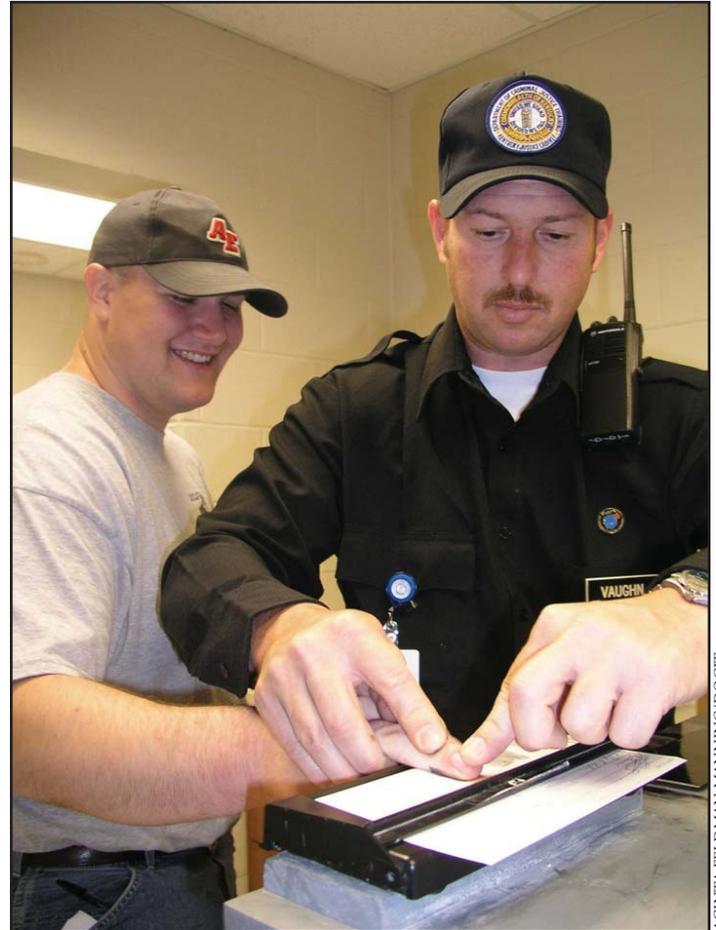
I remember well the new police recruit’s comment as he saw the Department of Criminal Justice Training’s “police station” for the first time. He wasn’t alone in his admiration of the new addition to our training facilities. Most of our basic training recruits seem to share similar opinions.

The Model City Police Station is a 1,855-square-foot area located in the basement of the DOCJT’s new Schwendeman Building in the John W. Bizzack Law Enforcement Training Complex. This facility is used to help add realism and practicality to the basic recruits’ training experience. Our students no longer simply sit in the classroom to learn. Nowadays it’s about facilitated learning. It’s about focusing on adult-style teaching. It’s about hands-on experiences. Recruits first listen and observe to learn, then they discover more by applying the information in realistic training scenarios. We use all available facilities, including the Model City Police Station, to make the training as realistic as safely and reasonably possible. Their understanding really begins to sink in during the practical training exercises.

The Model City Police Station has a dispatch center with a functional radio system and computers, a roll call room, and a front desk/reception area. It also has a jail area with a sally port, a prisoner processing room, restrooms, a holding cell and interrogation and observation rooms with a one-way mirror between them. It also has a hidden video camera. Interrogations are observed and videotaped from the adjacent observation room. Additionally, weapon lockers are located in the police station and in the sally port.

We primarily use our model police station for our modular practical training exercises, although we also use the area for classes, such as fingerprinting. Since the station is not carpeted, it makes for easy cleanup of the fingerprint powders. The modular practical training scenarios are interspersed throughout the recruits’ 16-week academy stay. These practical exercises include theft, warrant/disorderly conduct, traffic, crimes against property and crimes against persons.

The basic training recruits will typically begin a practical exercise by meeting in the roll call room of the Model City



Eric Vaughn, Simpson County Sheriff’s Office, rolls a set of prints on Stephen Shull, Hopkinsville Police Department.

Police Station. This simulates the beginning of a patrol shift for them. A basic training instructor will conduct roll call, give instructions and make assignments. Evidence kits, cameras, portable radios and car keys are distributed. Recruits obtain all necessary forms from a cabinet before hitting the street with a training instructor, who serves as an evaluator.

During their patrol time, recruits will answer at least one call and investigate it to its logical conclusion. If done correctly, a physical arrest is usually made and the “prisoner” is transported back to the Model City Police Station. They enter the facility through the sally port, secure their weapons in the weapon lockers, and enter the jail area where they put their prisoner in the

holding cell. When ready, the officers will retrieve their prisoners and take them to the booking area to be fingerprinted and photographed. Officers are then ready to take their prisoners to the interrogation room to be interviewed and interrogated. All interviews and interrogations are recorded on videotape and are made available for the recruits to view and critique. The officers then complete all required paperwork and prepare a case jacket. All officers will later testify in moot court during week 16 of Basic Training about one of their arrests.

Basic Training has certainly evolved and changed a lot since Basic Training Class no 24 in 1972, which was the very first 10-week class. The previous class lasted only six weeks. The academy stayed at 10 weeks until 1999 when six additional weeks were added.

In 1972 all DOCJT classes were held in Eastern Kentucky University's Begley Building at the football stadium. The agency's current location was nothing more than an empty field at that time. There was no driving track. Drivers training consisted of nothing more than a two-hour classroom lecture about driving. Most training was classroom lecture and there was very little applied training. The academy did not have the budget, time, instructors or facilities to offer much else. There certainly was nothing like a model police station that basic recruits enjoy today.

Over the years I have seen a number of other law enforcement training academies. With the possible exception of the Royal Canadian Mounted Police Academy, nothing I have seen elsewhere can begin to compare to the staff and facilities available at DOCJT. Our goal is utmost professionalism and to be the best. The Model City Police Station plays an important part in this effort.



Eric Vaughn, Simpson County Sheriff's Office, and Autumn Stanton, Kenton County Sheriff's Office, work on their case reports in the Model City Roll Call Center.

Recruits Comment on Station

"The Model City Police Department is a tremendous tool in the educating of police officers. This hands-on experience has helped me to better understand the principles taught in class."

Laura Marco

University of Kentucky Police Department

"The Model City Police Department gave me the opportunity to see how a police department is set up and used to aid an officer in crime prevention. Everything is organized and labeled so that all the paperwork you need is at your fingertips."

Trent Kelly

Department of Parks

"I was highly impressed with the setup and completeness. It should be used as a standard for all agencies to meet."

Tim Leyenaar

Todd County Sheriff's Office

"The Model City P.D. is a very helpful tool to have at DOCJT. It helps students get a true feel for the paperwork and setup of a real police department. The sally port area, fingerprint room and interrogation room are the best qualities of the P.D."

T.J. Doyle

University of Kentucky Police Department

"The Model City Police Station is a good training ground. It allows you to take the information gained in the classroom and apply it to a working police department setting... By being able to go through role playing it makes new officers more confident and quicker at handling calls at their own police stations."

Deann Hopkins

University of Kentucky Police Department

F.Y.I. First Police Corps Graduates Complete Four-Year Commitment

Abbie Tanyhill
Public Information Officer

All's well that starts well, or so it would seem for the first round of the Kentucky Police Corps cadets who completed their four-year commitment to the federal recruiting program in October 2003. Though the program has undergone several changes in recent years, these first cadets paved the way and are still reaping benefits.

Bardstown Officer William Strunk, Daviess County Dep. Scott Wedding, Mount Sterling Sgt. Paul Headley and Morehead Sgt. Robert Hamilton make up the first round of cadets to complete the program, and four years later, they find themselves spread all over the state and more than satisfied with their experiences at their agencies.

Kentucky Police Corps was still trying out its wings when these men went through, and their training followed the same 16-week program as that of basic training with a few additional classes and speakers to supplement.

"It was pretty simple, nothing fancy," David Hobson, who handled the administrative duties of the original program, said about the beginning phases of the Kentucky Police Corps.

The program, originally directed by now retired Director Bernie Thompson, was implemented to help get college graduates into law enforcement agencies in the rural areas of Kentucky. It offered a \$30,000 scholarship to pay for college and a salary supplement to the hiring agency they went to work for during their four-year commitment.

Because the program was so new, the selection process was extremely thorough.

"The thrust of everything boiled down to the fact that this was a new program and the best way to get it off the ground was to produce top-notch people. It's not a right, it's a privilege," Hobson said about the process that ended with the selection of Strunk, Wedding, Hamilton and Headley.

Now an officer at the Bardstown Police Department, Strunk is part of the canine division as well as a training officer. The



Bardstown Officer William Strunk releases his dog, Clint, from the arm of an acting perpetrator during a chase training drill. Strunk was one of the four original Police Corps recruits.

London native came to Bardstown in October 1999 and has been involved with the canine division for more than a year. Clint, the two-year-old canine who was imported from Belgium, and Strunk are also part of the special response team in Bardstown. Strunk said that one of the most enjoyable and beneficial parts of his Police Corps experience was the DUI training. "Working in the bourbon capitol of the world here in Bardstown, that training has become really useful," he said.

Overall, Strunk is pleased with the results of his Kentucky Police Corps commitment. "You can't go wrong with \$30,000 in scholarships and a job. I used that money to pay off my student loans and my final year in school," Strunk said.

"The Police Corps cadets are probably better trained, plus you have the commitment and that's worth a whole lot," Bardstown Police Chief Charles Marksbury said. "With a four-year commitment, you know you have them for a while."

In the four years that Strunk has been in Bardstown, he has made a positive impact on the department and the community. "The day he walked through the door, he was well received. It's a big plus that he fits in so good," Chief Marksbury said. "William was one of the first [Police Corps graduates] and I think

ABBIE TANYHILL/DOCJT

he has proven himself. I can see him becoming chief one day if he stays around.”

Years after being placed in Bardstown, more than 100 miles from his hometown in Laurel County, Strunk has made Bardstown his home and is leaving his mark on the department. “Police Corps is a really good program, I think it would be good for anyone wanting to get into law enforcement,” Strunk said.



Dep. Scott Wedding

Wedding serves as a crime prevention deputy for the Daviess County Sheriff’s Office and has been involved in DARE, a life skills program and working with underprivileged children. “What Police Corps offered was a great situation because the scholarship allowed me to get my loans paid off, and I also had a strong desire to come back to Owensboro,” Wedding said. He also talked about how Kentucky Police Corps helped with his

community oriented policing base by teaching him how to relate to people and the community better.

Currently teaching criminal justice at Kentucky Wesleyan College, Wedding is hoping to pursue his master’s degree and plans on staying with the department in Daviess County. “I can’t think of any place I’d rather be than at this agency,” Wedding said.

Headley served his four-year commitment at the Mount Sterling Police Department and was promoted to sergeant in November 2002. He also attended the first Academy of Police Supervision. “It was interesting and educational,” Headley said about the academy. “I learned a great deal, and as a new supervisor, it was very helpful.”



Sgt. Paul Headley

Headley said his success in Mount Sterling can be traced back to the foundations he took from the Police Corps. “The commitment to be the best you can be and the focus on setting and achieving goals is something I’ve taken with me throughout this process,” Headley said. That commitment can be seen in Headley’s recent return to

DOCJT as a vehicle operations training instructor, which, he says, is something he has aspired to do for some time. “I have every intention to develop and grow in this career.”

Hamilton has tackled a lot of responsibilities in the last year while serving at the Morehead Police Department. It has been

about a year since he acquired a new partner, Ján, a two-year-old Dutch Shepard, and became a member of the Canine Unit. More recently, he was promoted to sergeant after only four years at the department.



Sgt. Robert Hamilton

“It all fell in my lap at once,” Hamilton said. “It’s been a real learning experience, there’s always something new to deal with.” While the supervisory role can be demanding, Hamilton is up for the challenge. “It’s a real big change from patrol. I was used to looking to someone else for answers, now people look up to me for answers, so I have some pretty big shoes to fill,” Hamilton said. “I have to act as a guide and trust their decisions.”

After serving four years as a Navy medic and finishing up his degree in Police Administration, Hamilton became interested in the Kentucky Police Corps because he knew it was difficult for the smaller departments to hire officers and then send them through training. Now four years later, the Flemingsburg native is right where he wanted to be – at the Morehead department. “I couldn’t trade any of these experiences or friendships for the world,” Hamilton reflected.

Kentucky Police Corps has undergone several changes over the years, including a reduction in the \$30,000 scholarship to \$15,000. The cadets now go to Mexico as part of their Spanish language immersion training and they are trained in bike patrol. The latter two are the points of interest that these first cadets, if given the opportunity, expressed a desire to have participated in.

“The Mexico trip that they go on now is nice, but it’s the immersion program that I wish we would have had more of,” Headley said about the addition.

The other original graduates had similar views on the changes. “The bike training is good because they won’t have to send officers off for training later on,” Hamilton said. “But we were kind of the guinea pigs, there’s a lot of things they get now that we didn’t.”

However, these four graduates don’t seem to be lacking anything four years after their training, and have become successful, integral parts of the departments to which they were committed. “Bottom line is they were obviously good choices, they were the top candidates from about 20 applicants; they were the cream of the crop. If they’re still with the program five years later, that’s testimony to the selection process,” Hobson reflected on the quality of the first cadets.

F.Y.I.

APS Class No. 5 Volunteers for High Ropes Training

Abbie Tanyhill
Public Information Officer

The Academy of Police Supervision recently added the tower and high ropes training to its course, and APS class no. 5 was the first to participate in the training on April 21. Though the additional training was offered on a strictly voluntary basis, 19 of the class's 20 students, along with coordinator Ken Morris, geared up to face the 50-foot tower and the 45-foot high ropes course.

"Our Police Corps instructors ensured that the APS students who were going to participate were all volunteers," Morris said. "I don't believe the high ropes will ever be mandatory because it could become counter-productive, meaning it wouldn't be fulfilling and joyful. The end result wouldn't be what we are looking for."

However, the first-time participants, like Sgt. Karen Busch from the Covington Police Department, were more than thrilled with the opportunity to take part in the experience. "I was the first one out there, heights are no problem for me," Busch said. "It was great," she added, and went on to compare the experience to riding roller coasters at Kings Island.

Morris said that all the students in APS have expressed a desire for more time on the high and low ropes course. "The experience was exhilarating, euphoric and very challenging," he said. "It gave a feeling of accomplishment."



Campbellsville Sgt. Marshal Taylor steadies himself on the high ropes course during the Academy of Police Supervision's first high ropes training session



Ashland Sgt. Mike Crawford balances across a beam as part of the APS high ropes course training on April 21.

Despite the overall enjoyment of the experience, each student had to overcome some feelings of apprehension. "I think the biggest problem was wondering if all this equipment was really going to hold me," Busch said.

However, the course inspired more positive reactions than negative. "After talking with them, they felt it was very worthwhile. It gave them confidence doing things that they weren't comfortable doing," training instructor, Billy Fryer, said. "The only thing they didn't like was that it didn't last long enough."

Helping ensure the success of the event, along with Morris, were training instructors Fryer and Ed Lingenfelter, administrative specialists, DeAnna Boling and Teresa Babb, Police Corps network analyst, Blake Bowling and Police Corps instructor, Bruce Rawlings.

The high and low ropes course blend in exactly to what the APS students are taught throughout the course, including leadership, teamwork, communication, planning, public speaking, and attitude and confidence, Fryer said. "All I can say is this group certainly set the bar, and I hope we can get the course throughout other programs in DOCJT," he said.

"The high ropes confidence course is truly the capstone event of the Academy of Police Supervision," Morris said.

The Telecommunications Academy Law

Comments From Around the Commonwealth

*Joseph Spaulding and Amanda Basham, Instructors
Advanced Telecommunications Section*

Since the mandated Telecommunications Academy law became effective on July 1, 2003, five academy classes have completed the basic training. Graduates and agency supervisors from across the state agree that the training has helped telecommunicators take major strides in quality and professionalism.

“The Telecommunications Academy was long overdue,” said Mike Wallace, supervisor of communications/records at Western Kentucky University Police Department. “Telecommunicators often deal with people at their worst and the public’s stress level carries over to the telecommunicator, and not every individual is equipped to handle that. The hands-on training received in the academy is invaluable.”

The law requires all full-time telecommunicators to complete a training academy and attend annual professional development courses. It ensures that all telecommunicators across the state are uniformly trained and equally prepared to successfully do their jobs.

“You can see a difference in each telecommunicator personally after attending the academy. The academy creates a level of pride and a sense of accomplishment,” said Ann M. Johnson, supervisor of the Georgetown-Scott County E911 Center. “The academy not only sets standards, but creates a profession.”

Agencies and communities are already seeing the benefits of having well-trained telecommunicators. A recent graduate received a call shortly after returning home from the academy about an infant

not breathing. This graduate was able to handle the call professionally, which resulted in the infant being revived.

Graduates say that the training gave them the skills and confidence they needed to do their job successfully.

“As a new telecommunicator, I had no idea where to begin. The academy gave me the know-how to answer calls and correctly dispatch them,” said Nancy Kinkade, a telecommunicator at Western Kentucky University. “I’m more confident in handling calls.”

Dee Dee Green of the Georgetown-Scott County E911 Center echoed the importance of the training.

“The academy gave me the background to know the job and I’m certified to do it. Meeting others in the same profession was good ... I could take different perspectives home and put it to use,” she said.

Mike Keyser, a co-coordinator of the Telecommunications Academy, said that both telecommunicators and their communities benefit from the mandatory academy.

“The telecommunicator receives enhanced training through the academy environment by developing the concept of teamwork and cohesiveness of the class. The students develop a high level of camaraderie, which assists them during the saturated training period,” he said. “The students’ communities benefit because each academy is required to perform a community service project. When the student returns home, this sense of community service is transferred back to their community.”

Telecommunications Academy Graduates its First Class of Distinction

DOCJT Staff Report

The Telecommunications Academy Class 25 became the first Telecommunications Class of Distinction. To qualify for this honor the class must achieve a GPA of 95 percent or higher, experience no disciplinary actions, have no individual retests or failures and participate in a class special project.

Graduates from the class were: Teresa D. Rick, Pendleton County Dispatch; Tina Marie Pendleton, Mt. Sterling Police Department; Ann N. Mayes, Versailles Police Department; Christy Payne, Daviess County Sheriff’s Office; Jamie Lea Cummings, Elizabethtown Police Department; Lindsey A. Barnett, KSP Frankfort; Jayde N.C. Arnold, KSP Madisonville; Teresa Gail Holbrook, Magoffin County 9-1-1; Mary Margaret Alderman, Danville Police Department; Diane Raiza, Jessamine County 9-1-1; Amy M. Marks, Henderson Police Department; Kelly D. Brown, Boone County P.S.C.C.; David H. Wilson Sr., Eastern Kentucky University; and Jerald E. Hicks, Greenup County E-911.

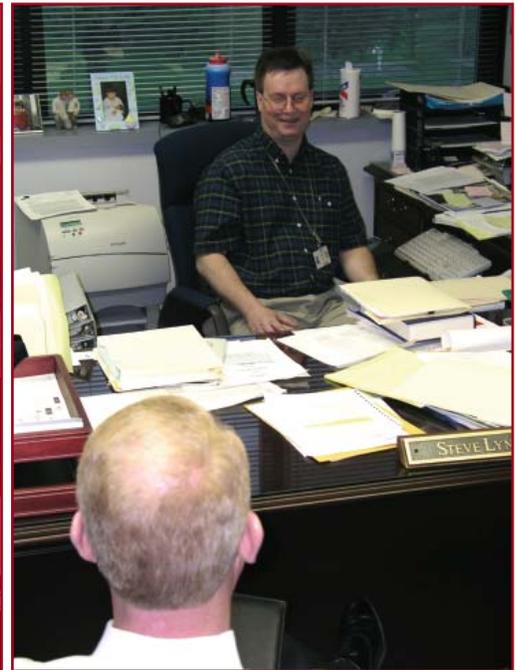


Class 25 was the first Telecommunications Academy Class of Distinction.

JANET BROCKWELL/DOCJT

The following profiles were conducted by Carolyn Schaefer.

F.Y.I.



STEVE LYNN

Born in Madisonville, Steve Lynn attended schools in McLean and Webster counties. He attended Henderson Community College for two years before transferring to the University of Kentucky for his undergraduate work. He received his Juris Doctor Degree from Chase College of Law, Northern Kentucky University.

Upon graduation, Steve served as an Assistant Public Defender in Tennessee for two and a half years to gain courtroom experience. Passing the bar in Kentucky and Tennessee, he worked in private practice for three years in Dawson Springs, Kentucky. In 1996 he joined state government, working for the Legislative Research Commission as a staff attorney on the Administrative Regulations Review Subcommittee. He joined DOCJT in November 2000 as staff attorney in the office of the general counsel. He is now assistant general counsel for the agency.

He is married to the former Sandra Wilkerson of Owensboro. They reside in Lexington and have two sons, six-year-old Aaron and one-year-old Riley. Whenever they have spare time they enjoy going to western Kentucky to visit family and friends and traveling.

What are your job duties at DOCJT?

I research and advise DOCJT staff on legal issues that come up in our day-to-day operations. I represent the department in lawsuits and administrative actions that are brought by or against us. I also serve on our legislative team and draft proposed legislation and the administrative regulations under which we conduct training and programs. I also work on contracts that are necessary for DOCJT training and operations. Additionally, I provide advice and assistance to the Kentucky Law Enforcement Council. I also answer questions

relating to peace officer certification and the Kentucky Law Enforcement Foundation Program Fund from the law enforcement agencies that we serve.

During the 2004 legislative session were there any bills introduced that would have had a special impact on law enforcement?

Working in the general counsel's office the past three years, I have frequently received calls from agencies regarding training, certification issues and job duties. One of the questions that I have received most from our county sheriffs relates to the position of bailiff, or court security officers, and their specific job duties. During the 2004 regular session, I was glad to assist the Kentucky Sheriffs' Association with drafting a bill that would have clearly established the position, training requirements and job duties of a certified court security officer. Rep. Bob Damron of Nicholasville sponsored this bill for the Kentucky Sheriffs' Association. I believe that it would have been a great benefit to the sheriffs. Unfortunately, we ran out of time and were not able to get it passed before the session adjourned, but will try again at the next session of the General Assembly.

What influenced you in choosing law as your career?

Oddly enough, I don't have any family members who are attorneys and I really did not know many attorneys before deciding to go to law school. I have enjoyed history since I was in grade school and frequently read books on the life and career of President Abraham Lincoln, who was an attorney, and I suppose that that was one influence.



SANDY LYNN/SUBMITTED

My parents, Douglas and Martha Lynn, have always been supportive of all of my academic endeavors. After entering law school, there was a time when I became discouraged and considered doing something else. My parents never had the opportunity for a college education and encouraged me to stay the course and do the best that I could. Now I feel very fortunate to have had their influence and work ethic as an example. I also think that everyone who goes into the legal field does so in the hope that they can make a positive impact on their community. I have been an attorney for more than 10 years and have worked in several different areas of the law. This is the first position that I have ever served in that provides such close support to the field of law enforcement and training. For me, it has been the most professionally rewarding position in which I have ever served, and I hope that my work at DOCJT has been a benefit to my fellow co-workers and the Kentucky law enforcement community that we serve.

Being a history buff, you have written and published books on the Civil War. What have you written?

Yes, I have enjoyed studying Kentucky and Civil War history for many years and have published two books on the Civil War soldiers of Kentucky for those researching their family history. I have also written and published a book on a Kentucky cavalry unit in which several of my ancestors served during the Civil War, and I have nearly finished a book on the Civil War activities in Webster County, my

home county. I have never been a golfer or tennis player, and this has always been a way for me to relax and also make a little extra income. Most of what I have done is local interest projects. I'm not a Stephen Ambrose or Shelby Foote, but I have sold a number of books through bookstores and my internet Web page, and people seem to have enjoyed what I have published. My wife, Sandy, has been a great supporter and assistant in this endeavor.

You were recently inducted into the Webster County High School's Hall of Fame. This honor is based on your achievements obtained after graduation. How did you feel receiving this award, and what are your future goals?

I was very honored to be named to the hall of fame. Each year at the high school graduation exercises, they make the award to a past graduate based upon his or her accomplishments after high school. Prior to being notified of the award, I had no idea that my name had been submitted or that I was being considered, so it was a great surprise. As for future goals, I hope to continue being a contributing member of the DOCJT staff and assist in the improvement of training of law enforcement personnel. I also look forward to being a part of the planning and creation of the future Kentucky Public Safety Training Center. I also have a number of other book projects in mind that I hope to complete. Most importantly, Sandy and I have two boys that we will work to ensure grow up as good young men.



ANDREA BROWN/DOCT

DIANE PATTON



Diane Patton was born in Burkesville, Kentucky. Even though her family moved to Cincinnati, Ohio briefly, they returned to their hometown in time for Diane to start her education in Burkesville. After high school graduation, she attended Berea College where she received her B.A. in Business Administration in May 1975.

While at Berea, she met and married Bill Patton, a native of Greeneville, Tennessee. She and Bill, a physical education teacher in Berea, have three children Allison, Kristin and Matthew. Allison works part-time at DOCJT and she and her husband Keith have two daughters, Hallie and Brooke. Kristin is a graduate of Campbellsville University where she received a four-year basketball scholarship. She now works for the Kentucky Cabinet for Health and Family Services in Boyle County. Matthew is a freshman this year at the University of Kentucky and is pursuing a degree in accounting. Through the years, the entire family has been active in sports; and whether it was a basketball game, baseball, track, cross-country, golf or tennis, Diane was there to cheer them on.

Diane began her career with state government in 1975 when she worked for the Department of Education, which had a regional office in Richmond. In July 1976 she joined the staff at the Department of Criminal Justice Training. She plans to retire August 1st and DOCJT will definitely miss her and her expertise.

You have worked in many positions at DOCJT. Describe the responsibilities of your current job.

My present position at DOCJT is staff assistant for the commissioner. I am the supervisor of the Public Information Office and serve as a member of the executive staff. Most of the executive staff travels a lot of the time and I am the central point of contact when they are on the road. I coordinate meetings, both with our personnel and with personnel from other agencies.

As the supervisor of the Public Information Office, I oversee publishing the Kentucky Law Enforcement News, developing and editing DOCJT brochures and creating the public relations videos for DOCJT and other departments. This office also conducts tours of the agency, responds to open records requests and media requests for information.

You seem to have a great understanding of the operations of DOCJT. What has helped develop this institutional knowledge?

I began work at DOCJT in the In-Service Training Section in 1976 and worked for Robert McKinney who later became a commissioner here at DOCJT. I stayed there for about 10 years then went to work for A. Jack May, the director of the Administrative Section. After his retirement I worked for the new director, Bernie Thompson. When Commissioner Bizzack came to DOCJT he appointed Ken



Schwendeman as his principal assistant. I worked for Ken and eventually for Commissioner Bizzack. It has been an interesting and varied career. I have seen the agency grow from having about 50 employees to more than 200. We had one floor plus a few offices on other floors in the Stratton Building to now occupying the Bizzack complex. I have witnessed the KLEFPF program evolve over the years and seen the POPS legislation enacted. I now seem to be the person you come to now and say “do you remember how so and so came about.”

