

# LAW ENFORCEMENT



**SPECIALIZED FORCES**

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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. KLE 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.



## Changes in Kentucky Law

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

**W**hen the gavel fell on the 2008 General Assembly, several significant pieces of legislation related to criminal justice services had been enacted, including a new two-year budget under which to carry out our duties.

Clearly, the budget passed by lawmakers was reflective of the dire economic projections facing Kentucky. Across the board, departments were directed to streamline operations in order to curb expenses.

Several departments within the Justice and Public Safety Cabinet, most notably the Department of Corrections, were eyed for efficiencies and strategies aimed at stemming the rising cost of incarceration. These were included in the budget bill and incorporated into other legislation.

Those strategies include:

- Allowing certain Class D and C felons who were convicted on non-violent, non-sexual offenses and who are within 180 days of completing their sentence to do so on home incarceration, at the discretion of the Corrections commissioner, or who are more than 180 days from completing their sentence, with my approval;
- Increasing the amount of time credit awarded to inmates completing programs such as education or drug-treatment classes;
- Providing credit for time spent on parole toward the minimum expiration of an inmates' sentences, provided they have not absconded from supervision or committed a new felony.

In all, those strategies are estimated to save approximately \$20 to 30 million over the biennium. The department's realized savings will be redirected to other programs, such as substance-abuse treatment to provide meaningful help to individuals and lessen the rate of repeat offenders.

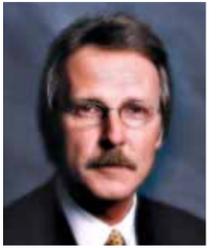
In addition, the budget added two full-time members to the Kentucky Parole Board and included language allowing the board to review cases of certain Class D felons after they have served at least 15 percent of their sentence. (Until now, offenders had to serve at least 20 percent of their sentence before becoming eligible for review.) Another amendment allows the board to conduct file reviews of certain Class C felons eligible for parole. These measures are expected to allow the parole board to review more cases and do so sooner, so that if the inmate is approved for release it occurs earlier in the month.

Other legislation enacted this year:

- Requires DNA samples be taken from all felons, including juveniles ages 13 and older who are convicted of violent or felony sex offenses. The Kentucky State Police Forensic Lab estimates the legislation could

yield 15,000 more samples per year, potentially solving an additional 250 cases annually.

- Preserves millions of dollars in federal funding by bringing the state into compliance with federal guidelines by prohibiting mandatory polygraphing of alleged sex-offense victims and reducing the number of status offenders and dependent, neglected and abused children who are inappropriately placed in secure detention.
- Protects consumers from unknowingly purchasing or inhabiting property that has been contaminated by methamphetamine by allowing law enforcement officials to post notice of contamination on dwellings and assess penalties on property owners for removing the notice, or for not alerting prospective buyers or renters about the contamination.
- Allows child victims or witnesses, ages 12 and younger, of violent offenses to testify by closed circuit or video testimony. The bill protects child victims from possible revictimization and traumatization by having to face the defendant in court.
- Directs the Firearms Confiscation Fund – created by the selling of confiscated firearms from all local, city and county law enforcement agencies – to first be used to purchase body armor before purchasing firearms and ammunition, and allots KSP, which receives the confiscated items and handles their sale, 20 percent of the gross proceeds of each sale.
- Exempts police service dogs, which are trained and required to occasionally bite people in the line of duty, from the 10-day quarantine law after biting a human. Prior to this, police dogs would be taken out of service for that time, even though the animal had been fully vaccinated.
- Allows vehicle accident reports to be accessed through KSP's Web site, eliminating the need for accident victims to go to a KSP post or the local clerk's office. The bill also allows KSP to provide limited vehicle accident report data to alert potential buyers when a vehicle has been in an accident.
- Requires KSP to reimburse sworn officers for the rider policy they purchase for their personal vehicles that extends liability coverage to their police vehicle. The legislation closes a gap in coverage that currently occurs if the officer is injured in the line of duty by an uninsured or underinsured motorist. J



## Overcoming the Past, Pushing Toward the Future

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

**I**n recent discussions with Kentucky chiefs and sheriffs, much conversation has centered around a single question: Why is it so difficult for different law enforcement entities to work cooperatively toward common goals?

Most agree the major underlying factors are embedded in the development of policing, which never evolved as a unified culture. Since most police functions were local in nature, much of what was considered policing in the last century evolved toward insular, parochial groups who shared the same basic functions but were inevitably and adversely affected by turf issues, local politics and a lack of broad-minded administrators who saw the bigger picture beyond their own jurisdictions.

Unfortunately, policing was also never immune to the same mismanagement, politics and low wages of many public and private organizations in the early and mid 1900s. Soon came the call for self representation, followed by the formation of associations to fill the void on behalf of a work force, which perceived little, if any, fair treatment by employers.

Today we still deal with the remnants of that past history. Although modern policing, while still serving the same fundamental purpose, has evolved into a complex task, many of the old tactics from simpler days — reactive thinking, condescending attitudes, turf-conscious administrators and backroom politics — must be abandoned if effective and progressive policing service is to be provided.

Despite multiple blue ribbon commissions, task force studies, The Wikersham Report and President Johnson's Omnibus Crime Control Act in the 1960s, policing did not begin to evolve on its own. Rather, it was court-imposed restrictions on policing that forced the glacial speed of law enforcement progress to forge ahead.

Court decisions were at the root of dozens of changes in policing. No longer could those who managed or practiced the vocation do so effectively without organizational overhaul and training. No longer were the standards for hiring, selection, performance, management and leadership of the 1930s, 40s, 50s and 60s effective. As those inevitable necessities became realities, policing as a public-service field progressively evolved.

We can examine how far policing has come over the past 50 years and be proud of our progress, regardless of what precipitated it. However, if policing is to continue advancing without external stimuli demanding or causing change to occur, we have a long road still ahead.

There are more than 8,000 certified peace officers in the commonwealth. They are responsible for more than 4.2 million citizens in a 39,732 square mile area broken into 120 counties with 368 cities with police departments, plus the law enforcement offices of sheriffs, county police and state agencies.

Each community has its own unique historical perspective that reflects the values of its citizens. Each strives to provide the best local government services under a range of budgets based on its tax base along with assistance from state and federal governments. Each requires its own distinct type of law enforcement service and many officers providing that service come from the communities they police. There are some universal regulations, standards and practices that work very well as a template for police service. However, an elusive element still missing is consistency in advancing that template. Too often local interests and parochial perceptions obstruct policies needed to advance the entire policing community — not just one particular group.

Fortunately, many obstacles formerly holding back the Kentucky police community have been eliminated or are now ignored. Thanks can be given to local communities and their government officials, state government, legislators, governors, broader-minded police executives, professional associations and yes, the courts for many advances over the past 20 years or more. Thanks also has to be given to those entering the field of policing who are coming in with a broader, more synoptic view of the work required today as they seek to find ways to improve.

While many difficult issues face policing, there is little doubt that law enforcement in Kentucky, as in many areas of the United States, is more capable today of bringing about positive and progressive change without external influence or demand. The advances made just within the past decade prove that capability in the commonwealth.

Although many have contributed to progress in the field of policing in Kentucky for more than a decade, there is no one group more fundamentally responsible than law enforcement officers themselves. Instead of waiting for court decisions or depending on elected officials to force actions to improve police services, the Kentucky law enforcement community has demonstrated time and again that speaking with a unified voice brings genuine advancements. The question now is whether the police community will continue to aggressively seek ways to genuinely advance the field and maintain the momentum that is already underway.

Being aware and engaged with events in policing nationally, as well as in Kentucky, is critical for future progress and continued advancement. It is critical for existing leadership at all levels, of course, but also for those who are working on the line — those who will be the future executives and formal leaders of the Kentucky police community. J

## Briefs

## ■ 'Operation Byrne Blitz' nets 565 arrests, 23 meth labs in Kentucky

Kentucky State Police and other law enforcement agencies throughout the commonwealth discovered 23 meth labs, seized more than 2,400 pounds of marijuana, identified 16 drug-endangered children and arrested 565 individuals in connection with illegal drug use in a 24-hour period. The one-day blitz on March 5 was part of a national effort to highlight the effectiveness of concentrated drug enforcement activities.

During Operation Byrne Blitz, state police and highway patrol agencies, local police and sheriffs' offices, and drug task forces throughout the country conducted undercover investigations, marijuana eradication efforts and drug interdiction activities.

Statewide, the operation resulted in the seizure of 264 grams of methamphetamine, 9.6 kilos of cocaine, 56 grams

of crack cocaine, 1 gram of heroin and more than 2,700 units of prescription drugs. Officers also confiscated 80 firearms and served 28 search warrants.

"The impact of our drug task forces can be clearly seen in the success of this one-day blitz," said Justice and Public Safety Secretary J. Michael Brown. "While combining these efforts in a 24-hour period makes a statement, it's important to remember that these types of activities go on every day, and are a critical tool in eradicating illegal use."

The Edward Byrne grant program is named for a New York City police officer who was killed at a young age by organized drug traffickers trying to prevent a witness from being able to testify in a drug case.

## ■ Ernie Lewis to Retire as Kentucky's Public Advocate



Ernie Lewis will retire as public advocate September 1. Lewis has been a public defender with the Department of Public Advocacy since 1977. He was appointed public advocate in 1996 and has served a total of three consecutive terms.

During his 12 years as public advocate, Lewis completed the full-time system by converting private lawyers on contract to full-time in 73 counties. He also lowered caseloads per attorney from more than 600 cases per lawyer to 436 cases in 2007. Finally, he was able to raise defender entry-level salaries from \$23,000 to more than \$38,000. Lewis also served as chair of the American Council of Chief Defenders in 2006 and 2007. In 2002, the Kentucky Bar Association named Lewis

Outstanding Lawyer of the Year. In 2007, he received the Champion of Indigent Defense Award from the National Association of Criminal Defense Lawyers.

"Serving the people of the commonwealth as a public defender for 31 years, and as public advocate for the last 12 years, has been a great honor," Lewis said. "It has been a privilege to work with some of the best public servants I've ever known . . . . It has also been satisfying to bring justice and mercy to poor persons at the most vulnerable moment in their lives."

Lewis will continue to train public defenders, work as a consultant with public defender organizations from other states and represent some indigent clients. He will also devote himself to public policy work, particularly on criminal-justice issues.

## ■ Schwartz Honored by National Bar Association

On January 31, Department of Criminal Justice Training Instructor John Schwartz, his former New York City Police Department partner Robert Addolorato and Attorney Steven Cohen were presented with the 2008 Outstanding Contribution to Police Work by the National Bar

Association's Criminal Justice Section. Schwartz, Addolorato and Cohen received the award for the work that was done to secure the release of two men who were imprisoned for more than 14 years for a murder they did not commit. The Palladium Case was profiled on NBC's Dateline in August 2007.



## ■ Sixty-two Troopers Graduate from Kentucky State Police Academy

The Kentucky State Police Academy graduated its first class in more than two years on Feb. 25 with 62 state trooper cadets receiving diplomas. Their addition to the force brings the agency's strength to a total of 961 sworn officers.

In addressing the new troopers, Lt. Gov. Daniel Mongiardo praised their commitment to public service.

"No profession is more essential to our quality of life than law enforcement," he said. "Without safety and security, nothing else is possible. Your efforts touch our daily lives and help keep the fabric of society together. What you do is of tremendous value and we thank you for it."

The new troopers included four women, three African

Americans and one Hispanic. Their training included more than 1,000 hours of classroom and field study.

"This class started a 23-week training cycle on Sept. 29, 2007 with 92 cadets and faced daily challenges that required intelligence, physical stamina, sacrifice and a deep commitment to service," said KSP Commissioner Rodney Brewer. "Due to these demands, the attrition rate was high, but the end result will be better trained troopers in the field. Each one of these cadets deserves a salute for achieving this goal."

Seventy-eight troopers have retired since the last cadet class graduated in December 2005, and this new group of graduates will help replenish our ranks, Brewer added.

## ■ Four Lexington-area Businesses Link Up to Vest K-9s

Four Lexington-area business owners hosted the Police K-9 Vests for Life Golf Scramble April 29 at the Kearney Hills Golf Course, raising money to protect police dogs.

David Bridenbecker of What's the Scoop? Pest Waste Removal, Tiffany Morrow and Chris Simpson of Dogtown, Sarah Hoosier and Samantha Moses of Critter Sitters and Kathy and Clay Harvey of For the Love of

Dogs Bakery joined forces to help provide Lexington Division of Police K-9s with bullet-proof vests. Prompted by an article detailing the line-of-duty death of a K-9, these individuals decided to make a difference in their community and in the lives of these four-legged officers by raising money to buy eight additional vests for the LPD K-9 unit, which, at the time, only had one vest for nine dogs.

The protective vests, costing nearly \$1,000 each, are not only bulletproof, but also stab-proof and protect against blunt trauma and injuries. According to www.VestADog.com, in the past 10 years, bullet, stab or blunt trauma injuries have caused 60 percent of police-dog deaths.

The business owners hope to make the scramble an annual event to raise money for much needed K-9 training.

## ■ Cassell Named Branch Manager of DOCJT's Advanced Individual Training Branch

On April 1, William Cassell was named branch manager of the Advanced Individual Training Branch at the Department of Criminal Justice Training. Cassell began his career with DOCJT in 2005 in the Leadership Development Section where he taught Situational Leadership and coordinated the Academy of Police Supervision and Criminal Justice Executive Development classes.

The AIT Branch is responsible for law enforcement officers' annual professional training. The AIT Branch offers specialized instruction to more than 8,000 officers each year, mainly at the Richmond location, but also in Louisville as well as many

on-location sites.

Prior to coming to DOCJT, Cassell served as chief of police of the Campbellsville Police Department for six years and chief administrative officer for one year. He also served as chief of police in Lancaster. Cassell has held ranks such as patrolman, sergeant, detective sergeant and patrol sergeant. He is also a veteran of the U. S. Army Military Police Corps, where he served for 10 years as a non-commissioned officer. Cassell holds a master's of science degree in criminal justice from Eastern Kentucky University and a bachelor's of science degree in criminal justice from Campbellsville University.

## ■ Law Enforcement Basic Training Curriculum Revision at DOCJT

In 2008, the Kentucky Law Enforcement Council approved changes to the Law Enforcement Basic Training curriculum. After working with a major curriculum revision introduced in 2007, possible revisions were discussed. Feedback was also examined concerning possible areas of modifications identified by students.

With those ideas as a foundation, a workgroup formed consisting of members of each of the Department of Criminal Justice Training sections involved in Basic Training. The workgroup was a cross-section of three branches: Basic Training, Skills Training and Tele-

communications. The group identified areas that could be enhanced. Topics included the curriculum and methods of instruction for specific classes.

As a result of the meetings, many key features of the 2007 curriculum were retained, including graded-practical examinations, and several needed changes were identified.

During this time, a workgroup which focused on instructional design formed. As a result of the work of the instructional design workgroup and the curriculum workgroup, additional time was requested in the Basic Training curricu-

lum. The 2007 curriculum was 754 hours. The proposed 2008 curriculum is 768 hours within the same 18-week time span.

To ensure a continuing effort towards improvement, there is an ongoing effort to examine basic training areas through a quality workgroup. This workgroup is composed of instructors from all branches and headed by Terry Runner, a long-standing basic training instructor.

If you have questions or comments concerning the basic curriculum, please contact Karen Cassidy at karen.cassidy@ky.gov.

### Major Changes for 2008

- 768 hours – includes major schedule changes
- Recruits are given problem-based learning exercises with clearly defined matrixes for completion
- Academic examination time increased; final comprehensive examination
- Neighborhood portfolio exercise given at the beginning of the academy for completion by final week of training
- Orientation manual, resource guide and training standards revised
- Coaching and training reports given to recruits
- Lesson plans revised
- CJIS completed via distance learning
- Kentucky Administrative Regulations revision

## ■ Newly Launched Statewide Web Site Will Provide Law Enforcement With Up-to-Date Training Information

Recent statewide law enforcement surveys vividly demonstrated the need for an easily accessible forum for Kentucky law enforcement officers to share and access crucial information regarding their work, training opportunities, meetings of various professional associations and quick resource references.

“All personnel involved with the Kentucky criminal justice system should be engaged with one another through some mass communications device,” said J. Michael Brown, secretary of the Justice and Public Safety Cabinet. “Interaction is not just necessary, it’s mandatory for an efficient and effective criminal justice system, especially for police officers.

“We want to keep all law enforcement agencies informed of new initiatives, legislative objectives, training opportunities and

other information so that everyone in the state is ‘singing off the same sheet of music,’” Brown added.

Under the direction of Gov. Steven L. Beshear, Brown has outlined a periodic electronic newsletter to cover the highlights of information provided by dozens of different groups involved with Kentucky law enforcement, ranging from the Kentucky League of Cities and all Kentucky law enforcement associations to specific state agencies and the Kentucky Office of Homeland Security.

“This newsletter will not replace any current electronic newsletter, publication or Web site,” Brown emphasized. “It will simply provide a one-stop shopping source where all law enforcement officers can quickly and easily see topics that they wish or need to view and then hotlink, with one click, to that site.”

The system currently being designed, *Kentucky Law Enforcement Dispatches*, will be assigned to the current staff of *Kentucky Law Enforcement*, the state’s award-winning, quarterly print magazine. Staff will peruse all Kentucky law enforcement Web sites periodically to identify new information and post it via an electronic newsletter. Hotlinks embedded in the newsletter will enable interested readers to immediately jump to the source Web site for additional details, Brown said.

Law enforcement organizations will be encouraged to submit information directly to the centralized Web site as well as posting it on their own sites, he said.

“Again, we do not in any way plan to eliminate the need for a specific organization’s site,” he cautioned. “Our goal is simply to get more information in front of

more law enforcement personnel and allow them to easily hotlink to additional information if they are interested.”

*Kentucky Law Enforcement Dispatches* will not serve as a newspaper for Kentucky law enforcement, it will simply provide a quick way for Kentucky officers to reach other resource sites for details or extended information on issues facing Kentucky law enforcement, technology, legislation, court decisions, initiatives and training.

For instance, rather than sifting through a dozen sites for information relative to training for Kentucky officers, law enforcement officers can go to this centralized newsletter and Web site, quickly peruse what training is coming up and hotlink to the issues they are most interested in, he concluded.

## ■ Hudson Named to Kentucky Law Enforcement Council



Gov. Steve Beshear appointed June G. Hudson to serve as a member of the Kentucky Law Enforcement Council April 30.

Hudson is a retired employee from the Kentucky

Department of Parks where she worked for 27 years and served as park commissioner. Hudson is the office manager for Liberty Tax Service in Paducah.

The appointment replaces B. J. Honeycutt. Hudson shall serve for the remainder of the unexpired term ending July 1, 2010.



▲ The Meritorious Service Award for 12 years of service to the Kentucky law enforcement community was presented to Michelle Williams with White Peck Carrington, LLP in Mt. Sterling. From left to right are Kentucky Law Enforcement Council staff Melissa Beck and DeAnna Boling, Michelle Williams and KLEC Director Larry D. Ball.

## ■ Governor Beshear Announces Kentucky’s Launch of Partnership for Drug-Free America Chapter

Kentucky launched its state chapter of Partnership for a Drug-Free America, tapping into a national, media-based education campaign to reduce illicit drug use in the commonwealth.

The partnership channels the talents and technologies of professionals in the communications industries into memorable and effective messages through print and broadcast ads.

Funding for the chapter was awarded through a federal Community Oriented

Policing grant received by the Kentucky State Police and funds from the Office of Drug Control Policy.

Media outlets across the state are being asked to participate in the partnership, by running the professionally-produced messages to “un-sell” drugs to Kentucky’s youth. Research has shown if a child hears one anti-drug message a day, they are 38 percent less likely to use drugs. The impact of such messages can be seen in dramatic declines in drug use since the partnership

was formed in 1986. Cocaine use in the United States is down by two-thirds, overall drug use is down by one-third, and even the use of Ecstasy, a serious threat just a few years ago, has decreased by 50 percent.

The Partnership for a Drug-Free America is a non-profit organization uniting communications professionals, renowned scientists and parents. Best known for its national drug-education campaign, the partnership’s mission is to reduce illicit drug use in America.

