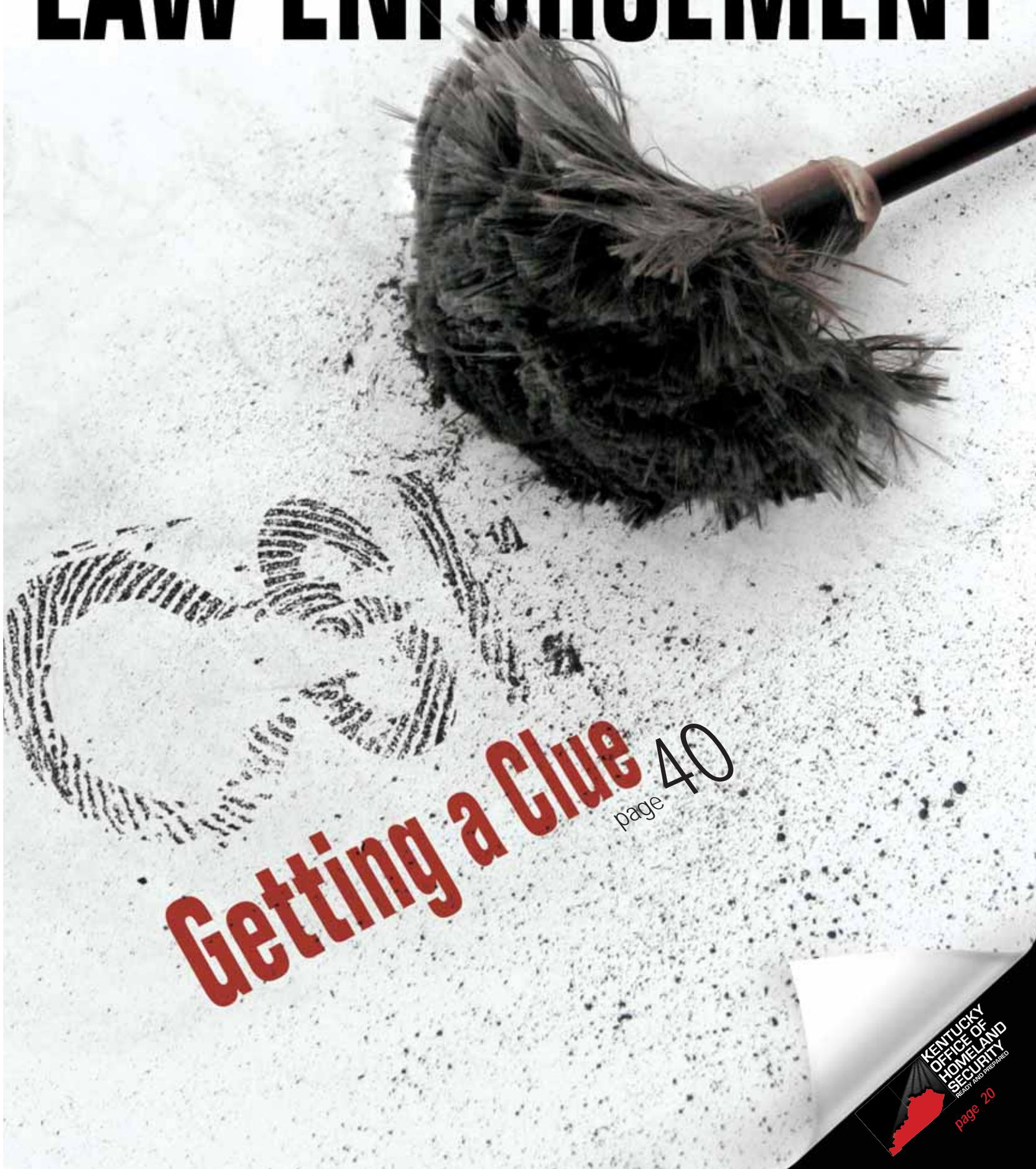


# LAW ENFORCEMENT



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KENTUCKY

# LAW ENFORCEMENT

**Ernie Fletcher**  
Governor

**Norman E. Arflack**  
Justice and Public Safety  
Cabinet Secretary

**John W. Bizzack**  
Commissioner

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community.

### Staff:

Dave Wilkinson, Editor  
Diane Patton, Coordinator  
Abbie Darst  
Jamie Neal  
Amicheli Salyer  
Elizabeth Thomas

### Contributors:

Edliniae Sweat



Address all  
correspondence to:  
KLE Staff  
Funderburk Building  
521 Lancaster Avenue  
Richmond, KY 40475  
DOCJT.KLENN@ky.gov

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



## Shifting Paradigms

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

**T**he term paradigm refers to the accepted model of an existing practice. Paradigms are the way we perceive the world surrounding us, based on our vision or our own version of reality. For instance, all cars should drive on the right side of the road. Paradigms provide us with a valid set of expectations based on our perceptions. When we are in the midst of a paradigm, it is difficult to perceive any other reality.

But paradigms shift. The shift occurs when a sufficient number of people agree that the old ways fail to solve important problems, and that new solutions are required. A shift in paradigm requires change. Of course, not everyone embraces the change required by a new paradigm. Some remain committed to the old ways, and they fight change.

For example, who comfortably predicted 10 years ago that police leadership, preparedness, perspective and the fundamental methods of law enforcement would be drastically affected by one event: 9/11? The police community across the nation is still coming to grips with the drastic shift in priorities. The police paradigm dictating what was important in 2000 is not the same model we follow today.

In the private sector, failing to shift before or with paradigms often results in economic ruin. In the public sector, paradigm shifts often take longer, making the recognition and grasp of the importance of a shift even more difficult.

In 1962, Thomas S. Kuhn proposed in "The Structure of Scientific Revolution," a new way of looking at change. Historically, he argued, advances in science came about because scientists looked at problems in new ways, providing solutions not previously perceived. In essence, each generation solves problems not because those problems have changed, but because they attack old problems in new ways. Their paradigm has shifted, leading to new solutions.

Unfortunately, some solutions are obstructed by a failure to see beyond the current scenario and identify a paradigm shift. Consider the watch industry in the 1970s. Switzerland, long the world leader in watch production and sales, invented the first quartz watch prototype. Completely failing to recognize the implications, the Swiss continued to pursue their old paradigm of

refining watch gears and springs. Japan, recognizing the change in the watch-making paradigm, seized on the quartz watch idea and now dominates the world's watch market.

Other examples abound:

- Xerox's failure to see the opportunities for the personal computer
- Apple's failure to see the value of a windows operating system
- Japan's failure to perceive the value of a 5-inch CD disc over the 12-inch disc that matched the LP albums of the day.

It is said more technology has been developed in the past 50 years than in the previous 5,000 years. Change will undoubtedly accelerate even more remarkably in the 21st century. Daily paradigm shifts take place and affect all dimensions of management, leadership and our personal lives.

In real life, organizations and the people who staff them must be capable of examining old problems with new eyes. A shift in paradigms can be created by a small number of people with open minds, people willing to take their lives and their professions in new directions and question old assumptions. New thinking leads directly to personal and professional paradigm shifts and increases the likelihood that a new paradigm can become rooted and grow within an organization, tossing aside old problems that may have stymied operations for years.

In the field of policing and homeland security, a new paradigm has basically bullied its way into place. What we formerly considered to be of primary importance is now often secondary to the need to be prepared.

Change is difficult and people often traditionally resist change. However, change is an integral part of all our lives, and changes in paradigms occur regularly. The ability to adapt and the ability to survive, all begin in each individual's mind, in your mind. J

A handwritten signature in cursive script that reads "John Bizzack".

# DOCJT Named Flagship Agency

Kentucky academy becomes first training academy in the nation to be named a CALEA Flagship Agency

by Jamie Neal, Public Information Officer

The Department of Criminal Justice Training became the first law enforcement training academy in the nation to be designated as a flagship agency by the Commission on Accreditation for Law Enforcement Agencies at CALEA's summer conference July 29 in Lexington.

"It is an honor to be recognized by CALEA as a flagship agency that is setting a positive example for others," said David Hobson, accreditation manager for DOCJT. "Such an accolade symbolizes that we are excelling in our effort to provide the best training possible to Kentucky law enforcement, and that is what we want to continue doing."

DOCJT, which in 2003 became the first public safety training academy in the nation accredited by CALEA, also received its reaccreditation during the four-day conference.

A CALEA Flagship Agency represents an extraordinary example of excellence in an accredited public safety training or public safety communications academy that has been reaccredited at least once or a law enforcement agency that has been reaccredited at least twice.

The program was created in 2004 to acknowledge the achievement and expertise of some of the most successful CALEA-accredited public safety agencies and to present those agencies as examples to assist others, according to CALEA.

Flagship agencies are those that have demonstrated proficiency with meeting CALEA's standards.

DOCJT has done so "in such a way that it was exemplary," CALEA Executive Director Sylvester Daughtry said.

"We want them, since they have mastered this, to share with others," he said.

DOCJT has been assisting other agencies in working toward CALEA accreditation since it

became accredited, including the Ohio Peace Officer Training Academy, the Knoxville Police Department's academy, Louisville Metro Police Department's training academy and the Northern Virginia Criminal Justice Academy, DOCJT's Hobson said.

"A number of CALEA standards can be difficult to comply with, particularly for academies new to the process," Hobson said. "DOCJT has always worked with academies seeking accreditation."

DOCJT was among 12 agencies from eight states that were named flagships at the Lexington conference.

Aside from DOCJT, the Lexington Police Department is the only Kentucky flagship, and it is designated under the law enforcement agency category.

DOCJT is also the only CALEA-accredited training academy in the Commonwealth.

"The academy facilities and staff are the best of the best but they continue to find new ways to improve their curriculum to meet the changing needs of their clients in law enforcement," Susan Maycock, the lead reaccreditation assessor, wrote in her report about DOCJT.

CALEA's 182 standards for accreditation as a public safety training academy are orga-

nized into nine topic areas. The program's purpose is to promote superior public safety training academy services and to recognize professional excellence.

"Being accredited with CALEA remains the fundamental foundation supporting the positive changes that have and continue to take place for DOCJT, and thus the Kentucky police community," DOCJT Commissioner John Bizzack said. "It also continues to be the department's independent, third-party validation that it leads the nation in this area."

DOCJT was first certified by CALEA in 1998, at which time there was not a program specifically for accrediting training agencies. DOCJT and other training academies across the nation worked with CALEA to create the public safety training academy accreditation program, which CALEA implemented in 2002. J

▼ Pictured from left to right: CALEA Executive Director Sylvester Daughtry, Donna Masters, Don Pendleton, Rachel Lingenfelter, Jennifer Wilburn, Larry Ball, Jerry Belcher, Horace Johnson, David Hobson, John Bizzack and CALEA Chair James O'Dell.



## Kentucky Vehicle Enforcement Officer Dubbed a Hero



A fiery crash almost killed a man last week in Marshall County, near Paducah.

Now, Lt. Kevin Rogers with Kentucky Vehicle Enforcement is being called a hero for what may have been life-saving actions during the incident.

During a trip toward Paducah on Interstate 24, Rogers said he was 100 feet away as a tanker slammed into the back of a utility truck. The tanker was lined with flammable latex residue.

"I can remember the bridge shaking and a very loud thump," Rogers said. "I looked in the rearview mirror and I saw a big ball of flames coming at me."

"I knew it was a truck 'cause I knew I just passed it but, all I could see was a big ball of flames. It was like a movie," he said.

Rogers said he saw the tank driver collapse and knew what he needed to do.

"My first thought when I saw him collapse was that he needs to be moved," he said. "He would have burnt up if he hadn't have been moved."

As Rogers was helping the driver, there was another blast, he said.

"I could feel the heat from the second explosion as we were dragging him away," Rogers said.

KVE Commissioner Greg Howard said the officer's actions didn't shock him.

"Lieutenant Rogers is an exceptional person, commander and public servant, so it does not surprise me that he would go above and beyond the call of duty," Howard said. "A police officer's job is to protect and serve, and it is obvious that Lieutenant Rogers is serious about that."

If someone was directing him to assist the driver – Joseph Lacewell of Mayfield – Rogers said it must have been God.

"I believe the good Lord puts us in the right place at the right time for the right reason," he said. "If a person doesn't believe in God, this will sure make them do it."

Rogers, who works for KVE at the weigh station in Henderson, said he was simply fulfilling his purpose in assisting Lacewell.

"I'm here to help others whether I'm on duty or off duty," he said.

Rogers said the driver had injuries to his pelvis and femur.



▲ Recruits from Basic Training Class No. 369 undergo inspection before their graduation May 26. Class No. 369 was the first class to graduate from the academy after training was increased from 16 weeks to 18 weeks.

## Autism Center Offers Training for Law Enforcement

The Kentucky Autism Training Center held a community awareness session for law enforcement and other first responders during its seventh annual conference, and it is now available on the Internet or by requesting a copy from the center.

The center held 26 presentations for about 663 attendees during its 2006 Autism Institute from June 14 to 16 at Galt House in Louisville.

Among the sessions was a free presentation in which law enforcement and first responders received an overview of autism and heard from a speaker about her family's experience with their autistic child and law enforcement.

Information was also provided about two programs

sponsored by local police departments to support families, the Louisville Metro Police Department's high-risk missing persons program and Project Lifesaver, an international program.

Approximately 30 law enforcement officers and other first responders as well as autistic adults and parents of autistic children attended the session.

The session can be viewed online at [www.louisville.edu/kyautismtraining](http://www.louisville.edu/kyautismtraining). Copies of the handouts and other resources from the training also are available.

To obtain a copy of the training in another format or to schedule an autism awareness presentation, contact the training center at (502) 852-4631 or at [rebecca.grau@louisville.edu](mailto:rebecca.grau@louisville.edu).

## DOCJT Says Goodbye

**D**OCJT honored Yvonne Williams and Dennis Earls, who retired from the agency May 31 and April 30 respectively.

Yvonne Williams, affectionately known as Von, came to DOCJT in 1981 as secretary with Jim Rollins in Basic Training. She also worked with Dennis Mills and Doug Czor for many years. She finished her career as an administrative specialist III in the Professional Development Branch.

Of her 25-year career at DOCJT, Williams said, "I enjoyed being able to help people and meeting people in the law enforcement profession." Williams, recognized as the 2005 Administrative Staff Person of the Year, was described by her co-workers as quiet, consci-

entious, non-assuming and confident. Honoring her career at the retirement celebration, Commissioner John Bizzack reiterated those commendations as he presented her a gift. He also noted her friendly and helpful personality and her team-player attitude.

Dennis Earls began work at DOCJT in 1999 as a firearms instructor following a 23-year career with the Frankfort Police Department. Six months before his retirement, he transferred to the General Studies section.

"This is a great professional organization," Earls said of DOCJT. "Everyone was more than willing to do what you asked them to do. Commissioner Bizzack was not afraid to try new things."

During the retirement celebration, Biz-



▲ Dennis Earls retired from DOCJT after six years of service on April 30. Yvonne Williams retired on May 31 after 25 years at DOCJT.

zack honored Earls with a plaque and noted his contributions to "many positive changes in law enforcement training since 1999." Earls was recognized this year with a Professional Service Award.

Earls retired early due to long-term health concerns.



/ Photo by Elizabeth Thomas

▲ Guests of the Lexington Public Safety Museum peruse photos and memorabilia of the Fallen Heroes Exhibit. The exhibit, which commemorates the lives and careers of Lexington police officers and firefighters who died in the line of duty, was unveiled in May.

## Governor Fletcher Names New KSP Commissioner

/KSP Submitted



**J**ohn (Jack) Adams was appointed commissioner for the Kentucky State Police in mid-July by Governor Ernie Fletcher. A 22-year retired veteran of KSP, Adams previously served three years as acting director for the Kentucky Office of Insurance, Fraud Division.

"Jack Adams' years of service to the Kentucky State Police are a testament to his dedication to the field of law enforcement," Governor Fletcher said. "I appreciate his willingness to accept this new challenge."

Throughout his tenure at KSP, Adams held a variety of positions before retiring in 1993 as major of the Operations Division, Western Branch.

"I am honored to accept the new responsibility as the Kentucky State Police commissioner, and I look forward to serving the citizens of the Commonwealth,"

Adams said. "I am proud to carry on the rich tradition of KSP, leading the men and women of this premier law enforcement agency."

"Jack Adams' background and experience with KSP makes him the ideal choice for this position," Justice and Public Safety Cabinet Secretary General Norman E. Arflack said. "Having personally worked with Jack throughout our careers at KSP, I am confident he possesses the leadership skills to continue moving KSP forward."

As acting director and Insurance Fraud Investigation supervisor with the Kentucky Office of Insurance, Adams worked with the National Association of Insurance Commissioners Anti-fraud Task Force, local and state law enforcement, the FBI and other federal investigative agencies as well as special investigation units of insurance companies. He has been employed by the Kentucky Office of Insurance since 1999.

## 15th Annual Competition Shoot Scheduled for October

/Karen Cassidy, Basic and Advanced Firearms Section Supervisor

The Department of Criminal Justice Training is once again preparing for the 15th Annual Competition Shoot scheduled for October 7. This yearly match provides a great opportunity for current and retired law enforcement officers to enjoy a fun morning of friendly handgun competition while benefiting a great cause. Besides enjoying the camaraderie and competition, all participants will receive a T-shirt from the event.

In years past, a charity has been design-

ated to receive the money raised during the shoot. This year, the Firearms Competition Committee designated the American Cancer Society. As with last year's shoot, the winning team will designate the county affiliation that will receive the money raised.

A limited number of dorm rooms are available on a first-come, first-serve basis for pre-registered participants. To ensure room availability, be sure to pre-register early. The deadline for pre-registration for dorm room requests is September 22.

The competition is limited to street duty weapons and gear in order to provide a level playing field for all participants. The course uses several different prescribed positions and time limits.

Further information will be posted on the competition brochure as well as on <http://docjt.ky.gov> soon. If you have any questions, please e-mail Robert.French@ky.gov, Karen.Cassidy@ky.gov or Randy.Baird@ky.gov. You may also call DOCJT at (859) 622-2303.

## Kentucky Vehicle Enforcement Personnel Save a Child's Life

In March, a truck driver stopped at the Kentucky Vehicle Enforcement weigh station on Interstate-64 at Morehead and informed officers there was an injury accident at the 149 mile marker.

KVE Lt. Ennis Chaney, Officer Mike Ross and Inspector Bill Moore responded to the scene. They located 2-year-old Carlene who had been ejected from the vehicle.

Moore discovered that the child was unresponsive and not

breathing. Moore, with the assistance of Ross began CPR on her, and she eventually began breathing on her own.

Carlene and her mother were both taken to Cabell Huntington Hospital where they were admitted with extensive injuries.

Emergency personnel at the hospital indicated that Moore and Ross's response and actions at the scene saved the girl's life.



▲ KVE Inspector Bill Moore and Officer Mike Ross.



▲ Kentucky probation and parole officers now have a new tool to make sure their parolees don't skip town. The Kentucky Department of Corrections' Web site has a new section called Most Wanted Absconders. It features the photographs and information of offenders in each of the probation and parole districts across the Commonwealth. The corrections' commissioner says it's a great way to disseminate the information to a wide audience to help catch the parolee quicker.

## ■ KVE Names Officer of the Year At Awards Ceremony



▲ (From left to right) KVE Commissioner Greg Howard, Jason Cammack's sister Jennifer Yancey, KVE Officer Nathan Day, Justice and Public Safety Cabinet Secretary Norman Arflack and DOCJT Commissioner John Bizzack.

**K**entucky Vehicle Enforcement and the Justice and Public Safety Cabinet, congratulated Officer Nathan Day, of Perry County, as he received the 2005 Jason Cammack Officer of the Year Award during a special ceremony at the Thomas Clark Center for Kentucky History in Frankfort. Fifty-six additional officers, inspectors and civilians were also recognized for acts of meritorious service and achievement, bravery, life-saving acts, professionalism and dedication to duty.

In 2005, Officer Day conducted 680 total inspections and cited almost 800 violations toward commercial vehicles, helping remove dangerous and disqualified commercial vehicles from our highways.

Over the past year, Day has been involved in a joint task force called the Green and Gray

Cutting Team, which partners with both the Kentucky National Guard and Kentucky State Police to locate and destroy marijuana across the Commonwealth.

The Jason Cammack Officer of the Year Award was named in honor of the first KVE officer killed in the line of duty. Cammack died April 23, 2000 in a car accident while he attempted to stop a speeding vehicle. The award is given to a sworn KVE officer who is a true professional and who excels above and beyond performing his duties.

"There is no greater honor, no tougher challenge than being a police officer," said KVE Commissioner Greg Howard. "We have raised the bar of expectations high. Only through higher standards and holding each other accountable can we reach our goals."



## ■ KSP Announces Trooper of the Year



**T**he Kentucky State Police named M c K e e resident Joie Peters 2005 Trooper of the Year dur-

ing a special ceremony attended by Governor Ernie Fletcher on May 17.

A 12-year veteran of the Kentucky State Police, Det. Peters is assigned to KSP Post 7 in Richmond, which covers Madison, Clark, Estill, Lee, Jackson, Owsley, Garrard, Lincoln, Boyle, Mercer and Jessamine counties. Some of his accomplishments during the past year include:

- Solving a 2004 Estill County murder case that resulted in a 25-year sentence.
- Solving an Estill County murder that grew out of a missing persons case, resulting in four arrests.
- Solving an Owsley Co. murder case that had originally been classified as a suicide.
- Investigating a triple murder in Owsley County that resulted in three arrests and the discovery of a fourth murder associated with the case.
- Phone negotiation with a subject who had barricaded himself in a Jackson County residence and pointed handguns at deputy

sheriffs. After three hours, Peters was able to convince the subject to surrender without incident.

■ Assisting the U.S. Secret Service in a Jackson County case involving the production of \$20,000 of counterfeit money in exchange for Oxycontin.

■ Solving two cold murder cases, one dating back 16 years and the other 18 years.

"Detective Peters' investigative skills and his determined drive to get to the truth has resulted in many arrests of suspects who thought they got away with murder," said Capt. Greg Gay, commander of KSP Post 7. "The only people who can speak for the victims in these violent crimes are investigators and Detective Peters' abilities speak loud and clear. His efforts are a testament to his professionalism, hard work and dedication to this agency and the citizens of the Commonwealth."

"Each day the brave men and women of the Kentucky State Police make extreme personal sacrifices and put themselves in harm's way in order to administer the laws of our society," Fletcher said. "In so doing, they have earned - and deserve - our respect and gratitude. The Kentucky State Police awards are a fitting tribute to these dedicated men and women and a reminder to all of us of the important role they play in our lives."

◀ High ranking police officials from Kazakhstan visited Eastern Kentucky University July 15 to 28 for educational opportunities with the University's renowned policing programs. Fifteen members of the Kazakhstan Police received training from ECU's International Justice & Safety Institute, Regional Community Policing Institute and the Department of Criminal Justice Training. The program educated Kazakhstan officials on U.S. police operations, management and community policing through a combination of classroom session, hands-on training and visits to Kentucky law enforcement and criminal justice agencies.



▲ The Department of Criminal Justice Training's Office of Communication staff won 11 awards at the Kentucky Association of Government Communicators Awards banquet June 15. Awards were received for various projects and publications produced in 2005 including two Awards of Excellence. Amicheli Salyer and David Wilkinson received an Award of Excellence in the Image Campaign category and Jacinta Feldman Manning received an Award of Excellence in the Feature Writing – Single Release Article category. Staff pictured from left to right: (back row) Jamie Neal, Edlinae Sweat, Jacinta Feldman Manning, Jim Robertson and Amy Reister (front row) Abbie Darst, David Wilkinson, Diane Patton and Amicheli Salyer.

## DOCJT Comings & Goings

### TRANSFERS

Carol Dause, transferred from the Supply Section to the Records Section on 06/01/06.

Eric Garner, transferred from the Investigations Section to the Patrol/Traffic Section on 07/01/06.

Larry Ousley, transferred from the Evaluation Section to the Firearms Section on 07/01/06.

### PROMOTION

Mike Roe, promoted to Executive Staff Advisor on 07/01/06.

Eddie Farrey, promoted to Law Enforcement Training Instructor II on 07/01/06.

Lindsay Hughes, promoted to Law Enforcement Training Section Supervisor on 07/16/06.

Chuck Melville, promoted to Professional Development Branch Manager on 08/01/06.

Andrea Brown, promoted to Administrative Specialist II on

08/01/06.

Drexel Neal, promoted to KCPP Staff Assistant on 08/01/06.

### GOINGS

Dennis Earls, retired after six years of service on 04/30/06.

Yvonne Williams, retired after 25 years of service on 05/31/06.

Gina Smith, resigned from her position as Law Enforcement Training Section Supervisor on 06/27/06.

Deloris Miller, resigned on 06/30/06.

Chris Haddix, resigned to accept a position with the Mount Sterling Police Department on 07/21/06.

Larry Tousignant, resigned from his position as Administrative Branch Manager on 08/31/06.

Brenda Tousignant, resigned from her position in the Supply Section on 08/31/06.

## Soon-to-be deputy killed 'Outstanding' academy student died in motorcycle crash

/Brenna R. Kelly, Kentucky Enquirer Staff Writer



On July 21, Mike Scheben was to graduate from the state's law enforcement academy and join his father as deputy in the Boone County Sheriff's Office.

The 22-year-old, who was sworn in February to start his training, died May 31 after losing control of his motorcycle on U.S. 42 near Mount Zion Road.

Thomas Michael Scheben Jr. had the week off from classes and was home in Union where he lived with his father, Deputy Tom Scheben.

Mike Scheben was riding his BMW north just before 11 p.m. when he lost control, said Lt. Col. Rob Reuthe. He was taken to University Hospital where he died.

Scheben was not wearing a helmet, Reuthe said. Mike Scheben started his 18-week class Feb. 27.

"He was one of the top three academically in the class," said Gary Wilson, coordinator of Scheben's basic training class at the Department

of Criminal Justice Training at Eastern Kentucky University. "Scheben was on his way to being a Recruit of Distinction, meaning he had gotten a 95.7 average on four tests."

"He was doing an outstanding job," he said. "I was very pleased with the effort he had given."

After his graduation July 21, Scheben was to become a patrol deputy, Reuthe said.

"His heart was in the right place," he said. "He was doing this job for the right reasons, he had chosen this as his professional career."

While in college at Eastern, Scheben interned at the department during the summer.

"I think he really admired his dad and that he was trying to follow in the footsteps of his dad," Wilson said, "and at the same time he wanted everybody in the family to be proud of him."

He graduated in December 2005.

Reuthe said investigators had not yet determined the cause of the accident and did not know how fast Scheben was driving. The motorcycle struck a concrete curb and slid on its side, throw-

ing Scheben from the bike.

On Sunday, when his class was scheduled return to Richmond, Wilson met with the 25 students "just to sit and talk," he said.

Wilson knew the death would be hard on Scheben's academy roommate. Scheben and the recruit from eastern Kentucky were inseparable.

"They couldn't have been more different, but those two bonded and became really good friends," he said. "When I called and told him, he couldn't even talk."

In addition to his father, Scheben is survived by his mother, Marsha Kleier, sisters Katie Schulz and Jillian Gillium, and half-brother Jacob Kleier, all of Simpsonville, South Carolina.

He is also survived by his grandmother Carolyn Scheben, of Erlanger, his grandmother Nancy Wheat, of Bradenton, Florida, and grandfather William Minnick of Florence.

Memorials can be made to the American Cancer Society, 6612 Dixie Highway, Suite 2A, Florence, KY 41042.

## DOCJT Presents CDP Certificates

### /DOCJT Staff Report

The Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 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.