What is the most notable memory of your years at DOCJT?

There is a wall in the conference room with all DOCJT’s past commissioners. I have worked for all of them, which I think is an accomplishment in itself. During the past 28 years that I have worked for DOCJT there have been many occasions that stand out. Some of them are the completion of the Funderburk Building and the John W. Bizzack Complex, passage of the Peace Officers Professional Standards and growth in training and services offered at DOCJT.

I think I am most proud of being part of the development of the Public Information Office. It was a challenge to produce the Kentucky Law Enforcement News. I think there is an obvious evolution in the quality of the magazine since we began, but I think I was most proud of the very first one. Seeing that first copy in my hands was very memorable. I have enjoyed supervising the PIO staff in producing the public relations videos for agencies and developing brochures for DOCJT. This has been a learning process for everyone involved, but it has been very satisfying.

While attending Berea College, you became interested in woodworking. What sparked this interest and what woodworking projects have you undertaken?

Berea College offers a short term in January where you take one course for that month. The college encourages you to take something



interesting. Many choose classes away from Berea during this term. During my junior year I took an industrial arts course in woodworking. For my project I designed and made a cherry table. It is in my living room and I still think it is beautiful. I have since made a cherry coffee table and end tables. A friend who was an IA major made a mahogany bed for my husband and me as one of his projects. I completed the rest of the bedroom suit. I have done some smaller projects. This has been a great hobby and one I hope to pursue more after retirement.

Speaking of that, what plans do you have for retirement?

That’s the great thing about retirement. You don’t need a lot of plans. I have always worked so I’ll probably continue to work. I would like to do that part time so I can spend more time with my grandchildren. I really look forward to that.

F.Y.I.

EKU College of Justice & Safety Celebrates Achievements

EKU Submitted

Eastern Kentucky University’s College of Justice & Safety celebrated the achievements of professionals in the fields of justice and safety at the Night of Distinguished Professionals on April 7.

John Bizzack, commissioner of the Department of Criminal Justice Training, was honored with the college’s Truett A. Ricks Award. This award is presented annually in recognition of outstanding contributions to justice and safety in Kentucky over an extended period of time.

“Kentucky law enforcement training has advanced light years under John’s leadership and now leads the country in professionalism and instruction. The DOCJT, and John’s dedication to it, is one of the most impressive things I’ve encountered since coming to Kentucky last July. The College of Justice & Safety’s Truett A. Ricks Award honors individuals who have contributed to justice and safety in Kentucky over an extended period of time, and John’s work embodies those ideals,” said Dr. Allen Ault, dean of ECU’s College of Justice & Safety.

Sarah Hart, director of the National Institute of Justice, was recognized for her dedication and contributions to the fields of justice and safety when she received the College of Justice & Safety’s Distinguished Professional Award.



SUBMITTED/EKU

Dean Allen Ault presents Commissioner John Bizzack with the Truett A. Ricks Award.

The college’s Distinguished Alumni Award was presented to Lexington Fire Chief Robert Hendricks for his contributions to community safety over the course of his career.

In addition to honoring these individuals, the college recognized several student scholarship recipients and introduced the Joseph Famularo scholarship, established in honor of the late U.S. attorney for the eastern half of Kentucky.

DOCJT Raises \$1,890 for March of Dimes

DOCJT instructor, Dick Parkos, prepares to be hit in the face with a pie during the agency’s annual carnival to benefit the March of Dimes. The carnival, held April 16, was just one of several ways the agency raised money for the fundraiser, which helps in the fight against birth defects and premature births. The other fundraising events included an employee luncheon and a hot dog wagon. The agency also sold Easter bunnies and “hero” stars. The employees donated \$1,890 this year.



JACINTA FELDMAN MANNING/DOCJT

Comings and Goings

New Employees

Michael Board began work on 04/01/04 as clerk II in the Legal Training Section. He comes to us from TJX Company in Indiana where he worked as a store detective.

Abbie Tanyhill began work on 03/16/04 as information officer I. She comes to DOCJT from The Sentinel-Echo, a newspaper in London, where she worked as a sports writer.

Goings

Eric Ralston resigned from his position as part-time administrative specialist I in the Facilities Section on 03/19/04 after completing his studies at Eastern Kentucky University.

Daniel Garland resigned from his position as part-time clerk II in the Legal Training Section on 02/28/04 after completing his studies at Eastern Kentucky University.

Promotions

Van Spencer was promoted from instructor I to instructor II on 02/16/04.

Transfers

Karen Cassidy transferred from Patrol/Traffic Section supervisor in the Professional Development Branch to the Basic & Advanced Firearms Section supervisor in the Basic Training Branch on 03/16/04.

Oakie Greer transferred from the Basic & Advanced Firearms Section supervisor in the Basic Training Branch to the Evaluation Section supervisor in the Basic Training Branch on 03/16/04.

Patrick Miller transferred from Evaluation Section supervisor in the Basic Training Branch to the Patrol/Traffic Section supervisor in the Professional Development Branch on 03/16/04.

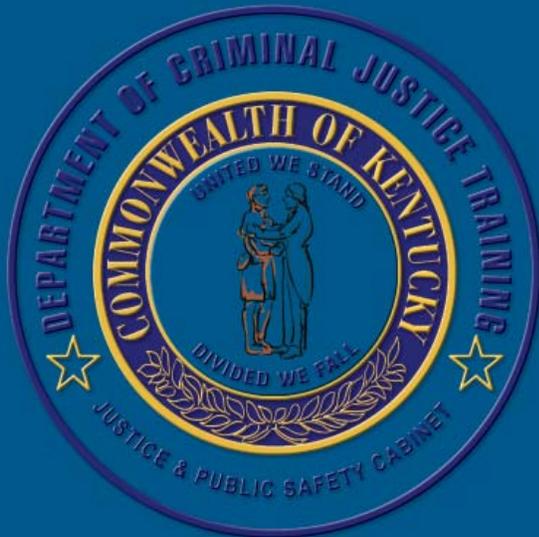
George Boling transferred from General Studies Section supervisor in the Basic Training Branch to the DUI Enforcement Section supervisor in the Basic Training Branch on 03/01/04.

Jeff Burns transferred from the DUI Enforcement Section supervisor in the Basic Training Branch to the Physical Training Section supervisor in the Basic Training Branch on 03/01/04.

Frank Kubala transferred from Physical Training Section supervisor in the Basic Training Branch to the Investigations Section supervisor in the Professional Development Branch on 03/01/04.

Terry Mosser transferred from Investigations Section supervisor in the Professional Development Branch to the General Studies Section supervisor in the Basic Training Branch on 03/01/04.

Cindy Hale transferred from General Studies Section of the Basic Training Branch to the Management Section in the Professional Development Branch on 04/01/04.



Owensboro Joins Forces with Neighborhood Alliance Groups

*Tracy McQueen Marksberry
Community Coordinator*

At a time when police departments across the country are facing increased public criticism, the Owensboro Police Department has turned that scrutiny into opportunity.

OPD officers have joined with Owensboro's citizens to build mutually beneficial relationships, one neighborhood at a time. Through the city's Neighborhood Alliance Program, officers and citizens have a growing sense of trust that benefits the police department as well as the community as a whole.

Here are just a few of the things that have happened as a direct result of the police department's partnership with the city's 12 neighborhood groups.

The City Commission adopted a public nuisance ordinance in 2001 taking aim at drug houses that threaten our neighborhoods. Residents from neighborhood alliances across the city joined forces with the police department to make a compelling case for this law.

When the Dugan Best Neighborhood Alliance organized a volunteer effort to replace an aging playground in 2001, it found some of its most dedicated volunteers wearing police uniforms. The officers worked with neighborhood residents to build the new playground during two drizzly days in October.

Numerous neighborhood alliance members and a dozen Owensboro police officers participated in a series of study-circle discussions in 2002. More than 150 took part in the project called Citizens and Law Enforcement, Partnering for a Strong Community, sponsored by Community Conversations, a local non-profit group, and the Owensboro Human Relations Commission. For eight weeks, the participants shared their perceptions of police officers, and the officers shared their experiences. Among the many Owensboro police officers participating was an officer who had been involved in a fatal shooting in 2000. Although the police department and a grand jury found that the officer had acted appropriately in using force, the incident ignited controversy in the community. The citizens who talked with the officer in the



OPD Officer Butch Grenier of the Crime Prevention Unit shares a child identification brochure with a parent at a fund raiser for the Seven Hills Neighborhood Alliance, the Midtown East Neighborhood Alliance and the Southeast Alliance.

small group setting of the study circles project found that he was quite different from the image portrayed in the media.

When OPD veteran John Kazlauskas was named chief in fall 2002, one of his first orders of business was to create the OPD Citizens Advisory Board, which includes representatives from all 12 neighborhood alliances. The group began meeting in January 2003 and meets quarterly with Chief Kazlauskas and other members of the police department to keep lines of communication open between the police department and the public.

Expanding the department's citizens academy was also a top priority for the new chief. The academy was expanded to a 12-week course in 2003. This popular program covers all aspects of police work. Citizens have the opportunity to ride along with patrol officers, observe detectives, visit the firing range and much more. The course is hands on. During the Emergency Response Team's demonstration, daring participants have a chance to rappel off of a training tower. The course is growing in popularity and attracts residents from

across the community including many neighborhood alliance members.

Officers attend neighborhood meetings regularly. One night, the topic may be vandalism or traffic congestion. In another neighborhood, the issue may be drug trafficking. Officers of all ranks and from every division of the police department are available to attend, depending on the needs. In 2003 alone, representatives of the police department attended about 50 of these meetings in neighborhoods throughout the city.

Neighborhood meetings are comfortable. The neighborhood residents pick the time and the place. They set the agenda. Of course, residents are always encouraged to call city hall or attend city commission meetings, but there are many people who probably wouldn't do either. They will, however, attend a neighborhood meeting. The community coordinator, who works in the city manager's office, serves as the liaison between the neighborhood groups and the various city departments.

A spirit of cooperation has grown throughout the city, even in neighborhoods where the residents historically have been distrustful and unwilling to cooperate with police. Residents of the Northwest Neighborhood Alliance invited the street crimes unit supervisor to a meeting after increasing concerns about open-air drug sales in and around a neighborhood park. Members of the street crimes unit met with the group in 2001 and built the foundation of a relationship that led to numerous drug trafficking arrests. Members of the street crimes unit continue to visit the neighborhood alliance regularly.

The relationship between the neighborhood alliances and the police department isn't limited to meetings and investigations. Officers attend many neighborhood events. During the 2002 Annual Neighborhood Alliance Picnic, a program that honors the neighborhood alliances and others involved in the program, city police officers made up the cooking team that prepared and served barbecue to the nearly 200 who attended.

When Kazlauskas was named chief, he hosted an open house at the department. The crowd of mostly neighborhood alliance members had an opportunity to tour the police station, and hear from the new police chief about his goals for the police department. It was clear that those who attended felt that community-oriented policing was a top priority.

Owensboro city leaders created the Neighborhood Alliance Program, formerly known as the Neighborhood Advisory Board Program, in 1999 for two basic reasons – to make city government more responsive to its citizens and to help citizens help themselves.

Through this program, city government connects with the public as it never has. Strong relationships have developed



TRACY MCQUEEN MARKSBERRY/CITY OF OWENSBORO

OPD officers Mark Powers (facing the camera) and Anthony Meadows of the Street Crimes Unit assist Dugan Best Neighborhood Alliance member Frank Posey in building a new playground at Dugan Best Park.

between citizens and city government, particularly the police department.

City leaders hope that the Neighborhood Alliance Program will help combat problems and make Owensboro an even better place to live. Our neighborhood groups are doing just that.

The best evidence of the success of the partnership between the police department and the neighborhood alliances comes from our residents. Kathy Shouse, a member of the Old Owensboro Neighborhood Alliance, lives in a downtown neighborhood that has been plagued by drugs and violence. She turned to the neighborhood alliance out of frustration. Much of her anger was directed at the police, who appeared to be doing little to stem the tide of illegal activities on her block.

After joining the alliance, she worked with the police department closely and saw the department make numerous arrests for drug trafficking and other crimes. Two years after joining the alliance, Shouse became the neighborhood's representative on the OPD Citizens Advisory Board. She was also the keynote speaker at a Community

See Alliance, page 26

Alliance: Relationship Benefits Police and Neighborhoods

Action Forum for “Citizens and Law Enforcement, Partnering for a Stronger Community.”

“Meeting with each other and talking through some of our problems and misunderstandings will bring us together and create an impenetrable front line that lawbreakers and criminals will fear to cross,” Shouse said during that event.

Chief Kazlauskas has visited numerous neighborhood meetings and sees the neighborhood groups as strong allies for the police department. After seeing the officers at their meetings, neighborhood residents are more likely to provide the police department with information that can lead to arrests. Neighborhood alliance members across the city have seen visible results from this spirit of cooperation.

“We can see a difference,” Myrna Dillow, a member of the Southeast Alliance, said during an interview with the Owensboro Messenger-Inquirer. “Our neighborhood has been quieter since we’ve been working with them.”

Through this program, citizens have regular contact with city government, not only when a problem arises. It used to be that city officials would only hear from citizens when they were angry about something. They might come to a city commission meeting once, and city officials would never hear from them again. Through the neighborhood program, the city has consistent input. All city departments have been involved in the neighborhood alliance program and work with the community coordinator to respond to issues.

Each neighborhood alliance board includes nine members who live or own businesses in the area, although anyone is welcome to become involved. Each neighborhood board represents several neighborhoods in the same general area of town.

Each neighborhood alliance completes an annual action plan. The plan must include short-term and long-term goals. Each group meets monthly to chart the course for their area. Their interests vary from group to group and include everything from park improvements to addressing drainage problems. All are concerned about crime.

This is a city initiative, but it is a community program. This program has created a stronger sense of community in Owensboro, and that benefits everyone. In the long-term, city officials hope this program will help address the tough issues while building on the community’s strengths.

For information, contact Community Coordinator Tracy McQueen Marksberry at (270) 687-8557 or marksberrytm@owensboro.org.

Alliance Program Still Successful After Five Years

*Abbie Tanyhill
Public Information Officer*

The Owensboro Neighborhood Alliance Program, initiated almost five years ago, has fostered positive changes in the Owensboro Police Department and its relationship with the community. “We’ve been really thrilled with the program. It has built strong relationships between the police department and community that benefit everyone involved,” said Tracy McQueen Marksberry, Owensboro’s community coordinator.

The alliance program has significantly changed the dynamics of the Owensboro communities. “We have 12 groups and all of them have their own personality. It is amazing to see the commitment we have, everyone involved is on a volunteer basis and they are doing so because they care about their community,” Marksberry said.

It’s not just the community members becoming more involved, the police department is exhibiting a strong commitment to the program as well. “The police department has been wonderful. Since we’ve started the program, the police department has become more and more involved. They have really gone above and beyond the call to work with the neighborhood groups,” Marksberry said.

Chief John Kazlauskas sees the alliance as a great opportunity for the officers and the communities they serve to get to know each other.

“I feel strongly that the neighborhood alliance program is grass roots government at work. It’s an opportunity for government and the police department to sit down and talk with residents. We go to them, it’s not them coming to us,” Kazlauskas said.

Both Marksberry and Chief Kazlauskas said that the program is not only helping open up lines of communication, it is building trust within the community. “Residents really get to know the officers in their neighborhoods which makes them more inclined to pick up the phone and share information because they’ve seen and talked with the officer,” Kazlauskas said. “It’s been good for Owensboro and good for the Owensboro Police Department.”

Amber Alert

6 Times Activated; 6 Times Successful

*Lt. Governor Stephen B. Pence, Secretary
Justice and Public Safety Cabinet*



Lt. Gov. Stephen B. Pence

As a father of five, I cannot fathom the dour situation of missing one of my children. Fortunately, the Amber Alert system is a beneficial resource in relocating missing children in Kentucky. The concerted efforts between the Kentucky State Police and local communities underwrite the successes of this system.

Since December 2002, the KSP has activated the Amber Alert six times and has located and returned all the children to their families. Two recent incidents highlight the effectiveness of Amber Alert.

On April 2, the Stanford Police Department notified Kentucky State Police headquarters in Frankfort at 6:01 a.m. regarding the abduction of a newborn child from the Ft. Logan Hospital in Stanford. After verification of the information, the Kentucky Division of Emergency Management's Emergency Operations Center and the Transportation Cabinet's Statewide Transportation Operations Center activated an Amber Alert throughout the state at 7:11 a.m. By 7:46 a.m., the Simpson County Sheriff's Office apprehended a suspect near Franklin.

Unfortunately, the infant was not with the suspect.

Around 10 a.m., an infant matching the general description of the abducted child, Graci was found behind a retail store in Bowling Green, where the child was treated at a local hospital. By using digital photos and footprint comparisons, the infant was positively identified at 1:30 p.m. by experts in the KSP Automated Fingerprint Identification System section.

In the predawn hours of April 17, 3-month-old Ana Rosalia Guerrero's father abducted her from her home in Knox County. An Amber Alert was issued and Jorge Guerrero was arrested a few hours later in Louisville. He had apparently planned to take his daughter to Mexico and was thought to be headed to the airport in Louisville.

We are fortunate for the safe return of Graci to her parents and Ana Rosalia to her mother. Protecting the public is our mission at the Justice and Public Safety Cabinet. Amber Alert truly is an effective tool by linking citizens, local law enforcement and media outlets ensuring the safety of Kentucky's children.

Amber Facts: There are 100 Amber Alert-type programs in 48 states. Kentucky State Police implemented its program in December 2002. KRS 16.175, became effective June 24, 2003 and officially codified the alert system.

AMBER PLAN GUIDELINES

- The AMBER Plan is ONLY activated by law enforcement.
- It is ONLY for serious child abduction cases.
- It should NOT be used for runaway or most parental abduction cases unless the circumstance is life threatening to the child.

Amber Plan Criteria

Once law enforcement has conducted the initial investigation, certain criteria must be met to trigger an AMBER Alert. At a minimum:

- Law enforcement confirms a child has been abducted.
- Law enforcement believes and confirms the circumstances surrounding the abduction.
- There are indications the child is in danger of serious bodily harm or death.
- There is sufficient descriptive information about the child, the abductor and/or the suspect's vehicle.

Amber Plan Activation

- The Kentucky State Police has the statewide responsibility for AMBER Alert activation.
- Any local, city, county or state law enforcement agency that investigates an abduction case shall make a request for AMBER Alert activation through the nearest state police post.

- The state police post commander or his/her designee shall forward this request to central headquarters in Frankfort by the quickest means available.
- If the criteria for AMBER Plan activation are met, the Kentucky State Police command officer in charge will direct the headquarters radio-room dispatcher to obtain all pertinent data from the investigating agency.
- The KSP headquarters radio-room dispatcher will then contact the Division of Emergency Management, Emergency Operations Center to inform them of an AMBER Plan alert.
- The KSP headquarters radio-room dispatcher will also notify the National Center for Missing and Exploited Children via telephone that an AMBER Plan alert is being activated and brief circumstances surrounding the disappearance.
- The Emergency Operations Center (EOC) will notify the Statewide Transportation Operation Center (STOC) in the Transportation Cabinet with pertinent information regarding the abduction in order for interstate signage to be activated when applicable.
- The investigating agency from which the AMBER Plan activation request originated shall be responsible for notifying the nearest KSP post regarding cancellation of the alert.

Florence Hosts Ethnic-Based Citizen Police Academies

*Lt. Tim Chesser, Support Services Commander
Florence Police Department*

In the early morning hours of September 1989, two Florence police officers were dispatched to a call of a vehicle theft in progress at a local motel. The officers arrived as the vehicle was leaving the parking lot. The dark colored Nissan Sentra contained two males. The officers, one a trainee and the other his field training officer, decided to make a traffic stop. The driver got out of the car and talked to the trainee. The FTO took up a cover position. During the encounter the passenger exited the car and walked toward the officers. Something long and silver was in his left hand. Repeatedly the FTO told the man to stop and get back in the car, but he continued towards the FTO. The final warning was given to drop the item and get back in the car, but the command was still ignored. The FTO then told the man to stop or he would be forced to shoot. At that point, the driver said something in Spanish. The passenger dropped the item, turned and got back in the car. The item, a long-bladed screwdriver, was recovered. It turned out the car belonged to the driver, and they were having problems with the carburetor. They were using the screwdriver to try to repair the car, and no crime had been committed.

The driver said the other man spoke no English and was from Bolivia. He was only trying to show the officers the screwdriver in hopes they would understand about the car trouble. This situation ended with no injuries, but it almost turned into a tragedy. The passenger had no intention of hurting the officers, but the officers felt threatened and would have been justified in using deadly force. How would they have lived with their decision?

In 1989, there were very few Spanish-speaking people in Florence. Of that population, most were transient or migrant workers. Others followed the horse racing circuit throughout Kentucky. There was very little interaction between



A class participant who was a former police officer in Colombia asks a question during class.

them and the police, and certainly not enough to learn the language or customs.

Times have changed. Now the Latino population has risen to seven percent, according to an estimate based on the 2000 census, but those numbers can be deceiving. Not all immigrants will respond to the census, especially if they are undocumented. As the number of immigrants increased, so did the need to build bridges into that segment of the community.

One of the basic premises of Sir Robert Peel's Nine Principles of Policing states, "Police, at all times, should maintain a relationship with the public that give reality to the historic tradition that the police are the public and the public are the police; the police being the only members of the public who are paid to give full time attention to duties which are incumbent on every citizen in the interests of community welfare and existence." This is the very basis of community oriented policing and problem solving we know today – the police working in partnership with the community to solve problems.

SUBMITTED/FLORENCE PD.

How do we know what problems immigrants have unless we communicate with them? That answer can become even more complicated when dealing with immigrants who speak a different language and have different customs. Couple that with a distrust of law enforcement and the gap widens. Something had to be done to address these issues. The answer for the Florence Police Department came in a partnership with Northern Kentucky University.

In October 2002, local government representatives were invited to a meeting with Dr. Holly Riffe to build bridges into the Hispanic community. This is an outreach of NKU to improve the communities in northern Kentucky. Representatives from Boone County schools, the Boone County Sheriff's Office, Florence Police Department, Florence Fire & E.M.S. and Centro de Amistad attended. Centro de Amistad (Center of Friendship) is a Catholic agency in Covington serving the area's Hispanic immigrants. There was an open dialog to discuss issues and problems. The group decided to develop common words to be used when calling 911. This was the beginning.

After meeting twice, we decided to do an outreach program in the Hispanic community, and to base it on our very successful citizen police academy program, but with modifications. We wanted to make it similar, but different enough to meet the needs of the Hispanic community. One common mistake made when doing problem solving is to tailor the problem to meet your preconceived solution. This distorts the issue and can lead to failure. To prevent this, we looked at our statistics to see with what criminal acts Latinos were being charged. Two areas stood out, domestic violence and alcohol-related problems.

We structured our Latino academy to span for four weeks. The first night would be a welcome night, with the main topic on the history of policing in America. This was to tell them how our criminal justice system originated from England, and how it works. The second week was domestic violence, the third week was substance abuse and a graduation would follow on the fourth week.

We soon found out the students had many questions and concerns. They knew very little about our criminal justice system. Some had unpleasant experiences that sparked lively discussions with emotional overtones. Our goal was to show the Latinos what they needed to do to be successful in our community, and how to avoid getting into legal trouble. We did not try to impress them with all we do, but instead meet their needs and share information.

This would not have been possible without the assistance of Centro de Amistad. They were able to lend credibility to



SUBMITTED/FLORENCE PD.

Members of the ethnic-based citizen police academy met alumni from the agency's citizen police academy to get acquainted.

this program and show potential students that they should have no fear of coming to the police department. Still, there was some reluctance. We only had 12 partially completed applications, but the first night 34 students attended. This number grew to 43 on the second night, and 53 on the third. Graduation night ended with a total of 48 people receiving certificates and polo shirts. The cost was shared between the Florence Police Department and Northern Kentucky University. The costs were also lessened by a partnership with the Regional Community Policing Institute. Plans have been made for training on ethnic based citizen police academies.

This academy was one of the most rewarding experiences we have done. The bridges were built and the rewards have continued. We are now receiving more calls for service than before and we are more aware of crimes being committed against Latino people. We found that just because you are not receiving calls for service, this does not mean there are not problems occurring. Now that there is a level of trust, we are getting requests. Isn't that what we are supposed to do, provide service to all members of our community?

Our first Latino academy was so successful that we did a second one in 2003 and a third one in April of 2004. The April academy was extended to seven weeks to cover more issues. Our idea is spreading. Cincinnati, Ohio; New Castle County, Delaware; Hillsboro, Oregon; Louisville, Kentucky and Harrisburg, Pennsylvania have contacted us. They have done or are planning to do this type of an academy.

If anyone wants additional information on how to conduct a Latino academy, contact Support Services Commander Tim Chesser of the Florence Police Department at (859) 647-5446 or tchesser@cityofflorenceky.com.