# KLEC Presents CDP Certificates

/KLEC Staff Report

The Kentucky Law Enforcement Council's Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 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 KLEC congratulates and recognizes the following individuals for earning career development certificates. All have demonstrated a personal and professional commitment to their training, education and experience as a law enforcement officer or telecommunicator.

**ADVANCED LAW ENFORCEMENT OFFICER**  
**Alexandria Police Department**  
 James Sticklen

**Ashland Police Department**  
 William Bare  
 Mark McDowell

**Boone County Sheriff's Office**  
 William Mark  
 Michael Parsons

**Bowling Green Police Department**  
 James Napper

**Carrollton Police Department**  
 Steven Abbott

**Covington Police Department**  
 Michael McGuffey  
 Ronald Wietholter

**Erlanger Police Department**  
 Todd Brendel

**Evarts Police Department**  
 Terry Jacobs

**Independence Police Department**  
 Phillip Dunford

**Lexington Division of Police**  
 Kenneth Hall  
 Brian Maynard  
 Clayton Roberts  
 Christopher Schnelle

**Madisonville Police Department**  
 Kelley Rager

**Newport Police Department**  
 Dimitri Baloglou

**Olive Hill Police Department**  
 Bobby Hall

**Pikeville Police Department**  
 Anthony Conn

**Radcliff Police Department**  
 David Williams

**Rowan County Sheriff's Office**  
 James Stamper

**ADVANCED TELECOMMUNICATOR**  
**Jessamine County 911**  
 Diana Hardy

**Richmond Police Department**  
 Robert Burton

**BASIC TELECOMMUNICATOR**  
**Adair County 911**  
 James Absher  
 Jean Corbin  
 William Nobles  
 Lee Ann Roy

**Danville Police Department**  
 Erica Tolson

**KSP Post 11, London**  
 David Anders

**Muhlenburg County 911**  
 Richard Morris  
 Lindsey Strader

**Whitley County Communications Center**  
 Michael Colyer  
 Felicia Eaton  
 Misty Gavin  
 Jessica Hall  
 Lena Mills  
 Teresa Warren

**Winchester Police Department**  
 Rondi Leslie

**INTERMEDIATE LAW ENFORCEMENT OFFICER**  
**Alexandria Police Department**  
 James Sticklen

**Ashland Police Department**  
 William Bare  
 Robert Simpson

**Berea Police Department**  
 James Hampton

**Boone County Sheriff's Office**  
 Bradley Ezell  
 James King  
 William Mark

Michael Parsons

**Bowling Green Police Department**  
 James Napper  
 Michael Rexroat

**Cincinnati/N. Kentucky Airport Police Department**  
 Norman Minter

**Eastern Kentucky University Police Department**  
 William Moore

**Elizabethtown Police Department**  
 Peter Chytla

**Erlanger Police Department**  
 Todd Brendel

**Independence Police Department**  
 Phillip Dunford

**Jackson Police Department**  
 Claude Barrett

**Lexington Division of Police**  
 Charles Ferrell  
 Kenneth Hall  
 Thomas Howell  
 Christopher Schnelle

**Olive Hill Police Department**  
 Bobby Hall

**Pikeville Police Department**  
 Anthony Conn

**Radcliff Police Department**  
 David Hooker

**Russellville Police Department**  
 Timothy Burnett

**Versailles Police Department**  
 Justin Newman

**Villa Hills Police Department**  
 Melvin Wright

**Western Kentucky University Police Department**  
 Brandon Miller

**INTERMEDIATE TELECOMMUNICATOR**  
**Jessamine County 911**  
 Diana Hardy

**LAW ENFORCEMENT EXECUTIVE**  
**Boone County Sheriff's Office**  
 William Mark  
 Robert Reuthe

**LAW ENFORCEMENT MANAGER**  
**Boone County Sheriff's Office**  
 William Mark

**Independence Police Department**  
 Phillip Dunford

**Lexington Division of Police**  
 Kenneth Hall

**LAW ENFORCEMENT OFFICER INVESTIGATOR**  
**Anchorage Police Department**  
 Jeffrey Bell

**Ashland Police Department**  
 William Bare

**Boone County Sheriff's Office**  
 James King

**Elizabethtown Police Department**  
 Peter Chytla

**Winchester Police Department**  
 Daniel Thomas

**LAW ENFORCEMENT SUPERVISOR**  
**Berea Police Department**  
 David Gregory

**Independence Police Department**  
 Phillip Dunford

**Lexington Division of Police**  
 Clayton Roberts

**University of Kentucky Police Department**  
 Gregory Hall

**LAW ENFORCEMENT TRAFFIC OFFICER**  
**Boone County Sheriff's Office**  
 William Mark  
 Michael Parsons

**Lexington Division of Police**  
 Thomas Howell

**TELECOMMUNICATION SUPERVISOR**  
**Richmond Police Department**  
 John Carey



# COMING SOON....

...specifically tailored for Kentucky law enforcement officers.

**CONFIDENTIALITY STATEMENT:** By subscribing to this newsletter, Kentucky Law Enforcement Dispatches, which is distributed via email and via access to the dedicated website, we will maintain your email address in a private distribution list. Messages sent electronically do not reveal recipients' email addresses or any other personal information. Kentucky Law Enforcement Dispatches will only be electronically distributed to individuals who have opted to subscribe and who have provided their email address to us directly. We do not use this email address list for any other purpose, and we only add individuals at their request. At any time, you may opt out by using the unsubscribe link (below). Your unique personally identifiable information (e-mail, name, address, telephone number) is not transferred to the third party. You may opt in or opt out with the first edition or at any other time.

# THIN GRAY LINE

/Abbie Darst, Program Coordinator

**T**rooper, teacher, speaker, writer and world traveler – Rodney Brewer has demonstrated his leadership skills in many facets throughout his life and lengthy career. His position as commissioner of the Kentucky State Police, to which he was named in December 2007, is a culmination of successes, hardships and experiences over a 26-year career with the agency and numerous years as a professor at the University of Louisville. Brewer holds a Master of Science in Criminal Justice and a Bachelor of Science in Police Administration from the University of Louisville and is a graduate of the Southern Police Institute's Administrative Officer's Course. A Louisville native, Brewer is an avid gardener, outdoorsman, woodworker and Corvette owner who lives in Ballardsville with his wife, son and daughter.

**Having served with the Kentucky State Police for 26 years, why did you choose law enforcement as a career and did that career begin with KSP?**

I decided that I wanted to go into law enforcement when I was about a sophomore in high school. I had some limited exposure to what was then the Jefferson County Police Department, and was always impressed with them. When I enrolled in U of L, I decided to major in police administration. As I was going through U of L, there were quite a few police officers in my class, most of which were Jefferson County police, but I had a few state troopers in there on occasion, too. That fueled the fire for where I wanted to go with my career. During my final, senior year at U of L, I was a police officer in a sixth-class city called Devandale, which is out in eastern Jefferson County. It was a great experience, but looking back now, it was kind of scary. I had no training and there were no standards. I literally was sworn in and started policing. By today's standards, that is so foreign to us. Looking back, the liability aspect and the danger aspect were pretty widespread. I worked there for exactly one year, but it rather solidified my belief that law enforcement was what I wanted to do with my life.

I was part of a group of fifth- and sixth-class city officers, who also did not have any training. Many of us were hungry for training, we wanted it, but it either wasn't available or the departments couldn't afford to send their officers. This was long before the Peace Officer Professional Standards were enacted. There was a Kentucky state trooper named Jim Mudd who served as the pub- >>



>> lic affairs officer at the then LaGrange Post. He usually dealt with the media and gave programs, but Jim took it upon himself to put on safety and information seminars for fifth- and sixth-class city police officers dealing with arrest techniques and different things like that. We ate it up. It was an incredible opportunity for us. My exposure to Tpr. Mudd was a life-changing experience. I remember distinctly when Jim asked me if I had ever considered applying for the state police. He began to talk to me about the role and the mission of the state police and what their function really was. Like most Louisvillians, I think my image of the state police was pretty much, that's where you go get your driver's test, you see them at safety town at the state fair and you see them on the interstate. But as I began to talk to Jim and he befriended me, I really got a clear picture of KSP and I became very excited at the prospect of being a part of that. The rest is history.

I graduated from U of L in May 1979 and several months later I had gone through the process, and entered the state police academy in September 1979. Upon graduation I went to Post 8 – Morehead. Then I transferred into what was then called the special investigations unit, which was the equivalent of narcotics. I spent five years in undercover work and it was a great experience. The way we did business then versus the way we do business now, probably is pretty primitive by comparison, but we put a lot of people in jail for

gent at Post 12 in Frankfort for a very short tenure. Then I went to LaGrange and was promoted to lieutenant. Over the years I just kept climbing the ladder and here I sit today.

I had a storybook career with the state police. After 26 years, when I did retire, I told some folks, that if I could go back and rewrite my career, I don't know what I'd change. We all have regrets, we all have things we wish we hadn't said or done, but overall, I don't know what I would have changed about my career. I was so fortunate and so blessed to have been a part of this agency and to have interacted with so many other great folks in the Kentucky law enforcement community. I guess if there was one thing I missed out on that I think would have brought me a lot of personal pleasure and fulfillment, it was being a field training officer. I always thought that position in any agency has a profound effect on the new folks that are coming out – you're shaping the way they do business and their attitudes and I think that's an incredibly important position for officers to fulfill.

When I retired in August 2004 I had been teaching night classes part time at the University of Louisville and just thoroughly enjoyed the experience. About the time I was contemplating retirement, I got this random call in the middle of the day from my boss at U of L. At that point I hadn't discussed leaving with anybody except my wife. My boss offered me a full-time teaching position with the college. I told her that her call was pretty timely and she literally sketched out my contract on a napkin and said she'd let me know when it's final, and I said when you let me know, I'll be retiring. I announced the next day that I was leaving.

I was very disappointed when I left that I had not gotten the nod for commissioner, but I'd always vowed that I'd leave the agency like I came in – with a great attitude. I'd always vowed that state police had been extremely good to me and my family and I would never leave the agency embittered. Instead, I left on good terms, and it was a good time to go. In retrospect, coming back three and one half years later, it was the best thing that ever happened because it gave me an opportunity to step outside the state police world, see the rest of the world and also see the state police from a little different perspective than I'd ever looked at before.

What's been overwhelming is having been gone for three and one half years coming back and seeing what has transpired during my absence. For example, about seven and one half years ago I was in charge of a newly developed strategic planning unit here in the state police. Our commissioner at the time really saw a need to do not only some short-range planning, but some very long-range planning that we had not done for a long time. One of the many things we focused on was the poor condition of our technological infrastructure. We embarked on a pretty ambitious campaign to try



“ I had a storybook career with the state police. After 26 years ... if I could go back and rewrite my career, I don't know what I'd change. ”

selling dope and that's what we were all about. We also did white-collar crime, political corruption, serious thefts and stuff that involved undercover work. That was a great experience for me – it allowed me to work undercover and learn some great tricks of the trade. I spent five years there and then took a 180 degree turn and was fortunate enough to work in our executive security branch, which protects the governor and lieutenant governor. And, ultimately, I was promoted to sergeant and headed up what was then, Lt. Gov. Steve Beshear's security detail. So I got to know him and his wife and his family very well during that time period. I was there about a year and a half. After that, I went back out into the field and was the investigative ser-

to have a statewide infrastructure where we had mobile data computers in every car. Not just state police but every police agency could piggy back off of this. When we first started this, Jefferson County police were ahead of the curve and they already had an infrastructure built out. So we scraped up the money to be able to buy two mobile data computers and have them properly installed in cruisers, and we had them in Shelby County unit's cars. We had a memorandum of understanding with Jefferson County police to use their towers. The coverage at that time got us out to about Shelbyville. I'll never forget, the two troopers who had these in their cars, they actually had a radio technician in the car with them and one of the units pulled into a Wal-Mart parking lot and within 30 minutes got a hit on a stolen van – ran it out of his car. And when the word got back to me, not only were we very excited about that, but I thought, 'Oh my gosh, we've just broken the glass ceiling here, we're in a new age.'

Seven and one half years later, my lieutenant colonel over technology is sitting here debriefing me about what's going on with the agencies technology. Very matter of factly he told me we had mobile data computers in every cruiser now and I said, 'Hold up, what did you say?' He said, 'mobile data computers in every car.' I said, 'Over 600 road troopers have mobile data computers in their cars now?' He said, 'Yeah.' I said, 'Do they work?' He said, 'oh yeah, we've got better than 95 percent coverage, we're going, to have 100 percent coverage pretty soon and have other agencies on this backbone as well.' I just started smiling and he asked what I was smiling about and I said, 'That's incredible.' I told him the story I just told you.

What that story really said to me is if you put in some long-range planning and some vision that really has some sense and some building blocks to it, it will happen. To see the advances, just in my lifetime is incredible and it changes every day. But one of the things about technology that I've always been very adamant about is technology should never drive our function. Our function is what drives the technology. We should not vary from our function and mission, but instead use technology to help us further them – not the other way around.

Having held every merit and non-merit rank within the organization, what do you see as the biggest benefit your extensive service with KSP offers you in the position of commissioner?

I understand the culture and tradition of the agency. I think any great leader knows what's sacred and you don't change and what we just sometimes think is sacred but is really not, we just don't want to change. A great example is our uniform. The uniform is very traditional, very historic and there's much more there than meets the eye. I think my background gives me that knowledge to know what truly is sacred and what should not be changed and those that need to and have to be changed if we're going to continue to advance.

We've had civilian leadership in this position and we've had sworn over the years. One thing that is very difficult for me to imagine is someone from a civilian background with no law enforcement experience coming into an agency as complex and large as ours.

We've streamlined a little bit and one of my goals among many is to improve the information flow in our agency. In an agency of our size, of more than 1,800 people, even in the age of e-mail, sometimes information flow is rather cumbersome and inaccurate at times. So it's very important to me that not only is our staff communicating well, but that when the field needs to know about something, we let them know about it. And that's not always been the case.

Do you have specific goals for KSP during your tenure or are there particular initiatives that you would like to see the department accomplish?

One of my top goals is to acquire a new training facility. Our training facility is antiquated. I think it's incredibly important for our folks – if you're going to train a first-class product, you have to have a first-class facility to do it in. I told our academy staff that I'm tired of us trying to paint a Picasso >>

>> every day with a \$4 brush from Wal-Mart, so we're going to change that.

We also got funding a couple of years ago for an information technology building that we're really excited about. It doesn't sound very exciting to folks out in the field, but it is exciting to us because for the first time we're going to be able to house all of our technology folks under one roof, including our Internet crimes against children unit and our forensic capabilities. They're very fragmented right now.

I also want to make sure that every man and woman in the field is equipped with a Taser before I leave here. That's very much at the top of our list as far as equipment acquisition. They're expensive and we know that, but it's even more expensive to get one of our people hurt or to hurt someone in the public that perhaps is mentally ill or has some other issues that we can deal with on a less-than-lethal level.

Another thing at the top of my list is to develop leaders for the next generation of KSP. Somebody is going to take my spot one of these days. I'm not ready to leave just yet – but there's absolutely no reason why we shouldn't have some very strong contenders in our own agency. Now that's at the executive level, but I don't think you start there. You don't just start developing them all of a sudden. Several years ago we started a sergeants' leadership academy for our newly promoted sergeants, and what I see now is a real need at the mid-level manager's position of lieutenant and captain to prepare these folks for the next level of leadership when they have to come up here and actually run the agency. I've been discussing with the Southern Police Institute to put on an intensive leadership school for lieutenants in the state police and highway patrol agencies across the country because I know that many times they face the same issues we do, by design, being rural agencies.

Equally important to me is community-outreach programs. Serving as spokesperson for the agency for three years when I was in public affairs showed me the importance of not only the power of the media, but even more important our relationship with the communities. In the next several months, we're going to make some concerted efforts on getting out to some key groups – Rotary Clubs and things like that – and telling them what their state police is doing in their respective communities.

Another important initiative is an increasing need to expand our intelligence gathering capabilities in the KSP and use those not only for our benefit, but also for local agencies as well. I have a vision that we will have a

trained crime analyst at each of our 16 posts that are a direct conduit to the folks at the Kentucky Intelligence Fusion Center. It will be an information sharing opportunity between us and local law enforcement in that district that talk about the things that we need to do to better solve crime. The goal is that timely information on theft and theft related items, prescription drug use and even reduction in traffic crashes will come out of this.

Also, the days of us responding to major crime scenes and processing them out of the trunk of a Crown Victoria are over. We can't do business like that anymore. We're still trying to examine what the best approach is, but we are going to have some type of mobile evidence collection teams or trailers or some type of processing units that are going to go out and assist and alleviate some of these functions from post at major crime scenes. Hopefully we could make that available to local law enforcement as well.

We're taking a new direction in our recruitment initiatives. The traditional, conservative methodologies of recruitment are not getting us where we want to be anymore. One of the things we're in the process of doing in house is shooting a couple of commercials to put them on YouTube, something we've never done before. My first concern is getting top-notch folks. Right under that is doing a better job of getting females and minorities into our agency. It's been a struggle for us because we're a very rural agency and most of the places we police in Kentucky have very small if any African-American communities, so it's very hard for us to recruit an inner-city kid from Louisville and say, 'Congratulations, you get to go to Magoffin County.' So that's been difficult for us, but I think there are ways that we can overcome that. We did OK this last cadet class, but I think we can do better in our numbers. I think a lot of state police and highway patrol agencies across the United States have traditionally struggled with that. Even during this time period when, nationally, you'd think that the interest in law enforcement would be up with the CSI craze. Interest is probably up, but enrollment is not up. People think it's cool and people want to run in and dust for prints or people want to be a serial-killer profiler, but across the board, recruitment numbers are down. That's a little bit puzzling and frustrating to think we don't have as big a pool of dedicated individuals out there as we once had.

All that should keep me busy for the next four years.

**What are some of the biggest obstacles or challenges facing KSP?**

Well, at the risk of sounding like every other police chief in America, right now I think we're in a pretty critical area as far as the budget. Budgetary shortfalls right now are pretty concerning to me and a bunch of other folks. I told the governor, whatever budget cuts that we have to take, we'll make it work. There may be some services affected, but the men and women of our agency have always done what they needed to do regardless, and I think that's a strong testament to the folks that we have. I think that's probably the most immediate thing on the horizon, the uncertainty of the budget, not only this year, but where those revenues are going to come from in the next year or two as well.

I think one of our biggest obstacles is, quite simply, gasoline costs. I am very environmental-

ly conscious, but the long and short of it is we're in the gasoline-burning business. When people call, we have to go. We drive about two million miles a month. We drove more than 23 million miles last year. Gas projections have not kept up with what reality is and that has to change. The problem is you can plan all you want to, you can institute policies all you want to, but the bottom line is when somebody calls we're expected to, and we should, go. So that is another area where we have to be keenly aware and extremely frugal with the tax payers' dollars, not only from a dollar perspective, but I think from an environmentally-responsible perspective. In the next five to 10 years our administrative folks won't be driving these big Crown Vics. We'll be in some very conservative Ford Tauruses and Chevy Impalas or maybe even something smaller than that. And it's not to slight those folks, but I think if your main job capacity is not traffic related then I think we need to be frugal and look at those positions. If we can get five miles better the gallon and a cheaper price at purchase, that's where you're going to see us heading.

Our fleet is another concern. When you start getting into high-mileage vehicles, you start getting into high maintenance and some safety factors too. My No. 1 rule is that the guy or gal in uniform out on the road answering the bell, they're the ones that get the best vehicles.

**The field of law enforcement has changed dramatically in the past several decades. What do you view as some of the most beneficial changes?**

Overall, I think the speed and accuracy of our technology. Technology has probably done more to change and influence law enforcement in the last 30 years than maybe anything else has in the last 150 years. But once again, I'm very cautious about letting that drive the train. That doesn't drive our function.

Our communication capabilities have probably been one of the most beneficial things to law enforcement. Without telling war stories, I do remember when I started with KSP I actually had two radio systems in my car. We were making a transition to a new radio system in Morehead and I remember many, many times being in, perhaps, some rather hairy situations and not having radio contact. Today, I dare say, we still have some dead spots in the state, but nothing to that degree. Then when you add in the ability of cell phones, blackberries and computers, it's pretty incredible the speed and exchange of information that we can have in the law enforcement community today.