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

#### ADVANCED LAW ENFORCEMENT OFFICER

**James Brown**, Alexandria Police Department  
**David Dunn**, Bowling Green Police Department  
**David Finan**, Covington Police Department  
**Steven Johnson**, Edgewood Police Department  
**Shawn Kleier**, Edgewood Police Department  
**Steven Kuhlman**, Florence Police Department  
**Walter Petot**, Kentucky Office of Insurance  
**George Schreiner**, Alexandria Police Department  
**Mitchell Walker**, Bowling Green Police Department

#### BASIC TELECOMMUNICATOR

**Wendall Hatfield**, Jessamine County 911  
**Lisa Meadors**, Ohio County 911

#### INTERMEDIATE LAW ENFORCEMENT OFFICER

**Dimitri Baloglou**, Newport Police Department  
**Patrick Begley**, Eastern Kentucky University Police

Department  
**John Bourne**, Jessamine County Sheriff Office  
**James Brown**, Alexandria Police Department  
**Scott Carnes**, Jessamine County Sheriff's Office  
**Terry Chinn**, Edgewood Police Department  
**Lewis Christopher**, St. Matthews Police Department  
**Jerry Corbitt**, Bowling Green Police Department  
**Nathan Due**, Edgewood Police Department  
**David Dunn**, Bowling Green Police Department  
**David Finan**, Covington Police Department  
**Steven Johnson**, Edgewood Police Department  
**Shawn Kleier**, Edgewood Police Department  
**Michael Knight**, Ft. Wright Police Department  
**Steven Kuhlman**, Florence Police Department  
**Norman Milligan**, Edgewood Police Department  
**Edwin Morris**, Edgewood Police Department  
**Walter Petot**, Kentucky Office of Insurance  
**James Ryan**, Edgewood Police Department  
**George Schreiner**, Alexandria Police Department

**Craig Sutter**, Western Kentucky University Police Department  
**Mitchell Walker**, Bowling Green Police Department  
**Melanie Watts**, Bowling Green Police Department  
**Ronald Wietholter**, Covington Police Department

#### LAW ENFORCEMENT CHIEF EXECUTIVE

**Billy Joe Honeycutt**, Edmonson County Sheriff's Office  
**James Hyde**, Bowling Green Police Department  
**Bill Waltrip**, Bowling Green Police Department

#### LAW ENFORCEMENT EXECUTIVE

**William Crider**, Dawson Springs Police Department  
**Bill Waltrip**, Bowling Green Police Department  
**Jerry Wells**, Bowling Green Police Department

#### LAW ENFORCEMENT OFFICER INVESTIGATOR

**David Dunn**, Bowling Green Police Department  
**David Finan**, Covington Police Department

**Michael Knight**, Ft. Wright Police Department  
**Donald Mather**, Georgetown Police Department  
**Howard Neimeier**, Newport Police Department

#### LAW ENFORCEMENT MANAGER

**Howard Neimeier**, Newport Police Department  
**Bill Waltrip**, Bowling Green Police Department  
**Jerry Wells**, Bowling Green Police Department

#### LAW ENFORCEMENT TRAFFIC OFFICER

**James Brown**, Alexandria Police Department  
**David Finan**, Covington Police Department  
**Howard Neimeier**, Newport Police Department  
**George Schreiner**, Alexandria Police Department

#### LAW ENFORCEMENT SUPERVISOR

**William Bland**, Elizabethtown Police Department  
**David Bruce**, Mayfield Police Department  
**E. Quentin Hughes**, Bowling Green Police Department  
**Randall Schocke**, Bowling Green Police Department  
**Melanie Watts**, Bowling Green Police Department  
**Jerry Wells**, Bowling Green Police Department  
**Brian Zurborg**, Edgewood Police Department

#### TELECOMMUNICATION SUPERVISOR

**John Conley**, West Liberty Police Department



/Photos by Elizabeth Thomas

# MEASURING SUCCESS OVER A LIFETIME

A profile of Gen. Norman E. Arflack, Kentucky's new Justice and Public Safety Cabinet Secretary / **Abbie Darst**, Public Information Officer

**F**rom his early days as a dispatcher at Kentucky State Police Post No. 16 in Henderson, Gen. Norman E. Arflack has come a long way. A man familiar with success, Arflack has spent the majority of his life serving both his country and the communities that comprise it in the Army National Guard and as a Kentucky state trooper.

Arflack successfully climbed the ladder in his military career from a private to a brigadier general. In early summer he also reached the top of Kentucky's policing ladder when he was named Secretary of Kentucky's Justice and Public Safety Cabinet where he had previously served as a KSP trooper for more than two decades.

"From my experience in the military and the state police, I obviously have a perspective of what the officer on the road would have to deal with that many people who have sat in this office have not had," Arflack said. "That's not being critical, it's just the fact that I think is a plus."

Governor Ernie Fletcher agrees that Arflack's numerous years of military and law enforcement experience will serve as a valuable commodity in his new position.

"Gen. Arflack is not only a man of integrity and tremendous values, but he is the epitome of a dedicated public servant," Fletcher said. "His qualifications and extensive state police and military leadership experiences will be a tremendous asset to our justice cabinet."

For Arflack, his position as cabinet secretary is all about the effective use of his leadership experience.

"All my positions in the military were about leadership, and leadership is a commonality across the board for the cabinet secretaries," he said. "It's about taking care of the people who are in your organization, whether it be soldiers, policemen, corrections officers or the people at the Department of Criminal Justice Training – all the people in the cabinets. It's about making the right decisions as they will impact the people who work for me. It's all about basic leadership training."

During his tenure, Arflack plans to focus his attention on several prevalent issues. In 2002, Arflack served as the director of a Joint Support Operation, a partnership between the Kentucky State Police and the Kentucky National Guard, to eradicate and suppress marijuana. Because of this experience, drug eradication efforts and the drug treatment and prevention strategies employed by the Office of Drug Control Policy remain at the top of Arflack's priority list.

He's also fully in support of the efforts of House Bill 3 concerning crimes against children and the initiatives already set in place prior to his coming to the cabinet, he said.

**I**n addition, Arflack is dedicated to ensuring that the Justice and Public Safety Cabinet employees are the best trained and best equipped possible.

"No matter how much we pay any of our officers out there in the field, it's not enough," Arflack said. "They lay their lives on the line every day in some form or fashion for the people here."

Having served as not only a state trooper, but also as a corrections officer and having trained at

the Department of Criminal Justice Training, Arflack has a good grasp on the differing perspectives of the organizations that make up his cabinet.

"It's critical for me in this position to understand that the decisions I make impact the people in the rank-and-files of all the organizations," he said. "Not only does it impact the individual, it also has a significant impact on their families. And that's very important to me."

**A**rflack's main goal as cabinet secretary is to be a positive and open leader for all the members of his cabinet and the communities they serve.

"I enjoy my role as public servant," he said. "It gives me the opportunity to participate in a wide variety of sectors of the public service."

Arflack said he hopes to have an open-door policy, for the general public and cabinet employees. "I never operate under the assumption I'm always right, so I welcome constructive criticism and the opportunity to interact with my employees and the public," he said.

A native of Henderson County, Arflack received his bachelor's degree in law enforcement from Eastern Kentucky University in 1975 and immediately began his careers in both the KSP and the Kentucky National Guard. In 1999 he graduated from the Army War College and received his master's degree in public administration from Shippensburg University.

Arflack received numerous awards and decorations during his time of service in the National Guard and served in a number of command and staff positions. **J**

## Barton Appointed Cabinet Deputy Secretary



Governor Ernie Fletcher announced the appointment of Teresa A. Barton as deputy secretary of the Justice and Public Safety Cabinet as of June 23. She replaces Cleve Gambill who resigned earlier this year.

Barton has been executive director of the state's Office of Drug Control Policy since February 2005 and prior to that was Franklin County judge-executive.

Gen. Norman Arflack, Justice and Public Safety Cabinet secretary, said Barton's extensive leadership and government experience made her the ideal choice for the role.

Barton will continue serving as interim executive director of ODCP until a replacement is named. ■



# SERVING ALL KENTUCKIANS

/Abbie Darst, Public Information Officer

**N**ominated by President George W. Bush, Amul R. Thapar of Edgewood was sworn in as the U.S. attorney for the Eastern District of Kentucky March 20. After receiving his undergraduate degree from Boston College and his law degree from the University of California, Thapar embarked on a successful career. He has taught at the University of Cincinnati College of Law and the Georgetown University Law Center in Washington, D.C. Thapar has also worked for several prestigious law firms and served as a law clerk to the Honorable S. Arthur Spiegel, who sits on the United States District Court for the Southern District of Ohio, and the Honorable Nathaniel R. Jones, who sat on the United States Court of Appeals for the Sixth Circuit.

Prior to his confirmation, Thapar served as an assistant U.S. attorney for the Southern District of Ohio and for the District of Columbia. Thapar has been recognized by the Department of Justice, the United States Secret Service and the United States Postal Inspection Service, among others, for his ability to successfully lead complex, multi-agency investigations involving violent crimes, as well as white-collar offenses.

He is married to wife, Kimberly, and has three children.

**What are the everyday tasks and responsibilities assigned to the U.S. Attorney's Office?**

The short answer is that we prosecute people who break the laws of the United States and defend the United States in civil claims filed against it. Of course, it's not that simple. Fortunately, I supervise a very talented staff of approximately 40 attorneys and 40 support staff who are all dedicated to that mission. To do our job right, we must travel throughout the 67 counties in our district and meet with Commonwealth attorneys, sheriffs, chiefs of police, and the people that do the work on the streets, the law enforcement officers.

In addition to meeting with law enforcement, I look for opportunities to meet with citizens. I enjoy the chances I have to >>

/Photos by Elizabeth Thomas

>> explain to Kentuckians what we, as a law enforcement community, are doing. It also allows me to remind the citizens of Kentucky how lucky they are to have such capable and well-trained local law enforcement. The community needs to know that people in law enforcement work hard and listen to them.

Of course there are day-to-day parts of the job such as decision making on cases, working with the Department of Justice and making sure that we are enforcing the priorities of the DOJ within our district.

“ It has been an invaluable benefit to me to have been an AUSA before holding the position as U.S. attorney. ”

**What specific challenges do you anticipate in covering the entire Eastern District of Kentucky?**

I think one of the most enjoyable things about this district is the diversity of the regions. And what I mean by that is northern Kentucky is a lot different from central Kentucky, which is a lot different from southeast Kentucky, which is a lot different from northeast Kentucky, and it all presents different types of beauty within each region of this state. You have the mountains of eastern Kentucky and the lakes of central Kentucky and then you add the many different backgrounds of the people and it all makes it fun to live here.

But the regional diversity does present challenges because we have different issues in the different regions. Meeting with law enforcement and talking to them about their regional issues has really helped me grasp how to set the priorities of my office in a way that not only addresses the regional differences, but takes advantage of the regional similarities. It is important that I enforce the priorities of DOJ, but at the same time, tailor them to the needs of our district. Only by listening and learning from law enforcement officers and from the people in the different communities can I understand and appreciate the needs of each region. These people have lived in these counties their whole lives and know firsthand about the issues that they face there.

**In what type of setting do you meet with these attorneys, chiefs, sheriffs and citizens?**

The structure is generally informal and without media. In addition, Danny Smith, my amazing law enforcement coordinator, has set up several roundtables with law enforcement in the district. This has been extremely beneficial. Danny has a great knowledge of law enforcement in the eastern District of Kentucky, and I constantly try to tap into that knowledge and learn from him as well as learning from all these people.

I find that these informal meetings with law enforcement benefit me in a number of ways. When they are informal and private, law enforcement can be very frank and blunt with me. In the same manner, I can be candid with them about how we can help and how we can't help. We eventually want to get into community meetings to explain our goals, but first I really need to appreciate all the different needs of the district from law enforcement and the people that really know their areas before I sit down with the citizens. I want the message I deliver to be the right message from the U.S. Attorney's and law enforcement's perspective.

**How has your time as the assistant U.S. attorney for the Southern District of Ohio and Washington D.C., as well as your legal experience throughout your career, helped prepare you for this position?**

It has been an invaluable benefit to me to have been an AUSA before holding the position as U.S. attorney. I can get an issue presented to me now and, based on my experience as an AUSA, know what they are contemplating or where they are heading with the case. It really helps me in making confident decisions in my current role as U.S. attorney.

**What are some of the major differences you see between working in Ohio and Washington D.C. versus the Eastern District of Kentucky?**

There are differences, of course, but not so much as you might think. In Ohio, you have Cincinnati, which is a very urban area, like Lexington. You also have Portsmouth which is just across from Ashland and is a lot more like Ashland than it is like Cincinnati. However, the rural areas of Kentucky, which are both enjoyable and challenging, are different from any place I have worked before. I'm finding, though, that they possess a lot of advantages that are lacking in the other places.

We have this jewel in Hazard called the Rural Law Enforcement Technology Center (RULETC) that works very closely with Department of Crimi-

nal Justice Training. They do a fabulous job, and we are blessed to have them in our district. I think Rod Maggard does a fabulous job of putting together great programs that are extremely beneficial to rural law enforcement around the country, and while the purpose of the center is to aid rural law enforcement nationwide, we are lucky to have that center right here in Kentucky where it truly benefits our various rural law enforcement components. When you combine that with DOCJT, we have unparalleled training for law enforcement right here in the Eastern District. Most people have never heard of RULETC, but as someone in the law enforcement community, I'm really excited. It's been one of the best surprises for me.

I knew of Commissioner John Bizzack and the fabulous operation and training at DOCJT. Their reputation as one of the top law enforcement training centers in the nation is well known in the law enforcement community. However, I was not aware of just how fabulous a facility and training program they have. I was truly thrilled to see the DOCJT facilities and programs. Danny Smith and I are constantly brainstorming about how we can make better use of all of the great training available at DOCJT and RULETC.

**What are your major objectives and goals for your term as U.S. attorney in Kentucky?**

To serve all Kentuckians. What I mean by that is that my goal is to have a presence in all 67 counties for which I am responsible. I don't mean that I'm going to go through county by county and say, "Okay, have we done a prosecution here?" I'm not going to go about it in that manner, but I do want people in the east and the southeast of Kentucky to know that we care about them and believe that federal law enforcement is present in their counties. We believe that they are entitled to federal law enforcement and federal prosecutions just like the counties along the I-75 corridor where we have our offices. It's important to me that people in Harlan, Perry and Pike counties, or anywhere else, know that we are committed as a law enforcement community to protecting them, serving them and doing the things that make their communities better places to live.

Of course you say, "How are you going to do this?" Well, first and foremost, the DOJ's priorities are to prevent any terrorism from occurring, not only here, but in the entire United States, and we are absolutely committed to that. Also, this attorney general [Alberto Gonzales], and I really admire him, is really committed to children. My family recently got to meet the attorney general. I saw him meeting with other U.S. attorneys and he was businesslike and he was doing the things that we think the attorney general should do and acting in the way we perceive the attorney general should act. When he met my kids his face lit up. It was a different attorney general than most people ever get to see. I said, "This is a person that really loves children and is committed to protecting them." So when you hear him talk about his commitment to

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>> children, it's not just a catchy political slogan. Project Safe Childhood is something to which he is really and truly committed. What does that mean for the people of Kentucky? That means that we are actively committed to helping you make your kid's childhood safe.

I think back on my own childhood, and I hear stories from my parents and my wife's parents about how easy childhood used to be, and I want that for our kids. We want to prevent all the child pornography that affects our children's lives today. If anyone comes here or is here taking advantage of our children in any way, we, as prosecutors in this district are committed to putting those people away for years, hopefully, a lifetime.

I promise you, we're going to go after them as hard as we can.

I've got fabulous prosecutors that work in our office, including AUSA Mark Wohlander, who are committed to doing that and committed to every region of this district. Project Safe Childhood is a very important priority for the DOJ and for me.

In a similar vein, we also view fighting the drug problem as a top priority.

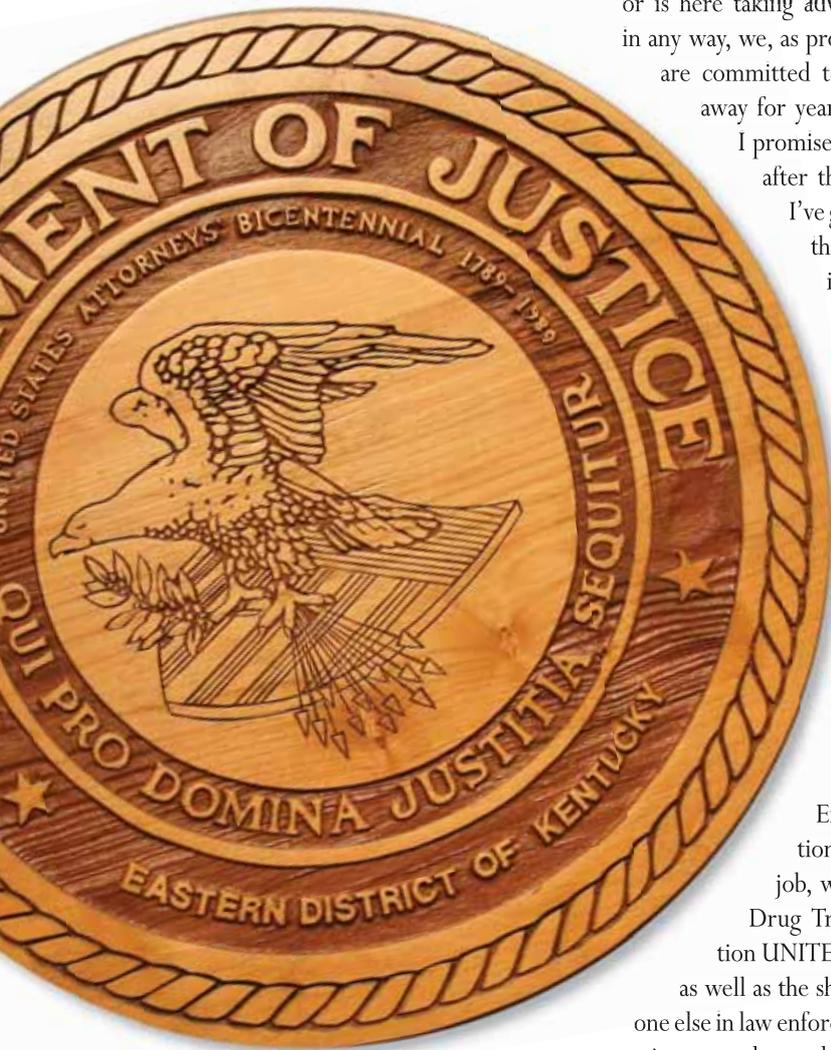
In addition to the Drug Enforcement Administration, which does a fabulous job, we've got High Intensity Drug Trafficking Area, Operation UNITE, Kentucky State Police, as well as the sheriffs, chiefs and everyone else in law enforcement, and we're really trying to work together to come up with better ways to battle drugs. I think an example is HIDTA and UNITE trying to figure out ways to come at problems from different angles so that we can really solve the drug problem. I want to work within that structure to make sure people know and appreciate that if you sell drugs in eastern Kentucky, we will send you away for a long time. Obviously, this is not a problem unique to Kentucky. People say, "Well, we've got this big drug problem

in Kentucky." The reality is we have a big drug problem nationwide. The drug problem doesn't start or stop at the Kentucky border. We intend as a law enforcement community to work with our brethren not only within our state but nationwide to root out the drug problem.

At the top of my priorities is protecting the integrity of the electoral system, judicial system, and the law enforcement community. Serving the public is a great honor for all of us who are blessed to do it. Many of us do so in communities where some of our citizens struggle to make ends meet. We are well paid, yet, some public officials remain unsatisfied with a well-paying job and the privilege and honor of serving the public. Thus, they look for more at the expense of those who need government resources the most. They are greedy. Others cheat to get elected. Any corruption by public officials cannot be tolerated. If a person cannot walk into a voting booth and believe that his/her vote matters, then I am failing the people of Kentucky. People must believe that they get a fair shake when they go to the polls, when they go to the courts, and when they work with public officials. AUSA Ken Taylor has done a fabulous job in this regard, but he is just getting started. I have recently named Ken Taylor my public corruption coordinator and have told him that every resource available to our office is at his disposal to go after public corruption.

**What are the objectives of the Law Enforcement Coordinating Committee, and what is your role as a member of the LECC?**

The overriding objective is to do whatever we can to help law enforcement agencies at all levels work together. Kentucky is fortunate in that federal, state and local law enforcement really have a great relationship. A lot of that is fostered by the different organizations such as DOCJT, RULETC, HIDTA and UNITE. September 11, 2001, was a terrible day that taught us a lot of lessons. As a law enforcement community, we learned that the best way to succeed is by working together. I think we've become better at not only working together, but in listening and learning from one another. We have not only used that to combat terrorism, but we have used it in fighting narcotics, corruption and many



other areas. The teamwork that was so often taught and preached in the past is now practiced on a daily basis. The object of LECC is to foster working together. Moreover, it is to make sure that as a United States Attorney's Office we continue to promote and reward teamwork.

**What are the primary goals behind Project Safe Neighborhoods, and how is it different from Project Safe Childhood?**

At their core, they are very similar in that they are both about protecting our neighborhoods. Project Safe Childhood, however, focuses on our children and how best to protect them from the disgusting predators that prey on them. Project Safe Neighborhoods is really focused on violent crime and getting violent criminals off the street. Another of the superstars in our office, AUSA Hydee Hawkins, heads up the Project Safe Neighborhoods program. She has done an outstanding job working with federal, state and local officers to get violent criminals off our streets. AUSA Mark Wohlander heads the Project Safe Childhood program for us. While these programs are excellent in theory, they only work in reality because of the dedication and commitment of prosecutors like Hydee and Mark and the law enforcement agencies that commit their time, efforts and resources to fighting these problems.

**Why do you feel Project Safe Neighborhoods is vital in the Eastern District of Kentucky?**

It is vital because it gives us the resources and tools to fight violent crime within our district. Being a local entity, we can direct the resources to the appropriate places and law enforcement components. Working together we also come up with strategies to fight violent crime within our district while working within the Project Safe Neighborhoods program.

**How successful has the first Project Safe Neighborhoods partnership between the Fayette Commonwealth Attorney's Office and this office been in the first year?**

It works fabulously. It's called Operation Cease Fire, and Commonwealth's Attorney Ray Larson does a fabulous job in Fayette County. He is the epitome of a hard-charging

prosecutor, and we are fortunate here to have a partnership with him and his office. It's really a great team of people. Mr. Larson and Hydee Hawkins work as a team and do some fantastic work.

**What do you most look forward to in the next four years of service as the U.S. attorney for the Eastern District of Kentucky?**

I really look forward to two things. One is working with my talented and dedicated staff of attorneys and support staff. They really make this place function. I can be here, I can not be here, and the U.S. Attorney's Office is going to function just as well because they are the people that do the work.

Second is meeting and working with federal, state and local law enforcement. I really enjoy meeting with them and learning about their county, learning about what's going

“ The overriding objective is to do whatever we can to help law enforcement agencies at all levels work together. ”

on in their community and talking to them about how we can do better as a team at approaching their problems. These people are so talented and dedicated, and it's really nice to sit down with someone and see how much they care about what's going on in their community, how passionately they care and how, with very limited resources, they just do the job without complaint.

**Outside of the office, what types of activities keep you busy?**

There are a lot of things I enjoy, but nothing more than playing with my kids and being with my wife. There are nights when I'm working late and get a call from my children and they want me to come home, so I put work aside and I drive home and I spend some time with them. I also enjoy sports, shooting targets and/or trap and running. J

# Money Put to a Good Use

KCPP reimbursement pays for city's proven safety measures  
/ Jacinta Feldman Manning, Public Information Officer

**J**ust days after installing security cameras around areas of Dayton, police there had already solved two crimes.

The small northern Kentucky town had experienced a series of tire slashings and some vandalism in its park, but with the new cameras in place, investigating the crimes was as simple as reviewing the footage, said Dayton Police Chief Mark Brown.

“We arrested them, and the rest is history,” Brown said.

The city was able to purchase the cameras that

The program returned nearly \$400,000 to communities across Kentucky for making security improvements suggested by the assessment teams. Communities used the money to purchase a wide variety of safety enhancements such as video cameras, bollards, intrusion alarms and communications equipment.

The program also reimbursed communities more than \$20,000 in overtime pay for local officers who assisted the teams.

The KCPP is the Department of Criminal Justice Training's homeland security initiative that

“The reimbursement helped ease the financial burden placed on our department for the installation of security upgrades.”

led to the arrests with \$10,000 it received from the Kentucky Community Preparedness Program.

The KCPP assessed Dayton in April 2005, identifying security vulnerabilities and making recommendations to meet them, including one to add surveillance cameras in areas of the community.

After buying the cameras, the KCPP reimbursed the city \$10,000 for the purchase.

“We're a financially challenged city and we certainly would not have been able to afford this system or even a part of it,” Brown said.

Dayton was one of 43 communities that was reimbursed for implementing recommendations.

strengthens the security of Kentucky communities by identifying potential vulnerabilities and recommending possible solutions. Communities that complete the entire assessment process and make changes based on the recommendations are named Prepared Kentucky Communities and are eligible to be reimbursed up to \$10,000.

Solving small-scale crimes like vandalism may not seem to contribute to homeland security, but mitigating all crimes – large and small – is a critical part of the state's strategy, said Kentucky Office of Homeland Security Director (Ret.) Maj. Alecia Webb-Edgington.

“Kentucky's prevention-focused homeland secu-

rity strategy incorporates an 'all-crimes' approach to keeping the Commonwealth safe," Webb-Edgington said. "From international terrorism to domestic criminal activity, our state must be prepared to ensure the public safety of our communities and families. The funding for security upgrades provided by the Kentucky Community Preparedness Program goes a long way toward helping this ongoing process."

For small cities and towns across Kentucky, the \$10,000 reimbursement made security upgrades possible for cash-strapped communities.

At a time when the cost of everything from health insurance to gasoline is on the rise, it can sometimes be difficult for security enhancements to compete for a community's dollars.

"This program affords a wonderful opportunity to the communities around the state," Webb-Edgington said. "Through the assessment teams, we have been able to identify a community's weaknesses and then provide some resources to meet those needs. During the last year, we have seen improved awareness across the state, and now with the funds that the KCPP has returned to the communities we are seeing physical changes as well. This process is truly an investment in the safety of every Kentuckian."

At Murray State University, where assessors visited in March 2005 as part of the Murray community assessment, school officials were reimbursed more than \$9,900 for installing 10 bollards at the Regional Special Events Center and for installing cameras and alarms at the center and Roy Stewart Football Stadium.

MSU Chief David DeVoss said that the reimbursement allowed for better protection of important places on campus where large crowds regularly gather.

"The reimbursement helped ease the financial burden placed on our department for the installation of security upgrades," DeVoss said. "We were very pleased to have been selected as a site to receive funding. We were also proud of the university policing background that several of the assessment team members had."

While money is always beneficial, for some communities it was not the driving force behind participating in the program.

"I'm not so sure that the money was the motivating factor," said Florence Police Chief Tom

Szurlinski.

Florence was reimbursed almost \$9,950 for upgrading the camera system at the Florence Government Center. The center, which was built in the late 90s, had an outdated camera system.

For Szurlinski, it was the information, not the money that the team returned to the community that was the biggest benefit.

Szurlinski said that even if the \$10,000 reimbursement was not available he would have pushed for the upgrades to the government center, but it would have been "a whole lot tougher" to make the purchase.

The Department of Criminal Justice Training developed the Kentucky Community Preparedness Program in 2003, with the goal of mobilizing local law enforcement and community officials in a formalized process of identifying and correcting security vulnerabilities that might be exploited by terrorists or criminals.

The program focuses on prevention of hostile acts and crime in small- and medium-sized communities through a system of risk assessments and recommendations. Assessment teams scrutinize each community's infrastructure, including schools, water plants, communications systems, city halls and other areas.

By looking at a community as a whole instead of just looking at individual components, local officials are able to allocate resources and funds to the areas where they are most needed.