Statewide LEN News

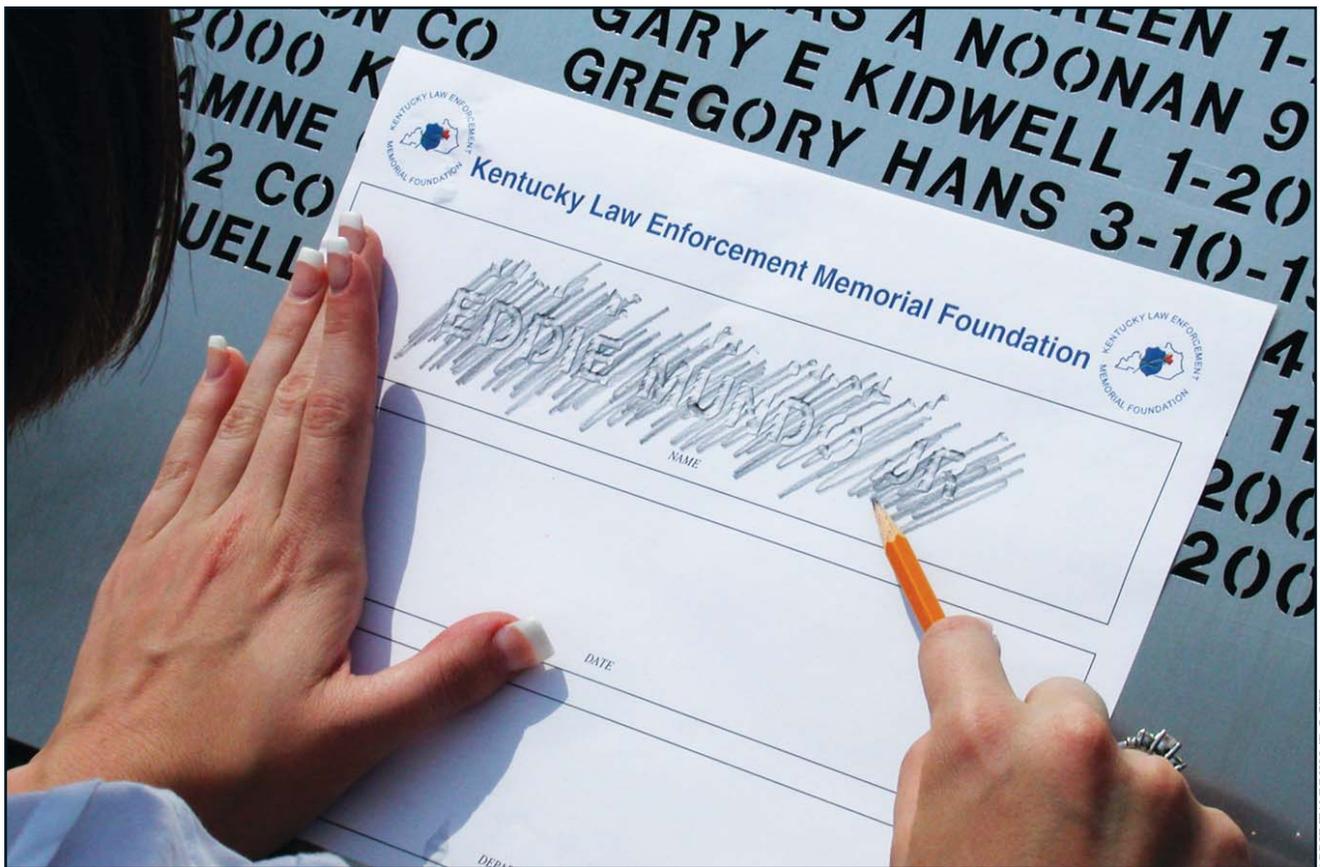
Kentucky Law Enforcement Memorial

STATEWIDE



JAMIE NEAL/DOCJT

Fayette County Sheriff's Dep. Dillan Taylor and Charles Martin look at a flag in honor of Martin's slain father, Knott County Deputy Sheriff Marion Martin. Dep. Taylor presented Martin the flag at the DOCJT's Law Enforcement Memorial Ceremony.



ABBIE TANNHILL/DOCJT

Brandi Mundo, widow of La Grange Police Officer Eddie Mundo Jr., makes a pencil rubbing of her husband's name on the memorial. Mundo's name was one of 13 added to the monument this year.

DOCJT Honors Officers Killed in the Line of Duty

*Jacinta Feldman Manning
Public Information Officer*

Everett Woolum came to Kentucky all the way from California to honor a brother he never met.

Woolum was at the Kentucky Law Enforcement Memorial Ceremony May 10 and received a folded flag in honor of his brother, Pineville Police Chief Robert Woolum.

Everett Woolum had not yet been born when his brother was shot and killed while trying to arrest an intoxicated man on October 18, 1926.

But he and some of his other family members who live in the state were at the Kentucky Law Enforcement Memorial to honor the sacrifice Robert Woolum and other officers like him made.

"I thought it was appropriate," Woolum said. "It's been so many years he hadn't been recognized, and I don't know why."

Robert Woolum was among the 13 new names that were added to the Kentucky Law Enforcement Memorial this year. They were dedicated during the Department of Criminal Justice Training's annual ceremony to honor officers who have been killed in the line of duty.

The names added this year include Ray B. Franklin, commissioner of Charitable Gaming, who died December 12, 2002 from complications resulting from a traffic accident; Eddie Mundo Jr., a La Grange officer who died April 16, 2003 in a head-on vehicle crash with a suspect he was seeking; Douglas W. Bryant, Kentucky Fish and Wildlife officer who died May 19, 2003 when his patrol car flipped while he was trying to stop a fleeing vehicle on Interstate-75; and Robert T. Hansel, a Lynch

officer who died October 2, 2003 when his patrol car hit the back of a coal truck while he was on patrol.

The other nine lawmen include deputies and officers who were killed in the line of duty, but whose names were never added to the national memorial. The criterion for including a name on the Kentucky Law Enforcement Memorial is that it be on the National Law Enforcement Memorial.

Police chiefs, sheriffs, law enforcement officers and family members come to Richmond each May to remember those who have been killed. This solemn ceremony, steeped in tradition, offers a way for them to honor those officers whose names are etched in the monument, and remember the sacrifices each one made for the community he or she was protecting.

The Kentucky Law Enforcement Monument, which sits in front of the Department of Criminal Justice Training, is the only one in the state that recognizes all Kentucky peace officers who have been killed in the line of duty. This year's additions bring the total number of names to 334.

The Kentucky Law Enforcement Council also honored fallen officers during the ceremony. The council presented replica Peace Officer Professional Standards certificates to the home agency of officers who were killed in the line of duty after the POPS legislation went into effect.

The council awarded replica certificates to the Department of Charitable Gaming for Ray B. Franklin, La Grange Police Department for Eddie Mundo Jr., Department of Fish and Wildlife for Douglas W. Bryant and Lynch Police Department for Robert T. Hansel.

Lt. Governor Praises Sacrifice Made by Fallen Officers

Jacinta Feldman Manning
Public Information Officer

Lt. Governor Stephen B. Pence honored officers who have lost their lives protecting their communities, calling them “true public servants.”

Pence was the keynote speaker at the Department of Criminal Justice Training’s annual memorial ceremony, which recognizes and remembers law enforcement officers who have been killed in the line of duty.

“We’re here to honor these individuals who’ve made the ultimate sacrifice for our freedom and pursuit of happiness,” Pence said.

To the men and women whose names are on the monument, he said, the word sacrifice is more than just rhetoric and duty is thought of in more than just the hypothetical.

“If we really expect what the Constitution promises us, life, liberty and the pursuit of happiness, it cannot be done without these men and women here in uniform and could not have been done without the sacrifices that these people we honor today made,” Pence said.

The concept of freedom isn’t free is something Americans see every night on national television news, but Pence said that same lesson applies here at home. Every day, state, county and city peace officers put themselves in the line of danger to protect freedoms.

“There are just some people out there that will not play by the rules, and it’s these men and women that we honor today that protect us from those people who will not play by the rules,” he said.



Lt. Governor Stephen B. Pence addresses those gathered at the memorial ceremony to remember the Kentucky officers who have been killed in the line of duty.

“If we really expect what the Constitution promises us, life, liberty and the pursuit of happiness, it cannot be done without these men and women here in uniform and could not have been done without the sacrifices that these people we honor today made.” Lt. Governor Stephen B. Pence

Fallen Officers Honored in 2004

Conrad Frank, Ashland Police Department, died June 29, 1910. Frank, 63, was shot and killed while he and other officers raided an establishment selling illegal liquor.

Robert S. Woolum, Pineville Police Department, died October 18, 1926. Chief Woolum, 38, was shot and killed while attempting to arrest an intoxicated man at the railroad depot.

Oza B. Moore, Lewis County Sheriff's Office, died August 15, 1931. Moore, 28, was killed when his motorcycle collided with a bus while on the way to serve a warrant.

Booker V. Wright, Fleming Neon Police Department, died November 7, 1932. Wright, 43, was shot and killed when he went to a house to arrest a suspect on a warrant.

Charlie W. Howard, Corbin Police Department, died June 30, 1933. Howard, 42, was shot and killed while investigating a disturbance at a local restaurant.

Willie M. Winningham, Clinton County Sheriff's Office, died July 29, 1933. Sheriff Winningham, 38, was shot and killed while attempting to serve a warrant on a man.

Beverly C. Hollifield, Prestonsburg Police Department, died April 17, 1935. Hollifield, 49, died from injuries he received when he was hit by a passing vehicle during an arrest.

Marion Martin, Knott County Sheriff's Office, died April 10, 1942. Martin, 29, was shot while responding to a disturbance call at a bar.

Charles F. Elliott, Louellen Police Department, died October 31, 1948. Chief Elliott, 43, was ambushed and shot when he and another officer attempted to raid a still in the mountains.

Ray B. Franklin, Kentucky's Department of Charitable Gaming, Franklin, 56, died December 12, 2002 from complications resulting from a December 4 traffic accident.

Eddie Mundo Jr., LaGrange Police Department, died April 16, 2003. Mundo, 29, was killed when the pickup truck of a man he was seeking crossed the centerline and hit his cruiser head on.

Douglas W. Bryant, Kentucky Fish and Wildlife, died May 19, 2003. Bryant, 62, died when his patrol car flipped while he was trying to stop a fleeing vehicle on Interstate-75.

Robert T. Hansel, Lynch Police Department, died October 2, 2003. Hansel, 56, died when his patrol car hit the back of a coal truck while he was on patrol.

ECB Helps Agencies in Investigating

KSP Submitted

Today, the Internet offers us quick access to people, places and information that was unimaginable 20 years ago. One of the greatest technological advances, it has become a daily tool for most adults and children at work, school, and home. A few mouse clicks grant us instantaneous access to the world. Unfortunately, it also has a dark side — and those predisposed to crime have found ways to use it for sexual exploitation, pornography, fraud and other crimes. The criminal element is always eager to find ways to use new ideas to further their own unlawful causes.

In August 2000, the Kentucky State Police established the Electronic Crime Branch to assist with the investigation of computer crimes. Initially, this unit was set up solely to perform forensic analysis on digital media seized as a result of criminal investigations. Recently, the branch has been awarded a federal grant as an Internet Crimes Against Children Task Force, which has meant adding more staff to conduct reactive and proactive on-line investigations.

Consistent with the goal of the KSP, this branch strives to promote safety through service, integrity, and professionalism — cooperating with other law enforcement agencies to prevent, reduce and deter crime and the fear of crime. It is this willingness to work with other agencies that has made the Electronic Crime Branch a vital part of the law enforcement community throughout the state. Requests for analysis are submitted not only by KSP, but by federal, local and other state agencies. The majority of cases involve child sexual exploitation (67 percent), but there have been significant numbers of examinations done for investigations of drugs, identity theft, fraud, rape and murder.

Some examples of cases in which the Electronic Crime Branch has helped with its expertise illustrate the variety of investigations it has been involved in.

A newborn baby was found dead in a dormitory room at Murray State University — the mother claiming she did not know she was pregnant. Upon forensic examination of the mother's computer, the ECB proved that before the baby was born, she had visited Web sites for prenatal information and maternity clothing.

Another case originated with a call from an investigator in New York. Posing online as a 15-year-old boy, the detective was contacted by a subject in Kentucky who enticed him to perform sex acts on himself and then describe them to him on



DET. CHRIS FRAZIER, ECB/KSP

Detective Sam Durham of the KSP Electronic Crime Branch examines a computer that was seized as part of an investigation.

the Internet. The subject then sent pornography to the detective, still believing he was only 15 years old. At that point, the ECB seized and searched the subject's computer and found it to be loaded with child pornography.

Not only do the examiners provide forensic expertise as requested, they are available for assistance with inquiries from investigators in the field. They can provide information on preparing search warrants and subpoenas, tracing e-mail across multiple servers, seizure of specialized network computers, and other related topics.

In another case, ECB detectives successfully assisted another state police detective working an e-mail bomb threat at Murray State University. Through technological assessment and the application proven field investigative procedures, a suspect in the case was identified and arrested.

As of November 2003, the branch has received 47 requests for the duplication and analysis of digital media, resulting in the examination of 1,112 pieces of evidence — 92 of which are computers, some with multiple hard drives. Furthermore, branch personnel have answered 825 calls from field investigators for service or information related to electronic crime.

As previously mentioned, the ECB was recently designated as the lead state agency for Kentucky's Internet Crimes Against Children (ICAC) Task Force. This grant, awarded by the Office of Juvenile Justice and Delin-

Computer Crime

quency Prevention, created a program within the ECB to focus on predators whose intent is to exploit our children through the use of computers and the Internet. This program will provide intervention, prevention, forensic, and victim services to law enforcement, parents, teachers and other professionals dealing with child victimization issues. Complaints come from a variety of sources, including the National Center for Missing and Exploited Children, Internet service providers, the general public, and federal and local law enforcement agencies. Currently, 45 states are participating in the ICAC program, each one governed by standards and procedures created by the national governing board.

KSP serves as the lead law enforcement agency for the ICAC program in Kentucky, but as the name “task force” implies, this is a cooperative effort among agencies at all levels of law enforcement from investigator to prosecutor to child advocate. The task force is actively seeking agencies interested in participating in this initiative. As a participant on this task force, each agency will be integrated into a network, sharing information and technological expertise to become an effective part of the fight against the victimization of our children.

Each ICAC program is linked to the other programs in 45 states by a common database, allowing the program coordinator to query suspect information to determine potential commonality with investigations conducted by other agencies. This prevents duplication of effort among agencies associated through the ICAC program. Additionally, it provides current referral information when an investigation involves multiple jurisdictions.

Even though the ECB is still in its infancy, the unit has earned the respect of law enforcement and judiciary throughout the state. In support of investigators who request assistance, the personnel within the branch are committed to maintaining the highest level of service possible in their roles of forensic examiner, advisor, and investigator. Once this is achieved, we can obtain our ultimate goal — serving the citizens of the Commonwealth.

The ECB is located in Frankfort and can be reached by calling (502) 226-2160. If you or someone in your agency should ever require assistance with any investigation involving digital evidence, please feel free to call us.

IACP Mentoring Project for Small Police Agencies: Mentoring for Success

*Pamela Juhl, Project Coordinator
International Association of Chiefs of Police*

The first 100 days of any new police chief’s administration can be crucial to achieving a successful transition and to building important relationships within the new agency and the community. Steps taken to build relationships inside the police agency and between the police and the community in the first year can make or break a new chief’s career. For this reason the IACP Research Center has developed a New Police Chief Mentoring Project.

The project, funded by the U.S. Department of Justice’s Bureau of Justice Assistance, is meant to develop and coordinate a mentoring project for new police chiefs serving communities of 25,000 or less, or those departments who have fewer than 25 sworn personnel. The goal of the project is to support the professional development of new police chiefs by providing an experienced police chief as a mentor.

To participate in the mentoring program, a new chief or an interested chief experienced in working with smaller departments should contact the IACP staff and complete a profile. The new chief will then be matched with an experienced chief best fitting the new chief’s profile information. The two executives will work together on essential issues identified by the newly hired chief. It is anticipated that both colleagues will benefit from the relationship and that the professional growth and encouragement of one chief to another will enhance the profession.

A major component of the project will be the design and publication of A Police Chief’s Desk Reference that will include a collection of IACP resources, Best Practices Guides, a policy and procedure manual template, as well as other resources.

For more information please contact Project Coordinator Pam Juhl at mentoring@theiacp.org or at (800) 843-4227, extension 340 or go to the IACP’s Web site at www.theiacp.org.

AHIDTA Goes Online With SAFETNet

*Victor Brown
Kentucky State Police*

In early 2003, the Appalachia High Intensity Drug Trafficking Area executive committee reviewed several systems for implementing a deconfliction system. In August 2003, after careful deliberation, the AHIDTA went online with SAFETNet (Secure Automated Fast Event Tracking Network). This system is designed for use by all law enforcement agencies in Kentucky, West Virginia and Tennessee, not solely the AHIDTA task forces.

The SAFETNet application is an Internet-based application created to coordinate the activities of undercover officers for all agencies participating in drug investigations. It also allows undercover officers to schedule events such as search warrants and drug buys to determine potential conflicts with other agencies' events. SAFETNet can also store information on targets, which are certain subjects (persons, vehicles, weapons, phones, addresses, businesses, Internet users) to be monitored through events or otherwise. The application also notifies the agents involved, through e-mail or pager, about the event(s) they have scheduled and targets they have created, and if an event they have scheduled conflicts with another event. Agents will be notified if someone else has scheduled an event that conflicts with one of their own scheduled events, or if a target they have entered has a certain similarity to any other target entered in SAFETNet. As events are scheduled, they are displayed graphically on a map in this application. In addition, this application can create an archive of events in a selected date range for long-term record storage.



Dee Dee Nicolaus watches as Merry Kroft uses SAFETNet, an Internet-based application created to coordinate the activities of undercover officers for all agencies participating in drug investigations.

By early May, all Kentucky State Police Posts and many local and federal agencies throughout the state were using this system. Anyone interested in participating in the SAFETNet deconfliction system can contact the AHIDTA Investigative Support Center at (606) 877-2100.

Mass Fatality Response Team Receives Grant

Justice and Public Safety Cabinet Staff Report

For the first time, the Kentucky Coroner/Medical Examiner Mass Fatality Response Team has received monetary assistance to equip the state's coroners in order to more effectively respond to terrorist attacks. The Justice and Public Safety Cabinet will administer \$42,000 in federal homeland security funds to purchase personal protection gear and communications equipment for the response team.

"These first responder teams must be prepared for what we hope will never happen," stated Gov. Ernie Fletcher. "Proper equipment for our coroners, and other first responders, enables them to work a large scale tragedy safely and effectively."

The Kentucky Coroner/Medical Examiner Mass Fatality Response Team, a collaborative effort between the Justice Cabinet's Medical Examiner Division and the Kentucky Coroner's Association, plans and prepares for death investigation services in cases of mass fatality. Local coroners are Kentucky's first responders to death scenes, and medical examiners provide medical examinations and forensic pathology services. Working together, these two agencies are responsible for recovery and identification of human remains, and determination of cause and manner of death.

"During these uncertain times, Kentucky must have the necessary equipment to respond to sudden terrorist attacks," said Lt. Gov. Stephen B. Pence. "This federal appropriation will help underwrite Kentucky's homeland security efforts."

The U.S. Department of Homeland Security awards funds to states through the State Homeland Security Grant Program. Kentucky Emergency Management administers these funds to state and local first responders. In fiscal year 2003, Kentucky received almost \$21 million in homeland security funds and in fiscal year 2004 will receive more than \$35 million.

According to Erwin Roberts, executive director of OSC, "Everyone with a role in homeland security must work together in order for us to be successful in Kentucky. The Mass Fatality Response Team is an important part of the homeland security first responder community in the Commonwealth."

The Kentucky Coroner/Medical Examiner Mass Fatality Response Team is structured similarly to federal Disaster Mortuary Operational Response Teams, or DMORTs, and is called to action when a mass fatality incident occurs.

Kentucky Receives Funds From Drug Prosecution

*Maj. David Herald
Kentucky Vehicle Enforcement*

David L. Huber, United States attorney for the Western District of Kentucky, Greg Howard, commissioner of the Department of Vehicle Regulation, and Gary Oetjen, assistant special agent in charge of the Drug Enforcement Administration, jointly announced that a check for \$467,661 was presented to Lt. Governor Stephen B. Pence on behalf of the Kentucky Division of Vehicle Enforcement. The proceeds of the check will be used for law enforcement purposes in accordance with Asset Forfeiture Fund guidelines, which allow state and local law enforcement agencies to share in forfeited property.

The check to the Kentucky Division of Vehicle Enforcement represents shared proceeds of monies earned from forfeited U.S. currency in connection with the criminal prosecution of James M. Wall. Wall was prosecuted for possessing with intent to distribute five kilograms or more of a mixture of substance containing a detectable amount of cocaine and carrying a firearm and associated ammunition during and in relation to a drug-trafficking crime.

Wall pled guilty on September 17, 2003, to federal drug and firearm charges, and he was sentenced on February 4, to 15 years imprisonment.

Officers of the Kentucky Division of Vehicle Enforcement, on January 25, 2002, while conducting a random safety check of a tractor trailer driven by Wall, seized \$585,080.00 in U.S. currency and approximately 26 bundles (each weighing one kilogram) of cocaine.

The inspection of the tractor trailer was conducted by the officers of the Kentucky Division of Vehicle Enforcement at the weigh station on the northbound lane of Interstate-65 in Simpson County, Kentucky. These officers became suspicious of Wall when they noticed



David Huber, U.S. Attorney for the Western District of Kentucky, presents a check to Lt. Governor Stephen B. Pence. KVE Commissioner Greg Howard stands in the background.

there was no Kentucky license sticker on his truck and personal clothing was stacked in the front seat of the truck even though the vehicle was equipped with a sleeper cab, where such items are usually placed. The officers also learned from Wall that he had spent down time all of the previous month in California, a known drug source state.

A narcotics detective canine on the scene was used in an exterior search of the tractor and trailer. The dog's positive alert on the tractor indicated the presence of the odor of controlled substances.

Upon searching the tractor and trailer, the officers discovered that Wall was transporting an empty trailer and carrying 26 bundles (each weighing one kilogram) of cocaine and \$585,080.00 in cash, all of which were stored in two suitcases in the sleeper cab of the tractor. The officers also found three firearms and two stun guns in the sleeper cab.

Huber praised the alert action taken by the officers of the Kentucky Division of Vehicle Enforcement and said, "This investigation demonstrates what can be achieved through a cooperative effort between state and federal law enforcement, and it is an excellent example of the effective use of both criminal prosecutions and the application of forfeiture laws to address illegal activities." Huber also noted that the federal forfeiture laws are extremely valuable and effective law enforcement tools which allows the attachment of the financial and economic profits derived from the conduct of illegal activities.

Kentucky Division of Vehicle Enforcement officers and Drug Enforcement Administration agents investigated this case. Assistant United States Attorney Alexander T. Taft prosecuted the case.



KVE Officers seized \$585,080 in U.S. currency, approximately 28 kilos of cocaine and hand guns while conducting a random safety check.

Cuddly Cops

Police Receive Stuffed Animals to Calm Children

Abbie Tanyhill
Public Information Officer

Law enforcement officers all over Kentucky have had some extra company on their patrols in recent years. Soft, cuddly and cute company that is, since Kosair Charities has donated more than 30,000 teddy bears to law enforcement agencies over the last decade as part of a program called Bears on Patrol.

Bears on Patrol places stuffed bears in patrol vehicles as a way of comforting and calming a child in the event of a traumatic situation, as well as allowing the officer to build a trusting connection with a child who may be facing uncertain circumstances.

“The response has been just great,” Jo Barrett, director of programs and volunteers for Kosair Charities, said about recent agency interest in the program.

Barrett touched on one particular circumstance where the parent of a 4-year-old child contacted her local police department for their assistance in relieving the child of her immense fear of police officers. After several unsuccessful visits, where the child threw a fit, an officer brought one of the donated teddy bears and the child immediately took to the officer. “They’ve been best buddies ever since,” Barrett said. “The bears are a good teaching tool, but more than that, they break down barriers,” she said.

According to Barrett, whether the child is involved in an automobile accident or caught in the middle of domestic violence, both the officer and the bear accompanying him become a friendly refuge for the often scared or confused child. “It’s really a very neat thing,” Barrett said about the interaction.

Kosair Charities can also speak of success on the other end of the spectrum, with the prosperity of their donation programs that obtain the Bears on Patrol. “The response has just been tremendous,” Barrett said about the generous number of bears Kosair has received. Often, schools collect bears as a special project, parents have gotten together and made them, corporations have asked employees to bring bears instead of gifts to Christmas parties and churches have made



Dewel M. Miller (left), Gary D. Mullins (right) and Charles E. Tinsley were among Class 339 recruits who received stuffed animals from Bears on Patrol. Shortly before graduating, each basic training class receives the stuffed animals to place in their patrol vehicles.

ABBIE TANYHILL/DOCJT

donations,” Barrett said. “We get them from everywhere, private donations, you name it. It is really a great program.”

Recently Kosair was overrun with bears, leaving the “bear room” difficult to even walk into, according to Barrett. However, agencies quickly took them off of Kosair’s hands and onto city streets to continue the success that the Bears on Patrol program has experienced.

DOCJT gives each graduating cadet a few stuffed animals to get them started, along with an informational sheet about when and how they are used. Sometimes they come in the form of bunny rabbits, ducks and dogs, but they all serve the same purpose when given to a child in need.

For information on the program and how to obtain the bears, contact Jo Barrett at Kosair Charities, P. O. Box 37370, Louisville, KY 40233, (502) 637-7696 or toll free at (800) 454-3752.

KSP Commissioner, Deputy Commissioner Meet with Chiefs and Sheriffs

*Jacinta Feldman Manning
Public Information Officer*

Kentucky State Police Commissioner Mark Miller told a group of chiefs and sheriffs that he wants to reach out to local law enforcement and build strong relationships between them and the state police.

“Anything I can do to increase the connection between KSP and local law enforcement I will do,” Miller said to the group.

About 35 law enforcement executives were invited to a lunch in Richmond on March 11 with Miller and KSP Deputy Commissioner Rodney Brewer. The Department of Criminal Justice Training hosted the event to introduce the new KSP commissioner and deputy commissioner and to provide the chiefs and sheriffs with an opportunity to network.

“There are few things as important as consistent and meaningful communications between law enforcement executives at the state and local levels,” DOCJT Commissioner John W. Bizzack said. “We’re pleased to have the opportunity to formally introduce Commissioner Miller and Col. Brewer to the chiefs and sheriffs from around the state.”

Miller, who began his new position March 1, said he wants to continue to build on the strong relationships that the state police already have with local law enforcement.

“I want to have as open and closely united state police as possible,” he said.

Miller said he would like to continue meeting law enforcement from across the state. He planned on spending the next two months visiting state police posts across Kentucky, and said that he would ask the post commander in each region to invite the local law enforcement from the area to the post so he could meet them.

He is also reaching out to the professional organizations. Miller was already scheduled to attend a Kentucky Association of Chiefs of Police board of directors meeting, and was hoping to arrange the same for the Kentucky Sheriffs’ Association, he said.

Many of the chiefs and sheriffs there said they think it’s important for the commissioner of state police to meet with the leaders of local law enforcement.

“I don’t know why it hasn’t been done for past years,” Oldham County Sheriff Steve Sparrow said. “We are all in the same profession.”

Daviess County Sheriff Keith Cain said he knows both local and state law enforcement have a desire to chip away at any pre-existing barriers that have been built – either intentionally or unintentionally – between them.

“I think that everybody, if they were honest, would admit that there were problems in the past,” Cain said. “One thing that we have



Newly appointed KSP Commissioner Mark Miller talks with Louisville Metro Police Chief Robert White at a luncheon on March 11.

JACINTA FELDMAN MANNING/DOCJT

learned over the years, though I think it was slow in coming, is there is no one agency that can do it alone. There has to be partnerships.”

For many, the lunch offered a rare opportunity to talk to each other and work on building those partnerships, not only with the state police, but also with each other.

“I think it’s an excellent opportunity to have a little time in a relaxed atmosphere to network and exchange ideas,” said Versailles Chief Allen Love.

Love said talking to other leaders in the field is beneficial, but with their busy schedules, often difficult to do.

But when they find the time, sharing ideas can help all the agencies protect their communities better, Louisville Metro Police Chief Robert White said.

“Part of making sure you provide the best protection to your community is getting out and seeing what other people are doing,” he said.

Cincinnati/Northern Kentucky Airport Police Chief Charles Melville said that it is easy for chiefs and sheriffs to get so involved with their own department that they don’t have time to see what other agencies are doing, but that it is very important.