**You have traveled all over the country and the world speaking and lecturing on various law enforcement topics. How have these experiences been beneficial to you in your career?**

They've been life changing. I was taught at a young age that it was very important to travel if you could afford it. I think it was John Maxwell who once said, 'Great leaders are well-traveled people.' What he meant was you can only be an effective and a great leader if you've traveled extensively and been exposed to different cultures, ideas and belief systems that are oftentimes contrary to your own. When I went to Romania and taught some executive level leadership and ethics courses, I came back a changed person. It was a very poor country still trying to overcome communism and being oppressed for decades. Many of their police officers were in hand-me-down military garb and very disjointed, yet they were the most caring and loving bunch of folks I believe I've ever run across in my life. I remember distinctly at the time I was there that the Romanian National Police Force had 56,000 men and women and they had a little more than 700 vehicles in their fleet. Originally, I thought I had the numbers wrong. I asked how that worked, and basically it worked because they had to make it work. They either drove personal cars to their stations or foot beats or rode a train or bus. It was only if you were really important that you were assigned a car or a pool car. I came back with a new appreciation for how good we have it in our country.

“Technology has probably done more to change and influence law enforcement in the last 30 years than maybe anything else has in the last 150 years.”

Despite all the problems, despite communication breakdowns and budgetary issues, law enforcement in America is doing very well. That and a lot of other situations that I ran into in Europe and in Mexico, made me realize just how fortunate that we are here and that I am personally. I've never forgotten that. So when I came back and I crawled into my 95,000 mile cruiser, I vowed I'd never gripe again about a high-mileage car. I encouraged my students at U of L that it is important to travel, even right here in our own country. Even if it's an opportunity to visit an Amish community in Ohio or a Muslim community in Pennsylvania, it's important to see what those folks have to say and see what their insight is. And I think the more you're exposed to that, the broader your horizons become and the greater understanding of people you have. J







# OVERHAULIN'

## A SHERIFF'S RIDE AND A COUNTY'S DRUG PROBLEM

Staff Report with contributing writer Josh Bunch, Whitley County Fiscal Court Executive Director of Development

In the midst of an economic down turn, soaring gas prices, federal cuts on anti-drug programs and an out-of-control drug-abuse epidemic in eastern Kentucky, a recent act of goodwill cost the government essentially nothing. Some Whitley County business owners came together with the Whitley County Judge Executive's Office to support the McCreary County sheriff's war against drugs. >>



/Photo submitted

Sheriff Gus Skinner, a write-in candidate who took office February 20, 2007, after an extensive legal battle over the validity of votes cast with only "Gus" and not his last name, has been policing the county on a shoe-string budget since inheriting a department in disarray.

Sheriff Gus (as the community fondly refers to him), trimmed in a Wyatt Earp-style mustache, cowboy hat and boots, has cleaned house and is waging a valiant war on drugs in McCreary County. Skinner, along with his skeleton crew of deputies, is responsible for policing all of McCreary County, including its two unincorporated towns. And Skinner isn't a nine-to-five kind of sheriff. He works the same shifts as the rest of his men.

Skinner recently passed down his own patrol car after a deputy wrecked one of the cruisers. The five-year-old cruiser Skinner had been driving was certainly no show car, but one in decent condition with about 100,000 miles on the odometer. But Skinner handed it down, the best car in the fleet, to one of his deputies.

He then went to the junk yard and found two wrecked vehicles from a previous administration. Taking the best parts of each car, the result was a patrol car, half 1993 and half 1995, with more than 300,000 miles on the combined halves, and imaginably, in less than desirable condition.

After settling into his Frankenstein ride, another accident in the fleet forced Skinner to part ways with his composite Crown Victoria and pass it on down as well.

"It was either get a horse or go back to the junk yard," Skinner said. So he was once again trying to put wrecked police cars together.

Hearing this story, Whitley County Judge Executive Pat White, Jr. wanted to help.

"Gus had heard that we'd had some success with the grant process and came to us for help finding money for his department," said Josh Bunch, Whitley County Fiscal Court executive director of development.

"After hearing Gus tell his story and describe the condition of his current fleet, Judge Executive Pat White advised me, 'do whatever we have to do to help them. McCreary County's drug issue is Whitley County's drug issue.'"

Judge White and Whitley County Sheriff Lawrence Hodge donated a surplus unit to the



/Photo courtesy of The Times Tribune

cause. The Whitley County Sheriff's Department had just been presented with four new units from the Whitley County Fiscal Court. The donated unit, a Chevy Tahoe with several miles on it, was inoperable.

Following this act of support, local automotive shop D&D Auto Repair of Williamsburg chipped in on the project, tuning up the Tahoe and rebuilding the transmission, basically refurbishing it mechanically.

A Corbin auto body shop, Marine-Myers, gave the truck a cosmetic face lift, fixing body damage and painting the Tahoe. Glenn Croley, a shop teacher at Whitley County High School, learned about the project and volunteered his group of vocational students to help.

The students, who named their endeavor 'The Hope Vehicle,' finished the overhaul. A full emergency-equipment package, including lights, siren and a high-tech light bar donated by the Williamsburg Police Department, was installed by the students under the guidance of technicians provided by Wynn Fire Trucks, a Knox County company. The students custom fabricated a push bar from scratch and refurbished the interior. Big Dawg Graphics of Williamsburg also donated materials and mentored the students as they designed a reflective graphic for the vehicle. Community Trust Bank also helped fund the overhaul.

"Students, police officers, business owners, government officials and neighbors all pitched in on this project to make it happen. I believe that really speaks volumes about how frustrated citizens are with drug abuse and how many people have been affected by this epidemic," Bunch said.

▲ Sheriff Gus Skinner of McCreary County receives the gift of a new SUV police cruiser from Whitley County officials.

The overhaul was topped off with a navigation system, new tires, wheels and a free tank of gas. The students worked on a tight schedule contributing their efforts to combat drugs in the region. A host of state troopers and other police officers also donated time to the cause. The build, which started on a Tuesday, was completed that Thursday. The Tahoe was unveiled and presented to Skinner the next day, Friday, March 7. Skinner had been invited to what he thought was an anti-drug forum which turned out to be a surprise from his neighbors in Whitley County.

"I'm so grateful for what that county and its citizens did for me, especially those school kids," Skinner said. "I'm humbled and overwhelmed that the citizens of a neighboring county would do that for another sheriff."

"Gus had to leave the room to collect himself on more than one occasion," Bunch said. "There was not a dry eye in the house when Gus gave his tearful acceptance speech. You would have thought we had all contributed at the O.K. Corral."

Sheriff Gus went from a dilapidated composite of a cruiser to a sport-utility vehicle that will change the way Skinner polices his county.

"Having a four-wheel drive means I can get into those remote areas where I couldn't go before," Skinner said.

Bunch added, "Everyone there felt as if they were a part of something bigger." J



# HONOR SACRIFICE

/ Abbie Darst,  
Program Coordinator

The Kentucky Law Enforcement Memorial Foundation paid tribute May 21 to 25 Kentucky law enforcement officers who were killed in the line of duty by dedicating their names on the Kentucky Law Enforcement Memorial monument. Approximately 300 family members, law enforcement officers, law enforcement recruits and others attended the ceremony. State Sen. Ed Worley, keynote speaker at the event, asserted the importance of supporting the families of those who have made that ultimate sacrifice. "As a state and as an appreciative community, we can do better in providing survivors of fallen officers real benefits that help them as they work through a future without their loved ones," he said.

2008

**Ronnie K. Jones**  
Barren County

Constable Jones was killed April 2, 2007 when his patrol car was struck by a tractor trailer. The tractor-trailer crossed into Constable Jones' traffic lane, striking the patrol car.

**Randy Lacy**  
Clay City

Chief Randy Lacy was shot and killed on June 13, 2007 by a prisoner who was sitting in the back seat of his patrol car. Chief Lacy was transporting the prisoner for driving under the influence of alcohol.

**Randy Wells**  
Forest Hills

Chief Randy Wells was killed on October 29, 2007 when his patrol car was hit by a box truck. Chief Wells was blocking traffic when the truck crashed into the back of his vehicle. >>



/Photos by Elizabeth Thomas



>> **City Marshal Thomas H. Chandler**  
Lebanon Police Department  
End of Watch: December 27, 1875  
  
**City Marshal Taylor Vice**  
Sharpsburg Marshal's Office  
End of Watch: December 26, 1891

**Marshal Henc H. Harmon**  
Adairville Police Department  
End of Watch: July 4, 1896  
  
**Deputy Jailer Marvin Conover**  
Adair County Sheriff's Office  
End of Watch: March 29, 1904

**City Marshal W. D. Coursey**  
Hopkins County Sheriff's Office  
End of Watch: September 13, 1910  
  
**Officer John A. Robey**  
Lebanon Police Department  
End of Watch: May 7, 1911

**Marshal Asa Pettit**  
Clay City Police Department  
End of Watch: February 19, 1913  
  
**Officer Robert T. Thurman**  
Glasgow Police Department  
End of Watch: September 18, 1914

**Sheriff W. S. Mathis**  
Muhlenberg County Sheriff's Office  
End of Watch: August 27, 1922  
  
**Officer Joseph M. Self**  
University of Kentucky Police Department  
End of Watch: February 10, 1923

**Sheriff Noah J. Tipton**  
Rockcastle County Sheriff's Office  
End of Watch: January 16, 1932  
  
**Deputy Constable Oscar Lovett**  
McCreary County Sheriff's Office  
End of Watch: August 14, 1932 >>





>> **Chief Taylor G. Walker**  
Adairville Police Department  
End of Watch: September 10, 1939

**Constable Hiram Smith**  
Breathitt County Sheriff's Office  
End of Watch: January 14, 1942

**Officer John Yelenosky**  
Lynch Police Department  
End of Watch: February 15, 1949

**Deputy Conley Potter**  
Letcher County Sheriff's Office  
End of Watch: August 8, 1958

**Deputy Ethelbert Wainscott**  
Jessamine County Sheriff's Office  
End of Watch: February 24, 1990

**Deputy William T. Pendergrass**  
Owsley County Sheriff's Office  
End of Watch: July 10, 1940

**Deputy Charlie Ramsey**  
Rockcastle County Sheriff's Office  
End of Watch: November 27, 1943

**Deputy Leonard Davis**  
Rockcastle County Sheriff's Office  
End of Watch: December 4, 1952

**Officer Louis W. Myers**  
Marion Police Department  
End of Watch: August 29, 1973

**Trooper Johnny G. Adkins**  
Kentucky State Police  
End of Watch: November 24, 1995

The Kentucky Law Enforcement Memorial Foundation received a check for \$30,000 from the 2008 Oscar's Gala Fundraiser Committee. Malone's and Sal's restaurants and Oscar's Seafood and Piano Bar presented the Eighth Annual Oscar's Gala Fundraiser on February 23, sponsored by Lexus of Lexington and S & S Tire. KLEMF was honored to be one of the benefactors. ■



# SAFETNET:

## A Deconfliction System

/ Rachel Bengel, AHIDTA

**S**AFETNet stands for Secure Automated Fast Event Tracking Network. It is a comprehensive suite of applications to deconflict events, targets and data.

### The Program:

- Offers a secure Internet-based application.
- Offers a user friendly system.
- Prevents similar (conflicting) events and targets between law enforcement agencies through deconfliction.
- Increases officer safety through event deconfliction by comparing similar events around the same time and location as your event.
- Provides case development and communication through target deconfliction by pointing to similar targets worked by other agencies.
- Provides a method of sharing and gaining case information from other agencies. Builds cases through communication.
- Maintains security of case information. Works as a pointer system for similar information. Case details are not transmitted; only contact information.
- Provides seamless connectivity through the National Virtual Pointer System to other HIDTA SAFETNets, Regional Information Sharing System Network and Drug Enforcement Administration's National Drug Pointer Index for person targets.
- Offers automatic messaging and immediate conflict alerts to both agents/agencies.
- Provides assistance to any law enforcement agency in Kentucky, Tennessee and West Virginia free of charge via Appalachia HIDTA.
- Provides assistance to all types of law enforcement investigations: narcotics, burglary, missing persons, kidnapping, homicide, traffic, vice, assault, juvenile, theft, gangs, cold cases, sex offenders, violent crimes and financial crimes.

### Event Deconfliction

Event deconfliction was designed to reduce potential confrontations between agencies that could lead to disastrous results. SAFETNet provides law enforcement officers with a tool to enter a variety of events, schedule them and determine if their event will or would

conflict with an existing event occurring at a similar time, date and location. Event deconfliction is not limited to drug investigations. All department elements are encouraged to use it for their investigative activities, such as execution of search warrants, surveillance, decoy and buy-bust operations, as well as undercover activities.

### Target Deconfliction

SAFETNet is capable of identifying similar targets of interest and reporting conflicts with other agencies. It works as a pointer system that will not reveal any of your case information. It provides only contact information where the data is located. Types of targets that can be entered include: persons, vehicles, weapons, phones, businesses and addresses. The more information that is entered for a target, the more likely a similar match will be found. Targets can be updated or modified as more information is gained. Each target is given a predetermined expiration date from date of entry. During that active period, any SAFETNet or National Virtual Pointer System inquiry that is similar to the target will create a conflict notification.

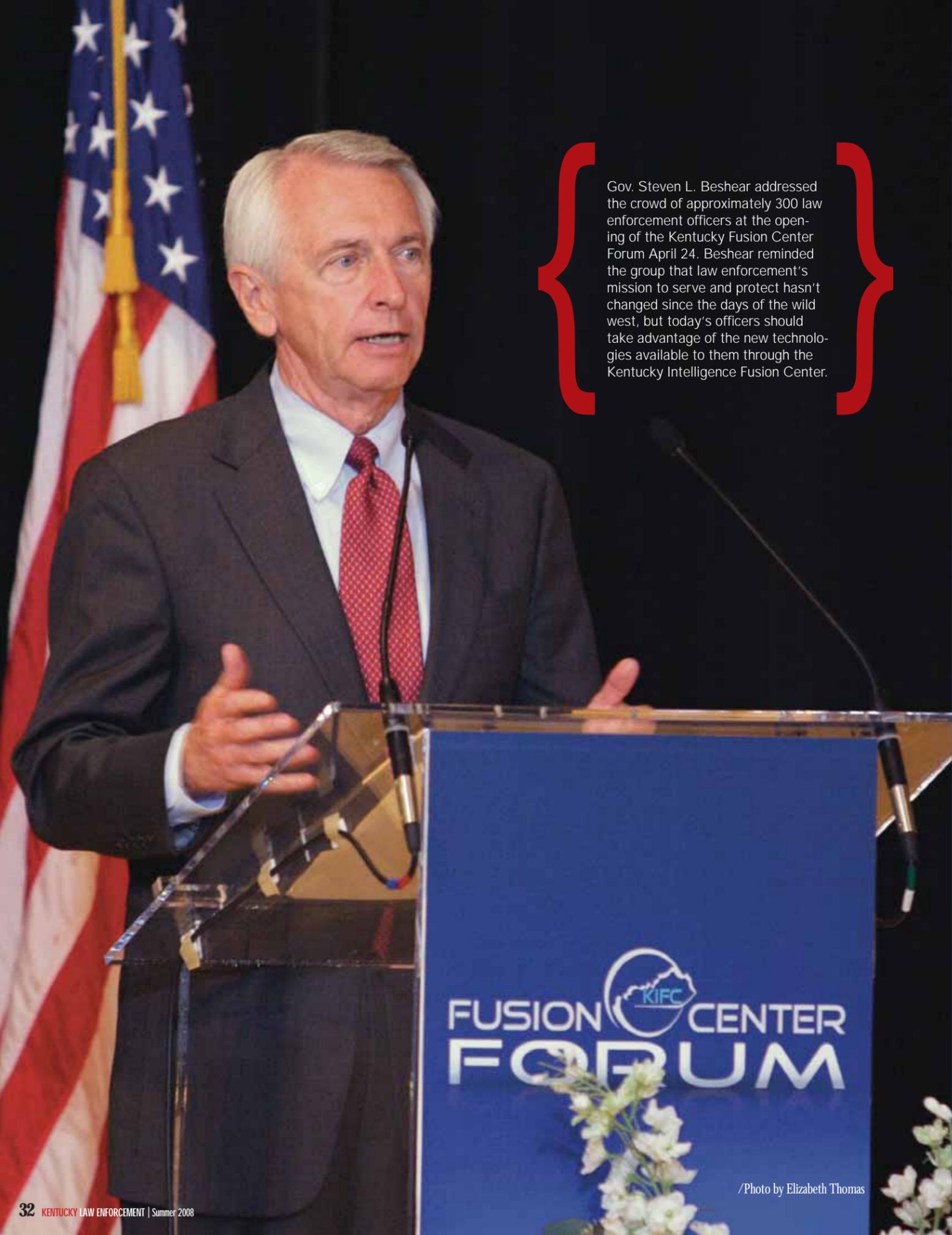
### National Virtual Pointer System – Only for Person Targets

What is NVPS?

In November 2004, SAFETNet was connected to the National Virtual Pointer System, which is a joint initiative of HIDTA, RISS and DEA. The NVPS will link the Appalachia HIDTA SAFETNet with the DEA's NDPIX, other HIDTA SAFETNets, South Florida's HIDTA Intranet Base Information System, the RISS network and other information systems.

NVPS addresses the need for national information sharing and communication within the law enforcement community. With a single entry from HIDTA, DEA or RISS, the target is compared with all participating pointer deconfliction databases. NVPS will not be limited to narcotics investigations and will include data on all crimes. A single entry will simultaneously access target deconfliction databases and will result in a nationwide target deconfliction solution.

NVPS is a seamless integration with SAFETNet and doesn't require any additional data entries. When an agent enters a Person Target, they are given the option to send an NVPS query via a check box. As the system queries the various databases, e-mails will return to the agent with the point of contact where the similar targets are located. This provides a one-entry/multiple-result system via automated e-mail notifications. J



Gov. Steven L. Beshear addressed the crowd of approximately 300 law enforcement officers at the opening of the Kentucky Fusion Center Forum April 24. Beshear reminded the group that law enforcement's mission to serve and protect hasn't changed since the days of the wild west, but today's officers should take advantage of the new technologies available to them through the Kentucky Intelligence Fusion Center.

# FUSION CENTER FORUM

> Fusion Focused, Intelligence Driven <

/ Abbie Darst, Program Coordinator

Information sharing, intelligence gathering and interagency communication and cooperation are hot topics in Kentucky and important issues to Gov. Steve Beshear who addressed a crowd of approximately 300 law enforcement executives and personnel at the Fusion Center Forum April 24.

During his opening commentary, Beshear reminded the audience of how far law enforcement has come since the days of the wild west when law enforcement often felt alone, isolated and out of touch with the happenings of their community because there was no form of communication or information relay. He cited the invention of the telegraph as the vehicle that propelled law enforcement into an era of sharing ideas, information, training and much more.

"Our mission hasn't changed since then," Beshear said. "We're still here to protect citizens and fight crime and the best tools to accomplish that mission remain communication and technology."

The Fusion Center Forum provided law enforcement from across the commonwealth an opportunity to more fully develop the give and take of information, analysis and mutual assistance provided by the Kentucky Intelligence Fusion Center to law enforcement and the information law enforcement provides to the fusion center.

The forum, held in conjunction with the Kentucky Office of Homeland Security, offered a profile of the benefits and resources available through KIFC. The KIFC, like other fusion centers across the nation, was created as an answer to the issues presented in the 9/11 report, which called for increased communication and intelligence sharing in all avenues. The fusion center was founded on the premises that information sharing is a necessity, is valuable,

is efficient and depends on each officer and agency to contribute, Beshear said.

"I encourage each of you to take advantage of the fusion center and what it has to offer," he said to forum audience.

Adam Edelen, KOHS executive director, supports Beshear's emphasis on the importance and value of the fusion center's capabilities in Kentucky.

"I hope that events like this usher in cooperation among all entities communication affects," Edelen said. "The fusion center is a great way to come together and provide security to the commonwealth and its citizens. To accomplish that, each participant here today has to realize that the fusion center belongs to you and all your counterparts on the front lines in communities across Kentucky."

The Fusion Center Forum presenters focused on three main topics – the Intelligence Liaison Officer program, the information collection cycle and the intelligence sharing framework.