"Often our recommendations are simple common sense things, such as changing policies or participating in joint training that without much cost could mean the difference between life and death in a hostile situation. But with the money we were able to give back to the communities we are seeing some of our more comprehensive recommendations implemented," said KCPP Executive Director Drexel Neal. "It gives all of us at the Kentucky Community Preparedness Program great pride to know that our program is making a difference in these communities, changing the way people across the state think and making them active participants in enhancing the safety of the Commonwealth." J

## KCPP Ranked As Commonwealth's Top Homeland Security Investment

The U.S. Department of Homeland Security rated the Kentucky Community Preparedness Program as the state's top investment for homeland security funds.

This year, the DHS implemented a competitive grant process for states and large urban areas, which based funding considerations on risk and effectiveness of each areas' homeland security programs. Teams of peer reviewers and a matrix of risk-based considerations played into the scoring of grant applications.

The Kentucky Office of Homeland Security submitted an application for funding, which included plans for nine programs, including the Kentucky Community Preparedness Program. After receiving the results of the process, the KCPP was judged by the peer reviewers as the strongest investment for funding. ■

# KCPP ASSESSED COMMUNITIES



## BARDSTOWN

County: Nelson  
 Population: 10,458  
 Size: 7.2 square miles  
 Class: Fourth class city  
 Mayor: Dixie Hibbs  
 Chief: Charles Marksbury

Sheriff: Mike Newton  
 Date of assessment: June 19 to June 23  
 Sites assessed: Bardstown City Hall, Bardstown Early Childhood Development Center, Bardstown Grade School, Bardstown High School, Bardstown Middle School, Bardstown Primary School, Bardstown Water Treatment Plant, Flaget Hospital, Lower Beech Fork Wastewater Treatment Plant, Nelson County Airport, Nelson County High School, Nelson County Justice Center, Nelson County Sheriff's Office, old courthouse, Old Kentucky Home Middle School, Town Creek Wastewater Treatment Plant

Ian Middle School, Harlan Elementary School, Harlan City Hall/Harlan Police Department, Harlan Regional Wastewater Facility, Harlan Municipal Water Works, James A. Caywood High School, KCTCS Harlan Campus, Kentucky Cabinet for Families and Children, Martins Fork Dam, Rosspoint Elementary School, The Harlan Center, U. S. Mine Safety and Health Administration



## HYDEN

County: Leslie  
 Population: 200  
 Size: .8 square mile  
 Class: Sixth class city  
 Mayor: Eugene Stewart  
 Chief: Delano Huff

Sheriff: John Morgan  
 Date of assessment: April 18 to April 20  
 Sites assessed: Hyden City Hall/Hyden Police Department, EOC Dispatch Center, Leslie County Health Department, Leslie County Courthouse, Leslie County Courthouse Annex, Mary Breckenridge Hospital, Leslie County High School, Leslie County Middle School, Hyden Elementary School, Hyden/Leslie County Water Plant, W.B. Elementary School, Hazard Community College, Big Creek Elementary School, Cabinet for Families and Children, Hayes Lewis Elementary School, Leslie County Technical School, Stinnett Elementary School



## COLUMBIA

County: Adair  
 Population: 4,152  
 Size: 3.4 square miles  
 Class: Fourth class city  
 Mayor: Pat Bell  
 Chief: Mark Harris

Sheriff: Steve Cheatham  
 Date of assessment: May 15 to May 19  
 Sites assessed: Aaron Medical Center, Adair County 911 Center, Adair County Courthouse Annex, Adair County Courthouse, Adair County High School, Adair County Middle School, Columbia-Adair County Airport, Columbia City Hall, Columbia Utilities Natural Gas, Columbia Utilities Water Treatment Plant, Columbia Wastewater Treatment Plant, Lindsey Wilson College, Newcomb Oil Company, Summit Manor Health and Rehabilitation Center, Westlake Primary Care, Westlake Regional Hospital



## INEZ

County: Martin  
 Population: 456  
 Size: .7 square miles  
 Class: Sixth class city  
 Mayor: Dick Young  
 Chief: Mitchell Williamson

Sheriff: Garmon David Preece  
 Date of assessment: May 30 to June 1  
 Sites assessed: Martin County Courthouse, Martin County Courts Building, Inez City Hall/Inez Police Department, Inez Fire Department, Martin County Health Department, Net Care, Eden Elementary School, Inez Middle School, Inez Elementary School, Martin County Vocational School, Sheldon Clark High School, Inez Wastewater Treatment Facility, Warfield Middle School, Warfield Elementary School, Warfield City Hall, Warfield Fire Department, Martin County Road Department, Martin County Water Treatment Facility



## HARLAN

County: Harlan  
 Population: 1,945  
 Size: 1.8 square miles  
 Class: Fourth class city  
 Mayor: Daniel Howard  
 Chief: Danny Caudill

Sheriff: Steve Duff  
 Date of assessment: May 1 to May 5  
 Sites assessed: Doss Fuelco, Harlan Appalachian Regional Hospital, Harlan County Board of Education, Harlan County Courthouse, Harlan County Justice Center, Harlan City Fire Department No. 1, Harlan City Fire Department No. 2, Harlan Flood Wall Pump Management Plant, Harlan High School/Har-



## LANCASTER

County: Garrard County  
 Population: 4,014  
 Size: 1.8 square miles  
 Class: Fifth class city  
 Mayor: Billy Carter Moss

Chief: Ronald Lamb  
 Sheriff: Ronald Wardrip

**Date of assessment:** April 24 to April 27

**Sites assessed:** Garrard County Ambulance Service, Garrard County Area Technology Center, Garrard County Courthouse, Garrard County Health Department, Garrard County High School, Garrard Middle School, Garrard County Stockyards Company, Lancaster Baptist Church, Lancaster City Hall, Lancaster City Water Works, Lancaster Elementary School, Lancaster New City Hall, Lancaster Wastewater Treatment Plant, Christian Care Center of Lancaster



## MONTICELLO

**County:** Wayne  
**Population:** 6,053  
**Size:** 6.1 square miles  
**Class:** Fourth class city  
**Mayor:** Thurston Frye

**Chief:** Melvin Rose

**Sheriff:** James Lynn Hill

**Date of assessment:** April 17 to April 20

**Sites assessed:** A.J. Lloyd Middle School, Bell Elementary School, Monticello Electric Plant Board, Monticello Fire Department, Monticello Independent School, Monticello Police Department, Monticello City Hall, Monticello Utilities Commission, Monticello Wal-Mart Supercenter, Turner Elementary School, Walker Elementary School, Wayne County Emergency Medical Services Building, Wayne County High School, the armory



## MORGANTOWN

**County:** Butler  
**Population:** 2,545  
**Size:** 3.4 square miles  
**Class:** Fifth class city  
**Mayor:** Charles Black  
**Chief:** Ronald Burden

**Sheriff:** Kenneth Morris

**Date of assessment:** June 5 to June 9

**Sites assessed:** Butler County Board of Education, Butler County Courthouse, Butler County Educational Complex, Butler County Emergency Ambulance Service, Butler County Health Department, Butler County High School, Butler County Middle School, Butler County Water Treatment Plant, Drake Farm Supply, Green River Feed Mill, Morgantown City Hall, Morgantown Elementary School, Morgantown Manufacturing Company, Morgantown Plastics Company, Morgantown Wastewater Treatment Plant, Morgantown Water Treatment Plant, North Butler Elementary School, Natcher Parkway Bridge, U.S. Highway 231 Bridge, Butler County State Maintenance Facility



## PIKEVILLE

**County:** Pike  
**Population:** 6,286  
**Size:** 15.4 square miles  
**Class:** Third class city  
**Mayor:** Frank Justice

**Chief:** Larry Sanders

**Sheriff:** Charles Kesse

**Date of assessment:** May 8 to May 11

**Sites assessed:** BB&T Bank, Big Sandy Community and Tech-

nical College, Community Trust Bank, Eastern Kentucky Exposition Center, Kentucky Department of Highways District No. 12 Maintenance Facility, Pike County Courthouse, Pike County Hall of Justice, Pikeville City Hall, Pikeville Fire Department, Pike County Health Department, Pikeville Elementary School, Pikeville High School, Housing Authority of Pikeville – Meyers Towers, Pikeville Medical Center, Pikeville Police Department, Pikeville Water Treatment Facility, Saint Francis Assisi School, U.S. Bank, U.S. Post Office – Thompson Road, U.S. Federal District Courthouse, Wal-Mart



## STANFORD

**County:** Lincoln  
**Population:** 3,423  
**Size:** 3.1 square miles  
**Class:** Fourth class city  
**Mayor:** Eddie Carter

**Chief:** V. Keith Middleton

**Sheriff:** Shelby Lakes

**Date of assessment:** June 26 to June 29

**Sites assessed:** Affinia Brake Parts, Inc., City of Stanford Water Treatment Plant, Fort Logan Hospital, Lincoln County 911 Communications Center, Lincoln County Board of Education Office Building and Fort Logan High School, Lincoln County Health Department, Lincoln County High School, Lincoln County Middle School, Lincoln Manufacturing USA, LLC, Stanford City Fire Department, Stanford City Hall, Stanford Elementary School, Stanford EMS Rescue, Inc., Stanford Medical Park, Stanford Wastewater Treatment Plant, Wal-Mart Supercenter



## WARSAW

**County:** Gallatin  
**Population:** 1,808  
**Size:** 1.0 square miles  
**Class:** Fourth class city  
**Mayor:** Travis Simpson  
**Chief:** Donnie Gould

**Sheriff:** Nelson Brown

**Date of assessment:** June 5 to June 9

**Sites assessed:** Ferrelgas, First Farmers Bank, Gallatin County Courthouse, Gallatin County Elementary School, Gallatin County Middle School, Gallatin County High School, Gallatin County Water District, Gallatin Healthcare, LLC; Gallatin County 911 Dispatch Center, Integra Bank N.A., Kentucky Speedway, Markland Lock and Dam, Silgas Gas, Southern States Gallatin Service, Warsaw-Gallatin County Fire and Rescue, Warsaw Water Works J

## Neal Named to KCPP's Top Post

/Jacinta Feldman Manning, Public Information Officer



Drexel Neal, a nearly 30-year law enforcement veteran and one of the original leaders of the Kentucky Community Preparedness

Program, has been selected to head the program as its executive director.

Neal replaces outgoing KCPP Executive Director Charles Melville, who was promoted to branch manager of the Department of Criminal Justice Training's Professional Development Branch.

Neal was one of three original team leaders who were charged with coordinating KCPP's assessments of individual communities. Since the program's 2005 inception, he has been responsible for overseeing more than 30 community assessments.

"Drexel Neal has demonstrated commitment to the Kentucky Community Preparedness Program and its mission, and I have no doubt that in his new role as executive director he will continue to help the program flourish. His law enforcement experience and leadership skills will be invaluable assets to this program," said DOCJT Commissioner John

W. Bizzack. "Chuck Melville did an exceptional job getting this program off the ground, and we are confident that Drexel will meet this challenge with the same enthusiasm and professionalism."

Neal began his law enforcement career at the Lexington City Police Department in 1969. He served in both the patrol and detective bureaus until the merger of the city and county police departments in 1972. He spent most of his career in investigations, staff inspections and internal affairs. In 1998, he retired as assistant chief in charge of the Bureau of Internal Affairs.

After retiring, Neal was appointed director of Adult Probation with the Lexington-Fayette Urban County Government until January 2004, when he was appointed interim director of Lexington's Division of Community Corrections. He retired from that position in August 2004. While at the Divisions of Corrections, Neal was in charge of Adult Probation, Community Alternative Programs and Internal Affairs.

Neal is the past secretary-treasurer of the National Internal Affairs Investigator's Association and serves on the executive committee of NIAIA. He is also a member of the Kentucky Association of Chiefs of Police and a past member of the

International Association of Chiefs of Police and the Kentucky Peace Officers' Association.

He served in the United States Marine Corps from 1966 through 1968 and was stationed at Camp Pendleton, California and Camp LeJuene, North Carolina, where he served in various motor transportation units.

Neal has a bachelor's degree in law enforcement and a master's degree in criminal justice administration from Eastern Kentucky University.

He and his wife, Lynn, have been married for more than 35 years and have two children.

"I am honored to have been selected for this position," Neal said. "I believe the Kentucky Community Preparedness Program is making positive changes to the face of safety across Kentucky. I attribute that in part to the strong leadership that it had under Don Pendleton and Chuck Melville, and I want to continue that trend of dedication and professionalism." ■



## A Look at Israel's Defense Strategies

/Scott Sharp, Training Instructor, Investigations Section

**I**srael, where terrorism is a concern for citizens every day, has approached its homeland security in a distinctive manner over the years. In Israel, political correctness and security do not mix. At a recent seminar held near Latrun, Israel that focused on security, anti-terrorism and intelligence, I learned the Israeli model, based strictly on practical facts, is more functional and results-oriented than the typical American model.

The seminar, sponsored by the Israeli Military Industries Academy, was coordinated through Golden Security Services. I attended through the Kentucky Office of Homeland Security.

Operating under the assumption that it is impossible to protect all the people all the time from a never-ending series of terrorist strikes and security breaches, the Israeli security forces have focused their homeland security on two issues:

- What is the potential target?
- Who conducts the potential attacks?

Based on the answers to those questions and using information from Israeli intelligence, the Israeli security forces plan accordingly – with no regard to political correctness or bureaucracy. In addition, Israeli Security personnel understand and even expect potential targets to be fluid. In a never-ending game of hopscotch, they prevent one strike by hardening the target, then must immediately prepare for the attackers to hop to a secondary target that also must be protected.

Security is continuous. Many years ago, El Al, Israel's national airline, was attacked several times. Immediate measures were taken to mitigate the threat, and they remain in place today. Armed security personnel were placed on every flight and at every ticket counter in every airport. A stringent screening process for both passengers and baggage was launched. The rationale behind the screening process, meaning who is pulled from the security line for further investigation, remains confidential, but there is a meticulous questioning session for all travelers prior to boarding. Profiling is the norm.

However, unlike in the U.S., few flight passengers seem to question the intense security. This is in sharp contrast to the heightened security in the New York City subway system during this past year. Several groups sued the city because security personnel were requiring riders to open their bags for inspection. The argument: It was an unlawful search.

The basic Israeli philosophy for homeland security is simple: Attack the attacker, dynamically and as fast as possible. That phi-

losophy is followed by a second caveat: Security is the responsibility of not just the government, but also the individual.

For instance, under a 1968 law, a business must have an Israeli National Police-approved security plan in place before it can have a business license. Security in business, as in most levels of everyday life for Israelis, is not an afterthought like it usually is in the United States.

Practice through drills is also a part of daily life for security and recovery forces, focusing on:

- preliminary deployment
- quick response
- professional performance
- coordination

A quick response, coupled with professional performance, the Israelis feel, will mitigate any further damage terrorists can inflict and get life back to normal as quickly as possible.

The Israelis have pinpointed what works for them in the anti-terrorism and security arenas, and while not 100% effective, they feel lives are saved on a daily basis.

The Israelis practice what they preach. Parking lot screeners are trained to check for explosives, hotel security personnel are armed and routinely examine new guests, some places – such as schools – are simply not to be photographed. Everyone knows these are the prices of homeland security and everyone accepts them.

One sight drove the poignant issue home to me. On a side trip, we saw a bus of elementary school children, not unlike any of a dozen buses on school trips you'll see United States virtually any day. The chaperones, as those in America, were parents. But unlike American parents, these chaperones got off their buses carrying assault rifles and sidearms. They were trained and prepared for a quick response to any threat.

Understanding the focus of all Israelis on security, Americans can only hope that a similar situation never becomes necessary here. More than once I heard Israelis say that they envy the fact that our society does not require the security measures they must follow every day. I agree. Let's hope we can keep it that way. J

# Prevailing Justice, Restoring Hope

Lexington detective wins national award for elder exploitation investigation

/Abbie Darst, Public Information Officer





On a small, rigid bed, in a room nearly bare of any decoration, sits Edward Anderkin. The gentleman who once towered over his peers, basking in success head-and-shoulders above his competition, now sits stoic and alone. Though a millionaire in the outside world, Anderkin, 79, now spends his days in a Hazard nursing home, wearing pants several inches too short for his tall frame and house shoes with cut-out toes to accommodate his large feet – all donated, second-hand clothing. Anderkin’s battle with Alzheimer’s had not only taken away his mind, but as a Lexington officer would soon discover, it also had taken away his dignity.

**L**exington Division of Police Det. Ann Gutierrez was recently recognized by the National Association of Police Organizations with the “Top Cop Award” for her elderly exploitation case involving Edward Anderkin. Presented to only 10 officers nationwide, the Top Cop Award recognizes “actions above and beyond the call of duty.” The initiative and dedication shown by Gutierrez in the Anderkin case definitely fit into that category.

Gutierrez, a Lexington elder abuse detective, first received a tip about the Anderkin case in April 2004 when a Lexington bank-securities employee became suspicious of significant amounts of money being withdrawn from Anderkin’s account. Aware that the recently widowed Anderkin was residing in a Hazard nursing home’s Alzheimer’s ward, the bank employee notified her supervisor, who did nothing, allowing several months of financial transactions to continue to go unreported. Eventually the bank employee reported the suspicious activity herself, costing the employee her job and giving Gutierrez the most lengthy and complex case of her career.

As Gutierrez launched her investigation, she soon discovered that Anderkin’s sister-in-law, niece and her ex-husband had obtained a false power of attorney document and had been using it to steal thousands of dollars from Anderkin’s account daily. The maximum amount that can be withdrawn from an account each day without notifying the IRS for tax purposes is \$10,000. Anderkin’s family members were taking \$9,999 per day, Gutierrez said.

Gutierrez quickly had the bank accounts frozen, confining the time that the perpetrators were actually taking money to a five-month period. However, her investigation revealed that between excessive daily withdraws and cashing in stocks at a rate of as much as \$500,000 in one day, the perpetrators had managed to steal more than \$2 million from Anderkin’s accounts.

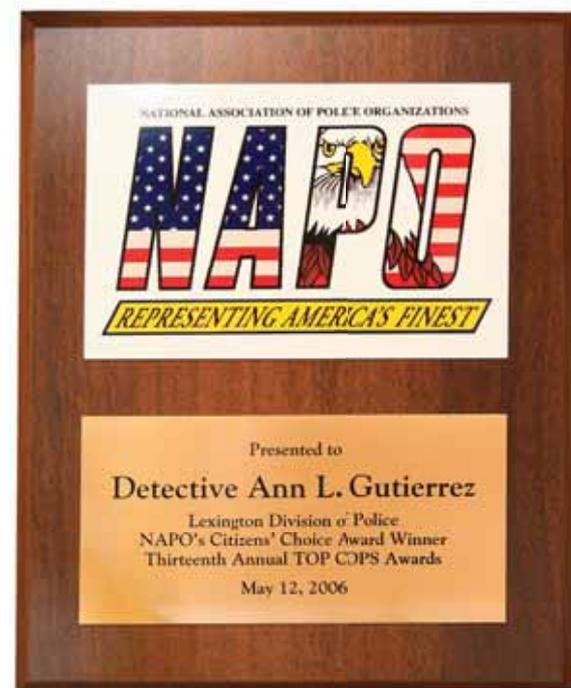
“You see it a lot in cases like this, when people are doing this type of thing,” Gutierrez said. “After taking the money, they are not saving it for a rainy day, they’re just out there blowing it on things, silly things that you’d buy every day; they just buy a lot of it.”

In this case, they had blown a large portion of the money on numerous trips to Wal-Mart, Target and Shoe Carnival, spending hundreds of dollars each trip. They also took out \$94,000 to buy a house.

Though Gutierrez has worked numerous elderly abuse cases in her career, she said several aspects of this case set it apart from any other.

“Usually an exploitation case would involve one stolen check or one credit card transaction or a handful,” Gutierrez said. “But this is the first one that involved months of bank activity going on before we found out about it. And the amount of money was very different. Money was just flying out of the account.”

Accessing the financial accounts through a forged power of attorney document simply printed off a Web site also made this case different from those Gutierrez had worked in the past. In addition, Gutierrez, accustomed to >>



▲ The plaque above was awarded to Det. Ann Gutierrez in recognition of her outstanding work in an elder exploitation case.



/Photos by Elizabeth Thomas

According to state statute under which the investigation was taking place, any transaction over \$300 would have been considered a felony, and instead of spending months wading through bank documents, Gutierrez could have simply focused on the single \$94,000 transaction used to buy a house and ignored the rest.

“But then I went to see this man and it just broke my heart to see him and to know exactly what had been happening to his money and to know that he could live another 20 years in that condition,” Gutierrez said. “I thought ‘this is just ridiculous’ and it made me a little bit angry to think that his family members were doing this to him. I think that’s what made me determined to find all of it.”

Of the \$2.1 million that Anderkin’s family took from his accounts and property, Gutierrez was able to retrieve all but \$320,000.

“I was very pleased with retrieving that much of the money,” she said. “But it would have been wonderful to have that for Mr. Anderkin. That’s just an incredible amount of money. He’s in a nursing home, and that costs money. He has Alzheimer’s, but physically he’s doing pretty good. So he could live 10 to 20 years with Alzheimer’s and that money has to be coming in, and if it’s not, if someone takes it all, then he’s not going to get the care he needs.”

For months that’s what had been happening to Anderkin. He had not gotten the care he needed, as he sat with ill-fitting clothing and shoes and no money in his nursing home account to pay for his care, much less for fun patient outings for ice cream or other treats.

As a result of Gutierrez’s investigation, by the beginning of 2005 all three family members were arrested and face a maximum sentence of 15 to 20 years if convicted. But more importantly, she said, a guardian was appointed who was able to start using Anderkin’s accounts to provide him the things he needed. An avid University of Kentucky fan in his younger days, he now has a television to watch the games in his room and a recliner so he can sit somewhere other than the bed,



working elder-abuse cases, had little experience working with intricate financial crimes.

“The first thing I did was secure and go through all the bank records for each checking, savings and investment account,” she said. “I’m not a financial crimes person, so creating spreadsheets for every penny that was spent and tracking all of that money, and the process of putting all that together, took more than seven months.”

▲ Ann Gutierrez has served as a detective for the Lexington Division of Police for seven years and is currently the department’s only elder abuse investigator.

Gutierrez said. His guardian also bought him clothes and shoes that fit and put money in his nursing home account so he could participate in the patient outings.

“He still doesn’t know any of this ever happened and never will, and maybe that’s not such a bad thing,” Gutierrez said.

Gutierrez, who is the only elder abuse investigator in the Lexington department, put in long hours on this case, teaching herself how to decipher complex electronic transaction records.

“This case took up a lot of my time, and I had other cases coming in,” she said. “It’s not like on TV where they have one case to work on. Every day I was getting more cases coming in. So, I did devote a lot of time to this one, some time that I probably didn’t have to devote to it. I just really felt like, in this particular case, it was worth it.”

Though Anderkin may never know the hard work that Gutierrez put into this investigation, it did not escape her peers, her supervisor and now the nation.

“We are exceedingly proud of Ann’s dedicated and exemplary investigative efforts, which earned her the prestigious national honors she received,” Lexington Chief Anthony Beatty said. “Her achievement is a direct reflection of her work ethic, her professionalism and her commitment to serve the citizens of Lexington.”

Gutierrez also received the overall Citizens’ Choice Award for her case.

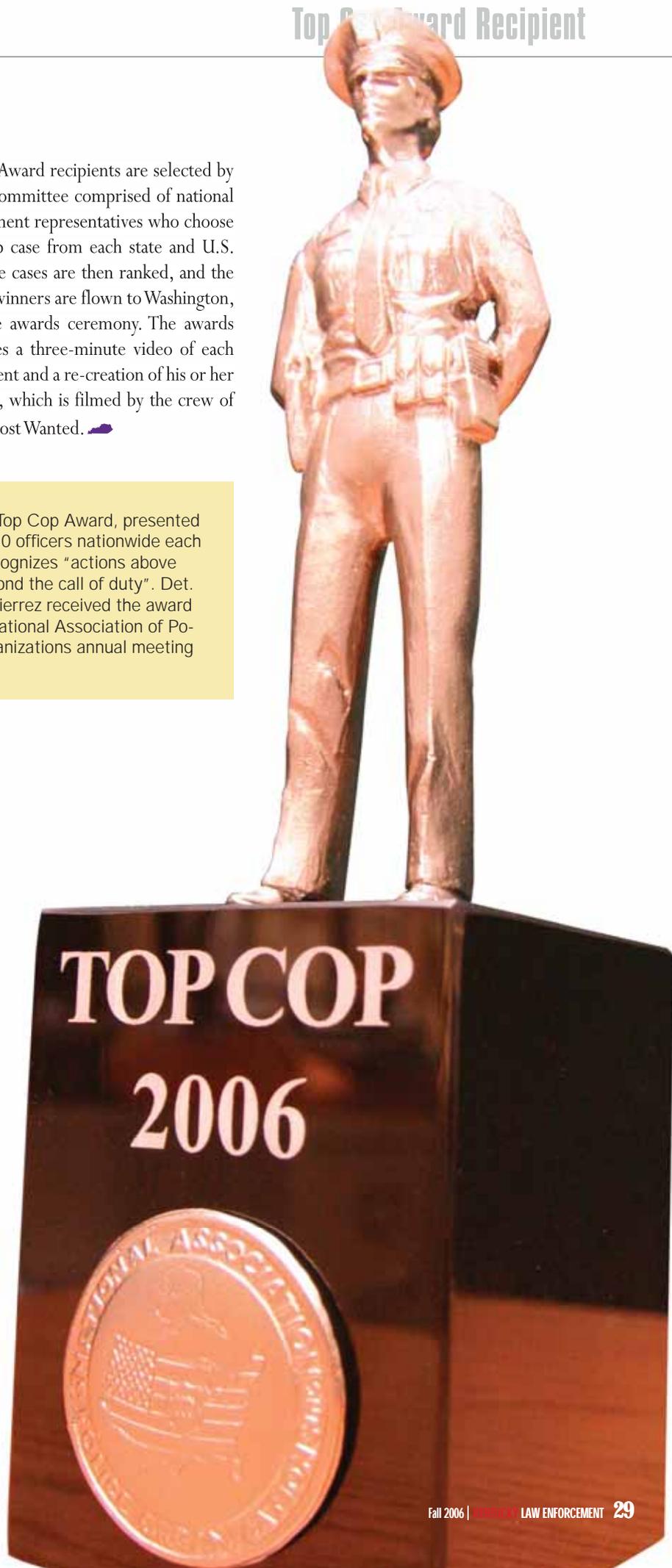
“The fact that NAPO picked this case surprised me because these cases don’t usually get recognized for anything. People don’t like to talk about these things,” Gutierrez said.

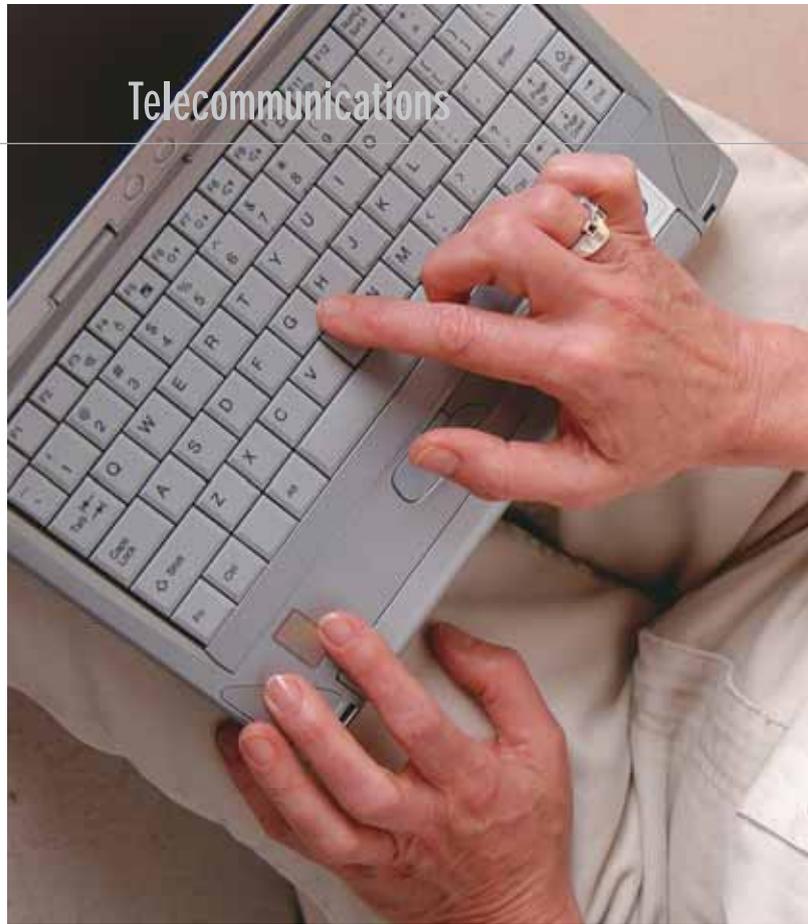
“At first I was uncomfortable with the attention because this is my job and we have so many other people that do a wonderful job every day,” she said.