“The law enforcement community is so tight knit we have to know what each other is doing, and we can’t wait until an emergency situation,” Melville said.

Kentucky Law Enforcement Agencies Cashing In On Surplus Equipment

*Les Williams, Public Affairs
Kentucky State Police*

Law enforcement agencies throughout the Commonwealth continue to benefit from a U.S. government surplus program administered by the Kentucky State Police. According to KSP Capt. Keith Craycraft, who coordinates the program, in February agencies requested and received 732 items valued at approximately \$275,850.

The equipment included helmets, body armor, gloves, trousers, field packs, field pack frames, coveralls, coats, plate armor, tents, insect nets, battery chargers, sweaters, life preservers, boots, body shields, sleeping mats, cargo trucks, tools, storage racks, climbing gear, magazine pouches, night sticks, binoculars, tires, chairs, receivers and transmitters, breathing apparatus, gear bags, rucksacks, light sets, a forklift, a dump truck, microphones, dry suits, spotting scopes and portable radios.

"I encourage every law enforcement agency in the state to consider this program," said Lt. Gov. Stephen B. Pence who is the Justice and Public Safety Cabinet Secretary. "It's an effective way to acquire needed equipment while being a good steward of the taxpayer's money."

"The type of material available through this program is unbelievable, and it's all free," Craycraft noted. "It's all valuable equipment that can be put to practical use."

Some of the agencies that received this material include the Scott County Sheriff's Office, Crofton Police Department, Kentucky Fish & Wildlife, Ohio County Sheriff's Office, Jefferson County Sheriff's Office, Hopkinsville Police Department, Christian County Sheriff's Office, Wayne County Sheriff's Office, Shelby County Sheriff's Office, Christian County Police Department and Metcalfe County Sheriff's Office.

The Rural Law Enforcement Technology Center in Hazard recently acquired 50 Pentium II computers through the program. Craycraft estimates their value at a minimum of \$50,000. Minor Allen, a law enforcement technology specialist with the center, said the computers will be passed on to local agencies for use in E-CRASH and E-CRIME programs. "This equipment will prove valuable in helping to get officers back on the street quicker," he said.

Among the agencies scheduled to receive computer equipment from the center are the Anderson and Bell



The Rural Law Enforcement Technology Center in Hazard recently acquired 50 computers through the KSP-administered U.S. government surplus equipment program.

County sheriffs' offices, and the Lebanon Junction, Louisa, Jenkins, Inez and Prestonsburg police departments.

Allen praised the program overall and pointed out its great value to rural law enforcement agencies. "Working through KSP, the whole procurement process took only about a month," he said. "Due to budget restraints, much of this equipment would be unobtainable to many rural agencies in the state."

"This program is a resource you can't afford to pass up," added KSP Commissioner Mark Miller. "It provides an easy way for agencies to supplement their equipment needs and boost the effectiveness of their crime-fighting efforts without negatively impacting budgets."

For more information on how to acquire free equipment for your agency, contact Jeffrey Perkins by phone at (502) 227-8744 or by e-mail at Jeffs.Perkins@ky.gov.

In the Spotlight with Chief Ernest R. Kelty

The following interviews were conducted by Edliniae Sweat.



Chief Ernest R. Kelty, Jr. is a native of Springfield. Shortly after graduating high school, he completed four years with the U.S. Air Force receiving an honorable discharge in 1984. In October 1984, he began serving with the Harrodsburg Police Department as a patrolman and progressed through the ranks of shift sergeant, assistant police chief and in August of 1998 was appointed to his current position, chief of police. He has

received several outstanding service awards, one of which is the Governor's Outstanding Kentuckian Award. He is also a member of the Kentucky Law Enforcement Memorial Foundation.

Do you feel the information collected in the 2003 comprehensive survey was beneficial and how has it helped your department keep up with other 4th class cities?

I feel it was very beneficial, especially the information on salaries. Comparing salaries with other departments can be very useful and can often lead to pay raises, which is very helpful with hiring and retaining police officers.

From a law enforcement executive perspective, why do you think it is important for officers to maintain a high physical fitness level?

I feel that physical fitness plays a very big part in today's law enforcement for several reasons. If an officer is in good physical condition he or she has more confidence. When an officer is confident, it reflects in his or her work and they seem to have a more positive attitude. Police officers have a tremendous amount of responsibility and their stress levels can be enormous at times, so I feel that exercising and staying physically fit can be a very beneficial way of dealing with that stress. I also feel that physical fitness is a safety issue. If an officer is physically fit, they are more able to physically control a situation when it is necessary to do so. If suspects can see that an officer is physically fit, they may be less likely to run or to physically confront an officer.

How important do you think it is for chiefs and sheriffs to get together and network at Command Decisions each year? How has the training helped you to be a better police executive?

After talking with other police chiefs and sheriffs in Kentucky, I have found that we all share two common problems, understaffing and budget restraints. But I feel that by training together and with good communication, departments can combine their efforts and resources and will be able to accomplish so much more. For instance, the Harrodsburg Police

“After talking with other police chiefs and sheriffs in Kentucky, I have found that we all share two common problems, understaffing and budget restraints. But I feel that by training together and with good communication, departments can combine their efforts and resources and will be able to accomplish so much more.” Chief Ernest R. Kelty

Department has been working well with some of the deputies here in Mercer County and at times with sheriffs' departments in neighboring counties in a Drug Task Force. These combined efforts have paid off, and we have been very successful in solving several major drug cases.

What has been your biggest challenge as chief?

The biggest challenge that I have faced while being chief of police has been trying to balance the responsibilities of leading a department with 26 employees in a community with 10,000 citizens along with all of the police department projects, while also being a family man with a wife and two children. This job has also become a huge challenge for my wife, who sometimes feels that she must compete with the Harrodsburg Police Department. I just have to continue to make sure that my family knows that they are my priority, and that without their understanding and support, I could not be the chief of police here at the Harrodsburg Police Department.

Statewide LEN News

In the Spotlight with Chief Michael T. Schnell

STATEWIDE



Chief Schnell began his police career with the Jefferson County Police Department in 1972. He rose through the ranks to become assistant chief, a position he held until his retirement in 1993. Chief Schnell moved to Des Moines, Iowa where he began a new career as vice president of Operations for a national security company. In 1997, he returned to law enforcement as

chief in Bennettsville, South Carolina. In 2000, he returned to his home state of Kentucky and became chief in Mount Sterling.

Chief Schnell is a graduate of the FBI National Academy and the Southern Police Institute. He holds a bachelor's degree from Bellarmine University and a master's degree from the University of Louisville. He and his wife Marcia have been married for 31 years and they have two children.

Do you feel the information collected in the 2003 comprehensive survey was beneficial and how has it helped your department keep up with other 4th class cities?

The comprehensive survey results contain useful information that a chief can use to compare his or her agency to others in the same class. It is extremely beneficial. It is always helpful to see what other 4th class cities are doing in general policy areas such as pursuits, deadly force and training. It's much smarter to contact an agency that already has an existing policy in a particular area than to generate one from scratch. You can always modify it to fit your particular needs.

The budget process is extremely important to every chief. There can be solid arguments made to the elected decision makers when you compare your department to other agencies'. As a general rule, smaller cities pay less than larger ones and competitive benefit and retirement plans help reduce turnover rates. The comprehensive survey allows a chief to show his elected officials how his agency compares to others of similar size.

From a law enforcement executive perspective, why do you think it is important for officers to maintain a high physical fitness level?

The one thing that is consistent in law enforcement is that you never know what's going to happen next. Much of what we do involves sitting in a police car or standing while taking a report. Then, when you're not really ready for it, you have to chase a suspect, carry a heart attack victim down a flight of stairs, push a stalled car or fight to defend yourself. In most cases, we go from being at rest to going all out. Officers must be prepared to meet the physical stresses placed on them in emergency situations. An acceptable aerobics capacity and a certain level of physical strength are required. First, it's needed to do the job and second, it may prevent injury or medical emergency. The MSPD has a voluntary physical fitness program that officers complete twice a year. It mirrors the POPS standards for new recruits. Officers receive a 5 percent pay incentive if they successfully meet

“The one thing that is consistent in law enforcement is that you never know what's going to happen next.”

Chief Michael T. Schnell

our PT standards. Approximately 80 percent of our officers take part in the program.

Court Days is an annual event in Mt. Sterling. What extra steps/measures do you have to take to keep everyone safe for this event?

Court Days began in 1796 as a one-day event when the Kentucky General Assembly required each county to meet once a month to hold court and to conduct the county's business in the county seat. Court Days begins on the Saturday before the third Monday in October and is the longest continuously running festival in the state. It's promoted as the largest flea market in the world. Every day, the 23 officers of the MSPD are responsible for the safety of our 5,700 citizens and during Court Days our population swells to over 100,000 people. Obviously, we can't do it alone. The MSPD has formed partnerships with the Kentucky State Police, Kentucky Motor Vehicle Enforcement and the National Guard. It is a family event and we normally have very few problems. Traffic control is usually a bigger problem for us than criminal acts.

Do you have any special projects or new responsibilities that you would like to share with your peers?

Like many smaller departments, we do not have a designated Narcotics Unit. The Investigations Unit consists of two detectives. Our community has been experiencing an exponential increase in prescription drug abuse. In 2003, 13 of our citizens died of prescription drug overdoses. The MSPD was fortunate to receive an equipment grant of \$12,400 and a \$10,000 grant from Perdue Pharma, the makers of Oxycontin, which we have used for additional equipment and buy-money. The city council approved an additional \$10,000 for overtime to do drug investigations. After only seven months of operation, we just completed phase 1 of our program, which resulted in indictments against 17 drug dealers and 117 felony charges. This is an ongoing investigation.

A second project that has just begun is a Mentoring Program. The MSPD has an existing Field Training Officer Program that works very well. However, since our recruiting efforts have resulted in most of our new officers moving here from out of town, there was a need for additional off-duty support for new employees.

In the Spotlight with Sheriff Keith Cooper



Sheriff Keith Cooper retired from the Kentucky State Police in 1997 after more than 21 years of service, which included working in undercover narcotics and on a special response team. He is now serving his second term as Greenup County sheriff. He attended the University of Kentucky and Eastern Ken-

tucky University and received a certificate through the police academy at Memphis State University.

Do you feel the information collected in the 2003 comprehensive survey was beneficial and how has it helped your department?

First of all, in completing the survey I got ideas for different things I had not implemented or attempted that I might consider. I believe the information that was collected will yield even more help in the future as we all act on it. Departments with limited budgets and few personnel must make full use of information to more efficiently use our assets. With responsibilities and statutory mandates as well as calls for service going up and budgets being trimmed, none of us can afford any waste.

What do you consider as your major accomplishments as a sheriff in your region during the past five years?

We have put an emphasis on law enforcement in a rural area that had limited police coverage. I saw a need for the sheriff's office to take a larger role in the law enforcement side of our duties. The agency also has civil duties that include service to the courts, collecting taxes, and transporting prisoners and mental patients, and I believe we've filled that role. We have opened approximately 300 drug cases since I've been here. I have been active in this and made several of the buys. The agency has broken up theft rings and actively gone after and won forfeitures of cash and vehicles. We've assisted in the investigation of doctors and pharmacies in our area that were less than honest and we have also purchased a drug dog, which is being used for interdictions.

"I believe in most instances an individual who is in good physical condition is capable of doing a better job, has fewer injuries and takes fewer sick days and the list goes on."

Sheriff Keith Cooper

Do you have any special projects that you would like to share with your Kentucky law enforcement peers?

I created and sponsored the Annual Race Against Drugs, to bring attention to drug awareness in the community. I started the race against drugs in 2002 as a result of my own interest in running. I run every day to stay in shape and was looking for a way to raise awareness of drug abuse in our community. The race happened after I mentioned that fact to my wife and she suggested it. The first two years we had about 100 entrants from the tri-state area. This year's race was held in Greenup County on May 8.

Looking from a law enforcement executive's perspective, why do you think it is important for officers to maintain a high physical fitness level?

Efficiency. I believe in most instances an individual who is in good physical condition is capable of doing a better job, has fewer injuries and takes fewer sick days and the list goes on. Make no mistake, not being in shape is a problem for a police officer. As peace officers we have taken on a job that by nature is unpredictable and puts us in physical situations. What we need to remember is that while our normal duties may not place us where we have to do more than go from desk to lunch, the possibility for a brawl or chase always exists. I don't want to be the first one to get tired.

Statewide Briefs:

Versailles and Woodford County police departments merge



SUBMITTED/VERSAILLES P.D.

The Versailles Police Department swore in 15 former Woodford County officers on May 3 during a ceremony marking the merger of the Versailles and Woodford County Police departments. The merger came as part of a year-and-a-half-long process that was finally voted on and accepted March 17. When the process is completed, near the end of the next fiscal year, the department will consist of 39 sworn officers.

“I am confident that the merger will be successful,” Versailles Chief Allen Love said. “We are in the process of transferring equipment and conducting orientation for new officers. It’s a win-win situation for the residents of Woodford County to combine services and save money.”

KSP Raffle Features 2004 Harley-Davidson Motorcycle

The Kentucky State Police is raffling off a Harley-Davidson FLHR/FLHRI Road King motorcycle to help support their Trooper Island summer camp for disadvantaged children.

The free summer camp hosts disadvantaged boys and girls 10 to 12 years of age. Each year troopers select approximately 800 campers from across Kentucky to participate in athletics, citizenship, canoeing, water safety, archery, crafts, fishing, swimming, environmental awareness and other camp activities.

The motorcycle the KSP is raffling to help children attend the camp is Sierra Red, and it includes a vibration-isolated, 1450cc Twin Cam black-powder-coated engine with chrome covers; a large Hiawatha headlight and chrome nacelle; detachable windshield; large, tank-mounted speedometer; two-piece seat; GTX nylon alloy lockable saddlebags; triple-disc brakes and air-adjustable rear suspension.

Drawing for the winning raffle ticket will take place at 4 p.m. EDT on Sunday, August 29, at the Kentucky State Fair in Louisville. A maximum of 15,000 tickets will be sold.

Tickets are \$10 each and can be obtained by contacting any KSP post or calling the Community Relations Branch at KSP headquarters in Frankfort.

Two Former Sheriffs Die in 2004

Kentucky recently lost two former sheriffs. Former Hancock County Sheriff, Burhman P. Bozarth Jr. of Lewisport, 62, died on March 18 and former Webster County Sheriff, Kenneth W. Storey, 67, passed away on April 9.

Bozarth retired as Hancock County sheriff in 1997 after 16 years of service. He graduated from the Kentucky Sheriffs’ Academy in 1991 where he served on the board of directors. The Kentucky Sheriffs’ Association named him Sheriff of the Year in 1991.

Bozarth was also a past member of the Lewisport Lions Club and the Hancock Chamber of Commerce, and was the former co-owner of B&B Shell and B&B Ford. The former Kentucky Colonel is survived by his wife Bertha Young Bozarth, daughters Dana Bozarth Hall and Donna Bozarth Hill, and son, Mark.

Storey, who served as Webster County sheriff from 1946 until 2003, was also a member of the Kentucky Sheriffs’ Association and a United States Army veteran. Storey belonged to the Onton Masonic Lodge No. 538 and was the owner of Greenfield Furniture in Sebree for 26 years before joining the sheriff’s office.

Storey is survived by Nancy, his wife of 43 years, and his son and daughter-in-law Ken and Celeste, and one granddaughter, Taylor.

Homeland Security Gets New Home

The Kentucky Homeland Security Office has moved to the Kentucky Transportation Cabinet building in Frankfort.

Homeland Security's address is now 200 Mero Street, W6-05-04, Frankfort, KY 40622. The agency's phone number is (502) 564-2081, and its fax numbers are (502) 564-7764 and (502) 564-6683.

The Homeland Security Office's staff can be reached by e-mail at these addresses:

- Erwin Roberts, executive director – Erwin.Roberts@ky.gov
- Joel Schrader, deputy director of intelligence and information – Joel.Schrader@ky.gov
- Dan Fowler, deputy director of health and infrastructure – Dan.Fowler@ky.gov
- Linda Wells-Back, grants manager – Lindawells.Back@ky.gov
- Amy Andrews, executive assistant – Amy.Andrews@ky.gov

Meanwhile, the Kentucky Homeland Security Office is spreading the word about an Internet-based radio station that offers news programming about federal, state and local homeland security, as well as special reports and features.

The site, www.homelanddefensejournal.com, has been up since March, and has national correspondents and reporters.

The site is in cooperation with the Homeland Defense Journal at www.homelanddefensejournal.com. An online subscription is free to federal, state, local and Department of Defense decision-makers, supervisors and managers.

Elizabeth Baker Joins the University of Kentucky

Elizabeth Baker, the former deputy general counsel for the Justice and Public Safety Cabinet, recently accepted the position as director of planning with the University of Kentucky. In that capacity she will coordinate and develop UK's capital plans, requests and budgets; help develop and implement the strategic plan; and assist in benchmarking activities for tuition and financial analysis.

Baker received a bachelor's degree from the University of Kentucky in 1985. She is a 1988 graduate from the University of Kentucky College of Law.

Before coming to the Justice Cabinet in August 2003, Baker served as deputy general counsel for the Kentucky Transportation Cabinet. Prior to that, she worked for the Kentucky State Police, serving as the chief legal counsel from April 1996 to August 2002.

Baker's career in law began as a lead counsel for the Perry County Friend of the Court from 1988 to 1993; Assistant Perry County Commonwealth's Attorney from 1992 to 1993; associate with the private Paintsville firm of Wells, Porter & Schmitt; and clerk for Circuit Judge Eugene E. Siler Jr., of the U.S. Court of Appeals for the Sixth Circuit from 1994 to 1996.

Brewer Appointed Deputy Commissioner of KSP

Lt. Col. Rodney W. Brewer was promoted to colonel and appointed deputy commissioner of the Kentucky State Police.

Previous to his appointment, Brewer was KSP's acting deputy commissioner.

A native of Louisville, Brewer is a 24-year veteran of the statewide police agency. He graduated from the KSP Academy in 1979.

Teen And School Recognized for Highway Safety Efforts

The Kentucky State Police and Kentucky Automobile Dealer's Association honored Trimble County High School and one of its students at center court at the semi-finals of the Boy's Sweet Sixteen Tournament for their work in promoting highway safety among teenagers.

The student, Bedford resident Casie Webster, and the school were recognized in front of thousands of fans gathered to watch the game in March at Rupp Arena in Lexington.

Webster received a \$500 scholarship from the Kentucky State Police Professional Association. The school received a \$2,500 check from the Kentucky Automobile Dealers Association.

Kentucky has experienced an over-representation of drivers aged 16 to 19 involved in crashes, especially fatal crashes, where the teens weren't wearing seatbelts and were driving impaired, according to the KSP.

Webster and her high school made an outstanding effort to communicate with students about such needless deaths and provide training for use in everyday driving situations, according to the KSP.

The awards were a part of the "Drive To Stay Alive" program sponsored by the Governor's Highway Safety Program and the KSP.

Brown Appointed Dep. Commissioner of the DJJ

Lt. Governor Stephen B. Pence, secretary of the Justice and Public Safety Cabinet, announced that former Louisville Division of Police Deputy Chief Bridget Skaggs Brown will serve as deputy commissioner of the Kentucky Department of Juvenile Justice effective May 3. Brown has 20 years experience in law enforcement working in the Louisville Division of Police.

Brown moved steadily through the ranks of the Louisville Division of Police prior to retiring in 2002 as deputy police chief. Her wide range of management responsibilities included operations, investigations and administration for 745 sworn officers and 332 civilian positions.

"Ms. Brown will be a tremendous addition to the Department of Juvenile Justice staff. Her management experience and communications ability will be great assets, and I look forward to working with her towards improving the effectiveness of the juvenile justice system in Kentucky," DJJ Commissioner Ronald L. Bishop said.

Interview conducted by Jacinta Feldman Manning

Roberts Named Executive Director of Homeland Security



Erwin Roberts

Governor Ernie Fletcher named Erwin Roberts the executive director for the Office of Homeland Security. The Office of Homeland Security is responsible for preventing hostile attacks against the Commonwealth, reducing the Commonwealth's vulnerability to these attacks and minimizing the damage and recovery from attacks that do occur.

Roberts received his bachelor's degree in history from Transylvania University in 1994 and graduated from the University of Kentucky School of Law in 1997. After law school, Roberts became an assistant commonwealth attorney in Fayette County. As assistant U.S. attorney for the Western District of Kentucky, Roberts served as the Anti-Terrorism Advisory Council coordinator and chief information officer and was a member of the FBI Joint Terrorism Task Force.

As the Anti-Terrorism Advisory Council coordinator, Roberts organized and led monthly anti-terrorism meetings and facilitated information sharing and cooperation between federal, state and local agencies. In addition, Roberts assisted with national anti-terrorism initiatives and acted as the liaison with the Department of Justice Counter Terrorism Section and the Kentucky Office of Homeland Security Coordination. As the anti-terrorism attorney for the U.S. Attorney's office, Roberts was responsible for prosecuting anti-terrorism matters and cases. Currently, Roberts serves as a 1st Lieutenant in the U.S. Army Reserve JAG Corps.

How did your role as the Anti-Terrorism Advisory Council coordinator prepare you for your new position as Kentucky's executive director of homeland security?

It really paved the way for me to come to this job. My responsibilities as coordinator of that council involved working with federal, state and local agencies. I worked primarily law enforcement, but with other agencies as well, such as emergency management and health. While I was there I developed a lot of contacts in the anti-terrorism, homeland security area and got a good feel for what the issues are here in Kentucky.

What do you think law enforcement's role is in the fight against terrorism?

The primary role I would see is prevention. They're the guys and gals that are out there on the front lines every day. A lot of times people have described them as where the "rubber meets the road." Again, I see primarily prevention and trying to protect communities from terrorist activities before they actually occur. Of course being first responders they also have a role in response to any terrorist event.

As ATAC coordinator, you were responsible for ensuring that all participating levels of government worked together and shared information. How important is communication and cooperation between local, state and federal governments to homeland security?

Communication and cooperation between federal, state and local agencies is as important as any other aspect of homeland security. Without that you really can't get a whole lot done. That was one of the things that I really tried to do at the ATAC, build partnerships, build relationships and sometimes be a peacemaker, if you will, for when folks didn't want to play together nicely. Cooperation is the key. Without folks talking to each other, working together and sharing information with each other, they won't know what other agencies or other local governments are doing, and problems have a tendency to have redundancy if you don't have communication.

Most importantly you don't want someone to have a piece of information that is very important that, coupled with another piece of information that someone else has, could complete a puzzle.

How will Kentucky's Office of Homeland Security work with other offices of homeland security on a national level?

The Kentucky office is the state point of contact for the Department of Homeland Security in Washington, so we have conference calls and e-mail contact from them. Whenever there's a DHS initiative that comes out of Washington, it usually will come to this office first. So we are a liaison with the national Department of Homeland Security on a daily basis and then on big initiatives as well. As far as the other state offices are concerned, they're usually involved on a regional basis in the conference calls, information sharing, whatever it may be. We certainly will work to build partnerships with states in our region and certainly our neighboring states, and make sure that issues that affect more than just Kentucky are addressed as well as addressing other issues for the state.

How should small, rural communities prepare themselves?

Small rural communities should prepare themselves pretty much the same as bigger communities. The main thing is to be aware, education is very important. A lot of times in homeland security we'll rely on the public to provide information to law enforcement or to this office and to be helpful. So they should do as much as they can to educate themselves. I want to encourage them to take advantage of programs that are available to them and be mindful of the homeland security issues that might affect them.

In addition to trying to learn as much as they can, they really should, if they have the ability to do so, try and assess their vulnerabilities. If they can't, they can request someone else to come in and help them do that to get a snap shot of what their vulnerabilities might be. Then, really, it's just a matter of getting involved. There are a couple of different programs, there's Citizens' Corps, which they can be involved with, there's community emergency response teams that help get more community involvement. Those are really the best things they can do. We hope to assist with that through this office by providing information to the public.

After the events of September 11, you began working on anti-terrorism matters. What was it like to be involved in the fight against terrorism so soon after the attacks on the U.S.?

It was a very interesting time. Obviously there was a lot of effort toward trying to figure out if this threat still existed, and we had all the anthrax issues that followed that. For me it was a very sharp learning curve. I had not done any anti-terrorism work up to that point, and it was easy to stay focused. It was a tough time, but at the same time it was easy to try and get focused, to do the things that we all knew that we needed to do to make sure that another September 11 didn't happen. In a lot of ways, it was kind of an easy time because everybody wanted to do something. I think that was a pretty universal response, not just folks that were involved as far as law enforcement and otherwise, but people in general wanted to do something. I think you saw that with the outpouring from the public, but that also took place within the law enforcement community and emergency response community. Everybody wanted to sort of jump in and try and help the situation, so it was actually a nice time to be working with folks because everybody wanted to help.

What do you want to accomplish in your position?

I would like to coordinate homeland security in Kentucky so that everyone who has a role in homeland security in Kentucky is aware of what everyone else is doing. I would like to increase public awareness on homeland security issues and provide substantive, relevant information for the public to use in Kentucky. I would like to address infrastructure issues, make sure that all our infrastructures assets are secure and protected and that they have what they want and need to be safe from a threat. This one is really the biggie: I would like to make some progress on interoperability communications systems as far as trying to move toward getting folks using the same equipment, frequency, whatever it may be, to

communicate with each other more universally. And then last, but not least, when it comes to homeland security funding, I would like to do whatever we can do to make that process user-friendly and streamline the process some.

What do you think is the most important thing for Kentucky to do to protect itself?

I think the most important thing for Kentucky is to have folks who are well trained, who are out there with their antennas up and paying attention. First of all, they have to be trained, which we have a lot of folks here who are trained. They have to know what to look for and then when they find those things or see those things the information has to be shared. We have to have information sharing; we have to have folks talking to each other. That will in most instances prevent an attack from occurring. And again, the infrastructure issues – water, utilities, energies, roads, bridges – we have to make those things much less attractive targets.

In the past there has been a lot of emphasis on responding to attacks. What can Kentucky do to work on prevention?

There has been a lot of emphasis on response in Kentucky. A lot of homeland security grants dealt with response, like equipment and preparing to respond, and that's very important, and we certainly want to continue to do that. A lot of the training deals with response, but there is a big aspect of prevention to this, and that again is the looking at infrastructure issues. For lack of a better way to describe it, you don't want people to be attracted to Kentucky because we're easy to hit. So you want to make sure that possible targets that we might have here in Kentucky are as secure as they can be. With the prevention aspect it's important to have folks who are trained out there looking for the indicators. It's going to be the deputy sheriff or the local cop out on the street that's going to come across someone who's looking to do something to Kentucky most likely. If they know what to look for, it can be prevented.

Are there any other issues you would like to address in your new position?