Presenters Shelby Lawson, deputy director of Operations and Prevention for KOHS, Supervisory Special Agent Alan Bradstock of the Field Intelligence Group with the FBI Louisville Office and Lt. Col. Brad Bates, commander of the Kentucky State Police Technical Services Division helped participants understand the difference between information and intelligence and expounded upon the various ways that the fusion center and other technology-based programs could assist their local agencies and officers.

"Information is just information until you do something with it, then it becomes intelligence," Lawson said, explaining the importance of not just gathering, but also analyzing information collected from various sources.

According to Lawson, the Intelligence Liaison Officer program will help Kentucky agencies share information directly with the fusion center. Each agency will designate a liaison to KIFC specifically as an information transporter. This individual would also participate in regional intelligence meetings, assist in developing local collection requirements and be a point of contact for dissemination of information.

Bates' presentation centered on the Kentucky Open Portal Solution or KYOPS and how this information-sharing framework for the commonwealth can best serve agencies throughout the state. In March alone, there were 32,031 queries requested from the KYOPS Web portal.

"The fusion center is there to help you all solve crimes," Bates said. "The information you submit helps with that. You all provide the source; we just need to build on the number of agencies using it."

Overall, the Fusion Center Forum served as a valuable tool to educate Kentucky's law enforcement community on the valuable resources available through the KIFC and how these resources can best be used to not only serve local agencies, but also how local agencies can serve other agencies across the commonwealth by sharing information with the fusion center.

"The role of the fusion center is to wade through the river of information that's out there coming in, go through it and figure out what's important, then, give it back out to the state," said Larry Rusty Willis, assistant special agent in charge with the Federal Bureau of Investigation. "When it comes to effectively accomplishing this task, working together is not the best option, it's the only option." J

/Photo by Elizabeth Thomas

/KOHS submitted

The Kentucky Office of Homeland Security is now accepting grants for the 2008 fiscal year. The federal Department of Homeland Security will award state offices more than \$3 billion in grants aimed at improving the nation's ability to prevent, protect against, respond to and recover from terrorist attacks, major weather disasters and other emergencies.

"Ensuring the safety and security of Kentuckians is part of the mission of this office," said KOHS Executive Director Adam Edelen. "We carry out this mission, in part, through the administration of our grant program."

One needs only to reference KOHS's mission statement to understand how seriously

collaboration will be favored over proposals that benefit only one county or municipality. Projects that exhibit the greatest potential for wide-reaching benefits have the highest chance of success in this year's process.

In addition to the overall decrease in funding, DHS funds are more narrowly focused this year, with the goal of targeting funding where the largest gaps exist. Due to this national directive, KOHS encourages counties or agencies to submit grants that are collaborative initiatives or regional programs in order to maximize the limited funding opportunities that are currently available.

Also this year, DHS has placed special emphasis on the prevention, protection and

rity Initiative, Metropolitan Medical Response System and Citizen Corps to Emergency Management Performance Grants. Many of the 14 programs are not applicable to our commonwealth, such as funding for major urban areas, port security and intercity transportation.

Grant applications must be received by 4:30 p.m. EST on Friday, June 20. The original, as well as five hard copies of the application should be sent to:

Grants Management Branch  
Kentucky Office of Homeland Security  
200 Mero Street, T-500  
Frankfort, KY 40622

All applications for funding will be evalu-



/Photo by Elizabeth Thomas

# KOHS

# GRANT SUBMISSIONS

▲ The Kentucky Office of Homeland Security provides opportunities around the state for aid and instruction in grant applications. On April 15, KOHS hosted an informational session at the Bluegrass Area Development District in Lexington.

the office takes the grant program: KOHS will administer the grant program in a transparent fashion, creating a process that is fairer, customer-service oriented and less complicated.

To KOHS, the customers are Kentucky's professionals in law enforcement and emergency response. KOHS strives to make the process as simple and streamlined as possible. The program works only if those individuals feel that they are getting a fair shake in the administration of homeland security grants. Grant workshops were offered in each of the state's Area Development Districts throughout the month of April. Making sure that every applicant has the greatest possible understanding of the grant application is top priority.

In recent years, funding from DHS to the states has dropped sharply, going from roughly \$40 million in FY04 to less than \$17 million in FY07. The diminishing amount of federal dollars allotted to states makes for a higher level of competition for these funds. These unfortunate fiscal dilemmas necessitate creative solutions. Grant applications featuring regional

recovery from improvised explosive devices or IEDs. Twenty-five percent of the overall funding must address preparedness planning and mitigating the threat of IEDs. Tier I and II urban areas will be eligible to use up to 25 percent of Urban Areas Security Initiative funds to support counterterrorism personnel costs and states may use up to 15 percent of Strategic Highway Safety Plan funds for counterterrorism personnel costs. This responds to the needs of cities, giving them additional flexibility in how they choose to use the funding, provided it meets DHS criteria.

The Homeland Security Grant Program is a wide-reaching program that funds planning, organization, equipment, training and exercise activities in support of the National Preparedness Guidelines and related plans and programs, such as the National Incident Management System, National Response Framework and the National Infrastructure Protection Plan.

Fourteen distinct programs are funded by DHS that range from the Urban Areas Secu-

ated by an independent review committee appointed by the executive director. The committee will be made up of first responders from all regions of the commonwealth. Review of the applications will take place in July, at a week-long session in Frankfort.

Each reviewer will score applications individually and final evaluations will be made on the combined, averaged score of all reviewers. Scoring criteria can be found in the application materials. Criteria include multi-jurisdictional nature of the proposed project, a clearly identified solution to the problem addressed, and a long-term approach to the solution. The Office of the Governor will grant final approval.

"We look forward to working with our security and preparedness partners across the commonwealth," Edelen said. "Only through effective communication and coordination can we address the areas of critical need."

If you have questions or comments about the KOHS grant process, information can be found at <http://homelandsecurity.ky.gov/>, or call (502) 564-2081. J

## GRANT WRITING TIPS

Do the grant priorities match your needs? Justify each budget item completely in the narrative. Collaboration is huge! Be specific! Get someone else to read and review your final application.

## EVALUATION CRITERIA

Are terrorism and natural hazard risks identified in the application? Does the proposal clearly identify a solution to the problem? Is the proposal a multi-jurisdictional application? Are all project costs reasonable, necessary and allowable? Does the project contain a concise, line item budget? Does the proposal provide a long-term approach to sustaining the capabilities developed by this project? Does the proposal provide specific start and end dates for the project?

## FREQUENTLY ASKED QUESTIONS

**Who can apply?**  
Any unit of government is eligible to apply including the following: city or county governments, state agencies, Area Development Districts, merged governments, universities, etc.

## What kind of equipment can we purchase?

Allowable communications equipment categories for fiscal year 08 are listed in the application and on the Web-based Authorized Equipment List at [www.rkb.us](http://www.rkb.us). Registration is required for access to the site. Any other questions can be directed to Kentucky Office of Homeland Security for clarification.

## When is the application due and can we file it electronically?

Applications must be received by KOHS no later than 4:30 P.M. EDT on June 20, 2008. It cannot be filed electronically. KOHS needs a signed original with five copies.

## Where do we deliver or mail the application?

KOHS offices are located on the first floor of the Transportation Cabinet Building, 200 Mero Street, Frankfort, Kentucky 40622

## How are the applications evaluated?

All applications will be evaluated by an independent review committee appointed by the executive director and will encompass first responders from all regions of the commonwealth. The Office of the Governor will grant final approval after the independent review committee makes its recommendations. ■



### Out-of-State Training

First responders who wish to enroll in an out-of-state course must obtain the application from the course provider's Web site (links to each course provider can be found on the KOHS Web site). The course provider may require written approval by the first responder's supervisor or agency head. The application should then be faxed to the KOHS training office at (859) 622-5886. Not all applications will be approved, but those that are approved will be coordinated by the KOHS training coordinator, the training facility and the individual first responder.

Kentucky's first responders are encouraged to take advantage of the training opportunities provided through the Department of Homeland Security and KOHS. If you have questions regarding homeland security training, contact the KOHS training office by phone at (859) 622-5049, or by e-mail at [Kohs.Training@ky.gov](mailto:Kohs.Training@ky.gov). J

Imagine receiving job-related training from top-notch instructors at state-of-the-art facilities that doesn't cost you or your agency a cent. That isn't a pipe dream for Kentucky first responders, including law enforcement, fire and emergency medical services personnel. Through a federally-funded consortium of training partners, including the Kentucky Office of Homeland Security, Kentucky first responders can either have the training brought to them, all at little or no cost to participants or their agencies, or attend training at one of five training sites across the nation.

Training is offered at three levels:

- Awareness level courses are designed for responders who require the skills necessary to recognize and report a potential catastrophic incident or who are likely to witness or investigate an event involving the use of hazardous/explosive devices.
- Performance level courses are designed for first responders who perform tasks during the initial response to a catastrophic event, such as safeguarding the at-risk public, rescuing victims and decontaminating victims.
- Management and planning-level courses are designed for managers who build plans and coordinate the response to a mass consequence man-made or natural event.

### In-State Training

First responders wishing to attend an in-state training course should check the KOHS Web site's training page at [homelandsecurity.ky.gov/first-response/training](http://homelandsecurity.ky.gov/first-response/training). Training courses are listed on the Web site, with course descriptions and instructions on how to enroll. Courses are also listed on the training calendar, located on the training page. First responders travel to a centralized site for this free training.

In addition, first-responder agencies may request that training be brought directly to their area. Most courses are set up to train a minimum of 24 and up to 40 individuals. Training course request forms can be downloaded from the KOHS Web site's training page. The form must be completed and faxed to the KOHS training office at (859) 622-5886. It is the requesting agency's responsibility to provide the training facilities and coordinate the application process for course participants.

### Approved Training Providers include:

- Center for Domestic Preparedness  
Anniston, Alabama  
<https://cdp.dhs.gov/index.html>
- WMD Law Enforcement Protective Measures  
Managing Civil Actions in Threat Incidents Course-Basic  
WMD Crime Scene Management for Emergency Responders
- New Mexico Tech (Energetic Material Research and Testing Center) Socorro, New Mexico  
<http://respond.emrtc.nmt.edu/>
- Understanding and Planning for School Bomb Incidents  
Managing Terrorist Bombing Course  
Incident Response to Terrorist Bombings  
Prevention and Response to Suicide Bombing Incidents
- Texas Engineering Extension Service, College Station, Texas  
<http://www.teex.com/index.cfm>

- Threat and Risk Assessment Course  
Enhanced Threat and Risk Assessment
- Louisiana State University (National Center for Biomedical Research and Training Academy of Counter-Terrorist Education), Baton Rouge, Louisiana  
<http://www.ncbrt.lsu.edu/>
- Emergency Response to Domestic Biological Incidents  
Weapons of Mass Destruction Tactical Operations  
Introduction to Computer-Aided Management of Emergency Operations Suite  
Weapons of Mass Destruction Tactical Commanders
- Nevada Test Site, Las Vegas, NV  
<http://www.nv.doe.gov/nationalsecurity/homelandsecurity/responder.htm>
- Detection Equipment for Law Enforcement Course  
WMD Radiological/Nuclear Responder Operations Course ■

# MODEL BEHAVIOR

A new program from KLC and KACo is helping law enforcement officers improve local policies

Your law enforcement agency is planning to hire a new officer. One applicant is a great fit, but an initial background check reveals he's been cited for disorderly conduct.

Do you or don't you hire him?  
And how do you defend your decision either way?



Terri Johnson, KLC Senior Marketing and Communications Manager

At Kentucky Model Policies and Procedures sessions across the commonwealth, police chiefs, sheriffs and other legal and law enforcement professionals are discussing key policy and procedural issues. These issues range from hiring and employee practices to field procedures that affect officers, agency liability and public safety.

The two-day training sessions are provided as a benefit for insurance members of the Kentucky League of Cities Insurance Services and the Kentucky Association of Counties. The courses are Kentucky Law Enforcement Council accredited for 16 training hours and were reviewed by the Kentucky Association of Chiefs of Police, the Kentucky Sheriffs' Association and the Department of Criminal Justice Training.

"It's difficult to believe today, but at one time some law enforcement agencies had few, if any, written policies governing their administration and operations," DOCJT Commissioner John Bizzack said.

"The Kentucky police community has made tremendous advances in all areas, and both the Kentucky League of Cities and the Kentucky Association of Counties have been instrumental over the decades in assuring the progressive development of uniform law enforcement practices," he added. "Today, Kentucky law enforcement agencies administer state-of-the-art written policies in management of their responsibilities. They protect the officer, the agency and the cities while assuring the best effort to deliver the best police service possible."

To date, more than 125 police chiefs, sheriffs, deputies and other police officers have taken advantage of sessions in Lexington, Ashland, Somerset, Mayfield and Bowling Green. Another session is scheduled for July 9 to 10 in Richmond. Municipal attorneys and human resource managers have also attended.

KLC and KACo have spent more than \$50,000 thus far in model policies and procedures program development with additional commitments in place to annually fund the resources necessary for legal

updates and training.

"Our intent is to help law enforcement agencies of all sizes understand and use practical content," said Paul Deines, KLC's deputy administrator of Insurance and Loss Control.

While claims continue to decrease, most police related claims are for employment liability, Deines explained.

KACo and KLC both started insurance programs in 1987 to address the need for municipal insurance among their members. Combined, KACo and KLC insure more than 4,000 Kentucky law enforcement officers.

The model policies and procedures program is part of bigger loss control and risk management programs that KACo and KLCIS offer their members.

KACo has six loss control specialists assigned to assist sheriffs' departments and other county agencies across Kentucky, and KLC has seven full-time loss control specialists and two law enforcement specialists in the field available to police departments. Both organizations offer firearms training, driving simulators and a number of other ongoing programs specific to law enforcement for their insurance members. KLCIS also offers annual \$3,000 safety grants to its members to purchase items like ballistic vests, Tasers or in-car video cameras. The grants can be applied toward agency accreditation or training costs.

"So much of what we do is about quality of life. Everyone wants to live and work in a safe community, but they sometimes forget that there are heavy costs, both in human and financial terms, for that safety," said Sylvia L. Lovely, KLC's executive director/CEO. "One of the great accomplishments of our KLCIS insurance program and KACo's insurance program is that for the last 20 years we have continuously invested in people and programs that serve our own communities – like law enforcement officers."

**Proactively Addressing Needs and Preventing Lawsuits**

The Kentucky Model Policies and Procedures training program has three goals: to enhance safety for officers and the public, to reduce liability for police and sheriffs' departments, and give all agencies that choose to participate basic policies that can be easily updated to comply with Kentucky Revised Statutes. In addition, those who attend that are insurance members of KLC and KACo will receive ongoing research, case determinations and updates from KLC and KACo as laws and best practices inevitably change.

"Joining together to work on a project that could benefit the safety of every law enforcement officer all across Kentucky made perfect sense," said Brian Roy, product development manager and law enforcement coordinator for KACo.

A 2007 KACo survey revealed that a majority of sheriffs' departments across Kentucky had policy manuals within their agency, but many policies needed to be updated or changed to meet existing Kentucky Revised Statutes. A significant number of the survey respondents also indicated they lacked the financial resources and staffing necessary to update outdated policies as new laws came into effect or when training standards were changed.

There are times that conflicting policies arise between city and county agencies within the same jurisdiction that can hinder local law enforcement, Roy said.

"One of the goals of the policy training course is to bring city and county law enforcement agencies together in a classroom setting to identify these potential conflicts and offer sample policies that all agencies can use, if they choose to, that are legally defensible, promote officer safety and help to reduce claims," Roy said.

In addition, a need for legally-sufficient policies has been observed by both organizations, and a comparison of city and county data including injuries, insurance claims and citizen complaints led to a discussion of a joint policies and procedures project.

Last year, Jack Ryan, an attorney from the Indiana-based Legal and Liability Risk Man- >>

## Law enforcement contacts for KLCIS and KACo insurance members

### KACo

#### Brian Roy

Product Development Manager and Law Enforcement Coordinator

- 23 years experience in law enforcement as a deputy sheriff and sheriff of Marshall County and also served as, U.S. marshal for the Western District of Kentucky
- Graduate of the 161st session of the FBI National Academy
- Graduate of Murray State University with bachelor's degree in criminal justice and master's degree in organizational communications
- With KACo since 2005

### KLCIS

#### Mark Filburn

KLCIS Law Enforcement Specialist-Western Kentucky Region

- 20 years of law enforcement service including assignments with the patrol division, the training unit (firearms instructor), metro narcotics, riot squad and SWAT team
- Special agent with the U.S. Secret Service
- Graduate of Indiana University with a bachelor's degree in police administration
- Lieutenant with the Jefferson County Police Department
- Finished career with the Louisville Metro Police Department
- With KLCIS since 2005

#### Tony Hampton

Law Enforcement Specialist-Eastern Kentucky Region

- 12 years of law enforcement service
- Chief of police – City of Stamping Ground
- Officer with Georgetown Police Department as shift supervisor
- Officer with Scott County Sheriff's Office as field training officer
- Named Scott County's best public servant in 2005
- Graduate of the Kentucky Department of Criminal Justice Training
- With KLCIS since 2005 ■



agement Institute, was enlisted to research and create the best-practice policies around Kentucky laws. Ryan, a former police officer, is an internationally renowned expert on legal precedent, liability and law enforcement. Instructors from Eastern Kentucky University were hired to conduct the training and in the fall, the Kentucky Model Policies and Procedures program was announced.

Larry Ball, executive director of the Kentucky Law Enforcement Council, said the program is particularly valuable to smaller agencies.

"This brings a process into how you administer law enforcement," he said.

Some agencies already use the model policies and procedures. Anderson County Sheriff Troy Young, who attended an early pilot training, said his department began using the policies immediately and that they've been particularly helpful as his staff continues to grow.

"A few years ago we had four officers and now we have 20," Young said. "An agency-wide implementation and training on the policies has helped veteran and newer officers stay on the same page."

## Creating a Framework for Safety and Compliance

"This is about giving law enforcement tools," said Tony Hampton, Law Enforcement Loss Control specialist for KLC. "We want them to have as much current information as possible."

The classes immerse participants into 12 critical policies including hiring practices, secondary employment, domestic misconduct, and sexual misconduct and sexual discrimination.

Other policies involve operational procedures such as transportation and restraint of prisoners; vehicle pursuit and emergency vehicle operations; SWAT teams; property and evidence management; response to active resistance; stop, arrest and search of persons; and dealing with persons of diminished capacity.

There is also a policy concerning internal

affairs and citizen complaints.

Members participate in class scenarios and must score 70 percent or higher on a written test in order to successfully complete the course. In turn, they walk away with a binder and a CD containing more than 35 sample policies, which can be customized and modified to a department's particular needs.

"This is a gold mine," said Campbellsburg Chief Paul McDonald, a small city in Henry County.

McDonald is a retired Louisville Metro police sergeant.

"I'm it," he said. "I was trying to adapt Louisville's policies to my one-man department."

McDonald said he's seeking accreditation for the Campbellsburg Police Department and hopes to hire another officer. These policies are going to make my life much easier, he said.

"The essence of this type of training is to provide law enforcement an operational confidence within their agency and to protect them in the event of injuries or liability claims," said Joe Greathouse, KACo's director of Insurance Programs.

"We don't necessarily think agencies should take these policies and use them verbatim, but they can," he said. "The key is that law enforcement managers and their staffs use current legal policies, know their contents and apply them in all types of situations."

He said the other important caveat is that policies are living documents that must be reviewed by their local legal advisors each time there is a change.

"In the disorderly conduct hiring example (at the beginning of this article) the answer isn't initially clear cut," said course instructor Cindy Shain. "The person responsible for background checks will have to dig a little deeper and the model policy reflects that."

Referring to the hiring scenario, one participant noted that there is a difference if the applicant was cited for disorderly conduct when he was 18 years old at a fraternity party versus being a 26-year-old man getting into a bar fight.

And, that, said KLC Law Enforcement Loss Control Specialist Mark Filburn, is the point.

"These policies give chiefs and sheriffs a legal foundation and still allow them to use common sense and be intuitive," he said.

During the sessions, dialogue on most of the policies takes well over an hour. As the Somerset participants discussed the hiring scenario, several secondary issues surfaced such as how the policies should be adopted by executive or municipal orders by county boards or city commissions in order to be made official. This step, listed in the policy, will help negate disputes between human resources or other departments should an unqualified individual be pushed onto a department.

The group also talked about simple, legal steps a department can take when considering an applicant.