Gutierrez is the first Lexington officer to ever receive a Top Cop Award and the first Kentucky officer to win it in nearly 10 years. She was one of only 10 officers from across the nation to receive the 2005 award.

Top Cop Award recipients are selected by a selection committee comprised of national law enforcement representatives who choose one Top Cop case from each state and U.S. territory. The cases are then ranked, and the top 10 case winners are flown to Washington, D.C. for the awards ceremony. The awards show features a three-minute video of each award recipient and a re-creation of his or her investigation, which is filmed by the crew of America’s Most Wanted. 📺

▶ The Top Cop Award, presented to only 10 officers nationwide each year, recognizes “actions above and beyond the call of duty”. Det. Ann Gutierrez received the award at the National Association of Police Organizations annual meeting in May.





# INQUIRY ONLY RE-CERT

DOCJT's latest class to go online /Mike Keyser,  
Training Instructor, Advanced Telecommunications Section

“Inquiry Only Recertification” is the latest telecommunication’s class to be approved by the Kentucky Law Enforcement Council to be offered online. This class joins the Mobile Data Terminal Recertification and Radar Recertification classes online. All three courses are still offered in the classroom.

Instructors for online classes are available during regular office hours by telephone or email. Virtual office hours are posted as announcements within the course and assure the student will be able to contact the instructor online or by telephone.

Reporting capabilities include the time spent on completion of the course as well as the specific amount of time spent on each individual task, including video presentations and quizzes. Testing procedures include the use of test question pools, scrambling the order of test questions, and the scrambling of answers.

Registration for the online courses is similar to registration for any other class offered by the Department of Criminal Justice Training. The only difference is a valid e-mail address is required for each student. E-mail is used for the distribution of usernames and passwords necessary to access the course and also for student/instructor communications concerning class content. The e-mail address provided can be a personal e-mail account or agency e-mail account. Agencies also have the option of providing the same e-mail address for all students from the agency and then distributing the username and password information directly to the student.

Persons opting to take a recertification online should not expect a big difference between it and the traditional classes. The exact same information is presented and in many instances the material is presented in the same manner. In the online class, the learning objectives are clearly explained at the beginning of each block, very much like

an instructor would do when standing in the front of the classroom. Written material can be printed and compiled into a workbook similar to the workbook used in the traditional class setting. In addition, video presentations combine PowerPoint and an instructor’s voice and can be played using Macromedia Flash player. Finally any video clips or training films shown in class are converted into a Microsoft Windows compatible format and viewed by the student during the online course.

Many of the online lessons conclude with a short quiz. While the grades on each quiz do not count toward the final grade for the course, they do an excellent job of verifying student understanding of the material. If a student fails to obtain a passing score on the quiz, he or she is directed back to the material in the lesson for review. Quizzes can be taken multiple times with this method until a passing grade is obtained. Also available in select lessons are puzzles or games in lieu of a quiz.

Agency administrators, supervisors and students should make certain that when taking an online class it is done in a private area, away from everyday conversations and interruptions. This will enable the student to concentrate on the lesson material and retain more of the information presented. Unfortunately, just like any other class, there have been course failures and most often the student has complained about not having the ability to concentrate on the class because of other work-related duties and interruptions. Consider that if attending a traditional class, those distractions would be minimized and should also be minimized for online training.

DOCJT’s Distance Learning Program welcomes suggestions for additional courses, feedback on existing courses, and any other comments or suggestions. Please call or e-mail Tim Anderson, (859) 622-8088 or [tim.anderson@ky.gov](mailto:tim.anderson@ky.gov), or Mike Keyser, (859) 622-8162 or [mike.keyser@ky.gov](mailto:mike.keyser@ky.gov). J



■ Firefighters practice extinguishing aircraft engine fires at the 77th Annual Kentucky State Fire School and Homeland Security Conference held June 8-11 at Lexington Convention Center and various sites in Lexington.

/Photo by Elizabeth Thomas



/Photo by Elizabeth Thomas

## PROFILE BIO

### TERESA BABB

began working in the Breath Test Section, which is now called DUI Enforcement, at the Department of Criminal Justice Training in September 1998. She was born and raised in Frankfort. Teresa graduated from the University of Kentucky with a bachelor's degree in business and has completed the Certified Management Fundamentals phase I of the Kentucky Certified Public Manager program. Prior to coming to DOCJT she worked for the State Traffic School and Alcohol Driver Education programs for four years, owned and operated a convenience store for seven years and worked at Eastern Kentucky University for four years in the Billings and Collections department. Teresa now lives on a farm in Garrard County with her husband of 22 years, John, and their 2-year-old Boston Terrier, Nelly, and an assortment of other critters.

# Teresa Babb

**Who has been the most positive influence during your career?**

There have been many people who have been a positive influence in my career. Debbie Mills is one of the most influential. Debbie, former director of the State Traffic School, was a good friend as well as a supervisor and mentor. She challenged me to go beyond what I believed I could accomplish. She taught me a lot about dealing with people on both the professional and personal levels. She believed you could get your work done and still have fun. I have tried to remember that throughout all the jobs I have had since working with Debbie.

**You served as chair of the Kentucky Employees Charitable Campaign and have participated in several charitable campaigns. What do you enjoy about participating in these events?**

The main reason I enjoy charitable work is I like to help people. Even though I can't give as much

monetarily as I would like, I can always give of my time. I also enjoy the many ways that have been developed over the years to help make giving so much fun, such as pie throwing, Taste of Richmond, dessert auctions and our very own DOCJT auction. You can give and get something and have fun doing it, while still helping people along the way. DOCJT has taken the lead in giving to the March of Dimes and KECC campaigns and it is all because of the generous hearts of our employees. Speaking of charity, let me put a plug in here about a mouth-watering cookbook created by DOCJT employees. It's called "I Want That Recipe." This cookbook came about because when we have potlucks everyone always says, "I want your recipe," so we created our own cookbook. All proceeds made from the cookbook go the Kentucky Employees Charitable Campaign. If you would like to purchase a cookbook, please contact me.

**What do you consider as a special accomplishment in your career?**

One accomplishment I am very proud of is completing the Ropes Facilitation Course and becoming a facilitator. The ropes course is a very unique way of helping people become more confident in themselves and a fun way to learn problem-solving skills. As I watched the course being built I was very intrigued and knew it was something I wanted to become involved with. I had two big hurdles to overcome: fear of heights and public speaking. I have not completely overcome my fears, but I have made a lot of progress in these two areas.

**What are your duties in the DUI Enforcement Section?**

I am an administrative specialist II, and my duties include scheduling facilities locally and across the state for Basic BreathTest Operator, DUI/Standardized Field Sobriety Test, and BreathTest Operator Recertification courses. I set the training schedule for our section, which includes both Basic Training and Professional Development and outside academies. I am responsible for seeing a course file through from beginning to end. This includes notifying the students of class dates, locations and requirements, preparing handouts and manuals, and mailing course completion certificates and certification cards. The DUI Enforcement Section of DOCJT trains both Basic and Professional Development students in DUI Detection and Standardized Field Sobriety Testing skills. I am responsible for coordinating the DUI course drinking subject program. This includes determining eligibility of participants through phone interviews and screening, tracking the number of times a subject may drink per year and processing payment of the subjects. An integral part of the training consists of using actual drinking subjects. The students are able to practice sobriety testing procedures and apply their detection skills within a controlled classroom setting. Monitoring drinking subjects during the DUI course for consumption and elimination of alcohol is very important because if our subjects become too intoxicated they are not able to perform the tests. There have been some really funny moments during the day and evening. Participants have to be completely sober before leaving because we don't

want to see them in a situation where they are driving intoxicated. I love the work I do and the people I work with in this section.

**Has working at DOCJT been a positive experience?**

Yes it has. I think this is the best agency to work for in state government. Our agency really promotes education and work skills enrichment. They are also concerned enough with our health that they offer a wellness program for all who would like to participate. I have been promoted several times since coming to work here. I have received the Professional Esteem Award and Professional Service Award. I also received an award from

former Governor Paul E. Patton for extraordinary service to the citizens of the Commonwealth.

**How do you like to spend your time when you are away from the DOCJT?**

I love crafting, especially creating stained glass objects and glass beads. I have in the past, and plan to in the future, participated in craft fairs. Some of the glass objects I have created are sun catchers, panels, garden stepping stones and garden stakes. I like to refer to crafting as my therapy. Another way I like to spend time is with my 10-year-old nephew Ben. Whenever we are together I get to act like a kid again. J



/Photo by Elizabeth Thomas



/Photo submitted

PROFILE BIO

**VAN SPENCER**

is a law enforcement instructor in the Department of Criminal Justice Training's Professional Development Branch Investigations Section. He began his career at DOCJT in January 2001 in the Basic Training Branch and then transferred to the Professional Development Branch July 2004. Prior to coming to DOCJT Spencer retired from the Lexington-Fayette Urban County Police Department where he served five years in uniform patrol, two years as a burglary detective, 11 years as a narcotics and vice detective and six years as a robbery-homicide detective. Van graduated from Eastern Kentucky University with a Bachelor of Science degree in Police Studies and is currently enrolled in their criminal justice graduate program. He is also a graduate of the National Certified Public Manager Consortium program.

Spencer has received several awards and certificates throughout his career and was the 2005 recipient of a Department of Criminal Justice Training Professional Achievement Award and was nominated for the 2005 Department of Criminal Justice Training Instructor of the Year. Van and his wife, Dottie, have a daughter, Kelsey, 16. In addition, Van has a son, Kristoffer, 29 and a daughter Bethany, 26.



/Photos by Elizabeth Thomas

# Van Spencer

**How does it make you feel to be known by your peers as one who always has a positive attitude?**

I'm sure if you asked many of my coworkers from earlier in my career at the Lexington Fayette Urban County Division of Police they may not have given you the same opinion. I have learned that with age comes maturity and with maturity comes patience. I have always believed that you should lead by example and through experience I have learned that few good things can be accomplished with a bad or negative attitude. I know that it is up to me to determine what mood I am in and how much I allow things to delight or upset me. Things are seldom as bad as they first appear and by allowing those things to negatively affect my attitude only hurts me, both physically and psychologically as well as those around me. When my children were younger I would often tell them not to dwell on the few

unpleasant events that may occur but to think of all of the good things going on in their lives. I often find that things I perceive to be problems and may have the potential to upset me, end up in one of four categories: (1) Lack of Knowledge - I do not have all of the information I need to form a knowledgeable and logical opinion about the problem or subject at that time therefore getting upset would be non-productive and harmful to me; (2) Self correcting - The problem was ill conceived and it soon changes or disappears; (3) Positive Action - If I decide to address the problem I usually am more successful in finding a solution if I maintain a positive attitude; and (4) Life is not always fair, and I need to get over it. As Dr. Reinhold Niebuhr wrote in his Serenity Prayer, "God grant me the serenity to accept the things I cannot change, to change the things I can, and the wisdom to know the difference." It is the wisdom part I find most difficult.

Having worked in the Basic Training Branch and now the Professional Development Branch, tell us how your talents and knowledge were applied in both branches.

In the Basic Training Branch, General Studies Section, an instructor's knowledge base and experience needs to be somewhat diversified because of the wide variety of subjects covered in basic training. When I joined the Lexington Fayette Urban County Division of Police I worked uniformed patrol for five years. I then transferred to the Criminal Investigation Section where I worked my remaining 19 years as a detective in either the Burglary Unit, the Vice and Narcotics Unit, the Robbery/Homicide Unit, or the DEA Task Force. This career diversity and training helped me develop base curriculum for basic training. In the Investigations Section, I draw upon the same training and experience. However, I can research and develop more advanced and in-depth curriculum to meet the changing needs of the experienced law enforcement professional.

What is your active role in the instructor's course?

My main reason for getting involved as an instructor in the Instructor Development Course was to learn. As instructors of the course we share our base knowledge of adult learning techniques, facilitation skills, and problem-solving skills with the participants and, in turn, they use that information and those newly learned skills in ways we, as instructors, may not have envisioned. I learn something new from every class that I can use or pass on to future classes. Presently my main duties are instructing the Training Aids and Technology block, evaluating participant presentations, and advising participants on individual projects. In addition, I assist other instructors with their blocks of instruction.

You were considered by your peers and command to be a most effective criminal detective in special narcotics, DEA and homicide. How does the level of training development for investigators now compare to training 25 years ago?

Because I worked in both the uniformed patrol section as well as the criminal investigation section in Lexington and have worked as an instructor in both the Basic Training

Branch and the Professional Development Branch at the DOCJT, I would like to address not only training for criminal investigators but law enforcement training as a whole. Early in my career, many in the law enforcement field viewed training as a luxury rather than a necessity. Once an officer completed basic training, little specialized training was offered or available. Because of the advancements in technology, the increased sophistication of criminal acts, as well as the significant increase in the professional standards for Kentucky law enforcement within the past decade, the need or requirement for increased and advanced training in all fields of law enforcement has developed both within the state of Kentucky and throughout the United States. This need has been recognized by the DOCJT as well as other law enforcement training academies within the state. Advanced and specialized training courses have been developed and others are continuing to be developed at the DOCJT that aid in the advancement of this professional development. In addition, with the increased demand nationwide for advanced law enforcement training, many federal, state and private law enforcement training programs throughout the nation are now offering specialized training previously unavailable to most officers.

Fortunately training is now viewed by most of Kentucky's law enforcement community as the necessity it is.

If you had to share one single thought to encourage someone going into the field of law enforcement what would it be and why?

To be successful in this field and maintain a positive attitude throughout your career you must first view it as a profession, not a job. One of your main reasons for entering or remaining in the field should be the desire to help others. By keeping this as one of your top priorities, the hurdles you face throughout your career should not be insurmountable.

What is important to you outside of DOCJT?

I find that the older I get the more I realize the importance of family. My parents died when I was in my 20s. I realize now that I did not fully appreciate their company or wisdom when I was young, and now I think about all of the things I could have done for or with them. I am not going to make the same mistake with the remainder of my family. I have learned to appreciate them for who they are and enjoy every – OK almost – every minute, I spend with them. J



# CARE, CONCERN AND COMMITMENT

/Dale G. Morton, UNITE Communications Director

Inquisitive brown eyes darted quickly around the large gymnasium floor, quietly studying dozens of other school-aged youth for clues about which move to make next. Left or right? Up or down? Faster or slower? Turn this way or that way?

It was sometimes difficult for the young girl to keep pace with the tall, handsome instructor, who masterfully commanded every action as he moved among the ordered masses. So many things to remember in such a short time.

"You're doing great, sweetheart," offered a reassuring voice from one of the many volunteer assistants, evoking a big grin on the girl's innocent face. As self-confidence grew, every drop of doubt evaporated. She could perform the desired task.

For nearly three hours the young boys and girls executed an exhaustive series of basic basketball skills under the direction of former University of Kentucky star Jeff Sheppard. A national championship MVP, Sheppard worked with Operation UNITE to offer a series of seven free "Shoot Hoops Not Drugs" basketball camps throughout the Fifth Congressional District during June.

In all, 764 participants from 28 Kentucky counties and four states – Georgia, Indiana, Tennessee and West Virginia – took advantage of the camps, made possible with the direct assistance from more than 150 community volunteers. In addition, city and county law enforcement officers and emergency medical personnel were on hand at each venue – Harlan, Lee, Magoffin, Perry, Pike, Rockcastle and Whitley counties – in crucial supporting roles.

"This was definitely a team accomplishment and could not have succeeded in any other way," said Carlos Cameron, a coalition coordinator for UNITE who organized the camps. "We were able to reach a large number of children across southern and eastern Kentucky and have a positive influence in their lives for at least one day."

The camps were entirely funded through donations, Cameron noted. "UNITE is especially grateful to Senture for providing com-

▶ A camper attempts to perform a lay-up during the Shoot Hoops Not Drugs camp in Harlan County.

memorative basketballs for each participant, SouthEast Telephone for providing and preparing more than 1,200 hotdogs and gallons of bottled water, and Wal-Mart for funding portable basketball goals given away as door prizes at each site."

Sheppard started each camp by circling the eager students around him at center court. "There are only two rules," he informed them. "Have fun and do your best. It doesn't matter whether you make the shot. It doesn't matter if you drop the ball. What's important is that you try."

Throughout the sessions Sheppard also sought to impart the importance of maintaining a healthy lifestyle and teamwork. "The same philosophies that make you a successful athlete also make you a good citizen," Sheppard said. "The choices these kids make now can forever impact their futures."

Helping to reinforce that message were detectives from UNITE's drug task force. Throughout each event, officers offered encouragement and one-on-one assistance during the drills. It was a face of law enforcement that many of these children don't get to see.

"Far too often a person's only contact with a police officer comes after a crime has been committed or as the result of a tragic accident," said Dan Smoot, UNITE's director of law enforcement. "We





want these kids and their families to know that officers are caring, concerned individuals who are there to help.”

Much like the Kentucky State Police uses Trooper Island to give children an opportunity to escape their environment and experience programs otherwise unavailable to them, the Shoot Hoops Not Drugs camps were designed to open the door of possibilities – if only for an afternoon.

“One program is not going to change anything by itself,” acknowledged Karen Engle, UNITE executive director. “What we hoped to accomplish by this and other youth activities is to demonstrate that there are fun alternatives to experimenting with drugs. We also wanted to let parents and guardians know we are out there and value their assistance.”

That philosophy is exhibited daily as UNITE attempts to reverse the escalating problems caused because of substance abuse. Working through schools, community groups, businesses, medical professionals and faith-based organizations, UNITE has blanketed the region with

grass-roots coalitions that strive to find local solutions to local problems. Currently there are coalitions in 29 counties and on 10 college campuses.

Law enforcement officers take active roles in their communities, serving on their local coalition, helping with school UNITE Clubs, participating on Drug Court teams, working through their church on after-care support programs, or being a youth sports coach.

“Our detectives are no different from their friends and neighbors, except they carry a gun and must deal with the dregs of society each day,” Engle stated. “Their lives, their families, their neighborhoods are impacted when drug abuse runs rampant. Together, with everyone’s involvement, we can send a strong message that the drug culture will no longer be accepted.” J

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For more information about Operation UNITE and its programs go to [www.operationunite.org](http://www.operationunite.org).

# Interdiction— Where the Investigations Start, Not End

/Appalachia HIDTA Staff

In May, Kentucky Vehicle Enforcement officer Sgt. Tony Wilson was working with a team of interdiction officers on Interstate 75 along with officers from the Kentucky State Police, Williamsburg Police Department, Rockcastle, Laurel and Whitley county sheriff's offices. The officers were being funded overtime by the Appalachia High Intensity Drug Trafficking Area. Another interdiction team was busy on Interstate 65 in Warren County involving the KSP, KVE and Warren County Sheriff's Office.

Wilson was working only a short while during a May shift when he observed indicators that made a 1999 Honda Civic and its occupants suspicious, based on his training and experience. His observations resulted in a traffic stop on the vehicle, along Interstate 75 at the 38-mile marker (London). Further investigation resulted in conflicting statements from the driver and passenger of the vehicle. Fellow KVE officers Joey Conn and Orie Smith conducted a consent search that resulted in the discovery of a bloody knife in the trunk of the vehicle. Detectives from the KSP were called to the scene to assist. Further investigation determined that the vehicle was not registered to either occupant. In fact, the vehicle was registered to a third party in Charlotte, North Carolina.

Officers at the scene contacted the Charlotte, North Carolina, Police Department to check on the residence and welfare of the registered owner. Their investigation determined that the registered owner had apparently been recently murdered prior to the stop.

Sgt. Wilson subsequently charged the ju-

venile driver with traffic violations as well as receiving stolen property. KSP Detective Don Trosper charged the passenger with receiving stolen property. Subsequently, both occupants of the vehicle were charged for robbery and murder, based on warrants filed by the Charlotte, North Carolina Police Department. It was determined that the subjects were members of the Bloods in Charlotte.

"Officers from the KVE are recognized nationally as experts in highway interdiction" said KVE Commissioner Greg Howard. "This is a good example of conducting a traffic stop using training, safety and good old fashion police work. I am so proud of these officers."

Beginning in 2004, the Appalachia HIDTA obtained discretionary funding from the Office of the National Drug Control Policy. The funds were to pay overtime for state and local law enforcement agencies working together in a coordinated effort on domestic highway interdiction. As part of the program the agencies used Appalachia HIDTA Investigative Support Center for intelligence and statistical support.

The ISC can readily assist officers in controlled deliveries through operational drug task forces and in the acquisition and coordination of intelligence that would assist in the investigation. An interdiction incident should be the start of the investigation and not the end. Intelligence will provide the ability to help connect the dots from the interdiction stop to somewhere else in the country where there could be a significant ongoing investigation.



The Appalachia HIDTA is attempting to seed domestic highway interdiction into full-time interdiction initiatives in HIDTA-designated counties in Kentucky, Tennessee and West Virginia. The HIDTA requires its initiatives to have collocated federal, state and local law enforcement participants, and be intelligence driven.

In 2005, the Appalachia HIDTA co-sponsored with KVE Desert Snow a premier hands-on interdiction training course for vehicle and commercial trucks. This training is a must and prepares a law enforcement officer to interdict all violators and to look for indicators that indicate illegal activity. From this type of training and approach yields all types of criminal activity including fugitives, drug traffickers, money laundering, illegal aliens, murderers, as in Wilson's stop, and something that concerns us all in these times – domestic and foreign terrorists. J

▲ Kentucky Vehicle Enforcement Sgt. Tony Wilson and his K-9 were part of the interdiction team that captured two alleged murderers in Warren County.

## Drug Control Office Will Present Training for Narcotics Officers in December

Narcotics officers may register now to attend the Kentucky Office of Drug Control Policy's second training conference specifically for drug law enforcement and nominate a fellow officer for an award.

Last year's inaugural conference was attended by 175 drug officers from across the Commonwealth. The ODCP, the Kentucky State Police, the Kentucky Narcotics Officers' Association and the Regional Organized Crime Information Center will sponsor the event again this year.

The conference will be held December 4 through 6 at the Hyatt Regency Hotel in Louisville and will include training about investigative techniques in drug diversion, Internet pharmacy investigations and KASPER, the Kentucky All-Schedule Prescription Electronic Reporting System.

The event will also include a presentation from DEA Special Agent Gilberto Gonzales on Mexican drug trafficking.

The deadline is October 16 for registering and nominating an officer for the Outstanding Narcotics Officer Award.

For more information on registration, nominating or accommodations, please contact Debbie Spaulding at [debbie.spaulding@ky.gov](mailto:debbie.spaulding@ky.gov) or (502) 564-9564.



**ODCP**  
OFFICE OF DRUG CONTROL POLICY

**Mail to:**

Office of Drug Control Policy  
Justice and Public Safety Cabinet  
Attn: Debbie Spaulding  
125 Holmes Street  
Frankfort, KY 40601-2108

### **KENTUCKY NARCOTIC OFFICERS CONFERENCE**

Registration Form

Name: \_\_\_\_\_ Agency: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Two-night complimentary rooms provided for the first 100 registrants**

Lodging preference: \_\_\_\_\_ Smoking \_\_\_\_\_ Non-Smoking

**RSVP by November 6, 2005**

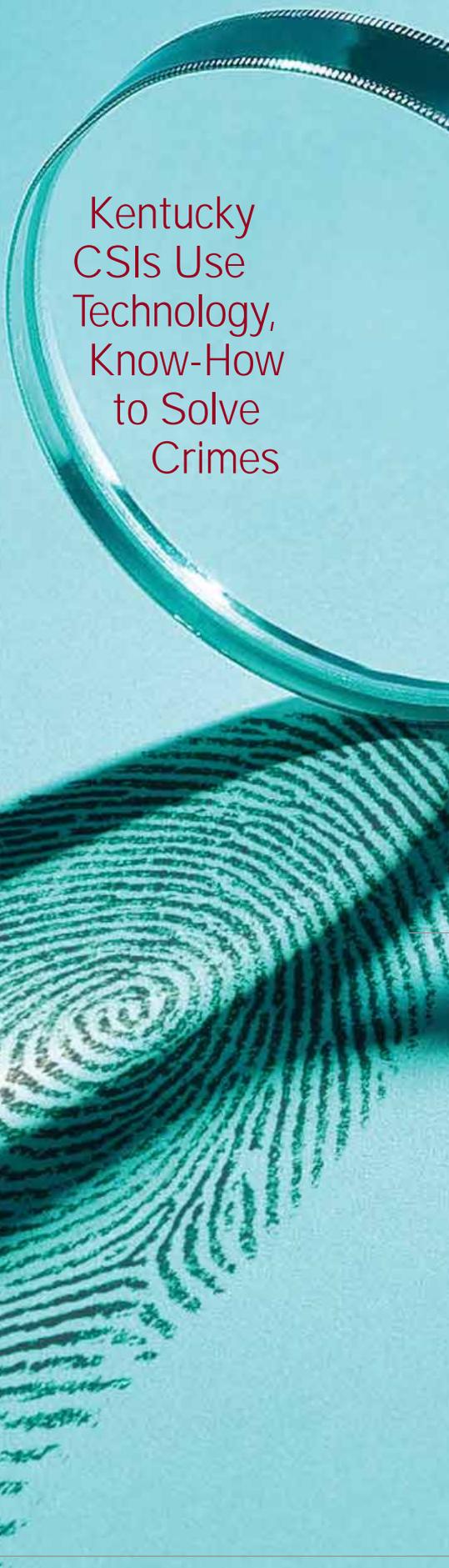
## Law Enforcement Invited to Participate in 'Conversations' About Drugs

Champions for a Drug-Free Kentucky and the Kentucky Agency for Substance Abuse Policy's second joint conference about addressing the drug problem in the Commonwealth will be held in October.

The theme is "The Power of One," representing the idea of drug prevention, treatment, youth and law enforcement professionals working as one toward the common goal of eradicating drug abuse in Kentucky.

Further conference information and registration form are available at [www.odcp.ky.gov](http://www.odcp.ky.gov), or you may contact ODCP at (888) 414-ODCP (6327).

# GETTING a CLUE



Kentucky  
CSIs Use  
Technology,  
Know-How  
to Solve  
Crimes

/Jamie Neal, Public Information Officer



After weeks of painstaking analysis, dissecting evidence from the scene where the woman's lifeless body was found and running innumerable lab tests, Tim Carnahan unexpectedly, but undoubtedly, found himself staring at a conclusive piece of evidence. It would lead detectives, he thought, directly to the murderer. There – on one of the tarps that had wrapped Patricia Volpenheim's body – was a left thumbprint.

Surprised to see the print, Carnahan had held little hope of finding anything on the tarp's large, slick surface. But as a trained and experienced evidence investigator for the Boone County Sheriff's Office, he had painstakingly followed procedure, including analysis to bring out any possible fingerprints. And that print led directly to the investigation's prime suspect, John Wesley Snow.