There's the whole public health side of things. Bioterrorism and other health-related issues are also very important. Part of the response side of it would be trying to help hospitals and other medical professionals prepare if they had to respond. I would like to get a good overview of what assets we have available in the medical community, so we would know what would be available if something were to happen. I've had some contact with the Kentucky Hospital Association, with many of the folks at the Cabinet for Health and Family Services, and I hope to work with them closely to address any health homeland security issues that we have. Another priority that I want to do is find a way to do an inventory, if you will, of what we have in Kentucky available for prevention and response, whatever it may be, if something were to happen in Kentucky – we could have access to equipment available throughout the state.

Department of Corrections Names Two Deputy Commissioners

Justice and Public Safety Cabinet Report

Lt. Governor Stephen B. Pence, who is also the Justice and Public Safety Cabinet secretary, named two veteran employees of the corrections system as deputy commissioners of the Department of Corrections.

Randy Focken will oversee the department's Community Services Division, which encompasses Probation and Parole and Local Facilities and J. David Donahue will be over Support Services.

Each comes to his new position with at least 20 years of experience in the field.

"Both of these individuals are an asset to the Department of Corrections," said Corrections Commissioner John D. Rees. "They bring a wealth of experience and varied perspective to their positions. They will be key members of my management team."



Randy Focken

Focken has nearly 25 years experience in corrections, the last several as the Sentencing and Guidelines Specialist in the U.S. Probation and Parole's Western District in Louisville. A native of Milford, Illinois, he began his career in 1980 as a probation officer with Champaign County Court Services in Urbana, Illinois. In 1984, Focken continued his career as a probation officer with St. Louis County Justice Services in St. Louis, Missouri, and then a year later, began a 17-year

career as a United States Probation Officer, first in St. Louis, then Springfield, Illinois, and then in 1992, in Louisville's Western District.

As a probation and parole officer, Focken has conducted investigations in pretrial services, presentence, and release of offenders on parole or supervised release. He conducted preliminary interviews of parole violators, in addition to providing pretrial, probation, parole and supervised release supervision of offenders.

Focken is a graduate of the University of Illinois where he received his bachelor's degree in criminal justice.



J. David Donahue

Donahue has 20 years experience in corrections, including 10 years with the Bureau of Prisons. The other 10 years Donahue worked in local government and private corrections. He started his career as a corrections officer and worked his way up through the ranks. He's served as a warden at two institutions, one in northern Florida and the Marion Adjustment Center in St. Mary's, Kentucky.

In addition to his corrections experience, Donahue worked as a high school teacher in the Jefferson County Public School System, teaching biology and algebra with an emphasis on special education. He also served as public safety director for the city of Barbourmeade in Jefferson County.

Able Joins Kentucky Medical Examiner Division

Justice and Public Safety Staff Report



Dan Able

Dan Able was named executive director of the Kentucky Medical Examiner Division in mid April. Able, a certified medical manager, brings effective administrative and management skills to the division. Prior to joining state government, he was the director of operations for Fern Creek Physicians in Louisville. He was responsible for all aspects of practice management including finance, human resources, marketing, customer relations, federal regulations planning and operations for the medical practice. Able also worked for General Electric as a team quality representative and for Sears Credit Central as a fraud investigator. He graduated magna cum laude with a bachelor's degree of Business Administration from Sullivan University in 1995.

NEW CHIEFS OF POLICE ACROSS THE COMMONWEALTH

Robert Stephens, Richmond Police Department

Robert Stephens was selected as chief for Richmond on December 5, 2003. He is a graduate of Bryan Station High School and Eastern Kentucky University with a Bachelor of Science in Criminal Justice. Before coming to the Richmond Police Department he was the Richmond city director of Public Safety and also with the Kentucky State Police from 1971 to 2002. Chief Stephens' top priority is to make sure everyone is treated fairly. He is married and has two children.

Kenneth White, Ravenna Police Department

Kenneth White was named chief of Ravenna Police Department on November 3, 2003. Chief White has 12 years of law enforcement experience.

Michael Greisz, Mayfield Police Department

Michael Greisz became the new chief in Mayfield on January 5. Chief Greisz began his law enforcement career in 1983 in the military police, serving four years. Before coming to the city of Mayfield, he served as chief for more than eight years in northern Illinois. He received his bachelor's degree from Northeastern Illinois University, began coursework toward his master's degree in public administration at Northern Illinois University and is a graduate of the School of Police Staff and Command at Northwestern University, where he was class president.

Robert Engle, Fleming Neon Police Department

Robert Engle became chief of the Fleming Neon Police Department on April 4.

Edward Glover, Burnside Police Department

Edward Glover became chief of the Burnside Police Department in January. He brings more than 20 years of experience to the department after serving at the Somerset Police Department and Pulaski County Sheriff's Office. His goal is to have a higher visibility for the public and do the best job for his community and officers.

Steven LeClair, PeeWee Valley Police Department

Steven LeClair was appointed chief of the PeWee Valley Police Department on January 12. LeClair says his top priorities are to re-establish a department in the city of PeeWee Valley, to get patrol back on the streets by maintaining high visibility throughout the city and traffic enforcement.

Rick Lawson, Campbellsburg Police Department

Rick Lawson became the new chief at the Campbellsburg Police Department in February 2003. He has been in law enforcement for six years and worked in corrections for a year. Chief Lawson graduated in Basic Training class 257.

William G. Reeves, Georgetown Police Department

William Reeves was appointed chief of the Georgetown Police Department on March 23. He is a native of Lexington and a graduate of Bryan Station High School. He obtained a Bachelor of Arts degree in Criminal Justice while serving as assistant chief of the department. Before coming to Georgetown, he joined the army and continued in the Kentucky National Guard for eight years. Chief Reeves began his career in 1984 at Georgetown where he moved up through the ranks leading to his appointment as chief. He is married and has two children. Chief Reeves credits his success to strong family values and strength from God.

James R. Gray, Barbourville Police Department

James R. Gray became chief at Barbourville Police Department on December 4, 2003. He began his career at the Barbourville Police Department in 1980 as a patrolman. After moving through ranks of corporal, sergeant and assistant chief, he was appointed chief. He is a graduate of Knox Central High School and served in the United States Army as a combat medic in Germany from 1972 to 1973. Before coming to the Barbourville Police Department he worked at the Knox County Ambulance Service as an EMT. His top priority is community policing in hopes of making the city of Barbourville a safer place through drug and domestic violence awareness.

Jason Woodson, Bloomfield Police Department

Jason Woodson was sworn in as the chief of the Bloomfield Police Department on February 10, after serving a year as interim chief for the city of Bloomfield. Before coming to Bloomfield, he began his law enforcement career as a corrections officer at Roederer Corrections Complex in LaGrange. His top priority is to provide the highest quality of police and public service to the city's citizens and the city's guests.

Former Georgetown Chief Takes Position in the State Capitol

Jacinta Feldman Manning
Public Information Officer

Georgetown's law enforcement officers, politicians and citizens said goodbye to their police chief during a reception on March 22, days before he began a new position in Governor Ernie Fletcher's administration.

Bernard Palmer was named Kentucky State Police's branch manager of facilities security. He is responsible for the security of every state building in Frankfort, including the Capitol, that is under the protection of the state police.

Palmer began his new job April 1.

"It's a bittersweet moment, it really is," Palmer said at the reception. "There's a lot of good citizens in this community, and they've been very supportive of me."

Palmer started at the Georgetown Police Department in 1987. He rose through the ranks, and in 1999 was appointed chief.

"It's a real accomplishment to be named chief of police in a police department," Assistant Chief Gary Morris said during the ceremony. "It's another accomplishment altogether to earn the respect of the police department, and Chief Palmer earned that respect."

During his tenure in Georgetown, Palmer was active in the Kentucky law enforcement community. He was a member of the Kentucky Law Enforcement Council, but had to resign from the council because his membership was contingent to his position as chief.

Damon Thayer said that Palmer's experience and character makes him a welcome addition under the Capitol dome.

"He's got a big job, but he's a man with a big heart that I know is up for the task," Thayer said.

Palmer said he enjoyed being chief of Georgetown, but that his new position would be a welcome change.



Bernard Palmer is hugged by a well-wisher during his going away reception at the Georgetown Police Department. Palmer stepped down as chief of the department to accept a position in Governor Ernie Fletcher's administration.

"It's an honor to be put in a position by the governor," Palmer said. "I enjoy public service, and now I'm in public service at the state level."

Mayor Everette Varney promoted William Gregory Reeves from assistant chief to chief the day after Palmer's reception. Morris was promoted from captain to assistant chief.

John D. Rowlett Dies at 76

DOCJT Staff Report



SUBMITTED/EKU

John D. Rowlett

Dr. John D. Rowlett, a former Eastern Kentucky University official who was instrumental in establishing the school's law enforcement program and the Department of Criminal Justice Training, died April 4. He was 76.

Rowlett, who retired from Eastern Kentucky University in 1993 as vice president for academic affairs and research, and dean of faculties, served the University for 42 years, beginning as an instructor in 1951.

At Eastern, he held successive posts as director of research and testing, dean of the School of Technology, dean of the College of Applied Arts and Technology and vice president for research and development. In 1993, EKU awarded Rowlett the honorary doctor of laws degree.

As a college dean he strengthened and developed programs in industrial arts, industrial technology, agriculture and home economics. In addition, three groundbreaking programs were created: Nursing, Law Enforcement and the Kentucky Peace Officers Standards and Training Council which has grown into the Department of Criminal Justice Training.

"One thing I learned as dean is that John had played a major role in getting the law enforcement program started, and I had a tremendous amount of respect for him and what he accomplished," said Gary Cordner, former dean of Eastern Kentucky University's College of Justice and Safety.

A native of Denton, Texas, Dr. Rowlett was an Eagle Scout with bronze, gold and silver palms. He volunteered as a teenager for the military service and served as a seaman aboard ships in the Asiatic Pacific Theatre. With the assistance of the G. I. Bill of Rights, Rowlett earned his bachelor's and master's degrees in industrial arts at North Texas State and went on to receive his doctorate degree from the University of Illinois in 1960.

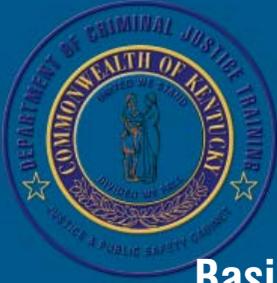
Rowlett served on a variety of state, regional and national education-related committees and commissions. An active scholar throughout his career with numerous presentations and publications, Rowlett served as a consultant to a broad range of organizations and, on more than a dozen occasions, presented testimony on educational issues before committees of the U. S. House of Representatives and the U. S. Senate.

Rowlett is survived by his wife Mary Anne, his four children and 10 grandchildren. The EKU building that bears his name was built in 1976 and currently houses the departments of Associate, Baccalaureate and Graduate Degree Nursing, the Health and Sciences Learning Resource Center, and Student Health Services.

Statewide LEN News

Calendar

STATEWIDE



DOCJT

Careers with the Department of Criminal Justice Training

Basic, Professional Development and Telecommunications

- Training Positions
- Administrative Specialist Positions

Why DOCJT?

Competitive pay
Fringe benefits
Kentucky Retirement System

Funderburk Building
521 Lancaster Avenue
Richmond, KY 40475
(859) 622-1328

For further information, contact the
Kentucky Personnel Cabinet:
Telephone: (502) 543-2514
Internet: <http://personnel.ky.gov>

Calendar

June

- 6: Police Corps No. 6 begins
- 11: DOCJT, Basic 342 graduation
- 13-15: KPOA Conference in Bardstown
- 18: Telecommunications Academy class No. 28 graduation
- 25: Academy of Police Supervision class No. 7 graduation
- 27: Annual COPS summer picnic. Annual board meeting at 10 a.m. with picnic to follow. Natural Bridge State Resort Park, Slade, Ky. shelters 3 and 4

July

- 2: DOCJT, Basic 343 graduation
- 13: KWLEN annual pool party, Julie Schmidt's house, Louisville
- 24: Real COPS Can Cook, FOP Lodge #4, Lexington
- 30: Telecommunications Academy for Non-Terminal Agency class No. 29 graduation

August

- 2-5: KACP Conference in Jeffersontown
- 11-12: KLEC meeting in Hazard
- 16: DOCJT, Basic 350 graduation
- 19: KWLEN conference, Florence, Hilton Hotel
- 20: DOCJT, Basic 345 graduation
- 27: Telecommunications Academy class No. 30 graduation
- 27: Academy of Police Supervision class No. 8 graduation

Book Review

Book

Emotional Survival for Law Enforcement A Guide for Officers and Their Families

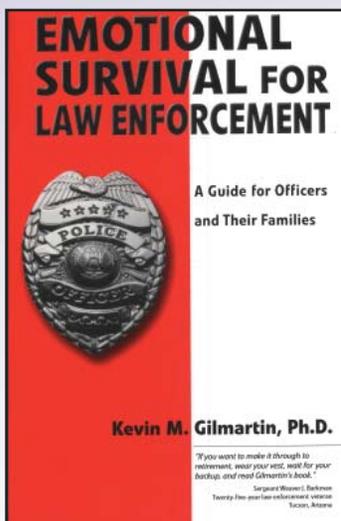
by Kevin M. Gilmartin, Ph.D.

Published by E-S Press, Tucson, Arizona, 2002

Reviewed by

Richard Hanzes

Department of Criminal Justice Training



Well written and easily read, Kevin Gilmartin's book, "Emotional Survival for Law Enforcement," is an excellent work designed to encourage officers to take charge of their lives in order to physically and emotionally survive a career in law enforcement.

Although in many ways officers are winning the battle of street survival, they appear to be losing the battle of emotional survival. Law enforcement agencies and police academies throughout the United States do a great job of teaching officers to survive tactically by teaching and training in the mechanics of police service.

However, little if any emphasis is placed on teaching officers how to avoid the other dangers they will ultimately face.

The book was written to help law enforcement officers overcome the internal assaults they will experience both personally and organizationally. These assaults can transform idealistic and committed officers into angry, cynical individuals leading to significant problems in both their personal and professional lives. Many officers, in fact, do survive emotionally and remain fully functional healthy individuals after 20 or 30 years of police work. "It is not good enough to hire good people, organizations and individuals must do what they can to – keep good people good."

Gilmartin describes the journey through law enforcement and how the idealistic rookie can develop into the cynical veteran, and how emotional changes lead to physical changes. He uses personal experiences and stories to relate the topics in a way that officers can readily see some of the same characteristics in themselves. He explores the psychological changes in law enforcement personnel that can be caused by exposure to tragic, negative and violent events.

He goes on to describe the term hypervigilance as, "the necessary manner of viewing the world from a threat-based perspective, having the mindset to see events unfolding as potentially hazardous." Hypervigilance permits the on-duty officer to develop a subjective state of increased alertness/awareness of his/her surroundings required for maximum officer safety.

Concerns develop when the ride on the Hypervigilance Biological Rollercoaster begins. On-duty the officer is "alert, alive, energetic, quick-thinking, involved and humorous," while off-duty the officer is "tired, isolated, detached, apathetic and angry."

If law enforcement officers are to survive emotionally, they must look at both their on-duty and off-duty life styles and take charge of the events in their lives that they can control. Gilmartin identifies three things that officers control while on duty: their integrity, their professionalism, and how well they do the job assigned. In order to become an emotional survivor, proactive goal setting, exercise, and developing and nurturing other roles in life besides the hypervigilant police role should enable officers to manage their lifestyle more effectively.

Reading this book will help officers and their families to complete the difficult journey through a career in law enforcement with their relationships, families and positive professional attitude intact, and will aid in keeping good people good.

Drug Summit Considering

Jamie Neal
Public Information Officer

After months of gathering input from citizens and those who work in drug treatment, prevention-education and law enforcement throughout Kentucky, the team assigned to conduct a 20-week assessment of substance abuse in the Commonwealth will make recommendations to Governor Ernie Fletcher this month on a statewide drug control policy.

Members of the Statewide Drug Control Assessment Summit – 51 state, local and federal officials in drug prevention-education, treatment and law enforcement – were appointed by Lt. Governor Stephen Pence in February to conduct the first-ever collaborative, comprehensive assessment of substance abuse in Kentucky.

Based on findings from the assessment, the Summit will suggest immediate and long-term strategies for reducing substance abuse in Kentucky in a report it will issue by June 28.

“The recommendations call for a solid, balanced approach to reducing substance abuse in Kentucky, one that will have a lasting impact on the drug problem,” said John Bizzack, a member of the Summit’s Core Group, which designed the plan to complete the assessment and is steering the process. “Such a strategy will take time to implement and for us to begin seeing improvements. Kentuckians’ expectations are high that the assessment will lead to real change, and it will, but we must give it time to work.”

Among the actions the Summit will propose that the administration take right away will be to encourage Kentucky’s commissioner of the Department for Public Health to declare substance abuse a public health epidemic, so that it will receive the attention of such.

The group will also suggest a list of other changes that would address duplication, gaps in service and administrative issues in order to improve drug control in Kentucky.

The long-term strategies the group will recommend to Fletcher echo what the Summit and its delegates have heard from citizens and those who work in drug control programs across the state. The Summit will recommend that the administration call for pilot programs of at least one year with:

- more drug courts.
- more drug treatment facilities.
- shorter waiting periods for admittance to existing treatment programs.



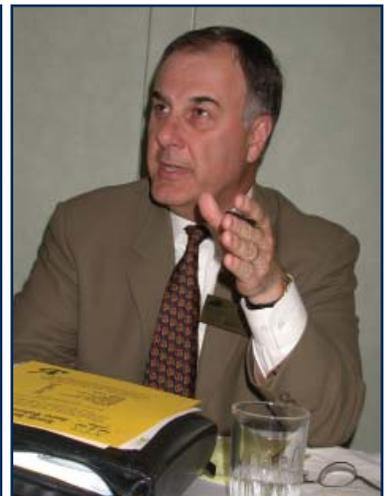
JAMIE NEAL/DOGIT

Terri Maggard, 43, holds up a photo of her brother to show the Summit’s Treatment Panel at a public input meeting in Ashland. She said he was 19 and high on drugs and alcohol when a drunk driver fatally hit him as he was walking home. Maggard, who works in drug treatment and whose 17-year-old son is a recovering addict, told the panel that treatment centers need more funding so they can help those who cannot afford to pay.

- science-based drug prevention and education programs for children in public schools and more education programs for adults and parents.
- more communication between law enforcement agencies about drug issues.
- coordinated strategies for more uniform prosecution and consistent sentencing in drug cases.
- better structured model for drug task forces in western Kentucky, which would be patterned after Operation UNITE in the eastern part of the state.

Pilot projects will allow Kentucky to obtain data on how the programs are performing. Fletcher could include

Recommendations for Change



From left: Members of the Statewide Drug Control Assessment Summit's support team took notes of speakers' comments at every public input forum. More than 150 people attended the public meeting in Somerset, which was the seventh of the 16 forums. Below: Kevin Rader, a member of the support team, shows House Speaker Jody Richards and Rep. Roger Thomas the Summit Web site. Treatment panelists Ron Bishop, Jerry Lucas, Erin Stephens and Dan Howard listen to speakers at the public forum in Danville. Prevention-Education panelist Jon Akers makes a point at the forum in Bardstown.

those that produced desirable results in reducing substance abuse in a statewide drug control policy on which, with evidence of its value, he could seek support from legislators to make the policy law.

Pence, as the Summit's leader, said the group has been committed to learning more about substance abuse in the Commonwealth and how Kentucky should address the problem in a drug control policy.

"The Summit members have conscientiously examined questionnaire, interview and public input data, and we feel

that the recommendations that will be made to the governor reflect not only what citizens across the state have said is needed, but also sensible proposals from the leadership of Kentucky's substance abuse programs," he said.

During the statewide assessment, the Summit and its delegates held public input forums in every Kentucky region, at which the group heard from and talked with a variety of citizens – ranging from mothers to law enforcement officers to doctors to teen-agers to former substance abusers – about the drug issues in their communities.

See Summit, page 56

Summit: Kentucky Will Continue to Accept Input



Enforcement Panel members (from left) Col. Rodney Brewer, Tracey Corey, Tony King, Jim Acquisto, Connie Payne and Lt. Col. Karlas Owens listen to a speaker during the Summit's public input forum in Hopkinsville.

More than 3,000 people attended the Summit's 16 regional public input meetings, and more than 850 of those who attended spoke to one or more of the Summit's three panels – Prevention-Education, Treatment and Enforcement – about drug problems in their areas, the effectiveness of current drug control programs and their suggestions for addressing substance abuse.

Summit members and their delegates also interviewed heads of drug control programs across the Commonwealth and received input from the public and those who work in drug prevention-education, treatment and enforcement through questionnaires, which were available in paper form and on the Summit's Web site.

Although the Summit will soon offer its recommendations to Fletcher on a drug control policy, the governor and lieutenant governor are committed to continuing to receive input on substance abuse issues in the state.

For that reason, Kentuckians are still encouraged to visit the Web site to complete a questionnaire.

Responses to the questionnaire received as the Summit is finalizing its recommendations and after that could be valuable to organizations that will be responsible for drug control work as a result of the recommendations.

The Summit Web site is at www.kydrugsummit.ky.gov.

The site has received more than 11,000 hits since its February inception.

Although other states have included public input in their drug issue assessments, Kentucky may be the only one that has created a process that enables the public and those who work in substance abuse fields to continue sharing their thoughts with policy-makers after the assessment concludes.

Summit By the Numbers

From public input meetings to Web site hits, what follows are some of the approximate numbers that have been part of the Drug Summit so far.

- 51 – Officials Lt. Governor Stephen Pence appointed to assess the substance abuse issues in Kentucky.
- 175 – Summit delegates, who joined Summit members in conducting public input meetings and interviewed those who work in drug prevention-education, treatment and enforcement across the state.
- 3 – Summit panels: Prevention-Education, Treatment and Enforcement.
- 16 – Regional public input forums the Summit held in the Commonwealth.
- 3,000 – Kentuckians who attended the public input forums.
- 850 – People who spoke to one or more of the Summit's panels at the public input forums.
- 65 – Hours spent in public input forums.
- 11,000 – Visits to the Summit Web site at www.kydrugsummit.ky.gov.
- 4 – Times the appointed Summit members have met to discuss the information they and the group's delegates have gathered. They will meet for a fifth time on June 9.

Who Are the Drug Summit Members?

Lt. Governor Pence, who is heading the Statewide Drug Control Assessment Summit, appointed a Core Group and a 51-member assessment team for the project.

Members of the Core Group, who designed an effective plan to complete the 20-week statewide substance abuse assessment and are steering the process, are

Joe Whittle, general counsel for the Lieutenant Governor's Office

John Bizzack, commissioner of the Department of Criminal Justice Training

Dr. Rice Leach, commissioner of the Department of Public Health

Mardi Montgomery, deputy secretary of Education

The 51 state, local and federal officials in the areas of drug prevention-education, treatment and law enforcement who are Summit members and will make recommendations to Governor Fletcher on a statewide drug control policy are

Greg Stumbo, Kentucky attorney general

Cleve Gambill, deputy secretary, Justice and Public Safety Cabinet

Keith Cain, Daviess County sheriff; president, Kentucky Sheriffs' Association

Van Ingram, Maysville police chief; president, Kentucky Association of Chiefs of Police

Col. Rodney Brewer, deputy commissioner, Kentucky State Police

John Bizzack, commissioner, Kentucky Department of Criminal Justice Training

Rod Maggard, director, Rural Law Enforcement Technology Center

Gale Cook, president, Kentucky Commonwealth Attorneys Association

Harold Johns, president, Kentucky County Attorneys Association

Maj. Gen. Donald Storm, Kentucky adjutant general

William Walsh, chair, Kentucky Law Enforcement Council and director, Southern Police Institute

Greg Howard, commissioner, Kentucky Department of Vehicle Enforcement

Frank Rapiet, director, High Intensity Drug Trafficking Alliance

Karen Engle, director, Operation UNITE

Joseph Lambert, chief justice, Kentucky Supreme Court, Administrative Office of the Courts

Stephen Horner, commissioner, Kentucky Alcoholic Beverage Control

Connie Payne, manager, Kentucky Drug Court

George Moore, commonwealth's attorney, Mount Sterling

Gary Oetjen, assistant special agent in charge, U.S. Drug Enforcement Administration, Louisville

Greg Van Tatenhove, U.S. attorney, Eastern District

David L. Huber, U.S. attorney, Western District

Terry Anderson, Marshall County sheriff; director, Tri-County Drug Task Force, drug task forces

Dr. Tracey Corey, Kentucky Medical Examiner's Office

Karyn Hascal, acting director, Division of Substance Abuse

Secretary James Holsinger, Health and Family Services Cabinet

Dr. Rice Leach, commissioner, Kentucky Department of Public Health

John Rees, commissioner, Kentucky Department of Corrections

Ron Bishop, commissioner, Kentucky Department of Juvenile Justice

James Kemper, Franklin County jailer; president, Kentucky Jailers' Association

John Coy, chairman, Kentucky Parole Board

Dr. Danny Clark, president, Kentucky Board of Medical Licensure

David Sallengs, branch manager, Drug Enforcement, Kentucky Department of Public Health

Dr. Andrew Pulito, president, Kentucky Medical Association

Dan Howard, director, Kentucky Association of Mental Health/Mental Retardation Programs

Louise Howell, director, Kentucky River Community Care

Robert Walker, UK Center on Drug and Alcohol Research

Dr. Rick Purvis, director, Division of Mental Health, Kentucky Department of Corrections

Drexel Neal, acting director, Division of Community Corrections, Lexington-Fayette Urban County Government

Chris Block, program administrator, Office of Alcohol and Other Drug Abuse Programs, Kentucky Department of Corrections

Ernie Lewis, Kentucky public advocate

Tim Eaton, superintendent, Pulaski County Schools

Mardi Montgomery, Kentucky deputy secretary of education

Carl Leukefeld, UK Center on Drug and Alcohol Research

D.G. Mawn, acting director, Kentucky Agency for Substance Abuse Policy

Carol Roberts, executive director, Kentucky ACTION (Alliance to Control Tobacco)

Jon Akers, executive director, Kentucky Center for School Safety

Steve Kirby, attorney, Kentucky School Board Association

Robert Biggin, associate chair, Counseling and Educational Leadership Department, Eastern Kentucky University

Sylvia Lovely, director, Kentucky League of Cities

Dianne Shuntich, assistant director, Division of Substance Abuse

Brigitte Stacy, Division of Student, Family and Community Support Services, Kentucky Department of Education

Answering the Call



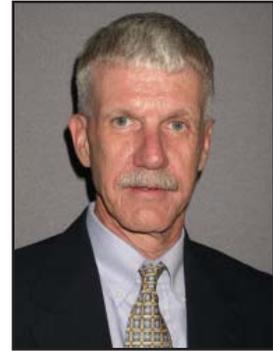
*Greg Stumbo
Attorney General*



*Cleve Gambill
Deputy Secretary, Justice and Public Safety*



*Steve Kirby
Kentucky School Board Association*



*Carl Leukefeld
UK Center on Drug and Alcohol Research*



*Col. Rodney Brewer
KSP Deputy Commissioner*



*Keith Cain
Daviss County Sheriff*



*Sylvia Lovely
Kentucky League of Cities*



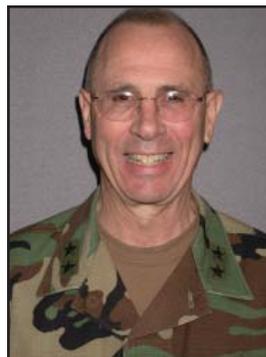
*Greg Van Tatenhove
U. S. Attorney, Eastern District*



*Robert Walker
UK Center on Drug and Alcohol Research*



*Karyn Hascal
acting director, Division of Substance Abuse*



*Maj. Gen. Donald Storm,
Kentucky Adjutant General*



*Rice Leach
Commissioner Department of Public Health*

Selected panel members of the Statewide Drug Control Assessment Summit were asked to respond to questions about the Summit effort, what they think they have learned from the Summit and what effect they think the Summit will have on drug control

in Kentucky. Panelists from the three disciplines of treatment, prevention-education and law enforcement were asked to address these issues. The questions and a sampling of their responses are included on the following pages.