"It is a best practice to go into an applicant's neighborhood and do man-on-the-street interviews about the person," said Instructor John Mills. "Ask his or her neighbors if they would serve as a reference for the person."

With respect to all the policies and procedures, the experts recommend a series of compliance techniques. Key recommendations include staff training, documentation of all citizen complaints and proactive measures such as random reviews of mobile video recordings every 60 days.

It's also important to take considerable action including requiring supervisory response, documentation and review of all use-of-force and pursuit cases.

## A Partnership without Borders

"To my knowledge, no other organizations like KLC or KACo in other states have been this proactive or collaborative," said Shain. "This has the potential for changing the whole law enforcement field nationally."

Deines agrees.

"Both KLC and KACo have insurance programs that are uniquely different from for-

profit, commercial insurance providers," he said. "Our respective missions are to actually invest in the communities we serve."

"We're all out there trying to help our communities survive," added KACo Executive Director Bob Arnold. "Police work is probably the strongest area where we overlap. It just makes sense to work together on this training."

And the loss-control aspect makes a big difference. KLC statistics show that law enforcement loss control efforts are a win-win for everyone.

"It's what people don't hear about that is the real success story," said Bill Hamilton, KLC's deputy director of Finance and Insurance Service.

From an insurance standpoint, Hamilton said this type of program is another aspect of the overall KLCIS mission.

"We insure people that do dangerous jobs," he said. They make split second decisions. They get shot at, and they endure a lot of stress. We want to do what we can to make them safer."

In addition to the Kentucky Model Policies and Procedures, KLCIS is currently providing Taser training for chiefs and sheriffs.

Law enforcement officials who attended the sessions unanimously agreed that the Kentucky Model Policies and Procedures program is a valuable new tool in managing their departments.

"Honestly, I didn't want to go to this class but I realize it was one of the best I've ever attended," said Cadiz Chief Hollis, who attended the session in Mayfield.

"This should be presented to all command staff of every law enforcement agency in the state," said Fulton Police Chief Joe Hughes. "It was that significant." J

To register for the July 9 to 10 Model Policies and Procedures session in Richmond, contact KLC Insurance Assistant Callie Dezarn (cdezarn@klc.org) or 1.800.876.4552.

## Living Up to Their Words

Participants in the Model Policies and Procedures Training brainstormed on words and phrases that reflected how they wanted community members to describe their law enforcement staff and department.

### WORDS CHOSEN BY THE GROUP IN SOMERSET WERE:

- caring
- community oriented
- competent
- courageous
- courteous
- efficient
- ethical
- dedicated
- diverse
- fair
- friendly
- good listener
- honest
- integrity
- invested in the community
- legal
- open minded
- proactive
- professional
- professional appearance
- progressive
- respectable
- respectful
- responsive
- service oriented
- trustworthy
- well trained

"The course is designed to help agencies recognize the importance of a climate of fairness and responsiveness," Instructor John Mills said. "These words can serve as the basis for each of the policies that have been created." ■

# SPECIALIZED FORCES

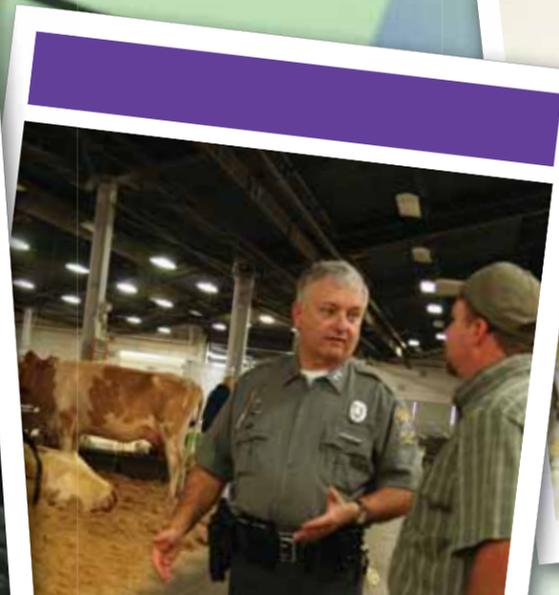
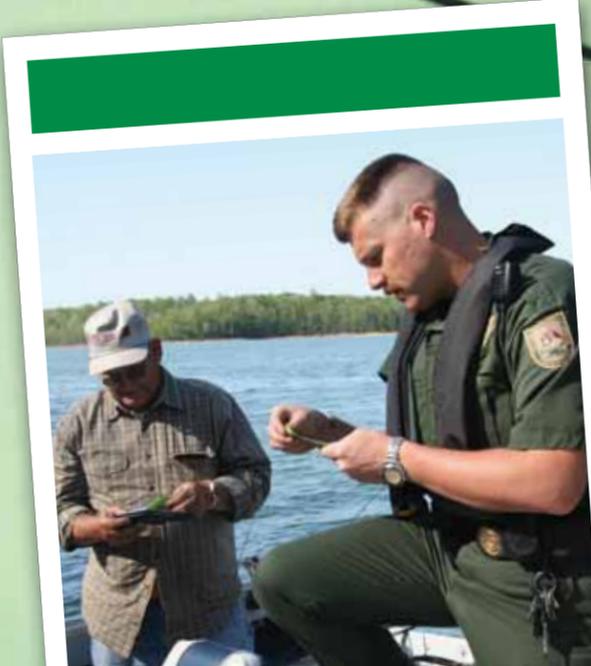
Charitable Gaming

Animal Health

Insurance Fraud

Fish and Wildlife

Alcoholic Beverage Control



/Abbie Darst, Program Coordinator

Typically, when most Kentuckians, including the bulk of law enforcement officers, think of their law enforcement counterparts, they first envision the average beat officer at a local police department or sheriff's office, patrolling the streets or writing traffic tickets. Some leap to a mental picture of detectives, interviewed on the nightly news after a major robbery or murder, with bright yellow crime-scene tape flashing in the background, or even special units that focus on accident reconstruction or forensics. Few are aware there are more than 200 certified officers in Kentucky that start out just like these typical officers, but play an entirely different, very specialized role across the state. These officers have been commissioned to enforce laws that many may not be aware exist, but are integral to enforcement, regulation and criminal prosecution throughout the commonwealth. Consider them the Kentucky law enforcement equivalent of Special Forces. >>

Kentucky Department of Fish and Wildlife Resources conservation officer, Richard Waite, II, checks for a current fishing license on Laurel River Lake. Patrolling Kentucky's lakes is just one of many duties for which the department's officers are responsible. Water patrol usually begins in April and ends in September.



/Photos by Elizabeth Thomas

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Officers of the Kentucky Department of Fish and Wildlife Resources, Office of Alcoholic Beverage Control, Office of Charitable Gaming, Division of Insurance Fraud Investigation and Division of Animal Health also serve and protect the citizens of Kentucky and their livelihood. Required by law to meet the same standards as other law enforcement officers in the state, new specialists with these agencies begin their law enforcement journey in identical fashion to a typical local police department recruit.

After hire at the agency, they are required to complete the 18-week basic training academy at the Department of Criminal Justice Training as well as meet the 40-hour advanced individual training mandate each year. Most of them also have an additional field-training program administered by the agency to complete after graduating from the academy. Matter of fact, because of the nature of their positions, some require extensive, specialized training.

### Walking on the wild side

Officers with the KDFWR leave the 18-week academy and immediately enter an additional 12 weeks of specialized training specific to their duties and the situations they will encounter while on the job. A KDFWR officer's beat is not a city strip, town square or two lane route leading out of town, instead officers patrol the banks of Kentucky's streams, rivers and lakes; forests; and fields, the homes to many species of wildlife. These officers must understand and be able to maneuver through every aspect of Kentucky's natural world.

"A lot of people come to work for us because they like to hunt and fish, but they don't know every aspect of what we have to deal with," said KDFWR Lt. Stuart Bryant who works in the 9th Law Enforcement District in McCreary County.

Their 12-week academy includes weeklong sessions on trapping, water fowl identification,

boat operation and additional firearms training. In the water fowl identification training, for instance, officers are taught how to identify numerous species of ducks just by their wings. Depending on the region to which a KDFWR officer is assigned, he or she may or may not come in contact with specific wildlife issues but all learn the same information. According to Bryant, officers in the western part of the state deal more with water fowl, while those in the east have various issues with elk and in south-central Kentucky black bears have posed new challenges, so officers are cross trained in every area to potentially offer assistance across the state if needed.

Obviously, conservation officers deal with much more than wildlife concerns. These officers deal extensively with people who use wildlife and other natural resources for enjoyment, recreation and sport.

"Our big thing is compliance," Bryant said. "All we want people to do is go out and get their hunting and fishing licenses and comply with the law."

For Bryant, in southern Kentucky, the laws he focuses on enforcing change through the seasons, changing his job function on a continual basis. In February, hunting and fishing licenses expire, perpetuating frequent license checks in April and May. Turkey season opens in the middle of April, creating potential baiting problems, where hunters leave corn and other bait to lure turkeys to specific sites, which is illegal. With Cumberland and Laurel lakes in his jurisdiction, water enforcement also begins in April. In 1994, KDFWR merged with the water patrol, adding responsibilities for boaters on the lakes.

"Everybody just sees the lake as a place to party and I guess it has been for years, but it's not a safe place to party," Bryant said, citing issues with DUIs, public intoxication, boat collisions, drownings and domestic-violence calls on house boats as everyday occurrences during the summer season. "It's just like a city on the water."

In September, as the summer boating season comes to a close, deer hunting season opens. >>

### WILDLIFE MEETS FORENSICS

Interagency interaction took on a whole different look for Kentucky Department of Fish and Wildlife Resources Lt. Stuart Bryant several years ago when trying to capture a deer poacher he and other officers had been after for years. In an attempt to get conclusive evidence that would allow him to finally put the poacher behind bars, Bryant took a deer suspected to be a part of the case to the forensic laboratory in Frankfort. Forensic anthropologist, Emily Craig, x-rayed and performed an autopsy on the deer, providing Bryant with information regarding the gun from which the bullet came and other extensive evidence needed to make his case.

"They liked to have died when we walked into the court room with her and all of that forensic evidence," Bryant said. "They were ready to plead guilty." ■

>> Conservation officers deal with issues during deer-hunting season, such as spotlighters. Spot-lighting is an activity hunters use to find and startle deer using a bright light. Moreover, one of the most dangerous aspects of a conservation officer's job comes as a result of interacting with hunters.

"From our perspective, almost everybody we deal with has a gun," Bryant emphasized. "I can't just roll up out of the truck with my pistol drawn every time I encounter someone with a gun, unlike an officer in Lexington. You never know if someone is going to be dangerous and you try to treat them all the same until something changes – that's the difficult part. We've got to be used to it and realize it is just part of dealing with the people we encounter. It's part of the job that is sometimes hard to overcome."

This issue is brought to officers' attention and thoroughly discussed during the firearms training they receive in their 12--week academy.

Covert investigations is another inevitable part of a conservation officer's job. Between decoy details and maintaining surveillance on a fisherman or officers' sitting in the dark all night waiting to find spotlighters, much of the preliminary work officers do before they actually interact with any perpetrator is conducted behind the scenes and goes unnoticed.

"We do a lot of covert things, which is why no one knows what we do," Bryant said. "We don't do anything any different ... but nobody

really knows what we do and that's kind of a good thing."

Bryant recalled a night when he came upon several raccoon hunters. As they stared at the ground following the light of their flashlights, Bryant just walked up and joined the group. They even held open gates for him as he walked with them unnoticed until one of the flashlights hit his boots. The hunters looked up in surprise and apprehension realizing he was not part of the original group.

"It really is a great job," he said. "Some people can't do it. You really have to like to hunt and fish to do it. You will learn eventually about those things that you didn't do before, but it's slow."

A natural enjoyment of the nature of the job does play a major role in a conservation officer's ability to perform the job long term. Since they all work out of their homes, and cover such a wide range of activity associated with wildlife enforcement, they have to stay motivated to get out and do the best job possible.

"The good thing about this job is every day is different," Bryant said. "I can make of it what I want to. And most of our guys get out and make the job and they do it how they want to do it."

Schedule flexibility can be a blessing and a curse not only for KDFWR officers but for all officers that work for these specialized state agencies. Because their work stations are at their homes, they receive calls at any time, day or night.

"It's a thankless job and they often don't realize that a lot of times we are asleep when they call," Bryant said of many situations to which he gets called.

Also, the agency size plays a role in how they do their jobs. In McCreary County, Bryant is the only conservation officer in his county, forcing him to rely on the three deputies and five troopers that also serve the county. For Bryant, the working relationships he's built among the various other area agencies are very important.

"We're all buddies," he said. "If you need help, even in the middle of the night, we can call on each other and they'll come."

Interagency interaction is definitely a two-way road for Bryant and other conservation officers across the state. Just as much as they can benefit from the assistance of other law enforcement officers, other local departments and officers can turn to KDFWR for help in numerous areas that they cannot tackle on their own.

Protecting some of Kentucky's top agricultural commodities

Officers with the Division of Animal Health, like KDFWR, spend the bulk of their time on the job dealing with animals more than people. Uniquely set up as a division within the Office of the State Veterinarian under the Department >>

PROTECTING ANIMAL HEALTH THROUGH TRYING SEASONS

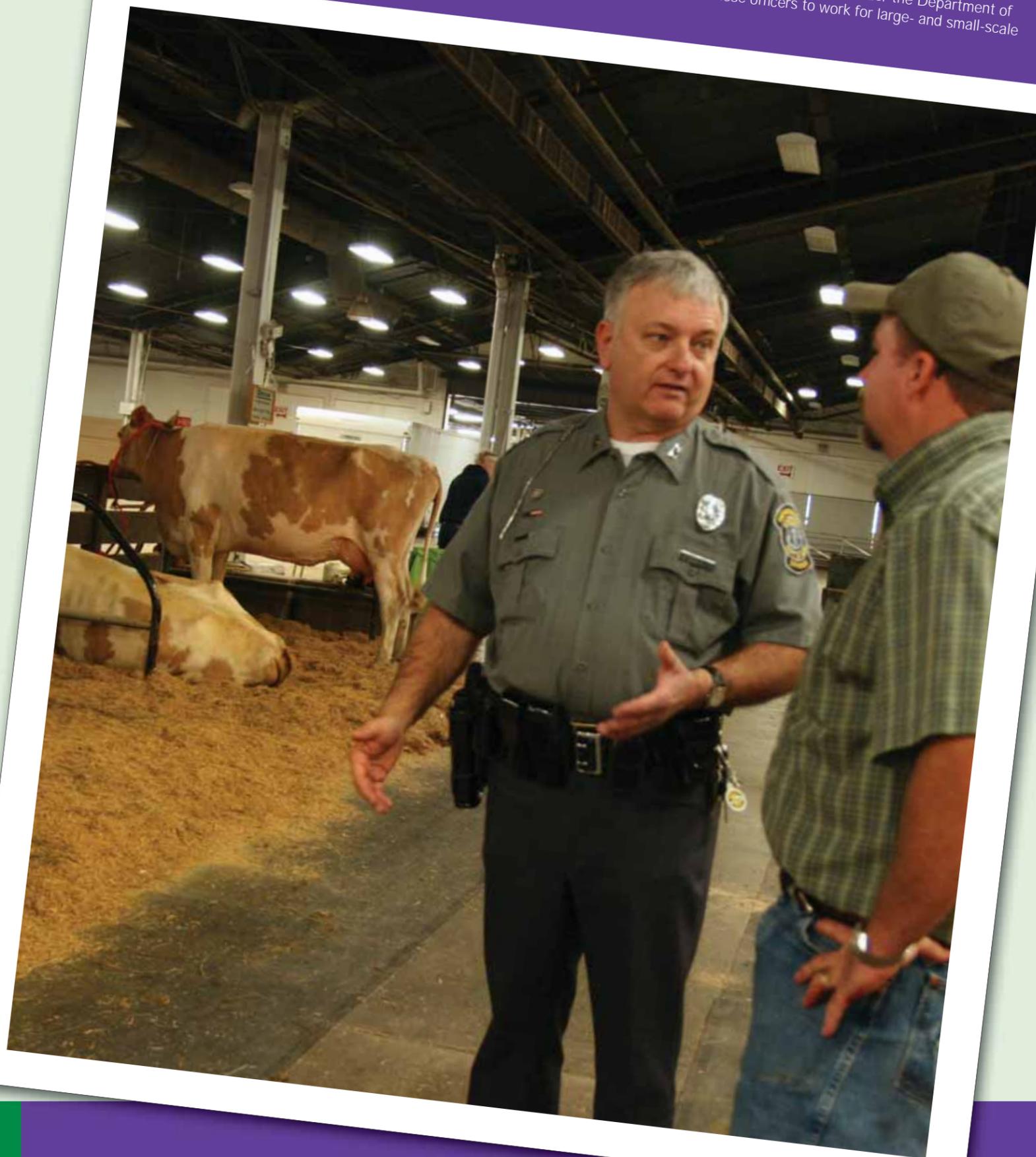
In April, animal health investigator Shane Mitchell worked a case in Rowan County where 31 horses were found dead on a farm and 10 others in extremely poor health. Mitchell worked closely with Rowan County Sheriff's Office investigators, charging the farm owner with violating state law regarding the disposition of animal carcasses.

"This was an animal abuse case, but there were some extenuating circumstances," Mitchell said. "You have one thought about what's going on when you pull up, but when you get there and

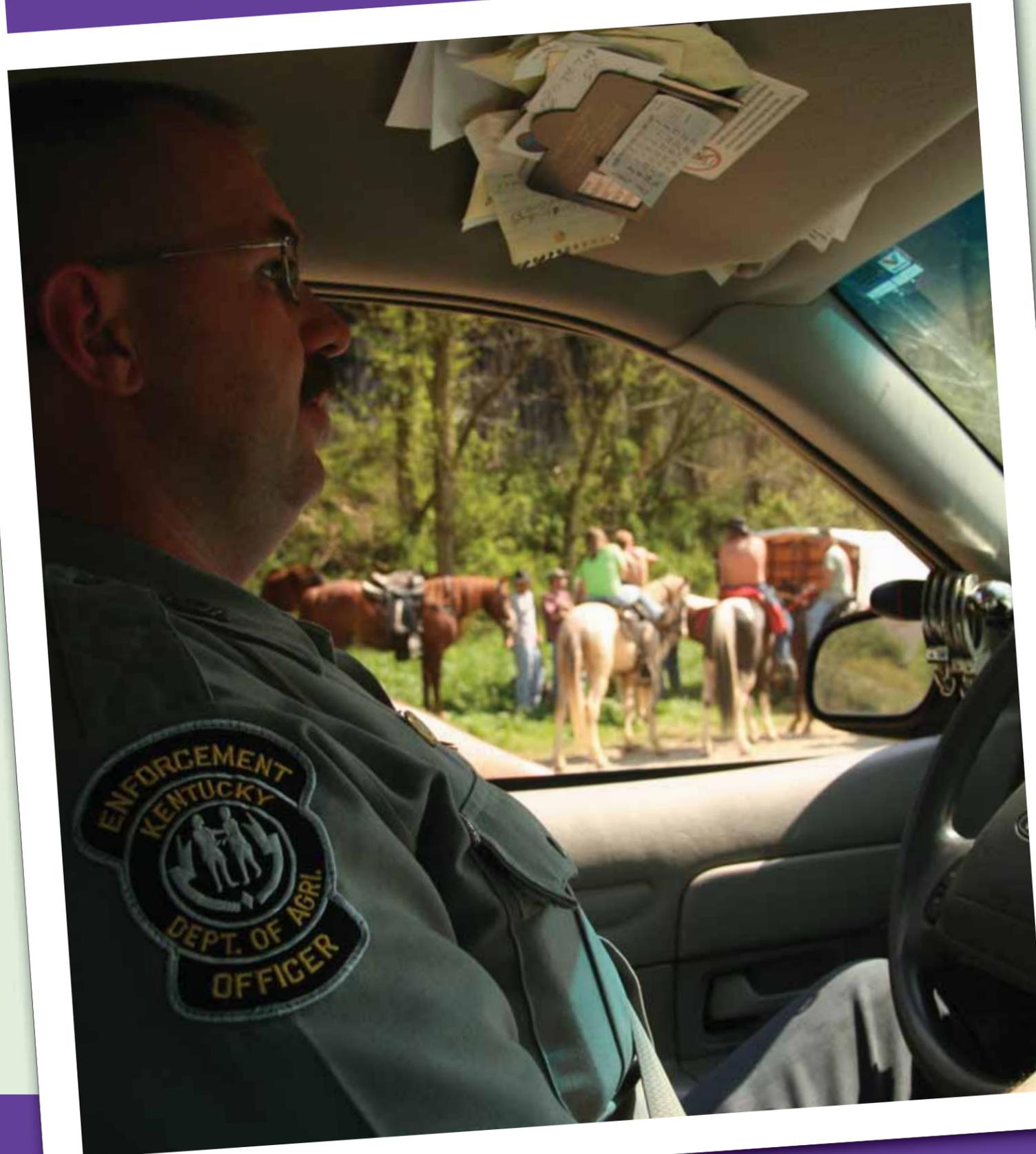
get the other part of the story, you see it's not as black and white as you first thought. Some people will get rid of their houses before their animals and in their minds they are taking care of the animals, but they can barely take care of themselves."