There was other physical evidence against Snow in the shooting and stabbing case – a bullet from the victim's head, castings of tire and shoe impressions, scrapings from the murdered woman's fingernails and even store video of Snow purchasing tarps – but the print was "the first confirmation to put him at the crime scene," Carnahan said.

As part of a sentencing agreement, Snow later provided details of the crime, telling investigators that he had worn gloves to hide his prints but got nervous and forgot to put them back on when he moved the body in the tarps.

"I knew those tarps was (sic) going to take me down," Snow lamented in his video-recorded confession. >>





HOWARD TRAPNELL, Alexandria



BRIAN COCHRAN, Boone County



TIM CARNAHAN, Boone County



CHARLES CASEY, Bowling Green



Captain KEVIN WILES, Bowling Green



GREG AGLOR, Erlanger



CARL AIGNER, Florence



As the only full-time member of Boone County's crime scene unit, it is Carnahan's job to help the agency's detectives bring down killers, rapists, thieves and other criminals through finding, collecting, processing and interpreting physical evidence and explaining his findings to juries, he said.

As advances in science and technology encourage investigators to dig deeper into evidence and as the public has become increasingly aware of the use of forensics in law enforcement through television and other media, some Kentucky officers, like Carnahan, have altered their career paths and moved into labs and crime scenes as evidence investigators.

But, unlike the Boone County Sheriff's Office, most law enforcement agencies in Kentucky don't have the staffing level required to justify dedicating a full time person to processing and analyzing evidence. Few are equipped with their own specialized tools and laboratories.

Depending on their resources and needs, many departments count on their officers or detectives to act as evidence technicians (some specially trained, others relying on experience) in addition to their normal duties. Others call upon neighboring departments or other agencies for help or make unique arrangements for handling CSI requirements.

Greg Aylor of the Erlanger Police Department, an agency with about 40 officers, is both a detective and the department's only trained evidence processor/crime scene investigator, a dual role that he said works to his advantage.

"I think it's helpful to me as far as getting on scene and having the detective background along with the forensic background. I can look for evidence that is inconsistent with what someone is saying," Aylor said.

Aylor, formerly police chief of Dayton, Ohio, added evidence investigator to his title

after graduating from the National Forensic Academy at the University of Tennessee last year. See page 46 for more on the NFA.

He pursued the training, he said, because forensic science can lead to the successful prosecution of criminal investigations. Having someone with knowledge in the field also benefits the department, Aylor explained.

"It feels like you are accomplishing your job at a higher rate," he said.

"The time saved and information gained is invaluable to our department," added Lt. Kevin Gilpin, Aylor's criminal investigations supervisor.

Erlanger has a small lab and a crime scene truck, and because of his training, Aylor performs a range of CSI duties ranging from sketching the crime scene to identifying what tool, such as a tire iron, was used to commit a crime. He processes his own major crime scenes as well as other scenes and evidence for other officers.

But, when he has exhausted his resources, Aylor sometimes calls upon Carnahan and his colleagues at Boone County Sheriff's Office for their experience and equipment.

Carnahan, a detective, has been Boone County's full-time evidence investigator since 2000, but he started processing the majority of evidence around 1992 as an investigator with the county police before they merged with the sheriff's office.

"I knew I was missing evidence because I wasn't trained, so I geared my training toward that," he said.

## 'We're going to be the best at this'

He and Detective Brian Cochran are now the primary evidence investigators.

The real turning point in staffing and equipping the CSI with the lab and other facilities and equipment they needed for the job came when the departments merged under Sheriff Michael Helmig, Cochran said.

"We're going to be the best at this," Helmig told him.

"It's been well worth the investment and



time spent on it. We're solving crimes," said Helmig, noting asset forfeiture funds have helped the agency pay for training and equipment.

The CSI allows the department to get more convictions and speed up processing evidence by leapfrogging the backlog at the Kentucky State Police lab in Frankfort, he added.

Without specialized training, officers are likely missing evidence by not knowing what can be processed, Carnahan noted.

"Our ultimate goal," said Carnahan, "is to present the facts of the case and let the jury decide if a crime was committed."

Investigators prefer tangible evidence to show juries when they go to court, he continued.

For instance, in a murder case he once presented a mold of a man's fist, showing how it matched the imprint on the victim's face. It helped that the man was missing a knuckle, making his impression unusual, Carnahan added.

While Carnahan is usually processing evidence in the lab for detectives, he and Cochran may spend days at a crime scene when needed. Initially, they work independently of the lead detectives on the cases and then compare their evidence and the detectives' findings.

"We are dealing strictly with the physical evidence, not the emotional aspect," Carnahan said. "When we get to a crime scene, I don't want to know what the patrolman thinks happened, the witnesses think happened or the detectives theorize happened. When I get there, I want to look at a pristine crime scene."

Carnahan and Cochran said they enjoy their work because of the challenge of finding evidence and figuring out how to process it.

"Everything we do in this line of work is a challenge because it's not always obvious," Carnahan said. The evidence, he said, "is not always the Coke can sitting on the table."

Sometimes, it's working within physical limitations, he said.

The two once needed to use string to plot blood splatter in order to determine a victim's position when he was killed, but they couldn't tape the string ends to the floor to hold them taut because the carpet was too greasy. They turned the ends of safety pins into fishhooks and tied the string to the hooks.

"We try to be meticulous in trying to locate and collect evidence," because often there's only one chance to get it, Carnahan said.

The evidence processors who worked a 2001 murder case in Bowling Green are well aware of that need to be meticulous.

A man had stabbed his wife and her boyfriend, leaving blood everywhere and creating a complicated crime scene, said Cpt. Kevin Wiles, supervisor of the Bowling Green Police Department's evidence processors.

But just one drop of blood that investigators found on the back porch step put the murderer at the scene. He later pleaded guilty, Wiles said.

"It's so important that our processors are taking their jobs seriously and have the adequate training and resource," he said.

Without enough officers to have a dedicated crime scene unit, the department developed a team of 30 patrol officers who are also trained as basic evidence processors and another team of seven officers who are advanced processors.

"That makes that officer much more efficient because they don't have to call on anyone else," Wiles said. "Citizens also see him doing something more than just taking a report."

Meanwhile, the department is considering phasing in a stand-alone crime scene unit and adding a lab.

## 'Thinking like a criminal'

Officer George Ballard had only started talking about his job as a CSI for the Owensboro Police >>



## DO YOU HAVE A CLUE?

Becoming a skilled crime scene investigator takes specialized training and experience. Using the case and questions below, see if you know how CSIs investigate a crime scene.

**SCENARIO:** You respond to a call from a hotel, where a woman has been found unconscious in her room in a large pool of blood. She has a gash in her head, but she is still alive and is taken to the hospital. Game answers on page 49.



1. What steps should you take as you begin your crime scene investigation?



2. You see that there is a closed wallet on the desk in the hotel room. When you open it, there are drops of blood inside. Does this provide any information? If so, what?





/Photo by Elizabeth Thomas



3. You receive a phone call telling you that the victim has died. In addition to being hit in the head, you're told she has apparently been shot in the head. Why might her murderer have beaten and shot her?



4. Among the many pieces of potential evidence in the hotel room, including a gallon of water, a box of cotton swabs and reading glasses under the bed, you find a bloody shirt. You need to collect it. How should you store it?

Department for this story when he was called away on a case about a child dying under questionable circumstances.

With three homicides, eight rapes, 19 robberies, 37 aggravated assaults, 229 burglaries and five arsons just between January and June, such a call is not unusual for the department's full-time CSIs, said Ballard and his partner, Officer Jeff Payne. Like most CSI's, they are on call 24/7.

"You name it, I think we've had it," said Ballard, who said that this crime rate isn't the city's norm. "There's no such thing as a routine day here."

"You have to think like a criminal," Payne said. "You've got to think outside the box when you work in evidence."

When a tool, such as a tire iron, is involved in a murder, for instance, the team will hit a piece of wood with a variety of tools to see which one will make the same imprint as the one in their case.

According to Payne, the theory of transfer says that when a person comes into contact with an object or another person, a cross-transfer of physical evidence occurs. It can be frustrating when the evidence isn't in the quantity or quality needed in an investigation, he added.

But, "I love it. It's the thrill of the hunt," he

said. "It's the ultimate treasure hunt."

The Owensboro Police Department has also trained other officers in basic crime scene work so they can help their fellow patrol officers and assist at major crime scenes.

As the agency's full-time CSIs, Payne and Ballard work apart from the detectives when investigating, but they listen in as people involved in cases are interviewed and advise the detectives based on the physical evidence.

Criminals always leave evidence. "We're always leaving a little bit of us around," according to Carl Agner, a patrol officer who also serves as a crime scene investigator at the Florence Police Department. "It's our job to find it." Agner also holds a bachelor's degree in forensic anthropology.

The Florence Police Department, he noted, has four crime scene investigators, patrol officers who assist detectives with gathering and processing physical evidence.

The investigators, working separately from the detectives, are called out for crimes ranging from theft to homicide. Marijuana identification cases alone keep them busy, he added.

## 'You never know what you're going to get'

At the nearby Alexandria Police Department, the evidence investigator is a civilian, but he is no stranger to law enforcement.

Howard Trapnell, 62, is retired from several federal investigative positions, including as a Marine master sergeant with more than 30 years experience in the Criminal Investigative Division.

Trapnell, an investigative assistant, first joined the department as a volunteer through its federal Volunteers in Police Service program after Chief Mike Ward kept trying to get him to sign up.

"I realized how much I missed it" and how his years of experience and knowledge was "going to waste," Trapnell said.

A year later, the former federal investigator became an Alexandria P.D. employee.

As a civilian, he does not make arrests or carry a weapon, but does investigations, basic



crime scene work and is a certified polygraph examiner.

Trapnell said he sees the same crimes in Alexandria as on the military bases, which are just like their own small towns, he said. "We have the same crimes and investigate the same way," he added.

"You never know what you're going to get when you get there," he said. "You've got to put it together. It's like a jigsaw puzzle."

Trapnell said he takes the job very seriously. "You can't let it consume you, but it gets in the back of your brain and knicks at ya and knicks at ya and knicks at ya," he said.

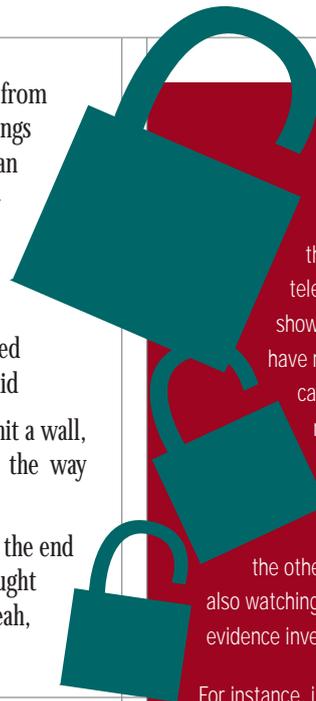
Boone County's Carnahan and Cochran agree.

"You can't tell every single thing from a crime scene. There are some things you just can't figure out," Carnahan said. "Answer the important questions. Everything else is a bonus."

Unanswered questions can be frustrating. "I want to know why. I want to know what happened to the murder weapon," Cochran said.

But just as frustrating as it is to hit a wall, it is as fulfilling to see a case all the way through, Trapnell said.

"I'm able to follow it through to the end and say, 'Ah hah! What I said I thought happened, actually happened.' Yeah, that's good." J



While the work of a real crime scene investigator is substantially different from that portrayed on popular television crime dramas, those shows, especially the "CSI" series, have resulted in what is now being called the "CSI effect." The term refers to the fact that juries and attorneys are more aware of physical evidence and expect it in court. On the other hand, some criminals are also watching TV and catching on to what evidence investigators can process.

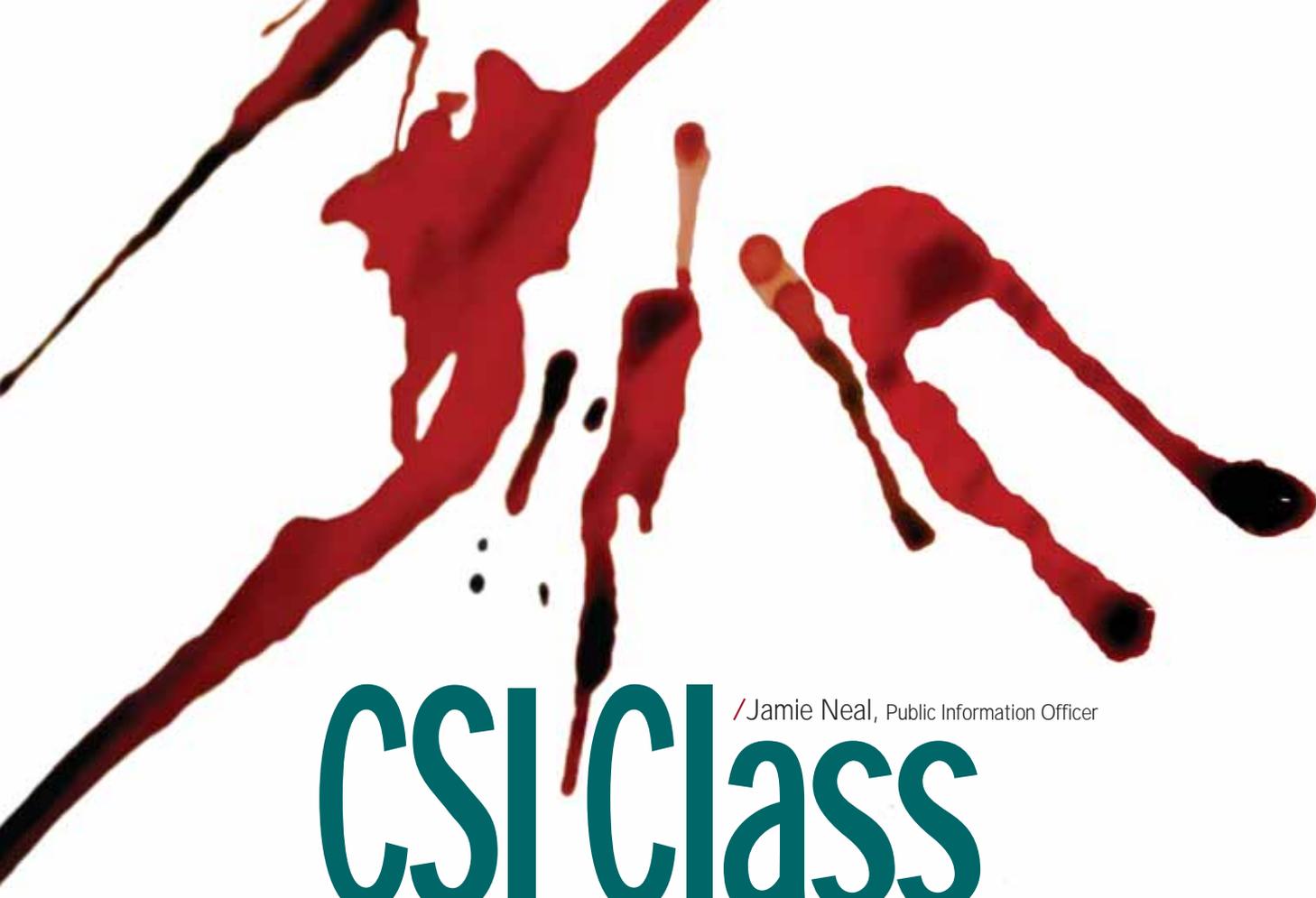
For instance, in a burglary last year, the thief left his gloves and the locks he broke off lockers soaking in a sink at the scene, thinking the water would wash away his epithelials, or skin cells, said Erlanger Detective and Crime Scene investigator Greg Aylor said. It didn't work. ■

◀ Some evidence investigators use lasers to help them determine gunshot trajectory, or the location from which gunshots originated. Rods with lasers are placed in bullet holes to get the angle of the trajectory, which illustrates the bullet's path for investigators.

▼ The Boone County Sheriff's Office, which has a crime scene unit with one full-time member, houses a slew of evidence from cases it has or is investigating, including an entire mattress. The white and brown molds are of tire treads found in the area where Patricia Volpenheim was found murdered in 2004.



/Photo by Elizabeth Thomas



# CSI Class

/Jamie Neal, Public Information Officer

Blood Spatter, Gunshot Residue, Postmortem Fingerprints:  
Investigators Can Learn It All at National Academy

**A** corpse has been located buried under a slab of cement. How do you extract it and preserve potential evidence?

What do you do at a crime scene created by a terrorist using a weapon of mass destruction?

When should you use dye stain rather than powder to process fingerprints?

Crime scene investigators interested in the most up-to-date answers to these and other related questions often enroll at the National Forensic Academy in Knoxville, Tennessee.

The CSI school provides an intensive, 10-week training program in evidence identification, collection and preservation. It is designed to prepare investigators, sworn or civilian, to recognize certain "key elements", such as identifying and collecting potential evidence on site and improving the process of evidence recovery and submission.

"You just don't know all the little tricks and ways, if you will, to get evidence like finger-

prints and DNA until you go to the National Forensics Academy and see things you never thought of," said Erlanger Detective Greg Aylor, who is the department's CSI and a 2005 NFA graduate.

Taught by experts, NFA's hands-on classes focus on specialized topics including:

- blood spatter,
- arson investigation,
- serology,
- weapons of mass destruction,
- photography,
- crime scene management,
- footwear and tire impressions,
- homicide investigation, and
- a lengthy list of other specialized training

During an intensive week at the nearby University of Tennessee Anthropological Research Facility, also known as "The Body Farm," academy students work with more evidence – human remains. They probe for hidden graves, dig up a buried body and recover bones scattered above ground. The area's

wooded acreage hides bodies at varying stages of decomposition for CSI training

Meanwhile, with its mock crime scenes involving a house that has been burned, a car that has been bombed and a person (actually a mannequin) who has been blown up, the NFA has earned some nicknames of its own, including the "Harvard of hellish violence" by the Washington Post.

"Each class has gotten better than the one before it, making the NFA the top training ground for crime scene investigators," NFA staffers Amy Welch and Jarrett Hallcox write in "The Bodies We've Buried," a book about their work at the academy. Nowhere else in the world can CSIs receive comprehensive, hands-on forensic training and learn the most cutting edge techniques, taught by the best practitioners in the field today."

In their final week at the academy, students are tested at "hell scene," a mass crime scene requiring the use all of the skills they learned during the 10 weeks, Welch said.



The hands-on training experience is vital, said Det. Brian Cochran, an evidence investigator for the Boone County Sheriff's Office.

"We know how to do things because we've done it, not from a PowerPoint," said Cochran, who created the forensic light source that the NFA provides to its students.

Law enforcement officers across the country are applying for admission into the five-year-old school, which at one point in its five-year existence had a three-year waiting period.

The academy offers sessions three times per year (January-March, May-July, September-November) to 16 students per session.

To be considered for the NFA, applicants must be investigators or crime scene techni-

cians, have a letter of recommendation from their chief or sheriff and submit an application packet, which is available online on the admissions page of the academy's Web site – [www.nfa.tennessee.edu](http://www.nfa.tennessee.edu) (or call (865) 215-1341).

The cost of \$6,500 includes tuition, lodging in a two-bedroom apartment and uniforms. Applicants interested in receiving a scholarship to attend the NFA should note it on their application.

Students may obtain 15 hours of college undergraduate credit or nine graduate hours from the University of Tennessee.

The academy also will bring some courses to law enforcement agencies. Contact the NFA for more information. J

## "WHO ARE YOU?"

Six investigators from Kentucky law enforcement agencies have graduated from the National Forensic Academy:

**Sgt. Ryan Walters**, Boone County Sheriff's Office, Session 4, September 2002

**Det. Tim Carnahan**, Boone County Sheriff's Office, Session 5, January 2003

**Sgt. Larry Alexander**, Mayfield Police Department, Session 9, May 2004

**Det. Brian Cochran**, Boone County Sheriff's Office, Session 10, September 2004

**Officer Charles Casey**, Bowling Green Police Department, Session 13, September 2005

**Det. Greg Aylor**, Erlanger Police Department, Session 13, September 2005 ■

# CSI TRAINING

The Department of Criminal Justice Training in Richmond and many other agencies also offer training for evidence investigators, and many of them will bring the courses to departments:

- DOCJT will present one-week classes in crime scene photography, digital photography, advanced latent print development and bloodstain pattern recognition in 2007. Visit <http://www.docjt.jus.state.ky.us/> or call Joe Wallace at (859) 622-6485 for more information.
- Institute of Police Technology and Management has forensics and technology courses, including a crime-scene processing workshop, bloodstain interpretation, photography and techniques involving surface skeletons and buried bodies. Visit <http://www.iptm.org/index.htm>, or call (904) 620-4786.
- International Crime Scene Investigators Association offers courses in crime scene sketching, basic crime scene processing, impression evidence (tire tracks, tool marks, etc.) and more. Visit <http://www.icsia.org/training/classes.htm>, or call (708) 460-8082.
- Northwestern University Center for Public Safety provides crime scene and forensic science classes. Visit <http://nucps.northwestern.edu/home/whowere.asp>, or call (847) 491-5476.
- Southern Institute of Forensics offers semi-

nars in crime scene reconstruction, bloodstain pattern analysis at violent crime scenes, forensic anthropology for law enforcement and others. Visit <http://www.southernforensics.com/index.html>, call (601) 794-6765, or e-mail [edwaldrip@msn.com](mailto:edwaldrip@msn.com).

- Public Agency Training Council has classes in crime scene techniques, arson photography, fingerprinting and more. Visit <http://www.patc.com/leti/index.shtml>, or call (800) 365-0119.
- The Taylor Group offers courses in advanced crime-scene investigation techniques, digital photography, skeletal remains and buried bodies and others. Visit <http://www.taylorgroup.net/>, or call 1 (800) 898-0436.
- Police Training Services and Forensic Training Services presents classes in alternate light source techniques, shooting reconstructing and ballistics, latent fingerprints and more. Visit <http://www.forensictraining.us>.
- Look for appearances/seminars by Dr. Henry Lee, who is among the world's foremost forensic scientists, at <http://www.drhenrylee.com>.
- National Crime Investigation and Training has classes in bloodshed interpretation, advanced crime scene reconstruction and management and more. Visit <http://www.ncit.com>, or call (916) 849-0587.
- Check out the training calendar at [www.crimeandclues.com](http://www.crimeandclues.com). ■



5. It has been a long day of collecting, documenting and investigating evidence. It's late, and you are very tired. What should you do?



6. You need to determine the victim's position when she was hit in the head. How do you do that?



■ Det. Tim Carnahan, full-time evidence investigator for the Boone County Sheriff's Office, photographs a gun from a case that he and his partner are working.

/Photo by Elizabeth Thomas

# CASE CLOSED

With the exception of question No. 3 (about being beaten and shot), the hotel-room murder scenario is loosely based on a case from the Boone County Sheriff's Office. The agency provided the information for the CSI answers below.

**In the actual case, detectives had a suspect who was the last person seen with the woman. They discovered a bloody T-shirt in a trash container outside of his residence. He claimed that she was alive when he left her, came back to find her dead and got her blood on him as he held her. But blood splatter around the shirt collar proved that he had been present at the time she was beaten. The man was convicted in a jury trial. ■**



1. You secure the hotel room, survey the area, try to determine if the crime scene expands outside of just the room and then photograph the entire room and then photograph the entire room and then photograph each piece of potential evidence in the room and its location (a pack of cigarettes on the table), and snap a close-up shot of each piece of evidence.



2. This could indicate that the wallet was open when the victim was assaulted and then shut by the criminal or someone else. Talk to everyone who was at the crime scene before you arrived, such as medical personnel and patrol officers, to find out if they touched the open wallet to determine the victim's identity and then closed it.



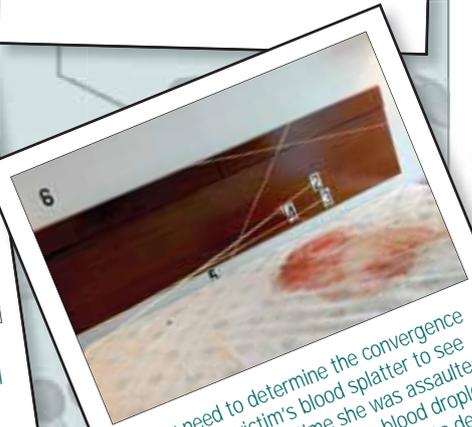
3. The criminal could have both beaten and shot the victim for a variety of reasons, but in the case of Patricia Volpenheim (See main story, page 41), her murderer shot her and then resorted to stabbing her after his gun jammed.



4. Bloody clothing should be stored in paper, such as in a paper bag, because paper allows the clothing to breathe. If the sweatshirt were put in a plastic container, bacteria would grow on the blood and destroy it as evidence. Before storing the shirt, you should hang it to allow it to air dry to preserve DNA.



5. You should secure the crime scene – whether by sealing it and initialing the seal or having an officer guard the room – and get some rest and come back to it later or the next day. "Brian and I will spend days at a crime scene," Det. Tim Carnahan, full-time crime scene investigator for the Boone County Sheriff's Office, said of he and his partner. "One thing we've learned: When you're tired, you make mistakes."



6. You need to determine the convergence point of the victim's blood splatter to see her position at the time she was assaulted. To do this, you measure the blood droplets and use a mathematical equation to determine an angle of impact. Then use a protractor to help you line pieces of string up at each blood drop angle that you got from your math. The strings will begin to cross at the victim's point of impact.



## Chief Donald Bloodworth

Donald Bloodworth joined the Radcliff Police Department in September 1996. In December 1998, he was hired as the chief. Prior to being employed by Radcliff, Donald served 20 years in the U. S. Army, Military Police.

Bloodworth serves on the board of directors of the Council for Prevention of Juvenile Delinquency (BRIDGES Council), Springhaven, the Lincoln Trail Domestic Violence Shelter, and the Greater Hardin County Drug Task Force. He is a member of the Kentucky Association of Chiefs' of Police and the Kentucky Peace Officers' Association.

Bloodworth received his Bachelor of Science Degree in Criminal Justice from Murray State University and a Master of Arts Degree in Administration of Justice from Webster University, in St. Louis.

Bloodworth has also received numerous military awards.

**“Don't believe everything you see on television but understand that television influences how your community sees you.”**

**Please share some facts and history about Hardin County or the Radcliff Police Department.**

Radcliff is a young city in one of Kentucky's most historic counties and is one of two major cities in Hardin County with a population approaching 24,000, placing it in the state's top 25 largest cities. Hardin County is Kentucky's fourth largest county in population and area. Radcliff borders Fort Knox military reservation. Radcliff celebrated its 50th anniversary this year. The population has steadily increased and grown more diverse. Our department has kept pace with the city's growth. We started out with one officer in 1956. Today we are a department of 55 with 41 sworn officers.

**What opportunities do you take to increase police interaction with citizens?**

Our department operates three shifts that rotate every six months. We encourage officers to conduct a walk-through of businesses and meet employees. We have 29 active block-watch groups in Radcliff, and officers go to meetings and events allowing citizens to meet officers. At special events, officers will be walking and talking. Officers are involved in a personal way with the community. They are little league coaches, Big Brothers and Big Sisters, bucket brigade volunteers and they play football or basketball games to raise money for non-profit organizations. Officers serve on committees and boards, emcee organizational meetings, work with our tourism and chamber of commerce offices, participate in clean-up days and make presentations to local school groups and clubs. They are Sunday school teachers and choir members, celebrity waiters, and some participate in Walk for Life and Bowl for Kids Sake events. Officers serve and protect our community both on and off duty.

**What programs did you plan to make the summer safe for the youth in your community?**

Much of our contact with youth comes when officers enter city parks and get out of their vehicles. We attend community functions where children are present. Block-watch programs allow us to meet with youth. This year the department sponsored two pool parties for our block watches. We have an active bike patrol. The primary focus is parks, schools, community events and neighborhoods.