As an appointed member of a Statewide Drug Control Assessment Summit panel and as the leader of a program that addresses substance abuse, what did you learn from the Summit that you would not have known otherwise?

What we believed to be an enormous and devastating problem has been confirmed by the citizens of Kentucky. The drug problem in Kentucky is larger and more pervasive than most people ever imagined. Drugs touch every segment of our society and touch every family in Kentucky. Our children are exposed to illegal drugs on our streets, in our schools, and sometimes, in their own homes.

We have seen the success and wisdom of drug courts. Drug addicts, through court-ordered treatment and close supervision, have turned into productive citizens. Many go on to provide counseling and services for other addicts in need of help.

We have seen that putting addicts in jail without treatment does little more than just keep the offender off the street for a few days. As soon as he or she is released, they are back in the drug culture using, selling, stealing or doing whatever it takes to support a drug habit.

We have seen a great number of Kentuckians step forward, in front of the Summit's panels and say, "Enough!" *Greg Stumbo, Attorney General*

The major thing I learned was how extensive the public interest is in the substance abuse issue. In addition, I was impressed by the intensity and depth of passion about the need for more treatment services. Virtually every presenter has spoken with great intensity about the need for government response to this need. We heard from police officers, judges, schoolteachers and lots of lay people about the harm that results from long waiting lists and the long drives to get to treatment facilities. I was surprised to hear just how frustrated people are all across the state. People "came out of the closet" on this issue and openly discussed their family members' treatment experiences — a surprising outcome for me. The Summit reduced stigmas about talking about these issues in public. *Robert Walker, UK Center on Drug and Alcohol Research*

Substance abuse in Kentucky has become a significant public health problem because the prevalence is increasing, it is widespread across Kentucky, and it impacts men, women, children and families without regard to age, race, socio-economic group, religion or income. It is destroying significant elements of the economy. It is destroying the future for many children and young adults, and, it meets the definition of a public health problem. As Harry Stol Mustard said in John Hanlon's book "Principles of Public Health Administration," "A health problem becomes a public health responsibility if or when it is of such a character or extent as to be amenable to solution only through systematized social action. Its relative importance varies with the hazard to the

population exposed. This hazard may be qualitative, in terms of disability or death; quantitative in terms of population affected; it may be actual or potential." *Commissioner Rice Leach, Department of Public Health*

We learned a great deal, particularly that a number of us are very concerned about drug use and abuse in Kentucky. This concern was particularly emphasized in relation to what drugs can do to our youth and our young adults as they begin experimenting and using drugs. We also learned that a number of Kentuckians are not sitting back but are actively engaged in developing programs and projects to decrease drug use at all levels. These volunteers and others are giving freely of their time and talents to help prevent and treat drug abuse. We also learned that many of us are concerned about the number of drug abusers who are incarcerated at high costs. Some of these drug abusers could be treated, but others need to be incarcerated for their crimes. Evaluation and assessment could be factors in helping to make these individual decisions. We learned that many of our law enforcement officers are stretched to their limits and need additional support. We learned that drug courts, when adequately funded and complemented with community treatment, are effective in Kentucky. We also learned that there is hope for Kentucky as we come together on drug abuse by focusing on reducing the supply of drugs with strong enforcement as well as reducing the demand for drugs with interventions in the community and individual interventions for prevention and treatment. *Carl Leukefeld, UK Center on Drug and Alcohol Research*

In the past, it has always been of concern to me, as a law enforcement officer, the fact that many residents don't understand, or worse yet, simply ignore just how big a problem substance abuse is and the emotional, financial and social erosion it's causing in our community(ies). The Summit has engaged our citizens in the fight. Their involvement is beneficial to law enforcement and is paramount to our success in combating the problem. *Sheriff Keith Cain, Daviess County*

I think, for me, the biggest lesson has been not how pervasive the drug problem is throughout the state, but how similar are the problems faced. Sometimes, the drugs used are different, but on the whole, the problems faced are the same across the state. There are regional differences. I work mostly with the eastern district, and there is a difference in the drugs that we deal with, but the causes of the problems are similar. *Greg Van Tatenhove, U. S. Attorney, Eastern District*

How does the Statewide Drug Control Assessment Summit differ from past efforts to address substance abuse in Kentucky?

The Drug Control Assessment Summit is comprehensive in its approach. Bringing together on a statewide basis the three strands of law enforcement, prevention-education, and treatment is such a common sense approach. It's unfortunate that it hasn't been done before now. It is overdue. *Steve Kirby, Kentucky School Board Association*

I think it differs primarily by its emphasis on soliciting public feedback. It has reached out to the lay community rather than sticking with providers and “experts,” and that is a good thing. The down side to this is that it can raise community expectations and, thus, a failure to implement more treatment might result in further decay of public confidence in government. The Summit approach may have put pressure on government to make some serious changes in funding and policies. By soliciting responses from the public, the Summit may have reduced the stigma associated with substance abuse by making it “ok” to discuss personal experiences with it in public. *Robert Walker, UK Center on Drug and Alcohol Research*

I believe that this is the first time that an administration has been so fully behind examining the drug epidemic in the state. This administration appears to be focused on taking action to deal with these problems. Many efforts have been taken and are currently underway regarding drug and alcohol abuse, but this is the first time that the administration has taken the lead in bringing stakeholders together. This is also the first time in the history of substance abuse treatment in Kentucky that the governor and lieutenant governor have taken the stand that substance abuse is a public health issue rather than a social condition with criminal justice consequences. As Lt. Governor Pence often says, “We cannot incarcerate our way out of this problem.” This is a very bold public policy statement and a divergence from previous postures related to dealing with drug problems.

In addition, there have traditionally been many resources allocated to address this problem but they have been looked at in the silos of treatment, prevention and law enforcement. This is the first time that there is an attempt to coordinate these efforts and resources. *Karyn Hascal, acting director of the Division of Substance Abuse*

This is the first time that a systematic and planned approach has been used to obtain input from all Kentucky citizens. *Carl Leukefeld, UK Center on Drug and Alcohol Research*

The great strength of this Summit is the comprehensive approach in terms of the different approaches — law enforcement, prevention-education, and treatment. In terms of looking at each part of the state, there are state, local and federal players that needed to listen, first and foremost, to what each part was doing and come together in a comprehensive approach. *Greg Van Tatenhove, U. S. Attorney, Eastern District*

I commend Lt. Governor Pence, Governor Fletcher and Attorney General Greg Stumbo for this effort. It truly is a summit in every meaning of the word. It is bringing together professionals from every walk of life in the war on drugs. Through the public hearing process, it is bringing together community volunteers, professionals in the field and others who care deeply about doing something and who want their voices heard. *Sylvia Lovely, Kentucky League of Cities*

During my 26 years in law enforcement, this is undoubtedly the most comprehensive examination that I've ever witnessed concerning a crime-reduction strategy in our state. *Col. Rodney Brewer, KSP Deputy Commissioner*

In the past, we've had an unplanned, patchwork approach, with resultant gaps and overlaps in enforcement. Laudable coordination has been achieved through our drug task forces however, these successes are limited. “Treatment” has been a word rarely used by prosecutors.

This Drug Summit is the only real effort I know of to take a careful, comprehensive, balanced look at the drug problem. I've never seen such a statewide approach before, and certainly not one that involved so many skills and disciplines. Apart from gaining the thoughts and experiences of thousands of Kentuckians, the Summit has already achieved an important victory — over 50 of the very top leaders in the enforcement, treatment and education and prevention fields are listening to one another. They're on a friendly, first-name basis with one another. A critical network has already taken form and is at work on the drug problem. *Cleve Gambill, Deputy Secretary of Justice and Public Safety*

How do you think that the Statewide Drug Control Assessment Summit's efforts will change the way state government handles drug control in Kentucky?

We are hopeful that the Drug Summit will result in a long-range, comprehensive plan to address drug control. The public meetings have just concluded and now the Summit panels must meet to review the issues and concerns that have been expressed. A wide range of issues will be discussed, including funding, changes in the law, more efficient law enforcement, drug treatment options, lack of available treatment, more effective ways for drug education and many more.

Illegal drug use and drug abuse in Kentucky has been a long standing problem. There are no simple or quick answers. The problem will only be solved by a long-range plan and policy that make the most efficient use of funding and resources. The drug problem will not be solved overnight or even in the foreseeable future, but if we form a good plan and stay the course, we will make Kentucky a better and safer place for its citizens. *Greg Stumbo, Attorney General*

The outcome will address all areas necessary to bring relief from all across the state. It will also include initiatives to restore hope for those requiring treatment as well as those involved in the production and distribution efforts within the dark world of illegal drugs. The assessment has enabled the strategy to be formulated in a manner that will be effective all across the Commonwealth. It shows the diverse nature of the drug problem within the state and confirms the need for diverse counter-drug approaches as well as flexible use and movement of resources during any given event or time period. *Maj. Gen. Donald Storm, Kentucky Adjutant General*

I am hopeful that the recommendations made to the governor in June will change the way state government handles drug issues in Kentucky. First, the shift in public policy to viewing substance abuse as a public health issue can affect significant changes in the way government approaches drug abuse. This can lead to changes in existing laws regarding mandatory sentencing laws for non-violent drug offenders, the way we handle felony convictions for non-violent drug offenders, the diversion of non-violent offenders to community-based treatment and correctional programs rather than the more costly incarcerations, the expansion of drug courts and other diversion programs and the reallocation of resources from corrections to community-based treatment. *Karyn Hascal, acting director of the Division of Substance Abuse*

I believe that it will compel us to work smarter with the resources that we have at hand. An understanding of existing resources and stronger partnerships between police, prosecutors, judges, treatment professionals and corrections personnel will contribute greatly to our overall mission of drug reduction in Kentucky. *Col. Rodney Brewer, KSP Deputy Commissioner*

The public input at the Summit forums was successful in identifying many areas of concern. These include amendments and changes to existing statutory mandates that must be addressed by our legislators. Both federal and state entities must work together to bridge existing gaps and alleviate a duplication of services to better serve our constituents, and stable and consistent funding must be allocated to address the needs the Summit has identified. *Sheriff Keith Cain, Daviess County*

It will help avoid fragmentation of past policies. There was a lot of duplication of efforts because different players were not aware of the other efforts going on next door or in another community. They were often more worried about their individual efforts than a comprehensive approach. The state government or the Commonwealth's effort will provide all involved with a framework that we can all fit into. *Greg Van Tatenhove, U. S. Attorney, Eastern District*

My personal and professional hope is that this inclusive process will carry over into the strategies that are undertaken to attack this problem. In other words, the drug war lies not in the province of any one professional group, no matter how well meaning and caring. Professionals, volunteers and caring people throughout the Commonwealth must fight this war together. The state's role should be that of a leader, coordinator and strategist. They should develop the strategy and the tone and then call upon "soldiers" to infiltrate and fight the battle. Like the war on terrorism, the fact is that there are not sufficient dollars to make any of us feel safe in a world that comes into our living rooms with images of horror from across the world. *Sylvia Lovely, Kentucky League of Cities*

First, we can expect more and better efforts to educate the entire public of the danger we face. "An ounce of prevention is worth a pound of cure." Next, we're going to see more centralized data collection, policy-making and coordination. Hopefully, there will be more funds and resources available, distributed where needed and in accordance with agreed upon priorities.

Importantly, Kentuckians are going to notice a theme change. Even the toughest prosecutors and other law enforcement officials now recognize that drugs are as much a health problem as a crime problem. We can't imprison everyone. We have over 45,000 Kentuckians in jails, prisons, and on supervision. Most need, but aren't getting any treatment for their drug addictions. Statistics show they'll be coming back if we don't change our approach.

Above all, we must be tough and harsh where we need to be. True drug dealers should expect and receive no mercy. Drug possessors and addicted persons should be given firm, reasonable opportunities to be helped. We need a system that is wise enough to know when to use justice.

Cleve Gambill, Deputy Secretary of Justice and Public Safety

The Best Method to Avoid Court

Harold "Mac" Johns
Todd County Attorney



Harold "Mac" Johns

As the county attorney in one of the more rural and less densely populated counties in the state, I have contact with small city police officers, deputy sheriffs and constables, who possess the spectrum of training. As a result, I see citations and investigative reports ranging from complete, to the absurdly incomplete, to non-existent. I also see police officers

who want to avoid court if possible. This will be a basic attempt to suggest your best tool to avoid court.

Beyond the felony preliminary hearings, county attorneys prosecute all misdemeanor and traffic cases. As all are aware, driving under the influence along with domestic violence cases are among the most serious cases we prosecute. DUI's are the most technically complicated from a prosecutorial standpoint. The successful prosecution of the DUI case requires the presentation of a variety of evidence, including scientific evidence and lay opinion evidence. Due to that technical nature, it is necessary for the prosecutor to have complete information at the earliest possible time.

An incomplete or non-existent report makes any case difficult to successfully prosecute. A case with an incomplete report is much more likely to go to trial. In prosecuting cases in District Court, I am bound to follow the same ethical and procedural rules commonwealth attorneys follow prosecuting felony cases in Circuit Court. When asked, we have to provide the same materials, including reports, laboratory test results, photographs and statements according to the same rules which are present for the more serious cases which are resolved in Circuit Court.

Because District Court matters are thought of as less serious, the problem, all too often, is the only document created is the Uniform Citation. Yes, there may be an intoxilyzor report in a DUI or JC3 in a domestic violence case, but there is no case report. There is no description of the physical injury or where the marijuana was found or why the conclusion was

made that the defendant was manifestly under the influence to the extent that she presented a danger to herself or others.

After spending more than 20 years as a prosecutor, having served as an assistant county attorney, assistant commonwealth attorney and now as county attorney for 14 years, I have come to realize that in almost any matter an accused chooses to contest, our ability to obtain a just result is never any better than the documentation created at the time of the citation or an arrest.

How does an officer remember how Joe Doe performed the field sobriety test, if she does not write it down? How does an officer verify the implied consent warning was given, if he does not write it down? How does the officer remember where he found the marijuana, if he does not write it down? How does the officer remember the injury if he does not photograph it or write a description?

You are probably getting the idea. It is unreasonable to believe that several days, weeks or months after an incident any officer, even those in rural areas who are not as busy as their urban counterparts, will remember the details of a particular incident. I do not remember what happened in specific case in court months later. It is unreasonable to expect you to remember a particular stop, citation or arrest.

You might ask, what is the big deal? Well, the big deal is our burden of proof. It never changes, it never shifts no matter what the charge – traffic, misdemeanor or felony. Our burden is always to prove each element of the offense beyond a reasonable doubt. Our burden is not satisfied by, "I did it that way, that night, because, that is the way I always do it." Officers are just like everyone else. If someone told you, "I always do it that way," you would quickly become as skeptical as I believe jurors become, and frankly, as I become. You cannot do everything the same way every time. The simple reason is you cannot control the actions and reactions of the accused.

Having told you of the problem, I feel obligated to suggest a solution: Write it down. You should get into the habit of making notes in the narrative section of the Uniform Citation at the very least. These notes should be meaningful. I constantly see the post arrest complaint portion of the Uniform Citation where the victim's name has been omitted or no cru-

cial facts are specified. Some classic examples are arrested subject for fourth degree assault, arrested subject for domestic, arrested subject for theft and DUI, very intoxicated.

These examples do not identify a victim, do not identify an injury, fail to identify what was stolen, omit the results of field sobriety tests, and omit the probable cause for a stop. As a result of these omissions, 30, 60 or 90 days later the arresting or citing officer has omitted to provide the information upon which his recollection can be refreshed, and ultimately a matter can be successfully prosecuted.

Writing it down is simpler than it sounds. It takes only a few extra moments, but those few moments save time and embarrassment later. Those few moments may even save a court appearance. If you write it down, every one will know who you saw, what you saw, when you saw it and where you saw it.

But even better than writing it down in the narrative section is to create simple, useable forms within your department to guide this process. These forms don't need to be elaborate. Here in Todd County we have developed

forms specifically tailored to the DUI investigation. They consist of two pages and are illustrative of how simple such forms can be, but how useful they will become at a later date.

DUI is not the only matter which lends itself to simple forms. Develop forms or checklists, utilize those and furnish them to your prosecutor. He will thank you for your thorough preparation. If you do spend a few minutes on the front end, you will save hours waiting on court and potential cross-examination embarrassment.

You may make dozens of arrests or write hundreds of citations, but this time may well be the only time this particular defendant was cited or arrested. You can be sure the memory of the incident and everything you did or did not do is etched in his or her mind. Take time to be thorough. Use simple tools to assist you in the process. If you do this, you will likely find, as we have, pleas entered and you can spend your time somewhere other than court.

New Administration Hopes to Make Changes to Criminal Justice Council

Jacinta Feldman Manning
Public Information Officer

The Justice and Public Safety Cabinet wants to revamp the Criminal Justice Council, hoping to streamline its membership and its mission.

"We want to restructure it, what we don't want to do is eliminate it," said Lt. Governor Stephen B. Pence, who is also secretary of the Justice and Public Safety Cabinet. "We want to have the flexibility to have it perform the way we think it needs to perform to meet our goals."

The Criminal Justice Council was created in 1998 to provide the governor and the general assembly recommendations that would help with decisions and policies involving the criminal justice system.

The council also has a long list of other legislatively mandated responsibilities, including developing model criminal justice programs, disseminating information on criminal justice issues and crime trends, providing technical assistance to all criminal justice agencies, reviewing and evaluating proposed legislation affecting criminal justice and assisting local communities in mobilizing community resources to address problems related to gangs.

It is made up of 34 members – ranging from judges to victim advocates – who have some interest in criminal justice.

Its large membership and wide-ranging focus are areas where the Justice and Public Safety Cabinet wants to make changes.

"One of the issues that ended up occurring in its previous life was that it was very large and it addressed many issues in a small realm," said Ken Schwendeman, executive director of the Office of Legislative and Intergovernmental Services. "What we would like to see this council do is address key issues fully."

The council has value, Schwendeman said, but in its current form

it's often difficult to find consensus. In the past, he said it produced reports that were partial information. The new administration is hoping that a pared-down version of the council with a redefined vision will produce more complete work, including follow-up research, he said.

Schwendeman helped write legislation that was introduced during the 2004 General Assembly that would have made several of the desired changes to the council. House Bill 161, sponsored by Gross Lindsay, would have trimmed the council back to 13 members and eliminated most of its duties, turning them over to the secretary of the Justice and Public Safety Cabinet and putting the council at his discretion.

The bill passed the House, but the session ended before it passed in the Senate.

Pence said during the session that if the bill to restructure the Criminal Justice Council didn't pass, that he, acting as secretary of the Justice and Public Safety Cabinet, would ask the governor to make similar changes by executive order.

Although the cabinet did not have specifics on the changes that would be made, Pence said they would probably be close to those in the proposed legislation.

He would like to see the council's membership cut at least in half, falling somewhere between 12 and 18 members, have less mandated responsibilities and take more direction from the secretary of the Justice and Public Safety Cabinet, he said.

"Not for my benefit, but for this secretary now and for future secretaries to be able to say this is what I need the council to do," Pence said.

A QUESTION OF FORCE

Gerald Ross, Staff Attorney Supervisor
 Ken Alexander, Staff Attorney III
 Legal Training Section

Law enforcement officers often find themselves facing the dilemma of whether to use force and, if force is to be used, how much. Use of force by law enforcement officers has been and will continue to be closely scrutinized by the officers' superiors, the public and the courts. This article will attempt to summarize and review existing law in an effort to provide officers some guidance when facing this dilemma.

Kentucky statutes considers two distinct levels of force – physical force and deadly physical force:

- *Physical force means force used upon or directed toward the body of another person and includes confinement.*¹
- *Deadly physical force means force which is used with the purpose of causing death or serious physical injury or which the defendant knows to create a substantial risk of causing death or serious physical injury.*²

Notice that both definitions neglect to define what is meant by the term force. One of the major law dictionaries contains the following definition of force:

- *Force means physical acts or the threat of physical acts intentionally used to do an act or to commit a crime.*³

KRS Chapter 503 permits individuals to use force against other persons within certain guidelines and limitations. The statutes provide that use of force is justifiable and the person using the force has a defense (that is, any criminal charges should be dismissed) if the trier of the case (either the judge if a bench trial or the jury if a jury trial) believes the user's claim that the use of force was within the guidelines and limitations of one of the sections of KRS Chapter 503. All of the defenses are available to law enforcement officers, but one section creates a defense applicable only to the use of force by law enforcement officers.

Statutory Authority on Use of Force by Officers

Chapter 503 specifically grants law enforcement officers authority to use force in performing their duties:

- (1) The use of physical force by a defendant upon another person is justifiable when the defendant, acting under official authority, is making or assisting in making an arrest, and he:
 - (a) Believes that such force is necessary to effect the arrest;
 - (b) Makes known the purpose of the arrest or believes that it is otherwise known or cannot reasonably be made known to the person to be arrested; and
 - (c) Believes the arrest to be lawful.
- (2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when:
 - (a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and
 - (b) The arrest is for a felony involving the use or threat-

ened use of physical force likely to cause death or serious physical injury; and

- (c) The defendant believes that the person to be arrested is likely to endanger human life unless apprehended without delay.
- (3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person and when the force could justifiably have been used to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison or other institution for the detention of persons charged with or convicted of a crime.⁴

Thus Kentucky law authorizes officers to use force in effecting arrests. The force must be reasonable, that is, only the force necessary to bring the arrestee into compliance.

"An officer having the right to arrest a misdemeanor may use such force as is reasonably necessary to effect his purpose, but no more, and if there be resistance he may use such force as may be required under the circumstances to overcome the resistance."⁵

Before using any force to make an arrest, however, the officer must "make known the purpose of the arrest" and "believe the arrest is lawful" (citations omitted).

Kentucky law limits using deadly physical force for law enforcement purposes to three situations: (1) making arrests for violent felonies; (2) preventing escapes from custody by persons committing violent felonies where deadly physical force would have been justified in making the arrest, and (3) preventing escapes from detention facilities.⁶

The U.S. Supreme Court, when striking down fleeing felon laws in the landmark case of *Tennessee v. Garner*⁷, used language similar to KRS 503.090(2):

"[W]here police officer has probable cause to believe that a criminal suspect poses a threat of serious physical harm, either to the officer or to others, it is not constitutionally unreasonable to prevent escape by using deadly force; thus, if the suspect threatens the officer with a weapon or there is probable cause to believe that he has committed a crime involving the infliction or threatened infliction of serious physical harm, deadly force may be used if necessary to prevent escape, and if, where feasible, some warning has been given.... Use of deadly force to prevent the escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable, and where the suspect poses no immediate threat to the officer and no threat to others, the harm resulting from failing to apprehend him does not justify the use of deadly force to do so."⁸

KRS 503.090(3) permits using force, including deadly physical force, to prevent the escape of persons from detention facilities, but limits use of deadly physical force to "...a guard or other person authorized to act as a peace officer."⁹

Use of Force in Non-Arrest Situations

KRS 503.090 clearly authorizes use of force in arrest situations. What about non-arrest encounters, such as *Terry* stops? The author was unable to find any statutory authorization, so he turned to case law.

In *Terry v. Ohio*¹⁰, the U. S. Supreme Court recognized the authority of officers to conduct investigative stops of individuals when the officers have a reasonable belief (reasonable suspicion) that the person(s) being stopped is (are) engaged in, preparing to engage in or have just engaged in criminal activity. While *Terry* authorized investigative stops, it did not discuss how much force, if any, an officer could use in a *Terry* encounter. Fortunately, subsequent case law has addressed this issue.

In the Sixth Circuit (the federal court of appeals circuit of which Kentucky is a part), officers conducting investigative stops may use force where "... the degree of force utilized by officers during a detention must be 'reasonably related in scope to the situation at hand' and not 'so intrusive as to constitute an arrest.'"¹¹ The court will consider the type of criminal activity suspected by the officer when evaluating the reasonableness of the amount of force used by the officer during the encounter. Officers may even use a show of force, such as handcuffs and drawn weapons, to effect an investigative stop when such show of force is reasonable under the circumstances of the stop.¹²

Reasonableness is the key factor used by the courts in assessing the use of force in *Terry* encounters. In determining reasonableness, courts will look at several factors including, but limited to, the nature of the suspected crime; number of officers as compared to number of suspects; time of day; suspect's actions prior to or during encounter. Courts do not rely on one single factor, but look at the totality of factors or circumstances involved to determine if the officer was reasonable in his or her decision to use force.

"Because test of reasonableness of force under Fourth Amendment is not capable of precise definition or mechanical application, its proper application requires careful attention to facts and circumstances of each particular case, including severity of crime at issue, whether suspect poses immediate threat to safety of officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight."¹³

The courts grant some leeway to officers employing force during all encounters, either investigative or arrest situations:

"[T]he "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight."¹⁴

Other Force Issues

When determining whether a particular level of force to use is justified, law enforcement officers should not limit themselves to KRS 503.090, but may use any other section of KRS Chapter 503 that may be applicable. For example, KRS 503.050 justifies the use of force by all citizens, including peace officers, in self-protection. Anyone, including peace officers, may use force if they believe that "...such force is necessary to protect himself against the use or imminent use of unlawful physical force by the other person."¹⁵ Deadly physical force is justified "...only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping or sexual intercourse compelled by force or threat."¹⁶

KRS 503.050 permits some degree of bad judgment by the person using force in self protection as long as he/she believed that force or imminent force was to be used against him/her. Such protection, however, has its limits. If the user of force is wanton or reckless in believing force to be necessary, that person will not use self-protection as a defense to justify his/her actions.¹⁷

Remember that not all encounters with citizens create a need to act under color of authority for the provisions of KRS 503.090 to apply. Many situations should first be assessed under the self-protection guidelines of section KRS 503.050. If justification exists under .050 (self-protection), analysis under the provisions of section .090 is unnecessary.