In the past year, cases like this one in Rowan County are all too familiar to animal health investigators, due to the 2007 drought, which created a lack of feed necessary for most farmers to sustain their herds. ■

Division of Animal Health Enforcement Officer George Offutt talks to a dairy farmer at a dairy expo held at the Kentucky State Fair and Exposition Center in Louisville. The division is part of the Office of the Veterinarian, which is housed under the Department of Agriculture. The Kentucky State Fair and Exposition Center is a common venue for these officers to work for large- and small-scale livestock events.



Officer Shane Mitchell with the Division of Animal Health patrols the area around a trail ride in Booneville. Animal health enforcement officers work alongside inspectors at various events across the state checking for proper identification and documentation paperwork.



>> of Agriculture, the mission of the seven certified officers of the Division of Animal Health is to protect the health of the Kentucky herd and prevent animal diseases from entering the commonwealth. The division's enforcement section was originally created in 1972 to support the eradication of Brucellosis – a disease that primarily affects cattle and, through non-pasteurized milk, can cause undulant fever in people. At the time, animal health personnel were facing angry farmers whose herd might have one positive result of Brucellosis, causing the entire herd to be taken and often leaving the farmer with an inadequate indemnity.

"To keep order, they needed someone with more authority to say, 'this is the law, we can write you a citation, you can be fined and you can go to jail,'" said Dr. Sue Billings, director of the Division of Animal Health and assistant state veterinarian.

Whether it's at the Kentucky State Fair, the North American International Livestock Exposition, a trail ride at the Land Between the Lakes, or an anonymous phone call on abused, neglected or dead animals on a farm in a rural county, animal health investigators enforce the laws laid out in KRS Chapter 257. Few other law enforcement officers across the state know about these specialized laws.

"Our guys spend a lot of time with sheriffs and county attorneys helping them understand what our laws are," Billings said.

Working with other law enforcement agencies throughout the state is a must for animal health investigators. With only seven officers covering the entire state they rely on assistance from local sheriffs' offices, police departments and animal control. They also work very closely with the Kentucky Vehicle Enforcement and Kentucky State Police on cases such as interstate wrecks involving trailers carrying livestock or livestock theft identification.

In the past year, animal abuse and neglect cases have become all too familiar to animal health investigators. Due to the 2007 drought creating a lack of feed necessary for most farmers to sustain their herds, the division began gearing up for an onslaught of calls regarding

neglected and dead animals as the winter approached.

"Animal abuse calls have slammed us this year," Mitchell said. "We tell other agencies they are more than free to call us and we'll come and help them out when we can. Most will say that they don't understand what it is we do and are responsible for. Their idea of a starving animal may be different than what we use as a standard. So we try to show them body-conditioning scoring used to assess animals – we've had quite a bit of training this year on it."

Responding to neglect calls is only a part of what these investigators do on a regular basis. Kentucky is a central distribution point for animals coming from the south and east coast, Billings said. Livestock of all kinds will either get loaded and reshipped from here or often they travel through Kentucky to get to their final destination. In addition, Kentucky hosts the North American International Livestock Expo at the fair grounds in Louisville as well as sustaining places like the Kentucky Horse Park and the Kentucky Fair and Exposition Center. Even smaller venues such as livestock markets bring a large amount of livestock into the commonwealth. Investigators and inspectors work together to make sure that all the animals have the proper identification and documentation paperwork.

In recent years, the division has focused on training its enforcement officers in emergency management. Like the rest of the law enforcement community, which has added preparedness for acts of domestic or international terrorism into its everyday objectives, the Division of Animal Health has trained extensively on how a major catastrophe would affect the livestock industry and how its personnel would handle and help contain the situation.

For the division, such a situation could be the intentional introduction of a foreign animal disease, such as Foot and Mouth disease. If Foot and Mouth disease showed up in a stockyard in Kentucky, within three days there could be animals half way across the country infected, Billings pointed out. Because often a diseased animal does not look sickly, inspectors and >>



>> investigators have to closely examine every animal at every venue they are working to ensure the safety of all other animals and people present. For instance, if an animal is suspected of carrying a contagious disease, such as Foot and Mouth, at a licensed stockyard, the U.S. Department of Agriculture would immediately be contacted and the entire stockyard would be quarantined until test results were received. Neither livestock, people, trucks nor equipment would be allowed to leave the premises without going through a thorough disinfection process. These officers have practiced situations similar to this numerous times in conjunction with the Kentucky Office of Homeland Security and other law enforcement entities.

“A lot of what they do is routine with inspections and the like ... but you never know what exciting thing is going to happen,” Billings said.

Mitchell was part of a team that went to Virginia and assisted officers there during and avian influenza outbreak, where they ended up killing 4.6 million birds to eradicate the disease.

“Farmers are a very independent lot and it can often be quite difficult to deal with a farmer whose herd or flock has a positive result for a disease and an investigator has to come in and take all of their animals,” Mitchell said. “They don’t like to conform to the rules and regulations and often get very upset at the lack of indemnity or just have a lot weighing on their minds between the loss of the animals and the loss of money involved.”

Though there can be big issues and difficult circumstances involved in the position, Mitchell sees the bulk of what he does as behind-the-scenes enforcement and regulation.

“I consider us a very low-key agency,” he said. “If I can get in and do my job and get out of Dodge without anybody knowing I’ve even been there, I consider it a pretty good day.”

### Bingo! Case solved

Though the officers of the Office of Charitable Gaming may also be seen as low key and inconspicuous, there is nothing discreet about the industry they regulate in the commonwealth. In 2006, Kentucky grossed nearly \$530 million in charitable gaming profits, according to the National Association of Fundraising and Ticket Manufacturers’ annual report.

The Office of Charitable Gaming provides a regulatory framework allowing charitable gaming to thrive as a viable fundraising mechanism. The office helps to ensure the productivity of charitable gaming through appropriate regulation, oversight and education, and the six certified officers that work for the office’s enforcement section take that job seriously.

“I always think of it as maintaining the integrity of the game,” OCG investigator Stella Plunkett said. “Not only for the organization, but I always think of the people that go in there and play, because they want to make sure that the

game is regulated fairly so they can actually win .... So we enforce the Kentucky Administrative Regulations as well as we do the Kentucky Revised Statutes pertaining to anywhere from promoting gambling to diversion to theft.”

Though, like other state agencies, OCG officers have jurisdiction across the state, their jurisdiction is limited to those incidents that occur on the premises of the gaming facility or anything that happens out in the field while investigating a case.

“Because we have limited jurisdiction, some of the things we come in contact with we can’t handle,” OCG investigator Bryant Smith said. “Even though we are sworn officers, we have to call local police departments or sheriffs’ offices to help with certain problems. But if it has to do with charitable funds in any way, we have jurisdiction and we will follow the case wherever it leads.”

Since working with local law enforcement is a necessary part of an OCG officer’s job, many referrals also come from local law enforcement agencies and KSP, sparking new case investigations. Other cases result from complaints received from individuals who are suspicious of their gaming area as well as money that has been found missing or diverted during an audit conducted by OCG auditors, which also work for the office’s enforcement section.

All OCG investigators work out of their homes and are located strategically throughout the state. Cases are assigned according to the region in which they originate. Unfortunately, >>

### AGENCY INFORMATION

**Division of Animal Health**  
 Kentucky Department of Agriculture  
 Seven certified peace officers  
 Set up in seven regions across the state

**Division of Insurance Fraud Investigation**  
 Environmental and Public Protection Cabinet  
 Nine certified peace officers  
 Divided into east and west branch with four investigators in the east and five in the west

**Kentucky Department of Fish and Wildlife Resources – KDFWR**  
 Commerce Cabinet  
 149 certified peace officers  
 Set up in nine regions across the state

**Office of Alcoholic Beverage Control – ABC**  
 Environmental and Public Protection Cabinet  
 32 certified peace officers

Divided into east and west branch with two sections under each

**Office of Charitable Gaming – OCG**  
 Environmental and Public Protection Cabinet  
 Six certified peace officers  
 Officers located in areas throughout the state ■

Volunteers at a local bingo hall in Winchester count money and sort pull tabs and bingo cards. Officers from the Office of Charitable Gaming often visit gaming sites to ensure the profits are handled properly, the volunteers are not receiving tips or payment and there is no illegal gambling taking place on the premises.



Local Winchester YMCA volunteer assists with calling numbers for a bingo game. In 2006, Kentucky grossed nearly \$530 million in charitable gaming profits, giving lots of charitable organizations across the state a big helping hand for fund raising.



>> cases in some areas of the state are more difficult to work and push through the court system than in other areas, OCG investigator Michael Doane said.

“In some areas that are more economically depressed, if you don’t have a dead body or if you’re not dealing with Oxycontin, you won’t get an indictment,” he said.

But prosecution difficulties don’t deter OCG officers from actively pursuing those individuals within charitable gaming organizations that are not abiding by the law or cheating charities from receiving the money due them.

“Some of them do pretty good, we don’t have a lot of charities out there that are dishonest, but there are a few,” Plunkett said. “A lot of times it’s a good charity but someone involved with the organization that has dealings with the money does something dishonest without the charity’s knowledge. But most charities serve a good purpose and that’s what we do is make sure the charity gets the money.”

In March, an OCG case in Bowling Green ended when a former Bowling Green Veterans of Foreign Wars post commander and his girlfriend were found guilty of pocketing at least \$50,000 intended for the VFW post from pull tab sales. The ex-commander was charged with diversion of charitable gaming funds, two counts of mail fraud, one count of conspiracy to impede an Internal Revenue Service investigation and arson.

“You don’t realize how much money is involved,” Smith said. “Some organizations will sell \$30,000 worth of pull tabs in one night – it’s a big business. That’s why we try to make sure that the charities get their money out of it. The ones that are stealing money or diverting it to their own use, those are the ones we’re trying to go after and close them down.”

Because of the large sums of money involved in some gaming locations, occasionally it can be dangerous for OCG officers to go into these facilities after hours.

“Especially if there is \$10,000 or more in

profit that night and we go in at closing time – banks have been hit for a lot less than that,” Smith emphasized. “We are issued weapons and have ASP training and bullet proof vests if a call warrants their use.”

OCG officers do all this to protect the industry and prevent the commercialization of charitable gaming. Forty percent of the gross profit that comes into gaming organizations is supposed to go to the charitable organization they represent, and in some cases the money raised is put directly back into the community. For example, some fire departments have used bingo profits to buy trucks and build fire stations, Smith said.

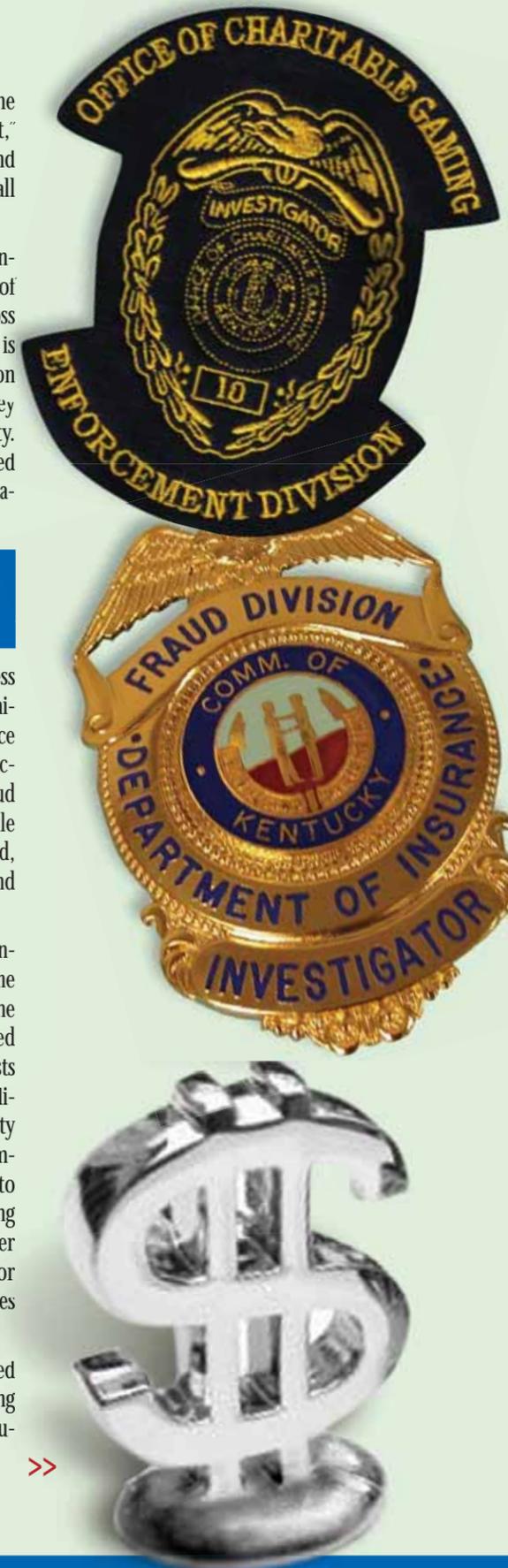
### Following the paper trail

Fraud, money diversion and dishonest business gains plague more than just charitable organizations. Housed under the Office of Insurance within the Environmental and Public Protection Cabinet, the Division of Insurance Fraud Investigation was created in 1994. They handle all criminal investigations on insurance fraud, including life, health and casualty insurance and workman’s compensation cases.

Mostly operating under the Fraudulent Insurance Act lined out in KRS 304.47-050, the Division of Insurance Fraud Investigation’s nine certified officers realize that insurance-related fraud can be committed by anyone. It consists of any fraudulent activity committed by applicants for insurance, policyholders, third-party claimants, agents, employees of insurance companies or professionals who provide services to be paid by insurance. This includes inflating claims, misrepresenting facts to obtain a lower premium, stealing insurance company assets or premiums and submitting claims for injuries that never occurred.

In 2006 and 2007, the division initiated more than 300 criminal investigations resulting in 158 convictions and court-ordered restitution of more than \$7 million.

>>



# BY THE NUMBERS

## \$950

Yearly average cost to a Kentucky family caused by insurance fraud

## 11,258

Active licensed businesses overseen by the Office of Alcoholic Beverage Control

## 1,100

Commercially navigable miles of Kentucky rivers and water impoundments

## 84,000

Farms in Kentucky (fourth in the nation)

## 87,516

Kentucky resident hunting licenses issued last year

## 800+

Licensed organizations policed by Kentucky Charitable Gaming

## 177,037

Kentucky registered water-going vessels in 2007

>> “Our investigators stay pretty busy,” said Tony Dehner, director of the Division of Insurance Fraud Investigation.

“When we have an investigation and it’s taken to a prosecutor and it goes to grand jury, it has been a great educational tool to tell jurors how this affects the public on insurance premiums,” said Kathy Verhey, insurance program manager for the division. “Until you say that, they don’t really understand.”

According to insurance-fraud statistics, insurance fraud costs the average family \$950 per year. And for the average officer sworn to protect the rights and livelihood of the citizens they serve, that is a big concern.

“Every case is different, but the nice thing about what we have here is combined in nine people we probably have more than 225 years of police experience,” Dehner said. “We have a lot of expertise. Our guys have been there, done that, they’ve seen it, they know how to act.”

Despite the combined experience of the division’s force, many of Kentucky’s citizens and other law enforcement know little about how they serve the commonwealth.

“We’re a well kept secret,” Verhey said. “Usually every investigator that comes on board here never knew we existed. They’ve used other statutes to prosecute things like insurance fraud in the past.”

Because the office is still a relatively new concept, educating the public and the judicial system about insurance fraud and the Fraudulent Insurance Act is an added step in the investigative process.

“The FBI will not open a case unless it’s \$100,000, but we’ll open one for \$50,” said Tommy C. Fields, Investigation supervisor for the division. “That’s not usual, but we have worked misdemeanor cases just to get the word out and educate people that this is insurance fraud and it is wrong.”

In Kentucky, any case involving less than \$300 is considered a misdemeanor and cases

dealing with \$300 or more constitute felony charges.

Of the various types of cases that are channeled down to the Division of Insurance Fraud Investigation, the most common type of referral received last year was auto insurance, representing 36 percent of the year’s caseload. Life and health insurance cases made up 32 percent and workman’s comp claims and fraud on the part of the agent or insurer made up 16 and eight percent respectively. However, according to Fields, these last two types of cases are the most highly investigated in terms of time and effort because of their affect on the companies and citizens of the commonwealth.

“Agent fraud is the worst to us because they are taking people’s money and making them think they have insurance when they do not,” Fields said. “So those insurance agents are going to get scrutinized much harder and more time will be put into the investigation. It may only represent eight percent of our cases, but we probably put in 70 percent of our time with those type of cases.”

“They should know better,” added Verhey. “An agent should be one of your most upstanding members in your community and most of them are. But some are pillars of society in their communities and in their churches and they are actively taking money and not giving people insurance.”

Because there are numerous types of cases that come through the division, investigators sometimes call on other entities to assist them. In cases involving arson to hide evidence of fraudulent activity, they may work closely with KSP’s arson-investigation experts to actually work the arson, while they continue to follow the paper trail of the fraud. Investigators have also worked closely with the U.S. Postal Inspection Service, FBI, pharmaceutical investigators and other law enforcement agencies during various case investigations.

In March, the division won a case they were working in conjunction with the FBI and the U.S. Postal Inspection Service, where a woman >>



A local liquor store, like this one in Richmond, is a typical site for investigators with the Office of Alcoholic Beverage Control to visit. ABC investigators use investigative aides to determine whether particular liquor stores, gas stations or other licensed entities are selling alcohol to under-age individuals. IAs range between 18 and 20 years of age.



>> was sentenced to three years and five months for a \$1.1 million insurance fraud scheme.

When investigating a case, the division's investigators also take into account how the case will fair in the judicial system.

"We have to take into consideration prosecutorial appeal or jury appeal," Verhey said. "We don't have a threshold, all sentences are based on the amount of money, not what the crime is."

Fields agrees.

"We don't take any case to the grand jury, in my experience, unless we feel like we can go all the way up to the jury trial and get a conviction," he said. "We don't use the investigation process to punish someone .... Unless we feel like we can go all the way with it, we'll close it out at the bottom level because if they have committed a crime then one of two things will happen – either they won't do it anymore or they'll do it again and we'll catch them again, and then you have a lot more that counts against them."

But, as the division becomes more widely recognized, these expert investigators are able to get many more cases prosecuted through the court system, which helps restore lost money to insurance companies and saves Kentucky citizens money.

### Carding 'em

More than saving Kentuckians money, the Office of Alcoholic Beverage Control is, in essence, charged with potentially saving the lives of Kentucky's underage population. Since reducing alcohol sales to minors and combating underage drinking is the main objective for the office, ABC investigators make it a top priority to enforce the plethora of laws that revolve around manufacturing, distribution and retail sale of alcoholic beverages in the commonwealth.

Officers are often challenged by individual clients or licensed businesses they are citing for selling alcoholic beverages to minors, ask-

ing why they are so worried about this issue when there are bigger crimes out there, said Ian Thurman, ABC investigator in Jefferson County. Then suddenly, an underage drinker will be involved in a fatal DUI accident after leaving a bar.

"Sometimes it can seem kind of useless trying to fight underage drinking, because everybody knows it's never going to completely stop," he explained. "But part of the motivation is to keep focused on the fact that I may be helping save someone's life down the road."