**What advice would you give a new police officer entering the field of law enforcement?**

Make sure your family is supportive of your choice. I believe family should come first and job second. However, they will attend events without you, holidays celebrated a day early or a day late, you will attend training and your family will be left alone, and during emergencies you may have to work. If your family supports you, everything will be fine. You do not have to know everything nor do your supervisors expect you to. They will expect you to know where to find the answers and to rely on senior officers and supervisors for assistance. Law enforcement is teamwork and continual learning. Law enforcement means living in a glass house. Everyone in the community will watch to see how you respond to calls and how you treat the public. Don't believe everything you see on television but understand that television influences how your community sees you. Finally, if you are not having fun working in law enforcement, it is time to look for another career.

**What impact has the increasing gas prices had on your department?**

Price per gallon budgeted back to June 2005 falls short of today's price. Our department assigns two officers per vehicle when shifts overlap. This cuts down on the number of vehicles on the road and has a minimal effect on response time, but it allows us to save fuel. Officers running stationary radar turn their vehicle off. Officers park every hour for five to 10 minutes to conserve fuel. Patrol spends some of this time at our gas stations to prevent gas drive offs. Any time an officer is away from their vehicle, the vehicle is turned off.

**Do you have any special projects you want to share with your criminal justice peers?**

At a community meeting we discussed new laws such as graduated licensing, transporting wine purchased at a restaurant, slow moving vehicles, traffic collision changes and the primary seat belt law. In July 2001, we established a Crimes Against Women and Children Unit. The office and child interview area is located outside the police department to give victims a friendly atmosphere without the stigma of going to the police department. We had a professional video made with a presentation package for our recruiting program. This tool will be used at job fairs throughout the region. We are modernizing our fleet and changing the color of our vehicles from white to light gray. J



## Chief Stephen Boven

Stephen R. Boven is currently serving his 11th year as the chief of police in Wilmore. Prior to moving to Kentucky, Boven worked as an insurance fraud investigator for Blue Cross and Blue Shield of Michigan. He also served as a Michigan State Trooper and detective sergeant for 14 years. He received his Masters of Divinity from Asbury Theological Seminary and his Bachelors of Science Degree in Education from Central Michigan University.

Boven has served on several boards during his career in law enforcement. He has also been an active advocate and teacher for the DARE program, a member of the National DARE Officers Association and currently serves as vice-president of the Kentucky DARE Association. He has presented workshop presentations for small police departments at the International Association of Chiefs of Police conferences.

**“I consider myself privileged to be a chief and associated with the fine police professionals in this commonwealth.”**

**What impact have the increasing gas prices had on your department?**

With gas prices increasing, it has taken a larger portion of our budget. However, we have been able to compensate for that increase from other areas. It has not had an impact on keeping our home fleet. Mayor Harold Rainwater and the Wilmore City Council have historically seen the value of having a home fleet. This provides more visibility and quicker response if the officers have to be called out.

**How do you increase police interaction with citizens?**

When I was appointed chief we instituted a policy of business checks, both during business hours and after closing. This gives our officers visibility within the community and provides an opportunity to have contact with business patrons. We look for opportunities for all our officers to have one-on-one contact with citizens and to address groups. In addition to having officer contact with businesses, we interact with students at Asbury College, Asbury Theological Seminary and our local Jessamine County schools.

**What initiatives did you take to make this summer safe for the youth attending the annual Ichthus Festival in Wilmore?**

Since Wilmore is relatively a quiet town, safety issues concerning our youth are minimal. The exception is when we have close to 20,000 youth in Wilmore for the annual music festival. Wilmore is home to Ichthus Ministries, a non-profit Christian organization, which focuses on youth ministries. Our town grows from 6,000 to about 30,000 overnight. An Asbury Theological Seminary professor and a few seminary students started Ichthus Ministries in 1970 as a Christian response to New York's Woodstock Rock Concert in 1969. In 2000 the ministry moved the festival to a farm on U.S. 68. Safety of all the attendees of the festival has always been a concern. The first year I was appointed as chief, off-duties officers from other jurisdictions within the county were hired. We saturated the area with patrol cars. We had a no tolerance for alcohol, drugs and careless or reckless driving. For several years Kentucky Vehicle Enforcement has provided tremendous support on the state and U.S. highways. Since his appointment, Commissioner Greg Howard has continued to authorize the assistance

needed. The last two years the Kentucky National Guard has provided assistance in the form of traffic control and security on the festival grounds. During the last decade very few arrests or citations have been issued. This is a result of prayer and the fact we have been diligent in increasing and maintaining high visibility patrols. Wilmore is rich in Christian heritage and Ichthus has provided a significant contribution to that heritage. It is an honor and a privilege for the Wilmore Police Department, and especially for me, to be a part of the security that allows for this ministry to touch the lives of all these young people.

**What are your thoughts on the DARE program?**

The DARE program is a fabulous way for our children to be educated to the dangers of drug abuse and the pressures they might experience, and then be given the tools to resist drug offers and pressure to abuse drugs. The DARE program is the single largest drug program to be taught in the world. I have been involved with the DARE program for 15 years. There is nothing more rewarding than to hear from youngsters years after I have taught them in DARE say, “Because of you, I have not taken any drugs, alcohol or tobacco.” The children interact with the officer, building rapport and trust not only with the officer, but also with the uniform in general. These youngsters will carry this positive relationship for the rest of their lives. What better way to “community police” than to start building these relationships with the youngsters in school?

**What are your views about law enforcement in Kentucky?**

I am proud to be policing in Kentucky. I consider myself privileged to be a chief and associated with the fine police professionals in this commonwealth. Policing in Kentucky has made significant strides in the 16 years I have been here. The Police Officers Professional Standards has been instrumental in creating a professionalism that did not exist so widespread as it does now. Commissioner John Bizzack has led the DOCJT in bringing Kentucky's training to a level that is impressive. The milestone reached by DOCJT in becoming the first CALEA-accredited state training facility in the nation is exemplary. I am proud to be a part of the law enforcement community in Kentucky. J



## Sheriff John Davis

John L. Davis was elected Graves County sheriff in 1999 and is serving his second term. He is running unopposed for a third term. Before coming to the Graves County Sheriff's Office, he retired as chief of the Mayfield Police Department after 24 years of service. Graves is the secretary/treasurer for the Western Kentucky Association of Chiefs of Police and the 1st District representative of the Kentucky Sheriffs' Association. He is a graduate of Mayfield High School and attended Murray State University majoring in music education.

After attending college, Davis played in a rock 'n' roll band before pursuing his career in law enforcement. He and his wife, Barbara, have been married for more than 32 years and have one daughter, Melanie, 27, and two sons Brian, 24 and Brent, 21. They also have a 1-year-old grandson, Kye. He is a lifetime member of the First Baptist Church.

**"Each weekday we pick up meals at the school and transport them to one of our local public housing areas where we feed approximately 40 kids every day."**

**What impact has the increasing gas prices had on your department?**

Graves County is Kentucky's sixth largest county. With eight full-time and two part-time deputies to offer 24-hour patrols to approximately 570 square miles, it poses a concern. You can't just ignore the quiet areas. You must provide protection to all. With a limited budget and number of deputies, we are not able to divide into patrol areas. We have had to cut some other items such as replacing in-car cameras and sharing GPS units instead of replacing them. Our gas costs have increased approximately 64 percent from \$2,800 in June 2004 to \$4,600 in May 2006. We are still providing the services our citizens deserve.

**How have you seen law enforcement change during your career?**

I started my career in December 1971 with the Mayfield Police Department. There were no requirements other than be 21 years old and be a high school graduate. I had three semesters of college. You learned what you could through on-the-job training. I remember being issued my Smith & Wesson Model 10.38 Special with the warning "this ain't no toy, it can get you hurt." The following year we began receiving training from the Bureau of Training in the mobile training unit. Older officers thought this was a way to get them out of the profession. Slowly they came to understand that it was beneficial to them and the agency. Training has increased in style and length and is now producing a much better officer.

Technology has changed greatly. I can remember being on the same radio frequency with other agencies. Forget the idea of a repeater, that was far in the future. A computer in the cruiser was beyond anyone's imagination. The department's first walkie-talkie weighed about six pounds and in order to use it you had to extend the antenna, which was in excess of 30 inches. Our license checks consisted of a typed list of vehicle owners in Graves County. If the vehicle was sold during the year, you would have only the original owner since no updates were available. LINK and NCIC were just a dream for small agencies. Pepper spray, TASERS and PPCT have taken the place of nightsticks. Officers are now better equipped and better trained.

One area of concern is still in the area of drug abuse and enforcement. With all the programs in

drug education, the untold hours spent in classrooms telling the dangers and showing the penalties caused by drug use, I don't know if we really made much of an impact. In the 24th year of my career I helped place a member of the fifth generation of a family in the back seat of a police car. Even though this family member was less than one year old it still made a lasting impact that we had failed this family. Education, rehabilitation, prison, fines, seizures, legislation, religion, drug court and, I am sure, many other attempts have failed.

**What opportunity do you take to increase the quality of police interaction with the citizens?**

Getting in touch with citizens has changed the way our residents feel about law enforcement. Our agency is involved in Neighborhood Watch, TRIAD and CERT Training, and takes every opportunity available to get in touch with people and the schools. I am on the board of Family Resource and Youth Service Centers at both city and county schools. Our deputies visit elementary schools and read to the students. Some deputies help coach sports teams. Our department sponsors Ghost Out at both the city and county high schools every four years. We visit classes with our FatalVision goggles teaching the dangers of drinking and driving. Each year our agency sponsors Prom Bash at the city high school and Project Graduation at the county high school. This provides a night of drug and alcohol free activities and provides an opportunity for deputies to interact with students. The employees of the department make payroll deductions that sponsor a \$1,000 community service scholarship at the two high schools to a graduating senior with a minimum of a 3.0 GPA and a minimum of 100 hours of community service in the past year. Since being in office, our employees have made available \$14,000 in scholarships to graduating seniors of our local high schools. During the summer, we work with a summer feeding program through the school system. Each weekday we pick up meals at the school and transport them to one of our local public housing areas where we feed approximately 40 kids every day. This allows us the opportunity to be seen in a positive light in an area where many times we may be perceived differently. This allows positive interaction especially with the younger students and may work with building relationships with the next generation. J

# MODULAR EVALUATIONS

## A Reflection of Reality

/David Pence, Basic Training Branch

**A**t DOCJT, basic training recruits are held to many standards during their 18 weeks of training, including modular evaluations. Presented five times throughout their academy stay, modular exercises are designed to reflect-in-action the classroom instruction received prior to the evaluation. Throughout training more classes are taught and the scenarios and evaluations become more complex.

Fellow classmates serve as actors in the various scenes, giving them different perspectives of the exercises. Qualified instructors accompany the recruits on all of their calls to provide feedback to the recruit, emphasize safety and proper techniques. Some modules lend themselves to a more mentoring approach, while others are accomplished with little evaluator intervention.

- **Theft:** Recruits locate and interview a theft victim, while demonstrating safe tactics.

- **Warrant Disorder:** Recruits are dispatched to locate, interview, arrest or cite, search and secure an individual with an outstanding warrant, then transport that individual to a holding cell for booking.

- **Traffic Stops:** Recruits are dispatched to areas where frequent violations occur. They execute a traffic stop and issue a citation.

- **Property Crimes:** Recruits are dispatched to areas where theft or burglaries have occurred. They are responsible for securing, searching and collecting evidence from those scenes. Evidence is then packaged and booked in an evidence room.

- **Crimes against Persons:** Recruits are dispatched to crime scenes where an assault, domestic violence or child abuse has occurred. They interview witnesses and interrogate suspects in an investigation that may

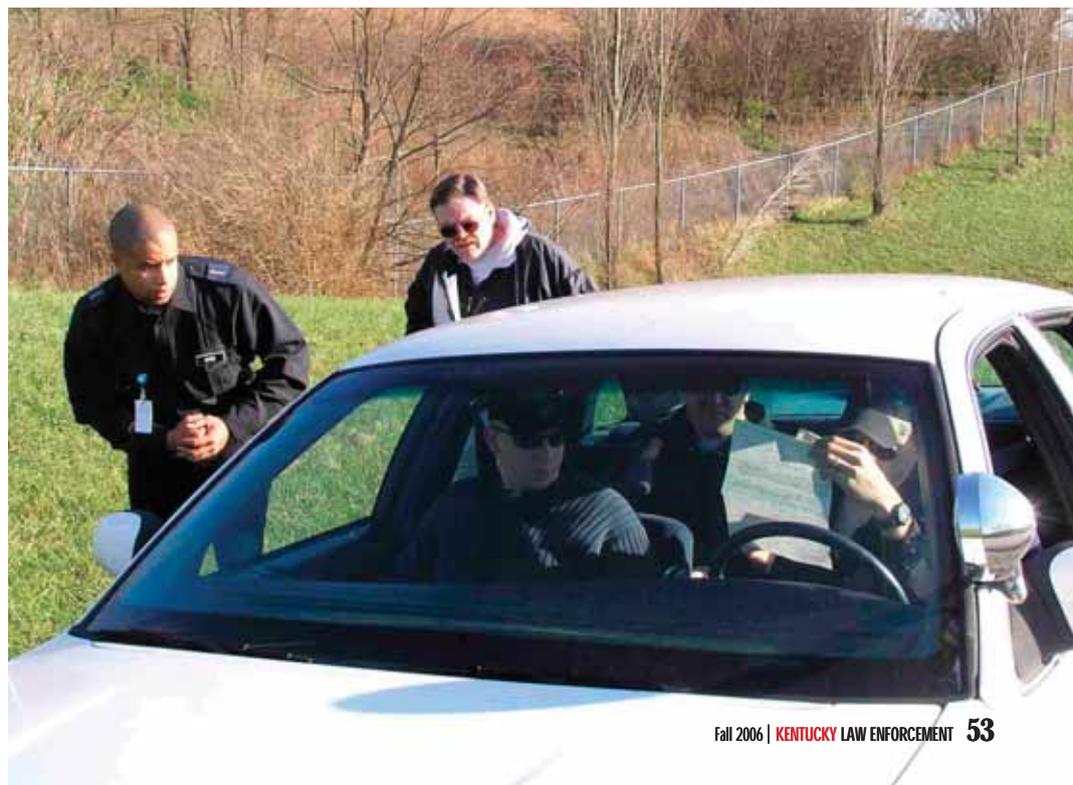
or may not lead to an arrest. This module encompasses all training areas of arrest, interview, interrogation, search, transport and booking of prisoners.

All scenarios are developed with several considerations in mind. Is the scenario realistic? Does the call cover topics discussed in classroom instruction? Do the actors know their roles well enough to act accordingly and effectively? What are the pros and cons of using classmates as actors? Does the call lead the recruit officer to a reasonable conclusion or arrest sufficiently and legally?

Structured roll call sessions have been added to the scenarios in an attempt to bring realism to the modular experience. Duty officers are provided a real roll call session to start their shift. An instructor is assigned as the shift commander to conduct the session. Real time LINK/NCIC teletype information is shared to emulate what many agencies do in their actual roll calls. The room was rede-

signed to look like a real roll call room. Updated materials from the FBI, KSP and the Center for Missing and Exploited Children are posted on the bulletin board. Officers are given an opportunity to ask any last-minute questions before they pick up their gear and move out for the shift.

Evaluators have noted a difference in recruits' attitudes when they begin a call. Most officers seem more serious and ready for work. Past classes have complimented the roll call setting as being more professional and realistic. The new roll call experience is only one of many ideas the Basic Training staff is considering to make the application of academy life more educational and realistic. Basic Training classes have also been instrumental in helping make these changes successful. By having training situations mirror real life police work, the transition from the academy to the streets should be a little smoother and less noticeable. J



# Problem Based Learning

A series of articles will appear in the next several editions of Kentucky Law Enforcement that will attempt to explain the concept of Problem Based Learning as we explore the PBL Tool Shed. In this issue you will find volumes four, five and six of the nine-volume series. The intention of these articles is to capture your interest in the topic and encourage you to do a little self learning about the topic. After all nine articles appear there will be a wrap-up article to recap what was covered in the articles.



From The PBL Tool Shed  
*Volume IV/Rick Schad*

**Reflection.** One looks into a mirror when trying to evaluate individual respectability, neatness, and good looks – all the things that make officers confidently believe they are portraying a professional presence. That kind of reflection only reveals outer appearances. Yet, this is how most of us define professionalism.

What of our inner selves? How do we see those reflections? How do we effect personal change and growth as we strive to become the complete package – a law enforcement officer?

A quick glance around the PBL Tool Shed reveals a mirror upon the rear wall for seeing your outer self. Beside it, upon a shelf, rests a journal. This is what we will use to see our inner reflections. Journaling is an excellent way for learners to analyze and evaluate personal experiences. The process can begin at any stage of life and if used properly can become a powerful learning tool. Journal entries should contain but are not limited to the following:

- Describe the event or topic for discussion.
- Explain what has been gained from the experience.
- Analyze learning issues.
- Evaluate how this will affect you with future courses of action.

A PBL/PTO certification course held at the Department of Criminal Justice Training spurred an in-depth exploration of the PBL process. The following is one learner’s journal extract describing personal perceptions at the conclusion of one day’s training:

1. PBL gets people critically thinking as they identify ideas, known facts, and learning issues.
2. PBL brings Bloom’s Taxonomy to bear upon learning with student activities focused upon interpreting, applying, analyzing, evaluating and creating. This is learning at the speed of light.
3. PBL allows learners to pulse through all or whichever of the Multiple Intelligences they desire while exploring learning issues.
4. PBL incorporates Emotional Intelligence. Since humans learn naturally by experiencing events, E.I. is a great tool for cops accumulating on the job wisdom. It allows learners to trigger memories from past events as they interpret, analyze and evaluate situations. It offers us frames of reference for creating split second action plans.
5. PBL is a training marvel. It gives ownership of learning to the students. It allows them opportunity to initiate self-directed exploration of learning issues while working in small groups. PBL fulfills two basic human needs – The desire to learn and the desire to be a part of a group.

This extract reveals that journaling can offer opportunities for developing:

- Critical thinking
- Improved writing skills.
- Bloom’s Taxonomy implementation.
- Learning with Multiple Intelligences.
- Understanding of Emotional Intelligence.
- Transference of concepts and knowledge.

Journaling, over time, allows officers an opportunity to see their inner selves. It is a tool for self-reflection and learning. >>





From the PBL Tool Shed

## Volume V/The Ill-Structured Problem/Thomas Fitzgerald

The foundation of problem-based learning begins with the presentation of an ill-structured problem to the student. The ill-structured problem is given before any formal instruction and information is provided by the instructor. Therefore, an ill-structured problem precedes any learning that takes place and also serves as motivation for the learning that will take place. This further serves to encourage students to take an ownership interest with their personal learning situation.

So what exactly is an ill-structured problem? Actually, an ill-structured problem is a clearly defined problem that has enough information so that it peaks the student's interest and then promotes further investigation. This provides the basis of generating a proposed resolution to the problem. Ill-structured problems provide an effective learning environment because they should have more than one correct answer, as any resolution to the problem may change based upon new information discovered from the research and new student learning that is taking place.

While there are many ways to construct an ill-structured problem, the general proposition is that they need to be both complex and authentic. They must reflect real-world concerns and issues, which will cause students to become engaged in developing solutions. The problem(s) can be presented to students in a variety of ways which can include: using a scenario, viewing diagrams, listening to dialogues, evaluating cartoons, handling physical objects and viewing video-clips of material.

The Police Society for Problem Based Learning provides that the ill-structured problem should:

- Be relevant and contextually appropriate for the learners.
- Be interdisciplinary. Real world problems often require input and expertise from disparate perspectives and disciplines.
- Include opportunity for meeting the learning objectives. Learners need to know what they need to know.
- Be complex and allow for multiple solutions
- Specify who is affected by the problem
- Include expected outcomes and available resources if necessary
- Be interesting and important

When students can relate to the issues presented by the problem, they become compelled to solve the problem and will usually retain the new information they uncover from their efforts. Problem-based learning therefore requires students to identify what they need to learn that will assist them in working on the solution for their given problem.

For additional information please review the following resources:

<http://www.udel.edu/pbl>

<http://www.pspbl.com>

<http://vdc.cet.edu/entries/illps.htm>

[http://ctl.stanford.edu/Newsletter/problem\\_based\\_learning.pdf](http://ctl.stanford.edu/Newsletter/problem_based_learning.pdf)

<http://www.ncsu.edu/pbl/design.html>

[http://www.samford.edu/pbl/process\\_probdesign.html](http://www.samford.edu/pbl/process_probdesign.html)

<http://education.gsu.edu/ctl/FLC/Foundations/PBL.pdf>





From The PBL Tool Shed

Volume VI/Rubrics/Thomas Fitzgerald

A rubric is a form of assessment consisting of the criteria and standards linked to the specific learning objectives used to evaluate a student's performance. A rubric "is the guide used to score performance assessments in a reliable, fair and valid manner and is generally composed of dimensions for judging student performance, a scale for rating performances on each dimension, and standards of excellence for specified performance levels."

Problem-based learning is a process that helps students identify solutions to relevant, worldly problems. Because of all the possible outcomes that the students might propose, there is no clear definition of what constitutes a correct or an incorrect solution. This is not a new situation and there has previously been problems in attempting to evaluate student performance in areas or activities that lack clear-cut right or wrong answers

Education professionals believe that rubrics can improve the work product that a student develops which will ultimately support an increase in student learning. Now when an instructor evaluates a student's papers or project, they have a better understanding of what makes a great final product from a poor one and the reasons why. If students are provided with and/o develop their rubrics before the learning experience, they have the ability to understand and comprehend how the evaluation is being conducted and can prepare accordingly. A rubric is designed to provide the student with the standards and expectations they need to evaluate their performance while completing their assignments.

The following is an example of a rubric template:

CRITERIA	EXCELLENT	PROFICIENT	ADEQUATE	UNSATISFACTORY
Gathers effective resources	Supporting details are insightful and highly relevant to task	Supporting details are appropriate and relevant to task	Supporting details are relevant to topic but general	Supporting details are lacking
Organizes information	Organization of information is astute and categories are distinct and useful	Organization of information is logical and categories are clear and useful	Organization of information is partial and categories are general	Organization of information is ineffective and haphazard

Some of the specific advantages why rubrics should be used:

- Improves students performance by showing how their work will be evaluated and provide students with a realistic expectation.
- Permits the assessment of students' work to be more objective and consistent.
- Mandates that the instructor provide specific criteria in terms of the learning objectives.
- Provides better and more informative feedback to students concerning their strengths and the areas that are in need of improvement.
- Can be easy and fun to use and are easy for the instructor to explain and the student to understand.
- Must be valid and reliable. In a Curriculum Article written by Linda Starr there are guidelines for the evaluation of the rubric itself. Starr provides that a good rubric should:
  - ▶ address all relevant content and performance objectives;
  - ▶ define standards and help students achieve them by providing criteria with which they can evaluate their own work;
  - ▶ be easy to understand and use;
  - ▶ be applicable to a variety of tasks;
  - ▶ provide all students with an opportunity to succeed at some level;
  - ▶ yield consistent results, even when administered by different scorers.

There are many electronic resources available to help instructors and students by providing both the tools and resources to assist in developing a rubric.

Additional resources for Rubrics include:

- <http://rubistar.4teachers.org/index.php>
- [http://en.wikipedia.org/wiki/Rubrics\\_\(education\)](http://en.wikipedia.org/wiki/Rubrics_(education))
- [http://www.education-world.com/a\\_curr/curr248.shtml](http://www.education-world.com/a_curr/curr248.shtml)
- <http://www.educationatlas.com/rubrics.html>
- [http://www.insightassessment.com/pdf\\_files/rubric.pdf](http://www.insightassessment.com/pdf_files/rubric.pdf). J



<sup>1</sup>Starr, L. (2000) *Creating Rubrics: Tools You Can Use*. Education World. Retrieved June 18, 2006, from: [http://www.education-world.com/a\\_curr/curr248.shtml](http://www.education-world.com/a_curr/curr248.shtml)



# The New and Improved klemf.org

▲ This screen capture from the newly designed Kentucky Law Enforcement Memorial Web site offers a glimpse of some of the added features and the links and options now available.

The memorial Web site has been redesigned for easier access /Elizabeth Thomas, Public Information Officer

**K**lemf.org just got a makeover. The Kentucky Law Enforcement Memorial Foundation's official Web site, [www.klemf.org](http://www.klemf.org), was recently reconstructed for ease of use and maintenance.

"We want to spread the word about the Web site and its new look," said David Hobson, a KLEMF board member.

The original site was more difficult to navigate and required professional upkeep, as well as a monthly fee for hosting and maintaining the site. Now the foundation's site, designed voluntarily by BlueNoseDesigns.com software developer, Chad Hobson, is hosted free of charge by FaithandValues.com, a Lexington-based company that specializes in the Internet presence of faith-based organizations.

The site's new format allows non-technical KLEMF volunteers to update and contribute to the site regularly.

Other changes to the Web site include listings and photos of upcoming and past events, such as the Memorial Golf Tournament and the Annual Motorcycle Ride. The new site format contains links to national and law enforcement news, information about the memorial license plates, and to the Web sites of professional supporters of the memorial. KLEMF scholarship applications can also be downloaded from the site.

But there's more to come.

In the very near future, [www.klemf.org](http://www.klemf.org) will

have a database of all Kentucky law enforcement officers who have been killed in the line of duty and are listed on the memorial. A visitor will have the capability to search for an officer based on name, department or year of death. The visitor will find with each officer a photograph, agency patch, description of the circumstances of the officer's death and space for comments.

"We want to honor those who've died in the line of duty. That's why we do all this," David Hobson said.

The [klemf.org](http://klemf.org) is working diligently to help honor guard members and chaplains communicate and exchange ideas. Chaplains and honor guard members, once registered, can gain access to a forum specifically designed for them. Chaplains and honor guard members should contact David Hobson at [David.Hobson@ky.gov](mailto:David.Hobson@ky.gov) to join the forum.

Finally, the most notable change: visitors now have the capability to place online donations via a secure online credit-card processing system.

"In the past, contributors would download a document, print it, write a check, buy a stamp and mail [the contribution]. Now, visitors can make a donation online in less time that it takes to check their e-mail," said software developer, Chad Hobson.

If you haven't visited [www.klemf.org](http://www.klemf.org) recently, be sure to check it out. The new format and modern features make a first-time visit or second look well worth it. J



/Photos by Elizabeth Thomas

▲ (Front to back) Chief Greg Reeves, Scott Starnes, Gary Morris and Ronnie Wagner of Georgetown Police Department eye the ball as it approaches the hole. Thirty teams participated in the 2006 Kentucky Law Enforcement Memorial Foundation Tournament held at Gibson Bay Golf Course in Richmond.



## Adding a Historical Name to the Memorial is Simple

Adding a historical name to the Kentucky Law Enforcement Memorial, as well as the National Law Enforcement Officers Memorial, is easy.

- Click on the Applications-link at [www.nleomf.com](http://www.nleomf.com).
- Submit the application by December 31 of that year for the officer to be considered for inclusion on the memorial the following year.
- Have an official representative of the officer's employing agency submit an officer data form also found on [www.nleomf.com](http://www.nleomf.com).

If the National Law Enforcement Officers Memorial Fund accepts the officer for inclusion on the monument, they will also be placed on Kentucky's Law Enforcement Memorial that same year. ■

## Kentucky Agencies Donate to KLEMF

The Kentucky League of Cities presented the Kentucky Law Enforcement Foundation with a \$50,000 check June 16, which will be paid in installments of \$5,000 each year over the next decade. The Kentucky Vehicle Enforcement Patrolmen's Association also donated \$5,000 to KLEMF. Both donations will help maintain the state's memorial to fallen peace officers, as well as assist with the monument's relocation and expansion.