Conclusion

Use of force by law enforcement officers continues to be debated in the public forum and in the courts. Although statutes and case law grant law enforcement officers in Kentucky authority to use force to perform their duties, officers must understand the implications and limitations placed on their authority to use force (even minimal force), when performing law enforcement functions.¹⁸

The bottom line is officers must be prepared to justify any use of force when dealing with the public. By nature, the American public questions the authority of the government, and law enforcement personnel are the clearest and most identifiable embodiment of the government to be questioned.

1 KRS § 503.010(4)

2 KRS § 503.010(1)

3 Gifts, Steven H., Barron's Law Dictionary 1996.

4 KRS § 503.090

5 *Alder v. Commonwealth*, 211 S.W.2d 678 (Ky.,1948)

6 KRS § 503.090(2) & (3)

7 *Tennessee v. Garner*, 105 S.Ct. 1694, 1985.

8 *id.*

9 KRS § 503.090(3)

10 389 U.S. 804, 88 S.Ct. 30, 19 L.Ed.2d 59, 1967.

11 *United States v. Hardnett*, 804 F.2d 353, 356-57 (6th Cir.1986).

12 *U.S. v. Heath* 259 F.3d 522 (C.A.6 (Ky.),2001).

13 *Monday v. Oullette*, 118 F.3d 1099 (C.A.6.Mich.,1997).

14 *Graham v. Connor* 490 U.S. 386, *387, 109 S.Ct. 1865, 1867, 1875 (1989).

15 KRS § 503.050(1).

16 KRS § 503.050(2).

17 See KRS § 503.030(2); KRS § 503.120(1)&(2). These provisions disallow justification when the actor engages in wanton or reckless conduct in creating the need for use of force; or are wanton or reckless in the application of force.

18 See *Burchett v. Kiefer*, 310 F.3d 937 (C.A.6.Ohio,2002), holding that "[t]he right to be free from excessively forceful handcuffing is a clearly established right..."

IDENTIFICATION FOR FOREIGN NATIONALS

*Shawn M. Herron, Staff Attorney III
Legal Training Section*

Kentucky law enforcement officials are now being faced with new and complex issues relating to the validity of certain documents presented by foreign nationals (aliens). These documents range from visas/passports, operator's licenses from foreign countries, the matricula consular card, International Driver's Permits (IDP) to Taxpayer Identification Number (TIN) cards, among others. This article will discuss the matricula consular card and the TIN cards.¹

Matricula Consular

A document that an officer might receive as identification from a Mexican national is called a Certificado de Matricula Consular, often just referred to as a matricula consular² card. This card is being issued by Mexican consulates across the United States on the strength of the Mexican foreign national presenting three documents: a Mexican birth certificate, a photo ID (such as a Mexican operator's license or military identification card) and documentation (such as a letter from a landlord) that the Mexican national has been residing in the United States at a particular address for a particular length of time. The document also requires two passport-sized photographs.

The original purpose of the matricula consular card was to provide photo identification to a Mexican national who had left Mexico without valid documents, such as a passport and visa, the documents that the individual would need to get back into Mexico, essential for returning home. While these cards have been in use for many years, in the past, law enforcement officers would be highly unlikely to see even one during their entire career. However, in recent years, Mexican consulates have been issuing large numbers of these cards. Reports indicate that more than one million are currently in circulation in the United States.³ As an example, on March 27, the Indianapolis branch of the Mexican consulate traveled to Louisville with the intention of issuing as many cards as they could. Reportedly, more than 600 were issued.⁴

Newly issued matricula consular cards have become much more difficult to counterfeit. They include an address and the location of the issuing consular office and they have a holographic design. There are older cards in circulation, however, that are still valid for use. The "breeder" documents, the birth

certificate, the photo ID from Mexico and the document to prove a home address, may not be examined by individuals who are trained to spot counterfeits, and the standards for issuing the cards appear to differ from consulate to consulate.⁵ Matriculas may be issued from "mobile" consular offices, set up in locations in the community, which was the case for the recent event in Louisville. Since all are issued the same day they are requested, in-depth scrutiny of the breeder documents seems impossible. Although an article from Louisville indicates that the consular officer keeps photocopies of the breeder documents, it is currently unknown if U.S. law enforcement officials will be given access to that information, or to the databases the consular officials state they are using to verify applicants. Apparently, Mexico's states (and their federal government) have no centralized and/or interconnected databases to verify the validity of breeder documents that originate in Mexico, or to ensure that multiple cards are not issued to the same individual.

No private business (such as grocery stores, banks, etc.) is required to accept the matricula consular card as valid identification. Each company makes an individual decision as to the documents it will accept for identification for check cashing or other purposes. It is unknown, however, how many do accept it for any business purpose. Identification for banking purposes is not within the purview of local governments, it is within the authority of the U.S. Treasury, and there is ongoing discussion on the federal level as to whether the cards should be accepted for federal banking purposes. If a local government generally accepts the matricula consular card, it creates a de facto validation of the card, and may encourage other businesses to accept it as well.

Currently, only Mexico issues matricula consular cards, but other countries have indicated that they may do so soon. It will prove difficult for the United States, under the traditions of international relations and consular practice, to accept consular-issued identification cards from some countries and to refuse to accept those from other countries for the same purpose.

The decision as to whether local governments in Kentucky choose to accept these documents as proof of identity is best left to the local governments. Certainly, they may prove useful

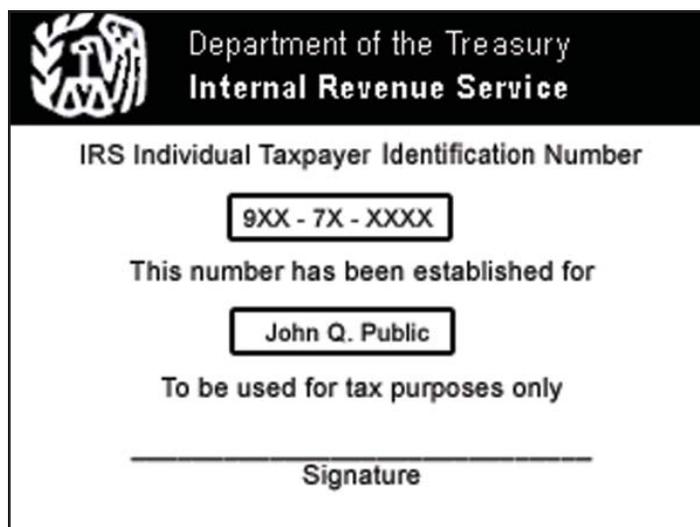
to officers as a starting place in determining the identity and Kentucky address of a foreign national. However, it is critical that local governments make this decision with a full understanding of the limitations of the matricula consular card, particularly as it relates to the concern about their reliability, and the ramifications inherent in accepting the cards. Because of the ease of obtaining the cards and the inability of local governments to verify the information on the card, as well as the potential federal legislation concerning the acceptability of the cards, this decision needs to be made cautiously. There are other documents issued by the Mexican government that are generally considered to be more reliable, such as Mexican operator's licenses and voter identification cards, and officers are advised to look beyond the proffered ID card for other identification documents, when necessary. Because these cards are such a new occurrence in Kentucky, there are no statistics yet as to how commonly officers encounter them, and how valid the information on the cards has proven to be. Agencies are urged to keep an ongoing record of these types of details⁶ and to contact the Kentucky Department of Criminal Justice Training, Legal Training Section with any concerns or comments.

Individual Taxpayer Identification Number

Another card that an officer might encounter is the Individual Taxpayer Identification Number (ITIN or TIN). The Internal Revenue Service issues the cards, which resemble a Social Security card, for individuals who have need of a federal tax reporting number, but who do not qualify for a Social Security number. These individuals may be legally in the United States, but may lack permission to work. For example, the individual may be a student or the spouse of someone who does have permission to work in the United States. The IRS emphasizes that since they do not scrutinize the applicant closely, and that the cards are issued strictly for tax reporting purposes, they should not be accepted for identification for any other purpose.⁷

Recently, recognizing that many of these cards are requested for purposes having no bearing on the filing of a tax return, the IRS announced attempts to tighten up issuance of the cards. They notified all state motor vehicle agencies that these cards were not intended to be used for personal identification, and should not be used as such.⁸

On a related note, individuals who have an ITIN number may use that number when an officer requests a Social Security number. An ITIN number is easily recognized in that it begins



This is an examples of an Individual Taxpayer Identification Number card.

with a 9, and the fourth digit is a 7. For example, an ITIN number will appear as 9XX-7X-XXXX. Because the number may appear to be a Social Security number, an officer attempting to verify the number should request that the telecommunicator run the number both as a Social Security number and as a miscellaneous number.

As always, should an agency encounter a document they do not recognize, they are welcome to contact the DOCJT Legal Training Section at (859) 622-8064.

¹ The International Driver's License was discussed in the August, 2002, edition of KLEN.

² This document is referred to by several variations on the name, I have chosen to use the form used by the U.S. Congress.

³ Wall Street Journal, Mexico Expects to Issue More Than 1M Consular IDs in US, <http://www.freerepublic.com/focus/news/709906/posts>.

⁴ Halladay, Jessie, Mexican citizens can be issued identification cards this weekend, The Courier-Journal, March 23, 2004, B5; Adams, Harold, Mexican nationals get ID cards, The Courier-Journal, March 28, 2004, B1.

⁵ No reliable statistics can be found to show how many individuals are denied matricula consular cards by the various consulates.

⁶ For example, officers might note on the citation the source of the information listed on the citation, for all cited or arrested subjects. Then, if the individual does not appear in court, and an officer attempts service on an address that proves to be false, it will be useful to know if the false information was contained on a matricula consular card, an operator's license (from Kentucky, another U.S. state or a foreign country) or another form of identity card, or was given verbally. This type of documentation may lead to additional criminal charges of forgery, criminal possession of a forged instrument, failure to update address in motor vehicle records, for example. As of now, while there is a very small block on the Uniform Citation for that information, it does not provide sufficient space to include these details. As such, it is impossible to know if the majority of these cards (or other types of documents, for that matter) are reliable for the purpose of providing identity and address, because there has been no concerted effort to collect such data.

⁷ <http://www.irs.gov/individuals/article/0,,id=96287,00.html>

⁸ <http://www.irs.gov/newsroom/article/0,,id=112728,00.html>

Interviews and Interrogation:

Fellers v. United States and the 6th Amendment Right to Counsel

Thomas W. Fitzgerald, Staff Attorney III
 Legal Training Section

On January 26, the United States Supreme Court handed down its decision in the case of *Fellers v. United States*¹. The relevant facts of the case are that police officers went to petitioner's home and advised him that they had come to discuss his involvement in drug distribution. They told him that they had a federal warrant for his arrest and that a grand jury had indicted him for conspiracy to distribute methamphetamine. During the course of a brief discussion, petitioner made several inculpatory statements. Once at the county jail, the petitioner was advised of his rights under *Miranda*² and *Patterson*³, then signed a waiver of those rights and reiterated his earlier statements. Before trial he moved to suppress the inculpatory statements he made at his home and at the jail. Following a jury trial at which petitioner's jailhouse statements were admitted into evidence, the petitioner was convicted of conspiring to possess with intent to distribute methamphetamine. The petitioner appealed, arguing that his jailhouse statements should have been suppressed as fruits of the statements obtained at his home in violation of the Sixth Amendment. The Court of Appeals affirmed.⁴

The United States Supreme Court stated that the Court of Appeals concluded that the statements from the jail were properly admitted under the rule of *Elstad*⁵, stating, "Though *Miranda* requires that the unwarned admission must be suppressed, the admissibility of any subsequent statement should turn in these circumstances solely on whether it is knowingly and voluntarily made."⁶

Further, the Court of Appeals erred in holding that the absence of an interrogation foreclosed petitioner's claim that the jailhouse statements should have been suppressed as fruits of the statements taken from petitioner at his home. First, there is no question that the officers in this case deliberately elicited information from the petitioner. Indeed, the officers, upon arriving at petitioner's house, informed him that their purpose in coming was to discuss his involvement in the distri-

bution of methamphetamine and his association with certain charged co-conspirators. Because the ensuing discussion took place after petitioner had been indicted, outside the presence of counsel and in the absence of any waiver of petitioner's Sixth Amendment rights, the Court of Appeals erred in holding that the officers' actions did not violate the Sixth Amendment standards established in *Massiah*⁷, and its progeny.⁸

The Court of Appeals did not reach the question whether the Sixth Amendment requires suppression of petitioner's jailhouse statements on the grounds that they were the fruits of previous questioning conducted in violation of the Sixth Amendment deliberate-elicitation standard. The United States Supreme Court declared, "We have not had occasion to decide whether the rationale of *Elstad* applies when a suspect makes incriminating statements after a knowing and voluntary waiver of his right to counsel notwithstanding earlier police questioning in violation of Sixth Amendment standards. We therefore remand to the Court of Appeals to address this issue in the first instance."⁹

One argument addressed in an *Amicus Curiae Brief to Fellers*¹⁰ basically asks "whether an initial violation of *Massiah* prevents the admission of a subsequent confession that was taken after a valid *Miranda* waiver. This fruit of the poisonous tree, (see Nardone¹¹) analysis is premised on the assumption that the arresting officers violated *Massiah* when they told Fellers that they wanted to talk about his involvement with the drug conspiracy. It is worth noting, however, that it is far from clear that Fellers' *Massiah* rights were in fact violated. Under *Massiah*, the admissibility of a post-indictment statement turns on whether it was deliberately elicited from the accused by the police, absent a valid waiver of the right to counsel. *Amicus* argues that an initial *Massiah* violation should not cause the suppression of a subsequent voluntary confession under the fruit of the poisonous tree doctrine."¹²

In addition, the conclusion that *Massiah* does not bar a sub-

sequent valid confession stands on another premise, that an indicted defendant can be interrogated by the police without the presence of defense counsel if the defendant gives a valid *Miranda* waiver. Since *Miranda* warnings inform the defendant of his right to counsel, a valid *Miranda* waiver will also validly waive any *Massiah* right to counsel (see *Patterson*¹³). As the second confession satisfies *Massiah* as well as *Miranda*, the only question is whether an initial *Massiah* violation requires suppressing this otherwise valid admission of guilt. *Amicus* argues that the answer is “no.”¹⁴

The fruit of the poisonous tree doctrine is an extension of the exclusionary rule. Under the exclusionary rule, evidence taken through means that violate the Fourth Amendment is excluded in order to deter future constitutional violations (see *United States v. Calandra*¹⁵). The exclusion of relevant, reliable evidence comes at a high cost to society (see *Stone v. Powell*¹⁶). The fruits doctrine goes one step further, extending the exclusionary rule to evidence taken in a constitutional manner but somehow tainted by a prior constitutional violation, making an already costly doctrine even more expensive.

This Court appreciates the high cost of this doctrine. “The core rationale consistently advanced by this Court for extending the exclusionary rule to evidence that is the fruit of unlawful police conduct has been that this admittedly drastic and socially costly course is needed to deter police from violations of constitutional and statutory protections.” (See *Nix*¹⁷.) Therefore, the fruits doctrine is applied practically rather than mechanically. Any application of the fruits doctrine must consider the context of the initial constitutional violation and the derivative evidence under attack.

What should the prudent officer do in these types of situations? This Court has accordingly decreed, “Whatever else it may mean, the right to counsel granted by the Sixth and Fourteenth Amendments means at least that a person is entitled to the help of a lawyer at or after the time that judicial proceedings have been initiated against him – whether by way of formal charge, preliminary hearing, indictment, information, or arraignment.”¹⁸ (See *Brewer*¹⁹.)

The Eighth Circuit Court held that the police had no obligation to advise petitioner of his right to counsel because they did not interrogate him, but this was under a Fifth Amendment *Miranda* analysis that the accused has the right to remain silent. The question presented accordingly relates to whether the police, upon contacting an indicted criminal defendant to conduct an interview about the charged offenses, should advise the defendant of this right to counsel.

The Court of Appeals held that petitioner’s waiver of his Fifth Amendment *Miranda* rights prior to making incriminating statements, per se, cured any prior violation of petitioner’s Sixth Amendment rights, without regard to whether petitioner’s statements would otherwise be regarded under the facts and circumstances of the case as the excluded fruits of his earlier, unlawfully elicited statements. At a broad level of generality, the second question presented concerns the relationship between *Miranda* warnings and the right to counsel.

More specifically, and assuming with respect to the first question presented that officers violated petitioner’s Sixth Amendment right to counsel in their initial, post-indictment interview, the second question addresses whether and when such a violation taints subsequent statements or alternatively is cured by a *Miranda* warning.

Under a Fifth Amendment *Miranda* analysis, once the cat is out of the bag, confession is obtained in violation of the Fifth Amendment, a subsequent confession obtained after a Fifth Amendment waiver of rights can cure the first unlawful confession.

Under a Sixth Amendment analysis, *Fellers* provides law enforcement officers with guidance in that their contact with individuals where judicial proceedings have been initiated against them – whether by way of formal charge, preliminary hearing, indictment, information or arraignment (and even arguably with the case at hand, of an arrest warrant being issued) – must give these persons notice that they are entitled to assistance of counsel per the Sixth Amendment and no interrogation should take place unless and until the person makes an explicit waiver of their right to counsel. With such an explicit Sixth Amendment waiver, along with the Fifth Amendment waiver against self-incrimination, officers should be able to interrogate such persons without fear of the harsh penalty of losing such critical evidence upon challenge.

1 24 S.Ct. 1019 (2004)

2 *Miranda v. Arizona*, 86 S.Ct. 1602 (1966)

3 *Patterson v. Illinois*, 108 S.Ct. 2389 (1988)

4 124 S.Ct. 1019, 1022 (2004)

5 *Oregon v. Elstad*, 105 S.Ct. 1285 (1985)

6 124 S.Ct. 1019, 1022 (2004)

7 *Massiah v. United States*, 84 S.Ct. 1199 (1964)

8 124 S.Ct. 1019, 1023 (2004)

9 124 S.Ct. 1019, 1023 (2004)

10 124 S.Ct. 1019 (2004)

11 *Nardone v. United States*, 308 U.S. 338, 341 (1939)

12 2003 WL 22282522

13 *Patterson v. Illinois*, 487 U.S. 285, 293 (1988).

14 2003 WL 22282522

15 *United States v. Calandra*, 414 U.S. 338, 347 (1974)

16 *Stone v. Powell*, 428 U.S. 465, 490-491 (1976)

17 *Nix v. Williams*, 467 U.S. 431, 442-443 (1984)

18 2003 WL 21673769

19 *Brewer v. Williams*, 430 U.S. 387, 398 (1977)

What is the National Incident Management System?

*Shawn M. Herron, Staff Attorney III
Legal Training Section*

In February 2003, President George W. Bush mandated the National Incident Management System (NIMS) in Homeland Security Presidential Directive- 5 (HSPD-5). HSPD-5 designated the Secretary of the Department of Homeland Security (DHS) as the “principal federal officer for domestic incident management,” bearing the responsibility for coordinating all federal response efforts in a terrorist attack.

Specifically, the directive recognizes the need for the federal government to interface with state and local authorities, both for incidents of terrorism and other emergencies, and promises assistance to local governments in planning, training, purchasing equipment and conducting exercises. It gives the responsibility for the criminal investigation of terrorist incidents to the United States Attorney General, acting through the Federal Bureau of Investigation, supported by other federal law enforcement authorities, as appropriate to the specific incident.

The NIMS is mandated in Section 16 of the HSPD-5. The NIMS is expected to “provide a consistent nationwide approach for federal, state and local governments to work effectively and efficiently together to prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity.”

The following summary of the key elements of the NIMS is from the March 1, 2004, press release issued by DHS Secretary Tom Ridge.

- **Incident Command System.** NIMS outlines a standard incident management organization called ICS that establishes five functional areas – command, operations, planning, logistics and finance/administration – for management of all major incidents. To ensure further coordination during incidents involving multiple jurisdictions or agencies, the principle of unified command has been universally incorporated into NIMS. This unified command not only coordinates the efforts of many jurisdictions, but also provides for and assures joint decisions on objectives, strategies, plans, priorities and public communications.
- **Preparedness.** Responder readiness to manage and con-

duct incident actions is significantly enhanced if professionals have worked together before an incident. NIMS recognizes this and defines advance preparedness measures such as planning, training, exercises, qualification and certification, equipment acquisition and certification, and publication management. Preparedness also incorporates mitigation activities such as public education, enforcement of building standards and codes, and preventive measures to deter or lessen the loss of life or property.

- **Communications and Information Management.** Standardized communications during an incident are essential and NIMS prescribes interoperable communications systems for both incident and information management. Responders and managers across all agencies and jurisdictions must have a common operating picture for a more efficient and effective incident response.
- **Joint Information System.** NIMS organizational measures further enhance the public communication effort. The Joint Information System provides the public with timely and accurate incident information and unified public messages. This system employs Joint Information Centers and brings incident communicators together during an incident to develop, coordinate and deliver a unified message. This will ensure that federal, state, tribal and local levels of government are releasing the same information during an incident.
- **NIMS Integration Center.** To ensure that NIMS remains an accurate and effective management tool, the secretary of Homeland Security will establish the NIC to assess proposed changes to NIMS, capture and evaluate lessons learned, and employ best practices. The NIC will provide strategic direction and oversight of the NIMS, supporting both routine maintenance and continuous refinement of the system and its components over the long term. The NIC will develop and facilitate national standards for NIMS education and training, first responder communi-

cations and equipment, typing of resources, qualification and credentialing of incident management and responder personnel, and standardization of equipment maintenance and resources. The NIC will continue to use the collaborative process of federal, state, tribal, local, multi-discipline and private authorities to assess prospective changes and assure continuity and accuracy.

In other words, the NIMS requires that officers become familiar with and use the Incident Command System and the Multiagency Coordination System. NIMS also strongly emphasizes that agencies should ensure that their employees have the necessary training, qualifications and equipment to take on assigned tasks, and be appropriately credentialed. Credentialing will involve identifying appropriate standards and qualifications to ensure that responders have the minimum knowledge, skills and experience to execute necessary tasks, and eventually, providing responders with the documentation necessary to prove they have met those requirements. As an example of such a process, wildland firefighters who might work outside their normal jurisdiction go through the "red card" credentialing process, developed by the National Interagency Incident Management System, which formally documents their ability to perform certain wildland firefighting tasks.

What does all of this mean to Kentucky law enforcement? Beginning in the federal fiscal year 2005, which begins October 1, 2004, all federal agencies and departments are to make adoption of the NIMS a requirement for "providing federal preparedness assistance through grants, contracts or other activities." It is the responsibility of the DHS to "develop standards and guidelines for determining whether a State or local entity has adopted the NIMS." The standards are currently in the initial development phase, and it is unclear at this point exactly what the DHS will require to satisfy the requirements. Kentucky agencies are advised to discuss the process with their local (county) emergency management officials and, when the standards become available, determine the best way to ensure that they will meet the requirement so that their agencies remain eligible for federal preparedness grants.

The DOCJT will continue to monitor the NIMS process and will issue updates as needed.

The HSPD-5 can be found at <http://www.whitehouse.gov/news/releases/2003/02/20030228-9.html>.

The NIMS can be found at <http://www.dhs.gov/interweb/assetlibrary/NIMS-90-web.pdf>.

Governor Fletcher signs Public Safety Officers' Legislation

Justice and Public Safety Cabinet Staff Report

Governor Ernie Fletcher signed into law House Bill 570 and House Bill 572, legislation that opens the door to collective bargaining for some police officers and firefighters.

House Bill 570 grants police officers employed by a consolidated local government the right to engage in collective bargaining. House Bill 572 establishes a process for police officers and firefighters of an urban county government to belong to a union and collectively bargain.

In Congress, Governor Fletcher supported collective bargaining for police and firefighters if there were strong no-strike provisions as well as provisions that did not force individuals to join the bargaining organization.

In the current state legislation, the governor had concerns that the no-strike provisions and closed-shop provisions were not strong enough, but with a pledge from police officers to help strengthen the provisions, he signed the bills.

"This was a difficult decision, but because of my strong feelings for these committed public safety officers and the difficulties they have experienced, I have agreed, in this particular situation, to sign this legislation," Fletcher said. "I am also pleased that the Lexington Fraternal Order of Police has committed to working in upcoming legislative sessions to strengthen the no-strike provisions and ensure no one is forced to join a bargaining organization."

Chuck Massarone, president of the Lexington Fraternal Order of Police, said that the organization has agreed to help Governor Fletcher accomplish his goal of stronger no-strike provisions and prohibition of closed-shop rules.

"For years, Ernie Fletcher has been a strong supporter of police officers and public safety issues and has always been a friend of Lexington's public safety officers," Massarone said. "We appreciate his leadership and have agreed to help him accomplish his goal of stronger no-strike provisions and prohibition of closed-shop rules. Our goal is to create a more professional atmosphere for the law enforcement community, not create an opportunity to strike."

Making Way for Segway



ABBIE TANVHILL/DOCJT

Officers Jones Hiatt (left) and Roger Covell using their Segways to patrol in the downtown Lexington area. Hiatt, Covell and Paul Schmuck are currently the only Lexington officers trained to use the Segways.

National Institute of Justice

They're called Segway Human Transporters (HTs), and they've been featured on the news, advertised on Internet popup ads, and more and more, seen on city streets carrying a courier or a postal delivery person. But with the assistance of the National Institute of Justice's National Law Enforcement and Corrections Technology Center system, Segway HTs may become standard issue for law enforcement and corrections officers.

"Segway is looking at different applications where the devices could be tested, applications where people wear or carry a lot of heavy gear. That includes Army special operations as well as law enforcement bomb squads and HAZMAT teams," said Bruce Richter, program manager at NLECTC-Northwest in Anchorage, Alaska. In turn, he said, law enforcement officers are interested in using the transporters in such areas as parks, parking garages and crowded downtown streets.

Early in 2003, Michael O'Shea, NIJ's program manager for NLECTC-Northwest and a former law enforcement officer, contacted Segway regarding its evaluation program.

In May, the company sent a representative to Anchorage to demonstrate the device.

Shortly after, NLECTC-Northwest was given the green light from its advisory council to be part of the evaluation program.

In August, 10 officers from the Juneau Police Department received training on two Segways provided on loan by NLECTC-Northwest. Initially, Richter had reservations, but he quickly realized the battery-operated vehicles presented a number of advantages.

"It looks like a toy, so you don't realize its capabilities," he said. "Then, when I saw the photographs of bomb suit testing, it instantly clicked. Bomb suits sometimes can weigh about 100

pounds, and they're hot. They wear you out quickly. The Segway can get you on the scene quickly, extend your available work time and get you away quickly. It just made sense."

Richter also noted that officers on Segways wearing HAZMAT airpicks do not use up their air supply as quickly as they would if they walked to a scene. That type of physical exertion often fogs up face masks, another potential problem avoided by Segway use.

Because all the electronics on a Segway HT are sealed, it can be quickly decontaminated by washing it down after use at a HAZMAT scene.