ABC has several special programs specifically focused on reducing underage drinking. Operation Zero Tolerance is a way of conducting compliance checks of ABC-licensed retailers by using underage investigative aides who attempt to purchase an alcoholic beverage while accompanied by an undercover ABC investigator. If the IA is successful in making a buy, the seller is cited to local criminal court and the licensee is cited to the ABC board.

Investigative aides are students between the ages of 18 and 20 who are paid to work the zero-tolerance detail with the investigators. Most of the students used as IAs are children of police officers or are in some way affiliated with a law enforcement officer or agency, Thurman said. In Louisville, individuals from the Louisville Metro Police Department's cadet program have volunteered.

ABC officers also pair with university police departments in the fight against underage drinking. In Lexington, they have established a task force with the University of Kentucky Police Department that becomes increasingly busy, especially during football season due to tailgating parties. Louisville ABC officers and the University of Louisville have paired up similarly. When ABC officers cite students from either of these universities, a copy of the citation is sent to the school and the students are held accountable by student life for their actions whether on or off campus, Thurman said. In some cases, students are put on probation, showing students their actions on Saturday night will have consequences that last much longer. >>



>> Though combating underage drinking is the primary focus of the office, ABC officers often work details and conduct investigations into other facets of the industry and come in contact with issues including gambling, prostitution, illegal drug use and sales, and a myriad of traffic-related violations.

"We never know what we're going to get into at any given time – just the nature of us snooping around and being in plain clothes," Thurman said. "We may have to call for backup at the last second, not knowing we're getting into something big."

Ray Roberts, an ABC investigator in Madison County agrees.

"It's fun; it's like fishing," he said. "Sometimes you may be sitting in your car simply watching a parking lot for potential activity when someone approaches you about buying drugs or pills."

Details such as Cops in Shops and Targeted Enforcement Details afford ABC officers the opportunity to work with other law enforcement agencies. ABC investigators often work in conjunction with other agencies and can serve as a great resource for other local agencies.

"We are a good tool for other law enforcement to use because we can spend more time

on one place because they are tied up with so many other responsibilities," Thurman said. "If they have one problem that needs to be addressed, we can come in and spend some time on it, whatever the case may be. We can also provide assistance with undercover investigation because they can't go and work undercover somewhere where everyone knows them in town. Or we can provide a small agency that doesn't have detectives with detective-like work."

In addition, there are resources unique to ABC that can open the door, literally, to other agencies during an investigation. If, during an initial investigation, an agency finds there is not quite enough evidence for a search warrant, ABC has search powers in any place that holds an ABC license allowing them to go through the entire building, opening up doors to offices, storage buildings and the like, and may see things normally hidden, out in plain sight, Thurman explained.

Likewise, other agencies can offer a helping hand to ABC investigators by keeping citations and records of complaints and calls to any ABC-licensed site.

"If they're keeping track of citations written to that place, we can use that to build a case

against the place," Thurman said. "It's a pretty vague area of ours to charge a place administratively to get an ABC violation, but if other agencies keep their records, we can build a case against the place and potentially have their license suspended."

The job of an ABC investigator can often be a balancing act, Thurman said. Between filing applications for new ABC licenses, doing routine inspections of licensees and enforcing ABC tobacco laws during the day, to watching parking lots outside of bars and liquor stores and conducting undercover investigations in clubs at night, there is always something keeping this unique band of law enforcement officers busy.

It can be very unpredictable and challenging at times, Thurman said. You have to learn to prioritize and keep yourself motivated and organized.

The distinct, unique nature of these five specialized state law enforcement forces is often unpredictable and challenging. But, the exclusive duties of these officers and the time spent serving the citizens of Kentucky, though often unnoticed, are invaluable to the law and order of the commonwealth. J

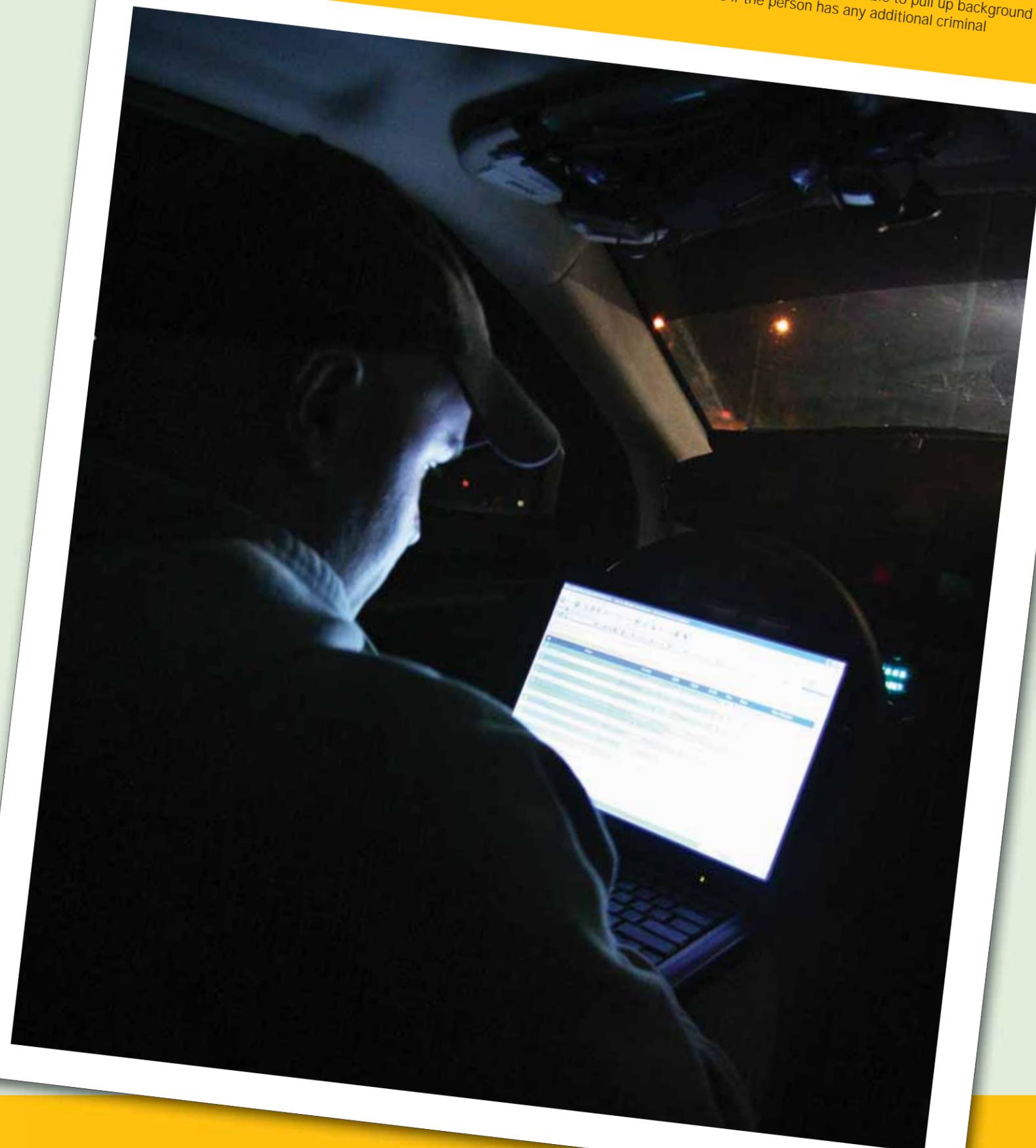
### SUCCESS UNDER COVER

Details such as Cops in Shops and Targeted Enforcement Details, as well as special events such as Thunder Over Louisville and the Kentucky Derby, play a major role in the success of combating various criminal avenues. The Cops in Shops program uses undercover law enforcement investigators who pose as clerks or servers in convenience stores, package stores, restaurants and clubs.

In late March, during a Cops in Shops evening detail in Lexington,

Roberts and other ABC officers from in the Lexington area wrote citations for three minors not to possess alcoholic beverages, two minors attempting to purchase alcoholic beverages, two possessions of marijuana, five individuals with no operator's license, one driving on a DUI-suspended license and two DUIs. After the detail, Roberts apprehended a wanted person inside a bar after he fled from Lexington police. The subject was turned over to Lexington police to be served with a warrant. ■

Richmond Alcoholic Beverage Control Investigator Ray Roberts accesses a database of citations and indictments via a laptop from his vehicle during a nighttime Cops in Shops detail in Lexington. Using a driver's license, investigators are able to pull up background information on an individual that has been stopped for any number of reasons and see if the person has any additional criminal charges on record.





**Chief William Cole**  
Bellevue Police Department

William David Cole graduated from Hamilton High School (Ohio) in 1982. He entered the U.S. Marine Corps in 1982 and served six years while attending the University of Cincinnati. He graduated from the Great Oaks Peace Officers Training Academy in 1985. After being hired by Bellevue in 1986, Cole was promoted to sergeant in 1992, and in 1999 he was given Bellevue's highest award, the Commendation with Star. Cole is a graduate of the Department of Criminal Justice Training's Criminal Justice Executive Development program, and the School of Strategic Leadership. He is a certified instructor at DOCJT. Cole is currently the president of the Campbell County Police Chiefs Association and the first vice president of the Northern Kentucky Police Chiefs Association.

**"Word-of-mouth advertising is very effective, and we are fortunate to have professional officers who recommend Bellevue as a great place to work."**

**What would you say is the number one rule for effective law enforcement recruiting?**

I see a distinct difference between recruiting for the profession of law enforcement and recruiting for the Bellevue Police Department. When recruiting for the profession, you are reaching out to a very large pool of people and trying to draw them into this profession and away from other professional opportunities. We have been able to focus on recruiting people who are already interested in law enforcement and attract cops to come to Bellevue. I believe that the No.1 rule in attracting cops to Bellevue is to remember that everything is advertising. Rule No. 2 is everything interacts with, touches or affects something else. In Bellevue, we actively seek applications all the time. One way we do this is to bring positive exposure to our city and our department at every opportunity. There are many ways to use these opportunities for exposure, but perhaps most important of all, is having a professional staff that represents the department and the city well. Word-of-mouth advertising is very effective, and we are fortunate to have professional officers who recommend Bellevue as a great place to work.

Before we implemented our present approach, we were lucky to have 20 applicants for an available position. Presently, however, we have nearly 200 active applications on file, but we have no available positions.

**How does your department keep the community informed?**

Our Web site, [www.bellevuekypolice.org](http://www.bellevuekypolice.org), has been very useful for the department. Through our Web site, the community can nominate officers for awards, learn about crime prevention and safety tips, send anonymous tips to the police, learn the status of sex offenders and others convicted of crimes, learn about the department and history of the city, learn about upcoming events in the city and learn about police-community partnerships. One of the best features of our Web site is that it is produced entirely in-house, through the talents of one of our officers, Lt. Pat Riley. This enables us to update items quickly and design a site that is tailor-made for our community.

**How have DOCJT's leadership courses helped you as chief?**

Law enforcement in Kentucky is extremely fortunate to have an organization like the Department of Criminal Justice Training. The quality and quantity

of training and education available to police departments through DOCJT is simply unmatched in this country. Gone are the days when we promote an officer into a supervisor position and wait for him to sink or swim. Because of the training and education available through the Leadership Training Section, we can now prepare and educate our police leaders with the same level of professionalism that we have been providing for our new officers for years. As one who has benefited from the education provided through CJED and SSL, I can personally attest to the quality of the program and to the importance of the program to law enforcement in our state. In Bellevue, newly promoted supervisors must attend the Academy of Police Supervision. Lieutenants must attend the CJED program. The department encourages its CJED graduates to apply for SSL. DOCJT and the Leadership Training Section have enabled Kentucky's police departments to have better trained and educated officers than one can find anywhere in the country.

**How do you manage change within your department?**

The important thing to understand about change is that, by its very nature, it creates instability. Most people do not understand this, and they forge ahead without proper planning or preparation. Those who subscribe to the idea that "change is good," are often headed for trouble, unless what they really mean is "planned change is good." I like to say that change is good, as long as it is implemented well. This involves trying to strike a balance between moving too quickly and moving too slowly. That is a delicate balance to meet. For example, when transitioning to use MDTs, we had a group of officers who were ready to throw them in the car and start using them immediately. We had another group of officers who were leery of them, and who really didn't want to make the move. The responsibility of a good leader is to ensure that the move happens at the correct pace, so that money is not wasted, and all officers have the ability to adapt to the change. Thomas Jefferson said, "Delay is preferable to error." He clearly understood that change had to happen, but that it had to be managed and implemented well to ensure that it did not create an unreasonable level of instability. It is that reasoning that we try to apply to change in the Bellevue Police Department. J



**Sheriff Berl Perdue, Jr.**  
Clark County Sheriff's Office

Berl Perdue, Jr., is the sheriff of Clark County. Perdue graduated from Lee County High School in 1977 and Eastern Kentucky University in 1981 with a degree in police administration. In 1982 he graduated from the Department of Criminal Justice Training's basic police academy. After retiring from the Winchester Police Department with 25 years of service in 2007, he was elected sheriff of Clark County. Perdue is currently the state vice president of the Kentucky State Lodge Fraternal Order of Police, having held this position since 1999. He has received numerous awards and commendations during his career, including the State Fraternal Order of Police Member of the Year. He lives in Winchester with his wife Tammy and children, Kalan and Britney. He is the proud grandfather of Paxton Lee.

**"Your agency must be looked upon by potential recruits as being very progressive, keeping up with ever-changing trends in law enforcement and exude professionalism and respect."**

**How has serving the Winchester Police Department for 25 years helped in your new role as sheriff?**

From a police standpoint, the 25 years of experience is invaluable. I worked all aspects of police work in that time, beginning with patrol all the way through investigations. I was also a patrol and Criminal Investigation Division supervisor for 17 years, so the supervisory experience is a tremendous asset. The Winchester Police Department experience didn't help in collecting and being accountable for taxes, but the continuing education and training before being sworn in as sheriff was a great asset.

**What prompted you to run for sheriff?**

For the last 10 years, I had entertained the thought of one day running for political office – I just didn't know what office. My friend, Ray Caudill, with whom I worked at the Winchester Police Department for 20 years, was the Clark County sheriff prior to my election. When he decided not to run for re-election, I decided to run for office. In all honesty, after 25 years on the job at the Winchester Police Department, I really thought it was time to go and explore other options. So, the timing in my life and this job opening was just perfect for me.

**What would you say the No. 1 rule is for effective law enforcement recruiting?**

I think to be effective in recruiting good candidates for a career in law enforcement the hiring agency must project itself as a professional model agency. Your agency must be looked upon by potential recruits as being very progressive, keeping up with ever-changing trends in law enforcement and exude professionalism and respect. Our agency demands us to be progressive and professional. Once you have these expectations in place, then we must be competitive in salary, benefits and equipment to retain our employees.

**You are the first vice president of the FOP, what are the 2008 goals of the FOP?**

The Kentucky State Lodge Fraternal Order of Police has one common goal: the protection and advancement of our individual members and the organization. Our main agenda for 2008 has been to protect the rights and benefits of our members secured through legislation over the past 30 years. We are always lobbying and trying to advance and enhance our members' benefits, whether it is the pension we are working toward, the KLEFPF money we receive, or the Peace Officers' Bill of Rights that gives police officers due process. Every year we continue to try and advance the benefits we have worked so hard for and deserve.

**Does your department have any special projects?**

Our department has several projects in progress. We are phasing into mobile data terminals in our entire fleet. This will be completed in the next few months. We are replacing our entire fleet of cruisers and that will be completed by the end of this year. We have bought and equipped full-time deputies and courtroom bailiffs with training and Tasers. I have had all new state-of-the-art software and computers installed in my offices for tax collection and administrative duties. I have also placed one of my detectives in a drug task force. But, besides all the technology and equipment gains, the thing I am most proud of is that our department stresses community oriented policing. My deputies do not just ride in cruisers for 10 hours a day. They are out in the community conversing and establishing relations and building trust with our citizens. Many are also involved in many community activities such as Little League, YMCA leagues, Big Brothers/Big Sisters and a whole array of other groups. We can only be an effective law enforcement agency if we know our community and have their trust and respect. J



**Chief Rodney Hockenbury**  
Mount Washington Police Department

Rodney Hockenbury began his law enforcement career in 1987 with the Pioneer Village Police Department. In 1990, he joined the Hillview Police Department. Hockenbury went to work for the Bullitt County Sheriff's Department, in 1993, where he implemented the DARE program in Bullitt County. In 1998 he transferred to the Mt. Washington Police Department, where he became sergeant and has been chief of police since 2004. He and his wife, Sandra have been married 23 years, and they have a daughter, Cortney, 17, who will be attending Northern Kentucky University in the fall.

**"As a relatively new chief trying to build a strong foundation, it is important to have a command staff that shares my philosophies."**

**What do you see as your major accomplishments as chief?**

One of the major accomplishments is the completion of a new policy and procedure manual. Along with receiving the manual, each officer was trained with a supervisor over the entire manual. A second accomplishment was the implementation of employment/recruitment standards, which would complement the Peace Officers Professional Standards.

**What would you say the No. 1 rule is for effective law enforcement recruiting?**

I would say a rule is to have standardized hiring practices. No matter the pool of candidates, they all complete the same tasks and receive scores based on their performance. The overall performance on the tasks allows you to rank and order the candidates to see which is the most qualified. Also, by keeping an active list you don't have to retest every time you have an opening, but can pull candidates off the list until the list expires.

**Share with your criminal justice peers the effectiveness of the needs assessment taught in the Police Executive Command Course. How was it implemented by your department?**

Dr. Neal Trautman, with the National Institute of Ethics, conducted a section of training, which included a standardized needs assessment reflecting points of anger and frustration within an agency. The simple 52-item survey was completed by each officer, and the results were quite surprising. As an administrator, the things I thought were

prevalent within the agency were not correct. However, I was able to address the areas where there were concerns. Overall, it was shown that our agency had many issues and concerns of other comparable agencies. I would highly recommend every administrator to use this valuable tool.

**You were able to send your first officer to the Academy of Police Supervision last year and you and the mayor attended the graduation. How important is it for you to have the support of your mayor?**

The Academy of Police Supervision was one of the most rewarding trainings for my command staff. As a relatively new chief trying to build a strong foundation, it is important to have a command staff that shares my philosophies. As administrators in police departments, we all know the importance of having the support of the mayor. It is not likely that the agency will be productive and able to provide the best quality of services without the support of the mayor. I extend invitations to the mayor to things that I feel she would like to be a part of, and she has an idea of the wants and needs of the police department.

**Do you have any special projects?**

Currently, I am trying to increase officer retention, by working on more competitive salaries and a better benefits package. We have also obtained newer equipment for our officers, like the Taser. I am always looking for ways to improve the department, and I will listen to suggestions from my officers. J

**New Chiefs of Police Across the Commonwealth**

**JAMES ADAMS, MOREHEAD POLICE DEPARTMENT**

James Adams was appointed chief of the Morehead Police Department on April 1. Adams attended Morehead State University and went to work as a police officer for the university police department in 1986. He transferred to the Morehead Police Department in 1989 and began moving through the ranks. Adams is currently in the process of implementing e-citation and purchasing Tasers for the department. Adams plans to increase the department's work force.

**STEPHANIE BASTIN, KENTUCKY STATE UNIVERSITY POLICE DEPARTMENT**

Stephanie Bastin was appointed chief of the Kentucky State University Police Department in January 2008. Bastin began her career in law enforcement at the University of Kentucky Police Department where she moved up the ranks to assistant chief. She retired from the department in 2006 with 28 years of service. Bastin is working to change the image of the Kentucky State University Police Department to a more positive one through relationship building. She has already increased the number of officers from three to nine. Bastin plans to move the department forward and work toward accreditation.

**GEORGE HARTMAN, WORTHINGTON POLICE DEPARTMENT**

George Hartman was appointed chief of the Worthington Police Department February 1. Hartman started his career

at the Russell Police Department and retired with 27 years of service. He then went to work for the Greenup County Sheriff's Office before coming to Worthington. During his career at Russell Police Department, Hartman worked with the FADE Area Drug Enforcement. He plans to increase enforcement in the community.

**CHRISTOPHER HAUGHT, LOYALL POLICE DEPARTMENT**

Christopher Haught was appointed chief of the Loyall Police Department on April 1. Haught began his career in law enforcement in 1998 in Harlan County. His 10 years of law enforcement experience have been with departments in the Harlan County area. Haught plans to update the department's technology with grant money.