Not only will the monument's relocation allow for the addition of two new wings to the memorial for names of future law enforcement officers who may lose their lives in the line of duty, the monument's new location will also be aesthetically designed to provide family survivors, friends, officers and others a peaceful place to properly pay tribute to Kentucky's fallen officers. ■





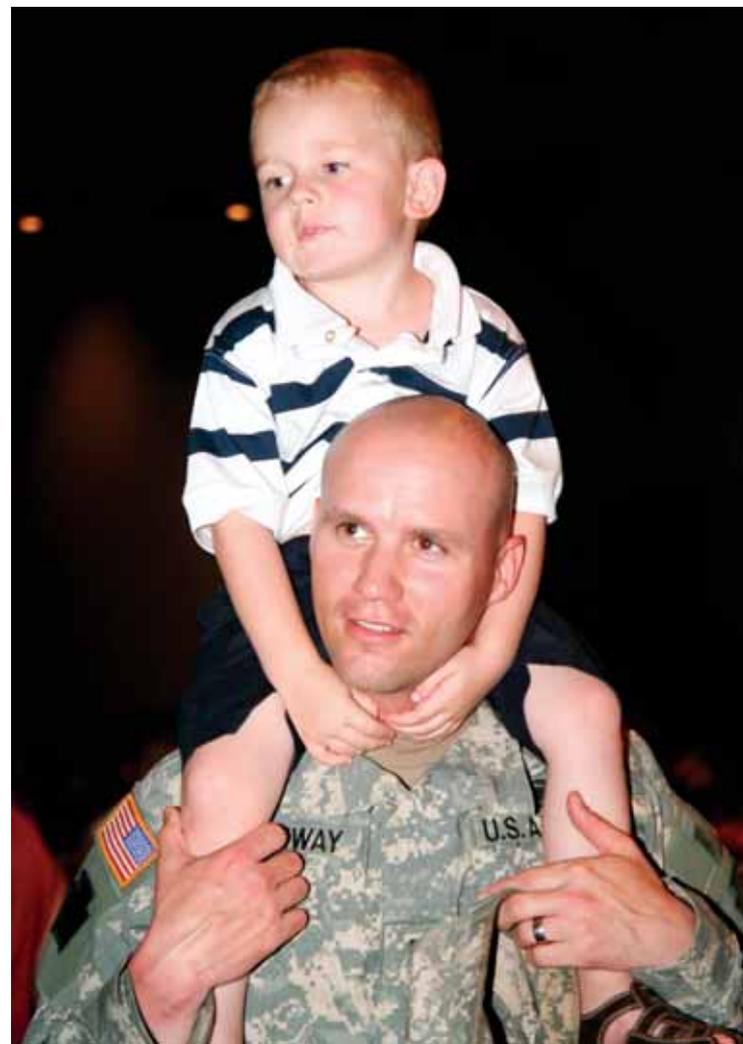
# Coming Home

/Story and Photos by Elizabeth Thomas, Public Information Officer >>

/Photos by Elizabeth Thomas



>>





■ Arriving home from Iraq just a couple of weeks before Independence Day, Somerset Police Officer Steven Conway, Kentucky State Police Trooper Tony Dingess and Trooper Chad Carroll enjoyed a particularly gratifying Father's Day they'll never forget.

These three law enforcement officers are representative of the hundreds of Kentucky's law enforcement community who have been or are currently deployed, including many serving in Iraq. As members of the Kentucky National Guard's Company D, 1st Battalion, 149th Infantry, they served in Iraq for more than a year. J

# TO MIRANDIZE OR NOT?

A review of when an officer must give *Miranda* warnings / Michael S. Schwendeman, Attorney III Legal Section

There are very few criminal cases in which the impact of a decision of the United States Supreme Court is as well known to the public as its decision in the landmark case of *Miranda v. Arizona*<sup>1</sup>. Anybody who has watched any of the numerous police shows on television during the last 40 years can probably recite the warning “You have the right to remain silent . . .” by memory. In the typical police show arrest, the officer launches into the *Miranda* warning before the echo of “you are under arrest” has died away. Despite 40 years of use and case after reported case, there is still some confusion and uncertainty among many as to when an officer must Mirandize a suspect.

The original *Miranda* decision was handed down on June 13, 1966. It was one of a group of four

“The bottom line is simply that if the suspect is not in custody, they need not be Mirandized prior to questioning.”

cases that were combined because they shared the common issue of the voluntariness of a custodial interrogation. After reviewing the common interrogation techniques that were in use at the time, the U.S. Supreme Court held that “when an individual is taken into custody or otherwise deprived of his freedom by the authorities in any significant way and is subjected to questioning, the privilege against self-incrimination is jeopardized.”<sup>2</sup>

To protect against this potential violation of a suspect’s civil rights, the Supreme Court set forth the now familiar warnings. “He must be warned prior to any questioning that he has the right to remain silent, that anything he says can be used against

him in a court of law, that he has the right to the presence of an attorney, and that if he cannot afford an attorney one will be appointed for him prior to any questioning if he so desires.”<sup>3</sup>

Since then, the *Miranda* warning has become an engrained part of the criminal justice system. In the case of *Dickerson v. United States*<sup>4</sup>, the Supreme Court reaffirmed its position on *Miranda*. Then Chief Justice William Rehnquist, writing the opinion for the Court, held that *Miranda* was a constitutional decision of the Supreme Court, and that it could not be overruled by an Act of Congress<sup>5</sup>. Love it or hate it, it appears that *Miranda* is here to stay.

In examining the operation of *Miranda*, it can be reduced to a fairly simple formula: Custody + Interrogation = *Miranda*. If the suspect is not in custody, which not only includes actual arrest, but circumstances amounting to custody, then *Miranda* need not be given prior to interrogation. Likewise, if the suspect is in custody, but the suspect is not going to be interrogated immediately, *Miranda* can be delayed until such time as police are ready to interrogate the subject. Most of the case law on *Miranda* has dealt with the custody half of the equation.

So what are circumstances amounting to custody? In the *Miranda* case, the Court said it was being “deprived of his freedom of action in any significant way.”<sup>6</sup> In the case of *Oregon v. Mathiason*<sup>7</sup> the U. S. Supreme Court took up the case of a suspect who came to the police station voluntarily to answer questions. Mathiason was told that he was not under arrest, and then the door to the interview room was closed. He was told about a burglary and that the police believed he was involved in it. The officer told Mathiason about evidence they had linking him to the burglary, including a false statement that his prints were found at the scene. Within five minutes of his arrival, Mathiason admitted that he had committed the burglary in question.

The Supreme Court of Oregon reversed Mathiason’s conviction, holding that the interrogation had

taken place in a coercive environment. The state of Oregon appealed to the U. S. Supreme Court, which reversed the Oregon court and restored the conviction. The Supreme Court found that there was “no indication that the questioning took place in a context where respondent’s freedom to depart was restricted in any way.”<sup>8</sup> The Court noted that he came voluntarily, that he was immediately told he was not under arrest, and that at the end of the brief interview he left the station and went home. In the Court’s opinion, this did not constitute being in custody or having his freedom of action deprived in any significant way.

While any interview with a law enforcement officer will have some elements of coercion to it, that does not automatically make it a coercive environment within the meaning of *Miranda*. The USSC stated that “...police officers are not required to administer *Miranda* warnings to everyone whom they question. Nor is the requirement of warnings imposed simply because the questioning takes place in the station house, or because the questioned person is the one the police suspect of having committed the crime being investigated. *Miranda* warnings are required only where there has been such a restriction on a person’s freedom as to render him in custody.” Put another way, the Court was saying what mattered was if, under the totality of the circumstances, a person’s freedom would be deemed to be sufficiently restricted to make him effectively in custody.

In *Terry v. Ohio*<sup>10</sup>, the Supreme Court had held that law enforcement officers may briefly detain a suspect on reasonable suspicion that they have been, are now, or are about to engage in illegal activity. These are brief detentions in which officers may ask questions to establish the identity of the individual and attempt to establish what has happened. The high court has never suggested that officers must give a *Miranda* warning to an individual detained in a *Terry* stop<sup>11</sup>. Likewise, when an officer is conducting a stop for suspicion of driving under the influence, there is no requirement that the warnings be given, even though questions about whether the suspect had consumed alcoholic beverages prior to driving most certainly amount to interrogation.<sup>12</sup>

Merely being the focus of an investigation, with-out more is not sufficient to require *Miranda*. In *Callihan v. Commonwealth*<sup>13</sup>, Callihan had claimed that the fact that he was the focus of a criminal investiga-

tion entitled him to *Miranda* warnings, even though he was not in a custodial situation. The Kentucky Supreme Court disagreed with Callihan. The Court found that a non-custodial situation lacks the pressures that are found in a custodial interrogation. It is simply not as coercive an environment. Kentucky law follows the custodial requirement, and does not add more.<sup>14</sup>

The courts will look to the totality of the circumstances in evaluating whether a non-arrested individual is in custody for the purposes of *Miranda*. No one factor may be decisive. The factors to be considered include: the length of the encounter; the place of the encounter; how many officers were present; whether an officer has an intent to arrest the suspect; whether probable cause to arrest exists prior to the questioning; the location of the encounter, such as whether at suspect’s home or work, the police station or neutral territory; and whether the person came voluntarily to see officers when requested. Always be aware that an encounter which begins as clearly not custodial can become custodial as the circumstances change. If so, give the warnings before any further interrogation.

The bottom line is simply that if the suspect is not in custody, they need not be *Mirandized* prior to questioning. If they are in custody, then you must *Mirandize*. If you are in doubt about the situation, err on the side of caution and give the *Miranda* warnings. J

<sup>1</sup>384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966).

<sup>2</sup>384 U.S. 436 at 478.

<sup>3</sup>Id. at 479.

<sup>4</sup>530 U.S. 428, 120 S.Ct. 2326 (2000).

<sup>5</sup>530 U.S. 428 at 432.

<sup>6</sup>384 U.S. 436 at 444.

<sup>7</sup>429 U.S. 492, 97 S.Ct. 711 (1977).

<sup>8</sup>429 U.S. 492 at 495.

<sup>9</sup>Id.

<sup>10</sup>392 U.S. 1, 88 S.Ct. 1868

<sup>11</sup>*Berkermer v. McCarty*, 468 U.S. 420 (1984) at 440.

<sup>12</sup>468 U.S. 420 at 440.

<sup>13</sup>Ky., 142 S.W.3d 123 (2004).

<sup>14</sup>Id. at 127.

# Hudson v. Michigan

## Suppression of Evidence, and the Knock and Announce Rule

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



### The Hudson Case:

The media recently took some note when a divided United States Supreme Court made its ruling in the case of *Hudson v. Michigan*, 547 U.S. \_\_\_\_ (2006), (Slip Opinion), presenting it as a huge shift in “knock and announce” caselaw. While *Hudson* does present a rule for lower courts, excluding suppression of evidence merely for knock and announce violations, the rule itself is

not dead and should not be ignored by police officers.

*Hudson* involved the seizure of large amounts of drugs and a gun from the defendant's home<sup>1</sup>. The police did have a warrant, but waited only between three and five seconds after knocking and announcing their presence prior to entering the residence<sup>2</sup>. The state of Michigan did not claim any necessity for such a short wait, so there was unquestionably a violation of the knock and announce rule<sup>3</sup>. That situation left the Supreme Court to decide only whether, given the violation of the knock and announce rule, the contraband seized should have been suppressed and excluded from court<sup>4</sup>.

### The Knock and Announce Rule:

The entire judicial panel in *Hudson* recognized the importance of the knock and announce rule. Justice Antonin Scalia, writing for the majority, upheld the rule by noting, “[t]he common-law principle that law enforcement officers must announce their presence and provide residents an opportunity to open the door is an ancient one.”<sup>5</sup> The knock and announce rule has also been recognized to be a requirement of the Fourth Amendment to the U.S. Constitution in *Wilson v. Arkansas*, 514 U.S. 927, 931-936 (1995).<sup>6</sup>

The knock and announce rule is not set in stone, however, and circumstances can permit officers to enter a residence without warning or on very short warning if police have a reasonable suspicion that the circumstances contain a threat of violence, reason to believe evidence would likely be destroyed with notice, or that announcement would be otherwise futile<sup>7</sup>. Absent these relatively easy-to-show exceptions, police officers must pause for a reasonable wait time before entering the residence, a standard which is designed to allow flexibility and understanding for the various and unpredictable circumstances officers face daily.<sup>8</sup>

### Violation of the Knock and Announce Rule Does Not Lead to Suppression of Evidence Says a Divided Court:

In *Hudson*, the Supreme Court ruled that evidence seized with a warrant, despite violation of knock and announce principles, is not suppressible merely because of that violation. The majority<sup>9</sup> based its ruling on the rationale that the costs to society for excluding evidence merely for a knock and announce violation were too great to justify the remedy, especially given the many deterrents which exist to discourage officers from unjustifiably violating the rule.<sup>10</sup> The majority was also aware that the interests to be protected by the knock and announce rule, protection of human life and safety, protection of property, and protection of privacy from sudden entry, have nothing to do with the seizure of evidence via a warrant.<sup>11</sup> In other words, agents of the government, after getting the warrant, have the legal ability to see and seize evidence in the residence, and the knock and announce rule only deals with the protection of other (admittedly valuable) interests, not whether the police should be able to use that evidence in court.

The Court at some length described the various incentives police have for abiding by the knock and announce rule, other than the previous risk a court would exclude evidence at trial. Police who violate the principle (without a reasonable suspicion of need, as noted above) risk physical injury to themselves or others by surprised persons who believe they are acting in self defense<sup>12</sup>, 42 U.S.C. Section 1983 lawsuits<sup>13</sup>, internal affairs investigation and departmental discipline<sup>14</sup>, and citizen critique<sup>15</sup>.

The Court majority, however, was itself somewhat divided, with Justice Anthony M. Kennedy agreeing on the above rationale, but unwilling to go as far as the other four justices in seeing certain cases as precedent for the issue. Justice Kennedy also strongly reaffirmed the importance and continued life of the exclusionary rule in other contexts and of the knock and announce rule itself. Justice Kennedy, while very concerned over the sanctity of the home in the history of our law, simply did not believe the violation of knock and announce alone justified suppressing evidence otherwise legally obtained.<sup>16</sup>

The four dissenting justices,<sup>17</sup> on the contrary, would have suppressed the evidence, seeing that as the appropriate remedy for an unjustified violation of the knock and announce rule. Justice Stephen G. Breyer, writing for the dissent, saw the knock and announce requirement as such an integral part of the Fourth Amendment's requirements, no less than the warrant requirement<sup>18</sup>, that its violation alone required suppression of the evidence despite the police having a warrant.

### Practical Effect of the Ruling:

Officers can breathe a little easier after *Hudson*, not needing to worry for the time being whether the timing of their entry into a home with a warrant will be questioned later by a court and the case thrown out because of suppressed evidence. The effect of *Hudson*, however, obviously will not be a total disregard of the knock and announce requirement. As the Court made clear in *Hudson*, today's professional police forces have numerous incentives to make every effort to abide by the knock and announce rule. Civil lawsuits are only one danger confronting officers who wantonly violate the knock and announce requirement of the Fourth Amendment. In addition, officers could face internal affairs or other departmental discipline, not to mention citizen review boards and the media. Furthermore, there is the matter of physical safety, for entry into a home with little or no notice at times can be more dangerous than the alternative, both for officers and the public. Finally, as with many rulings from the modern Supreme Court, the *Hudson* majority was only five to four, a majority which could be overturned when new members of the Court inevitably replace the current justices. When that change occurs, the question of whether to suppress evidence seized after a violation of the knock and announce rule could be once again knocking on the proverbial door. J



<sup>1</sup> *Id.*, Opinion of the Court by Justice Scalia, at 1.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*, at 3.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*, at 2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*, 2-3, citing *Richards v. Wisconsin*, 520 U.S. 385, 394 (1997) and *Wilson*, *supra*.

<sup>8</sup> *Id.*, at 3, citing *United States v. Banks*, 540 U.S. 31, 41 (2003).

<sup>9</sup> Five of the nine agreed on the rationale outlined here: Justices Scalia, Thomas, Alito, Kennedy, and Chief Justice Roberts.

<sup>10</sup> *Hudson*, *supra*, at 13.

<sup>11</sup> *Id.*, at 7.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*, at 10.

<sup>14</sup> *Id.*, at 12.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*, Concurring Opinion of Justice Kennedy.

<sup>17</sup> Justices Breyer, Stevens, Souter, and Ginsburg.

<sup>18</sup> *Hudson*, *supra*, Dissenting Opinion of Justice Breyer, at 18.

# 2005-2006 Supreme Court Updates

/Shawn Herron, Staff Attorney, Legal Section

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

A longer summary of each of these cases may be found on the DOCJT Web site. A link to the full text of each opinion follows each summary.

## Search & Seizure – Consent

*Georgia v. Randolph* --- U.S. --- (2006) (slip opinion)

**ISSUE:** Is the warrantless search and seizure of evidence lawful when the search is based on the consent of a person with common authority over the area searched with another person, and that other person is present and expressly refuses consent?

**HOLDING:** In this case, the wife of a separated (but still legally married) couple gave law enforcement officers permission to search the marital home. The husband, Randolph, who was apparently the sole occupant of the home at the time, categorically refused permission to search, but the officers searched anyway, finding a small amount of cocaine residue. Ultimately, the Court agreed with Randolph that the refusal of one tenant to consent to a search negates permission given by a co-tenant, in such areas as the parties share common authority. (The Court noted, however, that the result had been different in situations where the consenting party was the only one present at the time of the search, and suggested that such searches under those circumstances would continue to be permitted.)

The Georgia courts' decision to suppress was affirmed.

<http://www.supremecourtus.gov/opinions/05pdf/04-1067.pdf>

## Search & Seizure - Anticipatory Warrants

*U.S. v. Grubbs* --- U.S. --- (2006) (slip opinion)

**ISSUE:** Is an anticipatory search warrant invalid if it fails to state the

triggering condition on the actual warrant?

**HOLDING:** The Court quickly affirmed the validity of anticipatory warrants, in which a warrant is issued, but is not to be executed unless a specific "triggering condition" occurs, such as the delivery of a package containing contraband. The Court found that it was not necessary to include that information on the face of the actual warrant.

Grubbs' plea agreement was affirmed.

<http://www.supremecourtus.gov/opinions/05pdf/04-1414.pdf>

## Search & Seizure – Exigent Entry

*Brigham City, Utah v. Stuart* --- U.S. --- (2006) (slip opinion)

**ISSUE:** Can law enforcement officers enter a home without a warrant when they have an objectively reasonable basis for believing that an occupant is seriously injured or imminently threatened with serious injury?

**HOLDING:** The Court quickly found that officers faced with an ongoing fight could enter a home to intervene in the fight. The Court dismissed the contention by Stuart that the officers' motivations (to make an arrest rather than come to the aid of the victim) were relevant in the Court's decision, and found the officers' entry to be "plainly reasonable under the circumstances."

The Court reversed the opinion of the Utah courts, which had suppressed the evidence, and returned the opinion to Utah for further proceedings. However, in a dissent, the Court noted that the decision may have been influenced by the Utah Constitution, although that was not argued, recognizing that a state constitution may provide rights to its state's citizens in addition to those provided by the U.S. Constitution.

<http://www.supremecourtus.gov/opinions/05pdf/05-502.pdf>

## Search & Seizure – Parolee

*Samson v. California* --- U.S. --- (2006) (slip opinion)

**ISSUE:** Does the Fourth Amendment prohibit California police from conducting a warrantless search of a person who is subject to a parole search condition, where there is no suspicion of criminal wrongdoing and the sole reason for the search is that the person is on parole?

**HOLDING:** A California officer stopped Samson, who he knew to be on parole, and conducted a full search of his person, pursuant to a California statute that permitted such actions. The Court upheld this state statute as constitutional. Kentucky, however, has no such statute, and requires a higher standard (reasonable suspicion) before such a search may be done on a probationer or parolee.

Samson's conviction for an underlying drug offense (found on his person during the search) was affirmed.

<http://www.supremecourtus.gov/opinions/05pdf/04-1360.pdf>

## Search & Seizure – Knock & Announce

*Hudson v. Michigan* --- U.S. --- (2006)

**ISSUE:** Is suppression the appropriate remedy for a violation of the knock and announce rule?

**HOLDING:** The Court quickly concluded that suppression is not an appropriate remedy, since the purposes of the knock and announce rule do not include an opportunity for the suspect to hide or destroy evidence. However, the Court left open the strong possibility that an appropriate remedy might be a federal civil rights lawsuit, and as such, the precepts of the knock and announce rule are still valid.

<http://www.supremecourtus.gov/opinions/05pdf/04-9728.pdf>

## Evidence – Testimonial Statements (Crawford)

*Davis v. Washington* -- U.S. --- (2006) (slip opinion)

**NOTE:** The cases of *Davis v. Washington* and *Hammon v. Indiana* were consolidated and argued before the U.S. Supreme Court in the same proceeding.

**ISSUE:** 1) Is an alleged victim's statement to a 911 operator, naming an assailant, a "testimonial statement" within the meaning of *Crawford*?

2) Is an oral accusation made to an investigating officer at the scene of an alleged crime, but after the fact, a testimonial statement within the meaning of *Crawford*?

**HOLDING:** Davis and Hammon were accepted by the Court in an effort to clarify the ongoing questions that arose as a result of its decision in *Crawford v. Washington*, 541 U.S. 36 (2004), over the meaning of testimonial statements. The Court decided that statements made during a 911 call, as the emergency was ongoing, as occurred in Davis, would not generally be considered to be testimonial, and thus, would not be prohibited as inadmissible hearsay when the person making the statement was unavailable for trial. However, statements made to an investigating officer, after the emergency was effectively over, even when made not under oath, may be considered to be inadmissible hearsay if the speaker is not available for trial.

The Court noted that both of these cases involved domestic violence, when the victim may be too intimidated to appear and who may

claim the spousal privilege against testifying against the other party, but found no reason to create a special rule for such cases.

<http://www.supremecourtus.gov/opinions/05pdf/05-5224.pdf>

## Constitutional Law - First Amendment

*Garcetti v. Ceballos* --- U.S. --- (2006) (slip opinion)

**ISSUE:** Is a government employee's speech subject to First Amendment protections when it concerns a matter of general public concern?

**HOLDING:** In this case, the speaker (a deputy district attorney) alleged retaliatory employment actions because of a memorandum and speech he made in connection to a work-related public matter. The Court held that he was entitled to First Amendment protections in such situations, and allowed the case, which had previously been dismissed by a lower court, to go forward.

<http://www.supremecourtus.gov/opinions/05pdf/04-473.pdf>

*Hartman v. Moore* --- U.S. --- (2006) (slip opinion)

**ISSUE:** Is a showing of the absence of probable cause an essential element in a retaliatory prosecution case?

**HOLDING:** The Court agreed that official reprisal (in the form of criminal prosecution) was offensive to the First Amendment. However, the Court also found it necessary to prove a sufficient causal link between the speech and the result, and held that a finding of a lack of probable cause for the prosecution was a necessary element of a retaliatory prosecution lawsuit.

<http://www.supremecourtus.gov/opinions/05pdf/04-1495.pdf>

## Consular Notification

**NOTE:** The cases of *Sanchez-Llamas v. Oregon* and *Bustillo v. Johnson, Director, Virginia Department of Corrections* were consolidated and argued before the U.S. Supreme Court in the same proceeding.

*Sanchez-Llamas v. Oregon* --- U.S. --- (2006) (slip opinion)

**ISSUE:** Is suppression of evidence an appropriate remedy for failure to provide information to an arrested alien subject concerning their rights to consular notification?

**HOLDING:** The Court found, without comment, that the Vienna Convention on Consular Relations (VCCR) provides an individual enforceable right. However, the Court, while recognizing the need for a remedy, concluded that since suppression of the evidence was not a remedy that would be given in most of the signatory countries to the treaty, that it was not an appropriate remedy in the U.S. courts either.

The Court upheld the decisions of the Oregon and Virginia courts, but left open for the lower courts to find an appropriate remedy for violations of the VCCR.

<http://www.supremecourtus.gov/opinions/05pdf/04-10566.pdf>

# PROTECTIVE SWEEP: The Safest Way to, “Clean the House”

/Karen Woodall, Assistant Commonwealth's Attorney, 42nd Judicial Circuit

It is no surprise to anyone in law enforcement that the job is becoming increasingly dangerous. According to the FBI Preliminary Annual Uniform Crime Report 2005, the incidents of violent crime rose 2.5 percent between 2004 and 2005. When an officer arrives at a crime scene, concern must be for the safety of all present at the scene. Over the course of the past 16 years, a new tool has developed in other jurisdictions to increase the safety of officers and others present at crime scenes. This tool is the protective sweep. Recently, the Kentucky Court of Appeals found it to be a legitimate tool. *Davis v. Commonwealth*, Ky.App., 120 S.W.3d 185 (2003).

All good law enforcement training emphasizes the citizens' right to be free of unreasonable and unlawful searches by the government, also known as law enforcement. We all remember our middle school history classes and how the American colonists were oppressed by British soldiers who would break into the colonists' homes without provocation or any legal reason. The Revolutionary War was fought, among other reasons, to protect American citizens in their homes. Now, the Fourth Amendment to the U.S. Constitution guarantees the right to be free from unreasonable searches and seizures. "Generally, this means that, with some specifically delineated exceptions, every governmental search and seizure must be made pursuant to a warrant." *U.S. v. Taylor*, 248 F.3d 506, 511 (6th Cir. 2001). Like most rules, the Fourth Amendment warrant requirement has exceptions. One of those exceptions is the "protective sweep." While it is very useful, the protective sweep is a two-edged sword that must be used cautiously, so as not to result in the elimination of crucial evidence.

A protective sweep is a limited, cursory search of a premises for other people who may pose a danger to those present at the crime scene. The sole pur-

pose of the protective sweep is to ensure the safety of peace officers and others present at a crime scene, and is only to be used when there is a "serious and demonstrable potentiality for danger." In 1986, the Kentucky Court of Appeals declined to adopt the protective sweep exception to the warrant requirement when it decided the case of *Commonwealth v. Elliott*, Ky.App., 714 S.W.2d 494 (1986). Seventeen years later, with a different set of facts, the Court of Appeals took a different stance.

In 2003, the Kentucky Court of Appeals got another look at the use of the protective sweep as a security tool in the case of *Davis v. Commonwealth*, Ky.App., 120 S.W.3d 185 (2003). A McLean County deputy sheriff received a tip that Crick was living with Davis. There was an outstanding arrest warrant for Crick. Deputy Jeff Palmer and Trooper Chuck Payne went to the Davis residence. When Deputy Palmer knocked on the door, a voice from inside told him to come in. When the deputy entered the living room, he noticed the obvious odor and haze from marijuana smoke, and saw two partially burned marijuana cigarettes on the coffee table. Deputy Palmer radioed Trooper Payne who had been covering the back door.

Davis and his companion, Fields, were sitting on the living room couch, and were placed under arrest. Then the officers noticed a loaded handgun, rifles and a shotgun in plain view. Where Fields had been sitting on the couch was a Browning nine millimeter handgun. Although both Deputy Palmer and Trooper Payne asked Davis if anyone else was in the residence, Davis stated he and Fields were the only ones present. However, a short time later, Revlett walked into the room from the back of the residence. When officers performed a pat down search of Revlett, they found a syringe on his person. He was placed under arrest also.

In an attempt to locate Crick or any other person who might be inside the residence, Deputy Palmer began to look through the rooms in the trailer, and discovered a marijuana growing operation inside a bedroom closet. A baggie full of marijuana and a triple-slide scale were also seen in plain view. Subsequently, Davis was charged with trafficking in a controlled substance within 1,000 yards of a school while in the possession of a firearm; possession of a controlled substance in the first degree while in the possession of a firearm; possession of marijuana while in the possession of a firearm; possession of drug paraphernalia; and cultivation of marijuana (five or fewer plants) while in the possession of a firearm.