"It has many uses for people who have to be on their feet in areas that are congested with people, such as narrow hallways and crowded streets," said Maxine Andrews, also a program manager at NLECTC-Northwest and one of three Segway HT-certified trainers on the center's team. "It respects the environment, since there are no emissions. It doesn't take months to learn how to use. I helped train the officers in Juneau, and they were out on the street patrolling almost immediately. The evening of the training, they went out and took it up the steepest hill they could find to check its performance."

Alaska law enforcement agencies quickly caught on to Segway's potential. Although the Juneau police filed the first application to participate in the Segway loaner program, after just one month of operation, NLECTC-Northwest had already received numerous other requests, including:

- Alaska State Department of Corrections for correctional facility interior patrol.
- Several large high schools for school resource officer campus patrol.
- Alaska State Troopers for parking lot patrol at the State fair.



"When police officers are on the street they usually deal with people at their worst or in negative situations. On the Segway, you get out and meet with people in positive interaction and help them out," Officer Roger Covell of the Lexington Police Department said about the benefits of Segway patrol.

- Ted Stevens International Airport in Anchorage for parking garage and terminal patrol.
- Law enforcement agencies on the islands of Kodiak and Sitka for patrol.

All of these agencies, and others, lined up to borrow the Segway HTs, Andrews said. "One agency may try them and say we have no use for them, and the next will say, yes, we want to buy them. Either way, they haven't had to spend money to find that out."

Juneau Police Department started the process by borrowing two of the three NLECTC-Northwest Segway HTs from August to October 2003. Richter said that up to five cruise ships, each carrying as many as 3,400 passengers, may dock in Juneau at the same time. "That creates so much foot traffic, it's hard to get a police cruiser through if there is an incident near the docks. Another advantage is that officers using the devices stand about eight inches taller than others in a crowd, providing them a much better view of their surroundings."

While Juneau had two Segways to test, a third moved around to other interested agencies. However, no agency gets a Segway until officers from the agency take a formal four-hour training course on its use.

"Training is designed to give you the tools to understand the capabilities of the machine and help you avoid the ways that you can get yourself into trouble with it," Richter said. "It's easy enough to get a false sense of confidence after using it for only a few minutes; you think you know how to move it. What you really know is just enough to get yourself into trouble."

Richter said problems commonly encountered include maneuvering too close to an object — so the sidewall runs up against it and the Segway attempts to climb the object — or trying to turn too quickly, given its tight turning radius.

"After officers take the training, they become extremely excited after seeing what the devices can do," Andrews said. "They might have thought they couldn't use it, but now they can see all kinds of applications. For example, you could use it to patrol at a street fair and not be exhausted from walking if, late in a shift, you're called on to give chase.

"You also could be at one end of that street fair, or at one end of an airport, and get a call that a defibrillator is needed at the other end." According to Andrews, early reports from officers at Anchorage's airport show that an officer carrying such equipment on a Segway could beat officers on foot to the other end of the terminal by as much as two minutes — critical time for someone suffering a heart attack — and arrive with plenty of "wind" to start CPR, if necessary.

Segway HTs have a range of about 12 miles on currently available batteries. "We don't expect an officer to typically use it for an entire shift, just for a few hours here and there," Richter

See Human Transporters, page 74

Human Transporters: Already in use at some agencies

said. The device needs about four to six hours for a complete recharge. Lithium batteries, which will be available soon, will double the range of the device. All-terrain tires could also improve winter operation.

However, many of the Alaskan agencies appear more interested in using it indoors than in deep snow, and coastal areas like Juneau typically receive more rain than snow. Richter said agencies interested in buying their own Segways after trying out the NLECTC–Northwest loaners can apply for U.S. Department of Homeland Security grant funds to pay for the devices, which cost around \$5,000 each.

In addition to police and corrections agencies in Alaska, evaluations of Segways arranged through NIJ and the NLECTC system have been conducted by police departments in Annapolis and Montgomery County, Maryland,

and Syracuse, New York, and by the sheriff's office in Los Angeles County, California, for the local transit system. The device will also be evaluated by Port Authority Police at John F. Kennedy International Airport in New York and by school safety officers across the country.

For more information on the Segway Human Transporter loaner and evaluation program in Alaska, contact Bruce Richter at bruce.richter@ctsc.net or Maxine Andrews at maxine.andrews@ctsc.net. Both can be reached by telephone at (866) 569-2969. For more information about the program elsewhere in the United States, contact Michael O'Shea, (202) 305-7954 or osheam@ojp.usdoj.gov.

This article was reprinted with permission from TECHbeat, a publication of the National Law Enforcement and Corrections Technology Center.

Lexington Adds Segways to Patrol Units

*Abbie Tanyhill
Public Information Officer*

The Lexington Police Department is the first agency in Kentucky to use Segways. The Lexington agency obtained two of the human transporters in December 2003 and recently obtained a third through contributions from local businesses and corporations, and have three officers trained to use them.

Chief Anthony Beatty first saw Segways in Atlanta about two years ago and thought they would be helpful in downtown Lexington to assist the officers then on bike and foot patrols. Downtown corporations desired to help the police department by supplying the funds to purchase the Segways.

"We saw the Segways as a good impetus for fostering relations with the downtown community," said Capt. Steve Stanley who is in charge of patrol. "We envisioned their use downtown daily and especially with large events such as the Sweet 16 for large crowd control." The officers that patrolled on the Segways during the tournament attracted plenty of attention and interest from the public.

"It is important to encourage interaction between the public and the police," Stanley said about one major benefit offered by Segway use. "We need to let people know that officers are just like you and I; they're approachable, not just an authority off in the distance," Stanley stressed.

Lexington did not use the Segways daily in the downtown area immediately as planned, due to budget constraints and manpower deficits. However, the officers are now patrolling the downtown area

daily on the transporters.

The Rural Law Enforcement Technology Center in Hazard also has five Segways, three that they have deployed out to various agencies throughout the country, one that is part of the mobile technology demonstrator that has been taken to 67 law enforcement agencies in the past year and one that is on display at the center. Rod Maggard, RULETC director, said that the center has been approached about local deployments as well.

"The Kentucky State Police have asked to borrow one for the State Fair and Sheriff Keith Cain has asked to use one for the festival there," Maggard said referring to Owensboro's International BBQ Festival. The public, school groups and law enforcement agencies are able to come to the Hazard center and try out the Segway. "We've demonstrated it to more than 1,000 people since we've had it," Maggard said.

The Rural Law Enforcement Technology Center purchased the Segways in order to deploy them to different agencies and gain feedback through daily reports about how they are being used in the department, how they are liked, and the positives and negatives to their usage. This information will be used by the National Institute of Justice to form a report on the uses of Segways in rural Kentucky. "I know they're good for law enforcement. For big festivals and parades they are a cheap, easy mode of transportation. I really hope they catch on," Maggard said.

Kentucky Becomes Compliant with Nationwide Electronic Criminal Records System

Justice and Public Safety Cabinet Report

Kentucky has become compliant with the Interstate Identification Index, a program that allows for the immediate exchange and sharing of criminal history records with other states and the FBI.

The program, also known as Triple I or III, is the national system designed to provide automated criminal history record information. More than 40 million persons' criminal records are already accessible through this cooperative federal and state effort. For Kentucky, this means the state police can provide a criminal record within seconds of a request transmitted over the FBI's National Crime Information Center (NCIC) network to III.

"Becoming III compliant allows the state police to quickly manage detailed information, which makes more efficient use of manpower and other resources," said Lt. Gov. Stephen B. Pence, who acted as commissioner of state police in the early days of the administration. "This real-time sharing of data means we can make better decisions and take the appropriate action based on that current information."

Michael Kirkpatrick, the assistant director in charge of the Criminal Justice Information Services Division at the FBI, said that by joining the program, Kentucky is contributing to the goal of providing the most accurate and up-to-date criminal history record information nationwide.

"The FBI welcomes Kentucky's III participation and applauds their efforts related to this significant

information sharing initiative," Kirkpatrick said.

Kentucky's participation in the Interstate Identification Index ends phase three of the multi-phased Computerized Criminal History (CCH) project. Phases one and two implemented the Commonwealth's new CCH system, which set the stage for joining Triple I.

"With each state shouldering the responsibility for maintaining and disseminating their own criminal records, Triple I has the potential to provide more detailed information to justice professionals throughout the nation in a more efficient manner," said state police Cpt. Alecia Webb-Edgington, commander of the Criminal Identification & Records Branch.

Triple I sets the stage for Kentucky to participate in the National Fingerprint File, which allows states to maintain their own fingerprint records while still sharing criminal justice information with federal and state law enforcement officials around the country.

The Interstate Identification Index and the Computerized Criminal History Project (CCH <http://kentucky.gov/Newsroom/GOT/computerized%2Bcriminal%2Bhistory.htm>) are

part of Kentucky's Unified Criminal Justice Information System (UCJIS <<http://ucjis.ky.gov>>), a project spearheaded by a team comprised of representatives from the Justice and Public Safety Cabinet, Governor's Office of Technology, Kentucky State Police and numerous additional criminal justice entities.

"The FBI welcomes Kentucky's III participation and applauds their efforts related to this significant information sharing initiative."

Michael Kirkpatrick

A CapWIN-Win Solution

National Institute of Justice

Spanning the Potomac River just south of Washington, D.C., the Woodrow Wilson Bridge handles tens of thousands of vehicles every day. The bridge is part of the Interstate-95 corridor that carries traffic along the East Coast from Maine to Florida and part of the Capital Beltway that carries commuters between their homes and their jobs in Virginia, Maryland and the District of Columbia.

In 1998, a man threatening to jump from the bridge into the Potomac River closed the bridge for more than five hours, bringing traffic in the region to a standstill. Incompatible communication equipment prevented emergency personnel from different jurisdictions on the scene from being able to communicate with each other. This communication gap resulted in confusion and unnecessary delay in resolving the incident and the traffic problems.

Unfortunately, this was not an isolated incident. In the Washington, D.C., metropolitan region, public safety personnel responding to a critical incident involving multiple jurisdictions are often hampered by an inability to communicate directly with other agencies.

To address this communications gap, officials from Maryland, Virginia and the District of Columbia launched the Capital Wireless Integrated Network (CapWIN) in 1999. Initially the U.S. Department of Transportation and the National Institute of Justice's AGILE Program, which helps local and state public safety agencies address interoperability issues, funded the program.

The goal of the CapWIN project is to create the first integrated multi-state transportation and public safety information wireless network in the United States. Once completed, CapWIN will allow police officers, firefighters, transportation officials and other emergency personnel to communicate directly with each other during a critical incident using standard laptops. As a result, personnel from different agencies will be able to develop a coordinated response to an incident.

The idea behind the program "is to allow different [public safety and transportation] agencies to communicate and to set up a logical means of doing it," said John Binks, the CapWIN training manager at the University of Maryland's Center for Advanced Transportation Technology.

IBM, the primary integrator on the project, will build the network with off-the-shelf components and provide an open-standard interface to allow participating agencies to communicate with each other using their existing equipment.

"It's much better than trying to get three states to throw away all of their equipment and [then] spend more money on the same type of equipment," Binks said. CapWIN will also provide mobile computing capabilities for agencies that currently have none.

Using a standard laptop mounted in a police cruiser or fire truck, users will be able to log on to the CapWIN system using a Web browser. Once logged on to the network, they will be able to see which other agencies are logged on using a global directory and instant-message those other users. They can also enter chat rooms set up for a specific incident to find out the latest information.

Law enforcement users will be able to access crime databases in all three jurisdictions, which, Binks said, is "groundbreaking.... It's a big deal to have three different states working together" and sharing sensitive information. Typically, when a police officer pulls over a car and runs a check on the driver's identification, the officer is able to obtain information only from the National Crime Information Center, which is a national crime database, and the crime database in his or her jurisdiction. The officer may find no outstanding warrants for the person in that state. CapWIN will allow the officer to view the crime databases in all three jurisdictions, potentially alerting the officer that the person is wanted in another state. The agencies determine

how much information they want to share from their databases and who can access it, Binks said.

According to NIJ program manager Tom Coty, agencies will be sharing "even hot files with each other like warrants and criminal records, and other information they normally wouldn't share." As a result, CapWIN "will provide much more powerful information for any participating agency in the D.C. area," which will make police officers "safer and more informed," Coty said.

CapWIN has already proved on a small scale that it can do what it was designed to do. In 2001, project staff conducted a pilot project in which 22 laptops were mounted in police, transportation and fire vehicles in the three jurisdictions to determine if messaging between the vehicles was possible. "The idea was to see if we could get some limited technology to communicate back and forth," Binks said. With the use of the Alexandria (Virginia) Police Department's messaging switch, the vehicles were able to interface and transfer information from one agency to another.

The next step in the process, according to Binks, is to conduct beta testing to learn which aspects of the network are working well and which need to be modified. In fall 2003, personnel from 16 agencies received training at the CapWIN Training Center on how to use the CapWIN network interface. Next, Binks said CapWIN plans to put 56 laptops in vehicles in target areas for about three months of testing. After testing is completed, Binks said the project will be ready to go into full production.

In addition to beta testing, Binks said CapWIN and IBM are working on an interface for personal digital assistants. This interface will allow motorcycle police, police on foot patrols and horseback, and police in helicopters to use PDAs as officers in patrol cars will use laptops to access criminal databases and run background checks or send instant-messages to personnel from another agency. Binks said local agencies have already asked about the PDA interface "pretty aggressively."

Currently, about 35 agencies in the D.C. metropolitan region are involved with CapWIN. Binks expects that number to grow because CapWIN receives daily inquiries about the project and staff are invited to appear at conferences across the nation to speak about the project.

For agencies in the D.C. metropolitan area that are interested in becoming involved with CapWIN, Binks said, "All they have to do is call us."

NIJ's Coty predicted that, if successful, CapWIN will have national implications.

"What we will get out of this is a model that can be replicated, that details how to develop the partnerships and cooperation among the many different agencies, and that leverages as much of the existing technology as possible."

Binks added that a requirement of the CapWIN project is to develop a national model that other states can adopt. To that end, a full-time standards manager is responsible for providing documentation on everything the project has done so it can be easily replicated.

"That's the unique aspect of coming through a university and being grant funded. People can learn from what we've done," Binks said. "We're not selling anything, we're trying to solve a problem."

For more information about the Capital Wireless Integrated Network project, call (301) 614-3700 or visit the CapWIN Web site at www.capwin.org or contact Tom Coty at the National Institute of Justice, (202) 514-7683 or coty@ojp.usdoj.gov.

This article was reprinted with permission from TECHbeat, a publication of the National Law Enforcement and Corrections Technology Center.

Cyberops in Training

National Institute of Justice

It's called electronic crime, or e-crime. The weapon can be a computer, the scene of the investigation can be a hard drive, and the perpetrators and victims can be thousands of miles apart. It can involve identity theft, financial misappropriation, privacy invasion, child pornography or intellectual property theft. It can render law enforcement agencies helpless.

Since the information technology revolution began, law enforcement has faced the growing problem of cybercrime, but a lack of resources and trained personnel has put many agencies behind the curve.

Along with trained personnel to investigate such traditional crimes as murder, arson, theft, and assault, law enforcement needs "cyber cops" to fight electronic crime.

"To meet this growing need for trained personnel, the Cyber-Science Laboratory (CSL) at the National Institute of Justice's National Law Enforcement and Corrections Technology Center (NLECTC)-Northeast and its e-Crime Intern Program in Rome, New York, are providing college and high school students with a unique opportunity to gain knowledge and hands-on experience in the field of cyberscience in the law enforcement community," said NLECTC-Northeast's Robert DeCarlo, Jr., who is an economic crime specialist with CSL. "The foundation of this program is a joint venture between academia and both the public and private sectors in an effort to expose students to a challenging experience in support of cyberscience developments."

"One of the things that I like to emphasize is that we're trying to help these young people find productive, meaningful jobs," DeCarlo said. "We want to get them involved in the area of e-crime and encourage them to make it their specialty in law enforcement or private industry, as a computer forensics analyst or similar occupation. The goal is to get them involved in the field and have them stay in it."

DeCarlo explained that CSL creates internships in which "students do more than file papers. They perform full-time, productive work, which could include heading up a special project or making a key presentation. Projects vary according to CSL's needs, but often include testing and tool assessments."

"For example," DeCarlo said, "one of the interns [Roseanne Comito] who I mentored tested a steganography detection tool.... She wrote a detailed assessment for the vendor and the vendor used it to refine the tool."

Steganography is the art of hiding data within a computer graphic or file. Comito used her knowledge of steganography on another project, working with a group of gifted middle school students who were part of the Discovery Channel's 2002 Young

Scientist Challenge competition. For more information about Roseanne Comito's project and the Young Scientist Challenge can be found at <http://access.ncsa.uiuc.edu/Stories/Detectives/>.

Comito's project involved middle school students. Another CSL internship program conducted during summer 2003 offered high school students workplace experience and allowed them to create a course about cybercrime for other high school students.

"They talked to the staff and got a feel for the workplace," said Andrea Belmont, an electronic crime specialist with CSL. "They chose to create a Web site to showcase the course," which focuses on information assurance and cybersecurity, or ways to protect network data and systems.

Both the high school and college interns receive wages based on their experience, DeCarlo noted. This experience plays a key role in whether they are selected to participate in the program. DeCarlo, Belmont and others review the resumes submitted each semester and select qualified students.

"When we look at resumes," DeCarlo said, "we primarily look for someone who is studying criminal justice, information technology or computer science; who is interested in cybercrime; and who wants to stay in the field as a career." Belmont added that although there is no set grade-point standard, students must be in good academic standing and

receive a recommendation from an instructor. Many applicants learn about the internship program from their instructors who urge them to apply.

Schools that have participated in the intern program include Utica College, Syracuse University, University of Miami, Florida Atlantic University, George Mason University, Carnegie Mellon University, Dartmouth College, Stanford University, State University of New York Institute of Technology, Hilbert College, Cornell University, Columbia University and John Jay College of Criminal Justice.

DeCarlo pointed out that interns do not have to relocate to upstate New York for a semester. CSL can place interns with U.S. Secret Service e-crime task forces across the country. He said that any college that would like to take part in the program should call him. "We'll talk and figure out if they have programs we can draw from," he said.

This article was reprinted with permission from TECHbeat, a publication of the National Law Enforcement and Corrections Technology Center.

"The foundation of this program is a joint venture between academia and both the public and private sectors in an effort to expose students to a challenging experience in support of cyberscience developments."

Robert DeCarlo Jr.

TECH

Law Enforcement Support

Keeping Trak

Government Technology (03/04) P. 46; McKay, Jim

Last May, the Mississippi Department of Corrections (MDOC) started installing a corrections management system to help improve prison operations. The initial phase of the Offendertrak system from Motorola concentrated on the commissary software, while the second phase, begun in December, automated the total incarceration and movements of inmates. Numerous tasks that prison employees once did by hand to oversee inmate "bank" accounts are automated, reducing the number of employees required and doing away with time-consuming procedures that taxed the former commissary system. The system's bigger job of managing offenders has simplified the MDOC's operations. As with the initial phase, the second phase was made up of automated procedures that previously mandated physical labor and paper transactions. Phase II is expected to create previously unavailable communications between the 3,500 corrections officials in the Mississippi prison system. When a facility now makes a move, such as transferring an inmate, for instance, everybody will be aware of it. www.govtech.net/magazine/story.php?id=89566

Technology Helps Find Missing Kids

PC Magazine (03/05/04); Ulanoff, Lance

The National Center for Missing and Exploited Children (NCMEC) has implemented a new online system to expand the scope of the Amber Alert program. Amber Alerts work on a state-by-state basis to spread information about missing children to the public during the first 48 hours of a child's disappearance. Now, the Missing Kids Online Alerts (MKOA) utility, a free online service commissioned by the NCMEC and developed by Webroot Software, contains a complete database of all missing children and alerts people in specific localities when a child is reported missing in their area. One of the key elements in the MKOA system is its use of digital photographs of the children to help give users a clear idea of what to look for. NCMEC figures show that one in six missing children whose picture is shown to the public is found. The MKOA utility, with only one window and three basic functions, was designed to be simple enough for those who may not be technologically savvy. The service updates users regularly on the latest alerts and allows them to search through the entire backlog of alerts and photos, link to the NCMEC's website, and receive contact information for local police. According to Webroot, more than 100,000 MKOA utilities nationwide have been in use since the system was launched on January 4. abcnews.go.com/sections/scitech/ZDM/amberalert_online_pcmag_040305.html

Computers, the Suspect at the New Lab

Denver Post (03/15/04) P. B1; Gonzales, Manny

Law enforcement agencies in the Denver, Colo., metropolitan area will join FBI agents in staffing a new high-tech, regional computer forensic lab that will be used to gather evidence from the computers of suspects involving murder, child molestation, rape, child pornography, domestic violence, robbery and fraud. As many as 15 forensic examiners, including four who are FBI agents, are expected to work in the 18,000-square-foot facility, which cost the federal government \$2 million to build. Moreover, the federal government will contribute \$1 million annually to update equipment, software and training. Slated to open within a year, the new federal lab will be used to investigate 200 to 300 FBI cases a year across the state and Wyoming, and the facility also will be used to perform counterterrorism duties. "Almost every crime we see involves computer or digital evidence," says Phillip B.J. Reid, special agent in charge of the FBI's Denver division. The computer forensic examiners will use regular computers and software only available to police to gain a copy of a suspect's hard drive, which will yield a trail of e-mails, photographs, video, Web sites visited and other information stored in PCs. These days, experts have been called on to gather evidence from hand-held and Global Positioning System devices as well. www.denverpost.com/Stories/0,1413,36%257E53%257E2018057,00.html

Jupiter Police Purchase New Tracking System

Jupiter Courier (03/17/04) P. A1

The Jupiter, Florida Police Department recently received a Law Enforcement Block Grant Award to purchase the AFIX Tracker Fingerprint System that allows officers to compare latent finger and palm prints lifted from crime scenes to those belonging to criminals already in the department's database. Most felony offenses are committed by repeat offenders. The majority of existing prints have already been uploaded to the new system. www.tcpalm.com/tcp/jc_local_news/article/0,1651,TCP_1114_2734666,00.html

Cops Add Shocking Weapon

Noblesville Ledger (TN) (03/19/04) P. 1A; Hensley, Joanna

Police departments in Indiana are turning to Tasers as alternatives to physical restraint, which firearms instructor Jon Robison says is more dangerous to both suspects and officers. Many departments want each officer to carry one on a regular basis, and Robison says that officers would have to agree to be shocked once by the device before accepting them so that they would understand the impact. Tasers deliver an electric shock that overrides nerve impulses and interrupts brain signals, causing the suspect to drop to the ground; it does cause intense pain during the shock, but has no residual effects like pepper sprays or Mace. Westfield Police Chief Bryan Foster, who converted to Tasers after viewing a demonstration of a new model, told Westfield town councilors that the devices are good tools for officers on road patrols, and he intends to purchase two or three per year until every officer has one. The new model fires two hooked contact points on long coiled wires, is accurate to 21 feet and can also apply a shock to nearby suspects without the cartridge that shoots the contacts. The Tasers record the time, length and date of every shock administered. www.thenoblesvilleledger.com/articles/2/026405-9102-139.html

State Has New Robot to Tackle Bomb Duties

Omaha World Herald (03/12/04) P. 2B; Hammel, Paul

The Nebraska State Patrol's bomb squad recently received a high-tech \$158,000 robot that is capable of responding to and disabling bombs. Federal homeland security funding helped pay for the robot and will also help pay for two other robots that will see duty in the state of Nebraska. Those robots are expected to be received by June and will be placed with the Lincoln Fire Department and the Omaha Police Department's bomb squad. The State Patrol's robot features four video cameras, a telescoping arm, microphones, multiple lights, and two high-pressure water pistols that can be used to destroy bombs. In addition, the fiber-optic-controlled robot has a range of 2,500 feet, can operate via batteries for three hours and is capable of being outfitted with a shotgun. The 800-pound robot, known as the Mark V, is made by Knoxville, Tenn.-based REMOTEC. The Mark V can also be useful in hostage situations and chemical spills, according to the head of the State Patrol's bomb squad. www.omaha.com/index.php?u_pg=1638&u_sid=1033183

Cameras Give Park the Once-Over

Los Angeles Times (03/11/04) P. B3; Martinez, Arlene

The Los Angeles Police Department has installed seven surveillance cameras in MacArthur Park, monitoring them five hours per day to find drug dealers, purchasers and users. The cameras can be remotely controlled, and are monitored by Officer Christine Labriola, who can radio bike and foot patrol units when she spots something suspicious. They have been in use since January, and Officer Mark Hubert says there have been 51 arrests since the cameras debuted — almost all related to narcotics. The first three months of 2003 saw 26 shootings, 234 robberies and 600 major assault crimes in the park, and thanks to the cameras and more patrolling, the totals were 13, 202 and 544 respectively this year. The department uses cameras in other areas to deter graffiti vandals and maintain security. International Association of Chiefs of Police project manager Grady Baker said that only a few U.S. police departments use cameras for virtual patrols, mainly because of cost. The MacArthur Park cameras and software were donated by General Electric and Hamilton Pacific. Chicago, New Orleans and the District of Columbia also use cameras. www.latimes.com/news/local/la-me-cameras11mar11,1,6501891.story

Camera Phones Catching Criminals

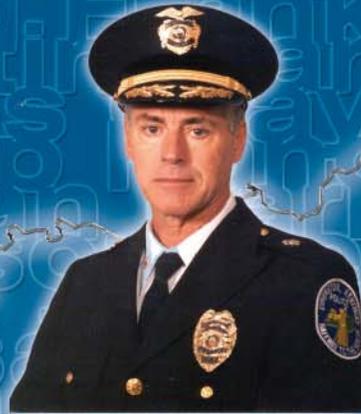
Associated Press (03/13/04); Niese, Mark

Cell phones that take pictures are increasingly helping law enforcement agencies identify, capture and prosecute criminals. Not only can officers gain insights into crimes through pictures taken by victims on their camera phones, but using a new service offered by Nextel, officers themselves can employ camera phones to access the national criminal database or receive mug shots of suspects. Officers cite several cases, including attempted abductions, robberies and other such situations, where victims or witnesses have used their camera phones to take pictures of the perpetrators or of the crime. Although they acknowledge that the rising use of camera phones to catch victims brings with it a slew of new legal issues, including possible violation of wiretap laws, law enforcement officials say cell phones that take pictures are having a real impact on their ability to fight crime. www.ap.org

Department Call

Covington Police Department
One Police Memorial Drive
Covington, Ky. 41014
(859) 292-2220

County: Kenton
Current Force: 116 sworn, 127 total
Coverage Area: 14 square miles
Founded: January 4, 1883
Class: Second Class City



Chief of Police Thomas Schonecker

Kentucky Law Enforcement News

Department of Criminal Justice Training
Kentucky Justice and Public Safety Cabinet
Funderburk Building
Eastern Kentucky University
521 Lancaster Avenue
Richmond, KY 40475-3102
615-010

Non-Profit Org.
U.S. Postage
PAID
Richmond, KY
PERMIT NO. 2