On review, the Kentucky Court of Appeals found that where there is a serious and demonstrable potentiality for danger, a protective sweep is a legitimate exception to the Fourth Amendment warrant requirement. The Court specifically stated, “the presence of a loaded handgun, rifles, a shotgun, drugs and various individuals suspected of criminal activity constituted a serious and demonstrable potentiality for danger.” Davis at 13-14. The Court was also persuaded there was a potential for danger because of Davis’ deceptive answers about other people being in the residence.

## When Permissible

While the protective sweep is a valid method to help ensure the safety of those present at crime scenes, it is a tool with very strict limitations. Cases from other jurisdictions give guidance for knowing the limitations of this exception to the search warrant requirement. First, the officer must have a legitimate reason to be on the premises. “Law enforcement officers who are lawfully on a premises searching for a person for whom they have an arrest warrant are clothed with the authority to make a protective sweep of the premises.” *Maryland v. Buie*, 494 U.S. 325, at 332-33 (1990).

However, having a legitimate reason for being there is not enough. The officer must also be able to state specific reasons why he or she felt they were at risk from attack by the possible presence of other people. “In order for officers to undertake a protective sweep of an area they must articulate facts that would warrant a reasonably prudent officer to believe that the area to be swept harbored an individual posing a danger to those on the scene.” *Buie*, at 333-34 (1990). The question becomes, “Would a reasonable police officer believe a person who posed a threat could be hiding in the area to be swept?”

General statements of potential for harm are not enough. An officer must be able to state why he or she believes the risk exists, not simply that it is a possibility because “you just never know” who might be around. “Lack of information cannot provide an articulable basis upon which to justify a protective sweep... The facts upon which officers may justify a *Buie* protective sweep are those facts giving rise to a suspicion of danger from attack by a third party during the arrest...” *U.S. v. Colbert*, 76 F.3d 773, 777 (6th Cir. 1996).

“In fact, allowing the police to conduct protective sweeps whenever they do not know whether anyone else is inside a home creates an incentive for the police to stay ignorant as to whether or not anyone else is inside a house in order to conduct a protective sweep. Finally, and perhaps most importantly, allowing the police to justify a protective sweep on the ground that they had no information at all is directly

contrary to the Supreme Court’s explicit command in *Buie* that the police have an articulable basis on which to support their reasonable suspicion of danger from inside the home. ‘No information’ cannot be an articulable basis for a sweep that requires information to justify it in the first place.” *Colbert*, at 777-78.

At least one Federal Circuit decision says that when police have an arrest warrant for someone they know to be dangerous, they cannot use the defendant’s dangerous nature as a reason for a protective sweep. “[The defendant’s] dangerousness is not germane to the inquiry into whether the police may conduct a protective sweep in response to a reasonable suspicion of a threat from some other person inside the home ... If district courts are allowed to justify protective sweeps based on the dangerousness of the arrestee, nearly every arrest taking place in or near a home will include a protective sweep.” *Colbert*, at 777.

## Limitations of Search

A protective sweep must be limited in time and place. By its very nature, it must be short, and the officer can only look where a person could hide. Dresser drawers are off limits until a search warrant is obtained. “The protective sweep may extend only to a cursory inspection of those spaces where a person may be found, and the sweep lasts no longer than it takes to complete the arrest and depart the premises.” *Buie*, at 335-36.

If the protective sweep lasts too long, and actually becomes a search without a search warrant, the evidence found during the warrantless search will be thrown out. In *U.S. v. Akrawi*, 920 F.2d 418 (6th Cir. 1990), a protective sweep that lasted 45 minutes was held improper >>



>> and the evidence was suppressed. The only ones happy with that result were the defendant and his attorney.

## Arrest Not a Mandatory Prerequisite for Protective Sweeps

Decisions from our Federal Circuit Court indicate an arrest warrant is not necessarily required to conduct a protective sweep, but this occurred in a very limited set of circumstances.

In *U.S. v. Taylor*, 248 F.3d 506, 513 (6th Cir. 2001), three officers were investigating a report of suspected drug dealing and illegal weapons sales by Taylor. They had received this report from the local police department. Further, Taylor was a suspect in one or more murders. At that time, the officers did not have probable cause to obtain a search warrant, but decided nevertheless to go to Taylor's apartment to ask him a few questions. The officers arrived there

“ It is better to wake a sleeping judge to sign a warrant in the middle of the night than to try to explain to an irritated judge in the cold, hard light of day why you didn't. ”

and knocked on the door. A voice from inside answered, “Who is it?” After identifying themselves as police officers, they asked the person speaking to come to the door so they could talk to him. The officers heard shuffling noises inside. After a couple of minutes, a person came to the door, and one of the officers held up his badge. The person told the officers to wait a minute while he called his grandmother. More rustling and shuffling noises were heard inside the apartment, and after several more minutes, a man fitting Taylor's description came to the door. The officers asked if they could come inside, and the man agreed.

Once inside the narrow entranceway, the officers asked if they could step into the living room where it would be less crowded. The man who answered the door was Hill, Taylor's brother. He advised the officers Taylor lived there, but had gone to the gym. In the living room, one of the officers noticed a mari-

juana stem lying on the coffee table, and pointed it out to another officer. The second officer examined it and agreed it was marijuana. At that point, the officers advised Hill they would be securing the apartment until they could get a search warrant. Although Hill denied the presence of any other people in the apartment, the officers explained they were going to conduct a protective sweep of the premises to insure officer safety. Subsequently, one of the officers found Taylor fully clothed, and hiding behind the shower curtain in the bathroom. The same officer had also opened a closet door and discovered an open duffel bag containing several small baggies of processed marijuana. Once the search warrant was obtained and executed, officers seized 20 to 30 pounds of marijuana, one pound of powder cocaine, nearly \$25,000, drug paraphernalia and a 9 mm pistol with a laser scope.

In deciding the protective sweep was valid, the Sixth Circuit Court stated, “Once an officer has probable cause to believe contraband is present, he must obtain a search warrant before he can proceed to search the premises ... However, the Supreme Court has held that because evidence may be removed or destroyed before a warrant can be obtained, an officer does not violate the Fourth Amendment by securing the area to be searched and waiting until a warrant is obtained ... We think that it follows logically that the principle enunciated in *Buie* with regard to officers making an arrest that the police may conduct a limited protective sweep to ensure the safety of those officers applies with equal force to an officer left behind to secure the premises while a warrant to search those premises is obtained.” Taylor, at 513.

## Proceed With Caution!

When safety is not threatened, it is always best to get a search warrant before proceeding further. It will keep you from creating more work for your prosecutor later on, or prevent your frustration when the prosecutor is too overwhelmed by their caseload to effectively tackle the additional demands of a defense attorney's suppression motion. In the long run, it will be better for the judge too, if you get the search warrant. It is better to wake a sleeping judge to sign a warrant in the middle of the night than to try to explain to an irritated judge in the cold, hard light of day why you didn't. After all, if the judge signs a warrant, you are less likely to have the evidence recovered in the search suppressed by the judge. J

## Book Review

# “BREAKING RANK: A Top Cop’s Exposé of the Dark Side of American Policing”

by Norm Stamper. (397 pages, Nation Books, 2005)

REVIEWED BY /Walt Tangel, Training Instructor, DOJT Leadership Development Section

**N**orm Stamper has been and remains a controversial figure in American law enforcement. The title of his book tells you he has not always embraced conventional thinking and practice. And break rank he has throughout his career, starting as a San Diego patrolman in 1966 and finishing as chief of the Seattle Police Department in 2000. Along the way he earned a Ph.D. in psychology and gained notoriety for being forced to resign in the wake of the World Trade Organization riots that rocked his city and America.

In his book *Breaking Rank*, Stamper addresses a wide range of police and societal issues, including domestic violence, politics, drugs, race, use of force, discipline, prostitution, police culture and leadership – all hot button topics. Stamper quotes Einstein as defining insanity as doing the same thing over and over and expecting different results. In his book he challenges us to think differently about the issues of our day, suggesting in many cases unconventional and controversial ways of better dealing with those issues. Certainly, Stamper suggests that in our profession we have not done to this point the best job we can in dealing with those issues.

For example, one highly controversial idea he puts forth is the legalization of drugs as a way to putting an end to the war

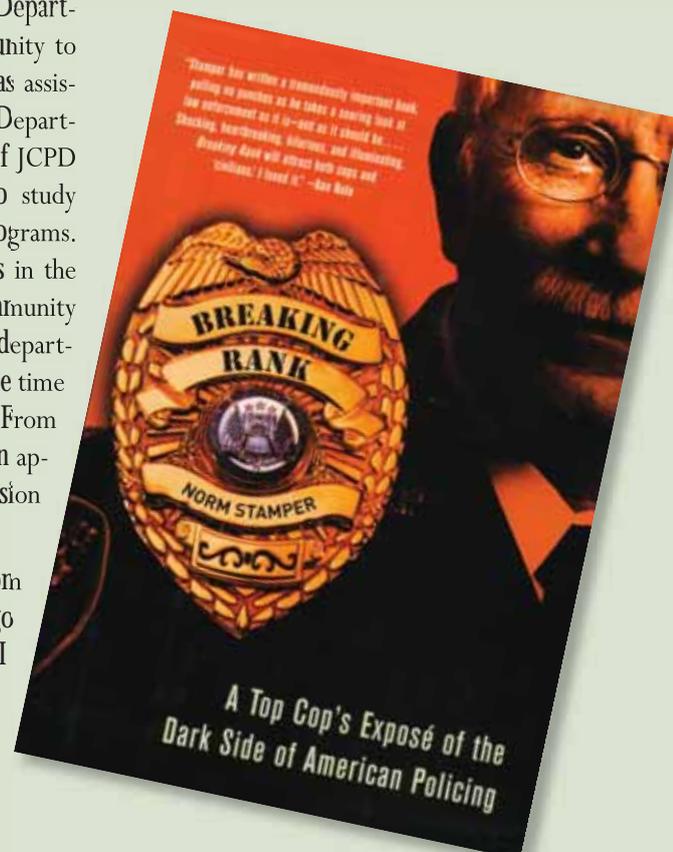
on drugs, certain to produce a hue and cry against his way of thinking. I believe it is important for us to listen to Stamper’s arguments on the issues and to examine his suggestions, whether we agree with him or not. It can only be beneficial to us in our profession to explore, even if not to embrace, alternative ways to solve problems. Answers to our problems are out there, however, we must be willing to at least listen to alternative viewpoints and not be doctrinaire in our thinking and responses.

As a Jefferson County Police Department lieutenant, I had the opportunity to meet Stamper in 1992 when he was assistant chief of the San Diego Police Department. I was part of a contingent of JCPD officers who visited San Diego to study the city’s community policing programs. Jefferson County, at that time, was in the early stages of implementing community policing. Stamper briefed us on his department’s efforts and spent considerable time discussing implementation issues. From that meeting one came away with an appreciation of the man’s intellect, vision and dedication to the profession.

From that meeting I obtained from Stamper a copy of the San Diego department’s value statement that I displayed in my office both in Jefferson County and when I was chief of the Gallatin, Tennessee Police De-

partment. The value statement was labeled, Norms and Values. I thought the label was Norm Stamper’s not-too-subtle way of endorsing and putting his imprint on what his agency and officers stood for – doing the right thing.

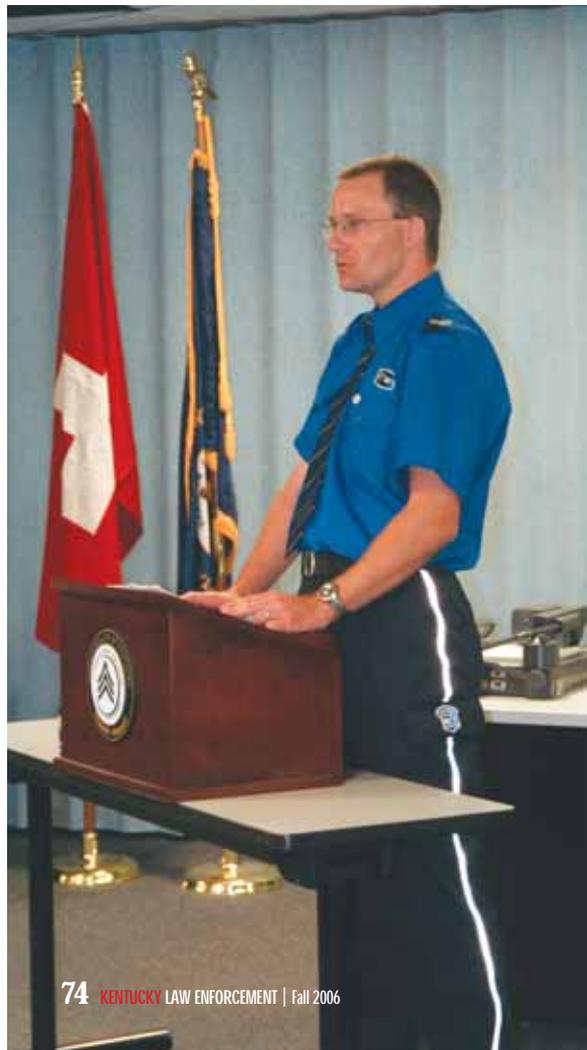
*Breaking Rank* might be viewed as another way of saying, stepping out of the box. Be prepared to be stimulated, titillated and a bit agitated when you read this book. I recommend the book highly to all in our profession. J





# APS HOSTS FIRST INTERNATIONAL STUDENT

Academy of Police Supervision graduates Swiss corporal / Elizabeth Thomas, Public Information Officer



**T**he Academy of Police Supervision, at Kentucky's Department of Criminal Justice Training recently hosted its first international student, Danel Keusch of Aargau, Switzerland, according to Walt Tangel, Leadership Development Section instructor.

Keusch, a corporal in Aargau's mobile intervention unit (a patrol division), stumbled upon the opportunity to attend APS while in the United States on vacation. Through connections at DOCJT, Keusch's supervisor, Commander Leon Borer, learned APS had a rare opening at the Academy. Keusch was site-seeing with his wife and daughter in Kentucky. He jumped at the opportunity to attend the three-week sergeant's course.

"I wanted to learn how policing works here," Keusch said.

His wife, Kim, and eight-year-old daughter, Vivian, headed on to visit her family in Sacramento and Keusch enrolled in APS, but not without strange looks from his fellow classmates.

"The first day, everyone looked at my

uniform and wondered where I was from, almost like I was an alien," said Keusch. But, said Keusch, the group accepted him quickly, eventually naming him class speaker for their graduation ceremony.

"I've enjoyed myself and I want to thank the class for accepting me as one of their own," Keusch said.

Keusch's photos of his police department drew praise from his classmates. "The cars they [the Swiss police] drive, the BMWs, blow us away. They get all the bells and whistles," said one classmate.

"I've learned a lot. I have a different perspective and I'll take a few things back to my country," Keusch said. 

◀ Danel Keusch was the class speaker for APS Class 17. In his address to the class Keusch thanked his classmates for so easily accepting him, the first international police officer to attend APS.



■ Alecia Webb-Edgington, director of the Kentucky Office of Homeland Security, Lindsey Hix and Amy Baggette, also of KOHS, lend a hand at this year's Raise the Roof event, a Habitat For Humanity home built in part by members of the Kentucky Women's Law Enforcement Network.

/Photo by Elizabeth Thomas

# New Study Launched on Hit Probability

What's your real risk from surprise gunfire and what's your best protection? /Force Science News

- What are the chances that a suspect who suddenly presents a gun and starts shooting as fast as he can will actually hit an officer he's trying to kill?
- At what distance will his accuracy significantly drop off?
- Does playing video games measurably enhance his skill?
- What's an officer's best reaction for avoiding fatal hits?
- What training approaches will best ingrain ideal officer-survival responses in the most law enforcement officers (LEOs)?

These are among dozens of questions the Force Science Research Center hopes to answer about offender hit probability, officer survival tactics and training methods as it gets underway with an ambitious and complicated research study regarding the human dynamics of deadly force encounters.

After months of planning, the first phase of the unprecedented research was launched June 20 at the Milwaukee, Wisconsin, Police Academy by law enforcement firearms instructor Ron Avery, president of The Practical Shooting Academy, Inc., and executive director of the Rocky Mountain Tactical Institute, and Dr. Bill Lewinski, executive director of FSRC at Minnesota State University-Mankato. The study is expected to span at least two-and-a-half to three years and ultimately involve thousands of test subjects.

"The kind of study we're undertaking has never been done before at this level of sophistication," Avery told the first group of volun-

teers to participate in the testing. The results promise to establish new benchmarks in scientifically analyzing dangers to law enforcement officers and identifying specific tactics officers can use to counter them for the best hope of surviving.

"The ultimate impact on both training and street performance could be huge," Lewinski declared.

The study is designed to evolve through three stages:

Phase One will measure the probable accuracy of would-be assailants attempting suddenly to deliver on-target rounds from various distances within the time frame of most officer-involved shootings.

In Phase Two, various survival options will be tested at different distances from a shooter to see which appears to provide the most likely safety, given the circumstances of an assault.

Phase Three will then explore what type of training will best assure that officers make

the safest choice when they are suddenly challenged by a suspect determined to kill them.

During two days at the Milwaukee Academy, Avery tested 33 volunteers from the current recruit class as the project's first subjects.

The volunteers' ages fell within the most common range of suspects who shoot LEOs. And, like officer killers, their previous experience with firearms ranged from never having held a handgun before to having received military training. Also, like typical assailants, most were male.

First the recruits were assigned code numbers so their names could not be linked with any results. Then the team gathered important demographic data – not only the usual subject specifications (gender, age, race, size) but also unique information such as:

- how frequently do they shoot or dry practice (if at all);
- how many rounds do they fire and how long do they spend in an average session;
- what is their grip strength and reaction time;
- what competitive or sports shooting do they do;
- what other athletics are they involved in;
- do they participate in paintball or Airsoft shooting;



- how often do they play video games where quick responses are required;
- do they use a replica firearm in these games, and so on.

“The idea,” Avery said, “is to be able to see if there is any significant correlation between these factors and the subjects’ hit probability.”

On the range, the recruits were given a .40-cal. Glock pistol loaded with live ammunition and positioned facing a stationary human-silhouette target designed specifically by Avery for the study. The unique target is overlaid by a subdued grid that permits each square inch to be assigned a number for data-collection purposes. Hits can then be weighted according to their probable effectiveness for inflicting fatal and nonfatal injury.

Playing the role of assailants, the subjects were told to alternately hold the gun in positions officers commonly face on the street – behind a leg, behind the back, at head level – and then, upon hearing a tone signal, to swiftly bring the weapon to whatever firing position they choose and discharge three rounds “as fast as they can and as well as they can” at the “police officer” target within 1.7 seconds. That time frame fits most fatal shootings of police, according to Avery’s research and experience, and is intended to simulate circumstances in which an officer is taken by

surprise.

This was repeated at 15 different distances, ranging from within arm’s reach between shooter and target out to approximately 25 yards. The subjects were told they could use any shooting technique they wanted (sighted or unsighted, one- or two-hand grip), so long as they started firing within one second of hearing the tone and finished by the 1.7-second deadline. Each subject fired a total of 45 rounds.

Through a sophisticated computer analysis, any precise hit area on the target, vital or nonvital, can be correlated with any component in the demographic data base. “There are many correlations that will be interesting to assess,” Lewinski said, “but the most important is expected to be the relationship between distance and accuracy: What is the likelihood of an officer being hit, particularly in a vital area, at any given distance?”

“We already know from other studies how fast an attacker can pull a gun from a waistband, for instance,” Lewinski continued. “But at what distances can he or she deliver accurate fire? And how far out can they continue to stay on target? In other words, what is their relative threat level at different distances when officers do not have time to fully assess the circumstances and take protective action?”

“Knowing this could have a major impact on law enforcement,” Avery explained. “We’ll

be better able to reliably identify high-threat zones. Among other things, this could influence the tactics an officer needs to use to defend himself, as well as help him articulate in court why he needed to take aggressive action when he was not able to see an assailant’s hands or when a subject suddenly produced an object from hiding that turned out later not to be a deadly weapon.”

Already, Avery and Lewinski confirm, some surprising results have been noticed even from the small sample in Milwaukee. However, they decline to elaborate on any findings at this time so as not to contaminate or influence the additional testing yet to come in Phase One.

The researchers plan to repeat tests like those in Milwaukee with a number of cooperating agencies in different parts of the United States. Police departments in Austin, Texas, and Cheyenne, Wyoming, are expected to be next, with others added as the experimental base grows. In all, Avery estimates that several hundred subjects will be tested during Phase One.

Throughout Phase One, a variety of side-arms used on the street will be employed and testers will record such variables as temperature, time of day, light readings, barometric pressure, distractions and environmental setting. More positions in which the assailants’ gun may be initially hidden may also be added.

Is it valid in this study to use as test subjects role players who are from different cultural and socioeconomic backgrounds than most cop killers? Force Science News asked.

Lewinski and Avery insisted that it is. Of course there’s the not insignificant problem of arming true felons with firearms in a research setting. But beyond that, Avery explained, “The decision to shoot a law officer is a mental phenomenon. We are not attempting to analyze psychological factors here. We are looking at physical abilities, and those relate to age, gender, training and experience rather than criminal orientation. The diversity of our demographic profile will match just fine with those critical factors.”

Avery added, however, that in the pro- >>

>> cess of testing thousands of people across the study's three phases, researchers do intend to involve multiple strata of society with volunteers ranging in age from 12 to 66.

Phase Two, which at some point will begin and run concurrent with the continuation of Phase One, will concentrate on documenting the relative effectiveness of various responses officers can employ against sudden incoming rounds.

"Our previous studies of action/reaction times have established that officers are definitely behind the reactionary curve in surprise attacks," Lewinski said. "Some are shot and killed before they can draw, others while trying to bring their gun on target, and still others manage to hit a suspect but the suspect still gets off one or more other shots that take them out.

"Given whatever we're able to prove about suspect hit probability, what is likely to be an officer's best option for reacting to an unexpected shooting? Should he try to shoot and move? Move and shoot? Stand still and draw? Try empty-hand control tactics? How should his reaction vary for best results at different distances, once the correlation between distance and offender accuracy is established?

"Right now no one knows, on the basis of scientific study, what the most advantageous technique is, what will most enhance an officer's survival at different distances, given a suspect's ability to deliver accurate fire and an officer's ability to return fire accurately. During Phase Two, we'll be testing a wide variety of officers from all over the U.S. to determine what response has the highest probability of working best, given certain variables."

In Phase Three, months in the future, the focus will shift to training, as the researchers test what kind of instruction and reinforcement seem to best assure that officers will be conditioned to make the safest choices in the quickest time during the stress-ridden challenge of a sudden threat.

Current training will get a hard look to see if, in light of the findings produced by Phases

One and Two, it is realistically preparing officers for life-threatening encounters. Among other things, said Avery, "We'll be looking at what kind of training leads to greater hit probability for officers within the time frame of real gunfights. What firearms training is obsolete? What qualification courses are truly relevant to the reality of the street? What training programs really contribute to good shooting performance under combat conditions and which ones are essentially administrative rubber stamp programs designed to meet minimal state and federal requirements?"

As head of the Rocky Mountain Training Institute, Avery is eagerly looking forward to developing guidelines and training based on the results of the research study.

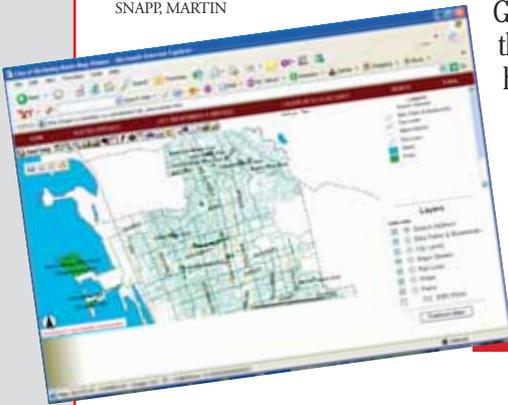
"Our goal," said Lewinski, "is to create some of the best research ever done about officer survival. We don't come to this project with preconceived notions about the results or with an interest in pushing an agenda. We simply want to find out more about officer-involved shootings, and see what science says about how we can better avoid or prepare to win them." J



# What's New?

## City Rolls Out Virtual Images

CONTRA COSTA TIMES (CA) (08/11/06) P. F4; SNAPP, MARTIN



Berkeley, California is employing Geographic Information Systems technology to change complicated information into easily comprehensible images. A visit to the link at the city's Web site, <http://www.ci.berkeley.ca.us/gis>, presents a virtual image of a user's house that informs the user whether there is, for example, a creek beneath, as well as about permits, sewers, storm drains, and crime and traffic patterns in the area. A property can be accessed in multiple ways, including by address, owner of record or simply by clicking on a map. Police and fire departments typically utilize GIS to decide where to spend their resources. For example, a single click calls up a map of car thefts in Berkeley. GIS enables access to three separate databases: crime, demographics and licenses. Most of the city's GIS specialists are located throughout Berkeley's staff, including the new

crime analyst at the police department. Although certain residents expressed concerns at a recent city council meeting that GIS technology might result in privacy invasions, Pat DeTemple, Berkeley's GIS division manager, notes that the data is already public. [http://www.contracostatimes.com/mlid/cctimes/news/local/states/california/alameda\\_county/oakland\\_berkeley/15250482.htm?source=rss&channel=cctimes\\_oakland\\_berkeley](http://www.contracostatimes.com/mlid/cctimes/news/local/states/california/alameda_county/oakland_berkeley/15250482.htm?source=rss&channel=cctimes_oakland_berkeley).

## Police Post Surveillance Images on Internet

TENNESSEAN (08/13/06); BOTTORFF, CHRISTIAN

The Metropolitan Nashville Police Department in Tennessee has started using the Internet to post surveillance pictures of crime scenes in an effort to gather tips from the public. Citizens are asked to notify the police if they recognize anyone in the online pictures. Images are displayed in a slide-show fashion, and in the past have included scenes from parking lots where the suspects are leaving in getaway vehicles. East Precinct Detective Matthew Filter said the online pictures can be especially helpful

if suspects have no prior criminal records. The images are posted on MNP's Web site under the heading of "Crimes in Progress." MNP has stepped up its public awareness efforts in recent months to increase the number of visitors to the site, which has produced more than 16,000 hits since it was launched in November. The department's Amanda Sluss said MNP intends to "keep up" with advances in technology as they emerge. "We felt this was a new and innovative way to place photos and surveillance images of criminal suspects in a public setting," she said. <http://www.ashlandcitytimes.com/apps/pbcs.dll/article?AID=/20060813/NEWS03/608130367/1291/MTCN01>.

downloadable by everyone with commercial software. Certain consumer activists want stricter rules forcing carmakers to implement EDRs in each vehicle because objective crash information will result in design for better cars and highways. Meanwhile, privacy advocates want the government to keep police and insurance firms from looking at drivers' black boxes without approval. Police and legal prosecutors are lauding the EDRs and, in a minimum of 19 states, judges have allowed the information as proof in criminal trials. A Roman Catholic bishop in Arizona was found guilty in a hit-and-run accident after his car's black box revealed that he had braked prior to impact, showing that he had seen the pedestrian. <http://www.time.com/time/magazine/article/0,9171,1223380,00.html>. ■

## Psst, Your Car Is Watching You

TIME (08/14/06) VOL. 168, NO. 7, P. 58; ROOSEVELT, MARGOT

Event-data recorders (EDRs) are microcomputers in black boxes concealed in a third of the cars now on the road. Though these microcomputers do not obtain voices in the event of a crash, as they do on airplanes, they can store as much as 20 seconds of information on speed, braking, and acceleration in the moments before a crash. The federal government is scheduled to publish this week regulations mandating auto manufacturers to standardize the recorders and make the data





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