**MARK POSEY, FALMOUTH POLICE DEPARTMENT**

Mark Posey was appointed chief of the Falmouth Police Department April 1. Posey began his career in law enforcement as a Kentucky State Police trooper in 1994. He left KSP after 12 years to work for the Falmouth Police Department. Posey has been at the department for three years and has moved through the ranks to chief. He recently completed leadership training at the Department of Criminal Justice Training. ■

# Murder in Podunk

A story of intrigue, innocence and America's first woman sheriff

Elizabeth Thomas, Public Information Officer

It's the 1920s. A young man is framed for murder by his father-in-law. His captor is considered to be the first female sheriff in the United States. Decades later, a death-bed confession made long after the other players of the story have passed, leaves a young, "barefoot desperado" never to be officially exonerated.

All the pieces come together to create one of the most intriguing murder mysteries in Kentucky's history, as well as U.S. history.

"Eyes seem to watch, but you see no one there", writes Diane Griffith, author of *America's First Woman Sheriff Captures Kentucky's Barefoot Desperado*. "The Hills still whisper the names and secrets of the people who have lived there, if you have enough courage to stop and listen to its tales."

Lois Cole Roach, wife of Graves County Sheriff John T. Roach, finds herself amid the turmoil of a hunt for local convicted murderer and escapee, Lawrence Griffith, who was well-hidden by his friends and family for two years. Lois, grieving the recent murder of her husband, the local sheriff, takes the helm of the sheriff's office following a community out-pouring demanding to make the young widow her husband's successor less than a week after his death.

Graves County would be the first in the nation to boast a woman sheriff. At the time, a prominent local businessman said of her, "She will probably make the best sheriff Graves County ever had."

Even with the community's support, the near weeklong battle to name Lois Roach sheriff was not an easy one. County Judge J.W. Monroe, who was responsible for naming a sheriff until a special election could decide officially, was not in favor of the appointment. He said, in a meeting with Mrs. Roach, that he knew, "there were important duties that every sheriff was called upon to perform, and which he should perform, and that on account of (her) sex, it would be impossible" for her to perform those duties.

But in an effort to appease the community, he named 26-year-old Lois Roach sheriff on March 10, 1922.

"In appointing Mrs. Roach to this position, I am sure that from my short acquaintance with her that she is a lady of integrity, refinement, education and culture, and that she will do the best that she can to render the best service to the people of our county," Monroe said. "And I hope that all of the people of Graves County, without regard to political affiliations, will assist her in performing the duties of the office of sheriff."

An overwhelming majority of voters turned out more than a year later to officially elect her sheriff. Having received the right to vote just three years earlier, women voters made a strong showing when Roach beat her two opponents by a whopping 1,248 votes. Lois Cole Roach was elected sheriff by the people of Graves County August 4, 1923, nearly four years after Lawrence Griffith, known as the "barefoot desperado", was originally charged with murder in another part of the county called Tomlin Hills.

Tomlin Hills consisted of Boydsville, Lynnville, Podunk and Austin Springs. The nearest town of significant size was Mayfield, Kentucky.

"Tomlin Hills was a wild and rugged area ... an area of legends and wild animals and even wilder men," writes Griffith. "These towns were linked together by more than just mere dirt roads. These roads were the arteries that passed life through those remote communities."

And those roads carried on them the future of Lawrence Griffith and the generations that would follow, from what began as a simple favor and a Saturday buggy ride.

Griffith was 19 at the time he was accused of killing his wife's uncle, Marsh Warren, and stealing \$605. He was reported to have acted out of rage when Uncle Marsh refused to loan him money to buy a car for his new family. Married less than a year, and a father for only eight days, Griffith was accused of killing Marsh Warren with an iron pipe in the area called Podunk.

The author writes that although the settlers of Graves County were a "free-hearted, generous people, they were a bit clannish," a remnant of the Civil War. The Tomlin Hills area was home to old grudges still held by those who sided with Union or Confederate armies. Also, because the county's town of Boydsville lies on the state line between Kentucky and Tennessee, there was an added division between families on each side of the line.

And such was the case of young Lawrence Griffith, whose family mostly resided in Tennessee and whose grandfather had supported the North during the Civil War. He married Dulsie Wiggins, whose family made their home in Kentucky. Differences in opinion on politics, religion and social status gave the parents of each reason to not want their children to marry. But with a draft call of the first World War in the near future, Lawrence and Dulsie married on October 7, 1918, just days before his 19th birthday.



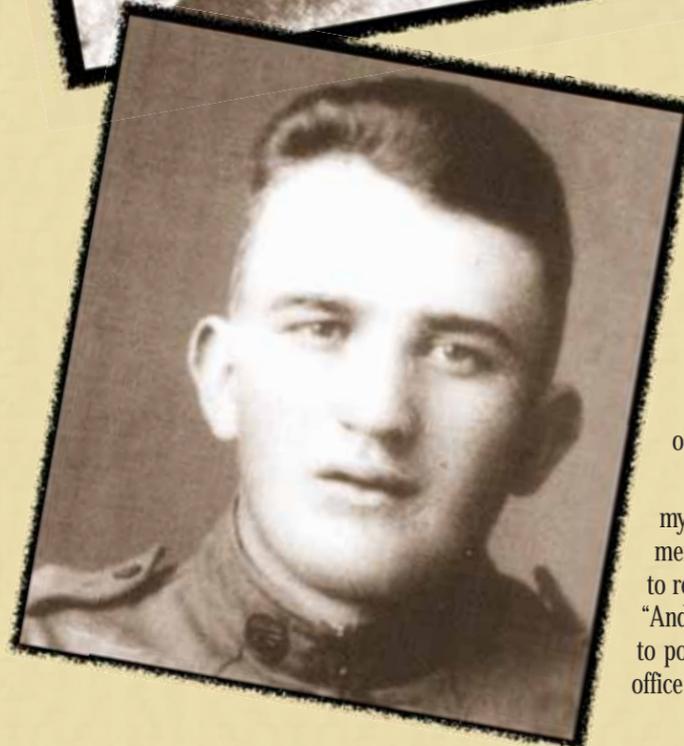
According to author Diane Griffith, once the two were married, Josh Wiggins, the bride's father — an unstable character — made it his mission to separate them. Apparently, his efforts were successful.

Griffith, framed for Marsh Warren's murder in

**“ Graves County would be the first in the nation to boast a woman sheriff. At the time, a prominent local businessman said of her, 'She will probably make the best sheriff Graves County ever had.' ”**

August 1919, would spend his next four years either behind bars or hiding out. A botched trial and guilty conviction in 1920 sent the young man to jail, from which he escaped a short time later by sawing through the bars. Griffith would run from his fate for two years.

Lois Roach, sheriff for a little more than two months when Griffith was captured for the second >>



◀ Lois Cole Roach, circa 1926. ◀ Lawrence Griffith, alias "barefoot desperado", 1918. ▲ Lois Cole Roach and daughter, Ruth, before 1922.



attention to another priority – the conviction of her husband’s murderer. Former deputy, Sam Galloway was convicted in August 1923 of the murder of Sheriff John T. Roach after a lengthy and complicated trial that involved a multi-county jury pool of hundreds and multiple dismissals of the trial. Galloway was transported to the Eddyville State Prison by one of the deputies who had months earlier escorted

Griffith to what would be his final home.

Lawrence Griffith would die a couple days after he, along with three others, made an attempt to escape the Eddyville prison October 3, 1923, just days shy of his fifth wedding anniversary and his 24th birthday. Ironically, it was convicted murderer and former deputy Sam Galloway who learned of their plan to escape and alerted the prison guards days earlier. The guards were prepared and the convicts didn’t make it off prison grounds.

Griffith’s oldest son, Huston, had apparently heard the reports that his father was found barefoot, and with such an impression on his young mind, he insisted on seeing his father’s feet when they took the 4-year-old to see the body. The legend of the “barefoot desperado” was born.

Coming full circle, the last person to see Marsh Warren alive eventually befriended Griffith’s youngest son. On his deathbed, he confessed that he had actually murdered Warren for his money after a crap game. Warren was murdered many hours after his and Griffith’s buggy ride had ended in Boydsville, not en route, as had been the story of those accusing Griffith.

Although innocent, Griffith was killed in a botched prison escape. Although guilty, the murderer died at home in his bed.

Blue lights now illuminate the name of Graves County Sheriff John T. Roach as it is etched in the Kentucky Law Enforcement Memorial in Richmond. Lois Cole Roach went on to serve as state chairman of the Alben Barkley Campaign Committee to appeal to women voters following her stint as sheriff.

*Diane Griffith, author of America’s First Woman Sheriff Captures Kentucky’s Barefoot Desperado, is the wife of Lawrence Griffith’s grandson and has written other books about the people of Tomlin Hills. J*

▲ Lawrence Griffith in his infamous buggy, which played a large role in his conviction.

time in May 1922, fulfilled a promise her husband had made during his campaign. His goal as sheriff was to capture Lawrence Griffith. His hunt for Griffith had been refueled when he received a letter from Griffith less than two weeks before his own murder.

On February 21, 1922, Sheriff John Roach read the letter post-marked Cushing, Oklahoma. In it, Griffith told Roach he was leaving immediately for “Old Mexico,” and that he was innocent and had been mistreated by the people of Mayfield. He went on to warn the sheriff that “it would not be necessary for the sheriff’s posses to spend idle time” hunting him in neighboring Weakley County, Tennessee, where many of his relatives lived.

But three minutes before the town clock struck noon on March 6, the promises of Sheriff John T. Roach came to an abrupt halt in his office as one of his deputies, Sam Galloway, unloaded three bullets into the sheriff. The altercation came after a disagreement over Galloway’s position as deputy and his salary, which had reportedly been cut in an attempt to force Galloway to quit as deputy.

Griffith, having become a father once again while still on the run, was desperate to provide for his family. He began buying, though unknown to him, stolen goods from peddlers and then reselling them at incredibly cheap prices to stores in Centralia and Cairo, Illinois. It was in Centralia where locals became suspicious, spotting the original sales tags of the items still on them. In an attempt to spare the families of the criminals who’d actually stolen the goods from a store in Latham, Tennessee, and to keep them from questioning him further about the thieves, Griffith admitted that there was a reward for his arrest in Kentucky.

Shortly thereafter, Griffith was taken into custody by Graves County deputies under Sheriff Lois Cole Roach. Mayfield residents turned out to watch the train carrying the alleged criminal pass through the town on its way to the Eddyville State Prison.

After Griffith’s capture, the new Graves County sheriff turned her



# Oakie Greer

## PROFILE BIO

### OAKIE GREER

J. Oakie Greer, Jr. is a graduate of Jenkins High School in Jenkins, Kentucky, class of 1966, and graduated from Eastern Kentucky University in 1974 with a bachelor’s degree. He served in the U. S. Army from 1967 to 1970 including two tours of duty in Vietnam. Greer worked for the Lexington Police Department from 1971 to 1995 retiring as a sergeant. He and his wife, Sondra Mabe, have been married 38 years. They have two children Jason and Jeremy. Greer is a training section supervisor in the Patrol/Traffic Section at the Department of Criminal Justice Training.

### What is your law enforcement background?

In my senior year book, I wrote that my goal was to be a Kentucky state trooper. I had an interest in law enforcement from an early age. My maternal grandfather was a Jenkins police officer and I remember seeing pictures of him in his uniform. I enrolled in the first school of law enforcement at Eastern Kentucky University in the fall of 1966 but after one year of college I left college and enlisted in the army. About 16 weeks later I found myself in Vietnam as a private first class infantry rifleman. I did a second year in Vietnam as an instructor at an in-county training center. That is where my interest in being a teacher or trainer began. I left the service in April of 1970 and married in May. I re-enrolled in ECU in August and in March of 1971, joined the Lexington Police Department. I graduated from ECU in 1974. I retired from the Lexington Division of Police in June 1995 with a little more than 24 years of service. The majority of my time was spent in patrol. I loved working the streets. You really do a little of everything on patrol. I did spend two years in training, completing the Kentucky Law Enforcement Council instructors’ course in 1976. I served four years in the Crimes Against Children’s Unit, two years as a detective and two as the squad sergeant. I spent my last year or so as the night shift detective supervisor. I loved being a cop. I used to tell recruits that being a law enforcement officer can be one of the most rewarding, fulfilling yet frustrating and stressful jobs you will ever work. It is truly a profession that returns just what you put into it. I did not always love every part of the job, but overall I fully enjoyed my police career. After retiring from the department, I worked as an investigator for several

law firms in Lexington. I was really just waiting for an opening at DOCJT. I always knew that training is what I wanted to do with the rest of my life. In April 1996 I started a second career, doing something else I loved, at DOCJT. I have truly been blessed to be able to do something I really enjoyed for 37 years. I have also been blessed to be surrounded by several of my old friends from Lexington and the many new ones I have made here. I have told some of the staff that the things we have done since 1998 and the things we are doing now will have an impact on a generation of law enforcement officers. If you think about the number of recruits we turn out every year and the number of in-service officers we come in contact with, we just about touch them all in one way or another. I think that is an awesome responsibility. I hope we have been able to give them something to help make their jobs easier and their lives safer.

### What are your duties at DOCJT?

I am the Patrol/Traffic Section Supervisor of the Advanced Individual Training Branch. My section provides in-service training in the patrol and traffic areas. The section is also responsible for the Police Training Officer program and the Certified Court Security Officer program.

### How did Senate Bill No. 153 change the responsibilities of bailiffs, now CCSO?

KRS 15.380 to 15.404 established a new position of KLEC/Peace Officer Professional Standards-certified court security officers. Just like the POPS legislation of 1998, this new law offers communities an opportunity to upgrade and professionalize the position of court security officer (formerly bailiff). Any person hired as a court security officer, after June 26, 2007, is required to attend an 80-hour basic training course in order to be certified. All CCSOs, starting in 2009, will be required to attend a 40 hour in-service class that is job specific to their position every two years in order to maintain their certification. The Patrol/Traffic Section along with the Administrative Office of the Courts, with input from the Kentucky Sheriffs’ Association developed the 80-hour basic course. Our first class was very successful. We are currently working on the 40-hour in-service class and plan to have it in the schedule book for 2009.

### What is the importance of the CCSO program?

Security of our court facilities, judges, juries, witnesses and prisoner transportation is an issue that has received a lot of attention lately. Several incidents in surrounding states and even some in Kentucky have shown us the importance of having qualified professionals in those court security positions. I have somewhat of a personal stake in this issue. My daughter-in-law is an assistant commonwealth’s attorney in Madison County. I want her to be secure in the fact she has adequate protection in her daily activities. J



# RIDING INTO DESTRUCTION

Abbie Darst, Program Coordinator

**T**oo many riders – young and old – are dying or experiencing life-altering injuries from incidents involving all-terrain vehicles. From 2003 through 2006, Kentucky lost 142 individuals in ATV-related fatalities – a number that is too high and screams for action and change, according to Chris Lanham, Kentucky State Police public affairs officer at Post 7 in Richmond.

“We lose a lot of kids on four-wheelers in Kentucky,” he said. “You do have to treat [an ATV] with respect just like you would a motorcycle or a car, because you can get hurt pretty quickly on it.”

Officers from various agencies across the state deal with these wrecks when they happen.

“We usually have two or three big [accidents] per year,” said Lt. Richard Waite with the Kentucky Department of Fish and Wildlife Resources in Jackson County. “It usually takes two volunteer fire departments, EMS and everybody that you can find just to find whoever it is that’s wrecked and load them up and bring them to the ambulance, and that’s usually about a two- or three-hour shindig.”

As part of the efforts to change the injury and fatality rate in the commonwealth, Lanham and other KSP troopers have paired with the Kentucky Department of Agriculture to learn how to teach ATV riders to ride safely and reduce the risk of an accident. KSP assigned 18 troopers statewide to take the four-hour training at state police headquarters in Frankfort last November.

According to Lanham, education and awareness can be key in reducing injury and citation rates for ATV misuse and failure to comply with the law.

“It’s often irresponsibility on the part of the parents, which is something troopers face routinely,” he said.

▶ A Kentucky State Police trooper talks to a teen about all-terrain vehicle safety. Children under the age of 16 are required by law to wear helmets and protective gear when riding ATVs. Officers can write citations to the parents of under-age ATV users who are not in compliance with the law.

When Lanham or other troopers encounter someone under the age of 16 who is unsupervised and not wearing a helmet or other protective gear, they write tickets to the parents, keeping the parents accountable for the safety and well-being of their child.

“That has been one way to make the parents more responsible is to hit them in their pocket-book, because the fines are pretty steep,” Lanham said.

However, Lanham doesn’t always write a citation on a first-time offense. Instead he uses the incident as a mechanism to educate parents on what the law is regarding children under 16 and the proper protective equipment, giving them the opportunity to make necessary changes in their child’s riding habits. If he finds the same child committing the same offenses at a future date, then he writes a citation to the parents.

Kentucky’s ATV laws, laid out in KRS 189.515, stipulate that ATVs are not to be operated on

- public highways or roadways
  - private property without the consent of the landowner
  - public property without the consent of the governmental agency responsible for the property
- and that an ATV rider must
- ride with a helmet if under 16 years of age
  - ride under direct parental supervision
  - not ride an ATV with an engine size of 70 cubic centimeters displacement if under 12 years of age.

Though injuries and fatalities are a huge issue with ATV use in Kentucky, those are not the only problems law enforcement faces involving four-wheelers. Issues such as trespassing, criminal mischief, destruction of property and even DUIs pose challenges to law enforcement as well.

As stated in laws regarding ATV use, riders cannot operate four-wheelers on private property without the land owner’s permission, so trespassing becomes a very time-consuming offense for law enforcement. In addition to trespassing, individuals on ATVs can often cause property damage by knocking over fences, which may let livestock inside the fences loose,

and rutting out property causing serious erosion issues.

“For us, the ATV just happens to be the means that they’re doing whatever it is wrong,” Waite said. “If they’re poaching, they’re doing it on an ATV, if they’re trying to put out bait for wildlife, they’re doing it on an ATV. Every once in a while they’ve been known to grow some recreational agriculture off of an ATV.”

Unfortunately, because of the maneuverability of ATVs, often law enforcement officers cannot catch riders if they choose to leave the scene because their cruisers are not able to negotiate the rough terrain where most ATV activity occurs.

“We’d like to catch that person, but we don’t want to put anybody else at danger or destroy our equipment in the process,” Lanham said.

KDFWR officers have an advantage in this category because many of them drive trucks and SUVs instead of cruisers and the four-wheel drive capability allows them a little more off-road movement. However, even these vehicles cannot go everywhere an ATV can go.

For this reason, all KDFWR officers either have assigned to them or have access to an ATV in their area. They use them for various law enforcement activities such as checking deer hunters during deer-hunting season and looking for turkey-bait sites.

“It’s a lot easier to go out to the edge of an area and unload and just use an [ATV] instead of using a pickup truck where you have to drive down a forest service road and then back out, but on a four-wheeler you can just hit the trails and keep on going,” Waite said.

Likewise, KSP troopers use ATVs throughout the summer on marijuana eradication details in conjunction with the Kentucky National Guard. Anyone involved in those details has to go through the ATV-safety course offered by the KDA, Lanham said.

The increasing use of ATVs in Kentucky has played a major role in the service required of Kentucky’s law enforcement officers. Whether it’s fighting the rising number of injuries and fatalities associated with ATV use, combating other criminal mischief or using them for their own gain to get one step ahead of perpetrators, four-wheelers have definitely added a new dimension to the field of law enforcement. J

“You do have to treat [an ATV] with respect just like you would a motorcycle or a car, because you can get hurt pretty quickly on it.”



# SUMMER TIME FUN

Shawn M. Herron

As George Gershwin, said, in Porgy and Bess, it is “summertime, and the living is easy.” But officers in the commonwealth know that summertime brings with it its own unique issues, in particular in respect to recreational vehicles and watercraft, such as motorcycles, boats, personal watercraft, bicycles and all-terrain vehicles. Each of these vehicles has a special body of law all its own, and in some cases, the laws are enforced by a particular law enforcement agency.

## Boats and Personal Watercraft

The Kentucky Department of Fish and Wildlife Resources is the primary agency in the enforcement of fishing, hunting and boating laws. However, as Col. Robert Milligan, director of the Law Enforcement Division, noted, there are certain offenses that general jurisdiction officers, such as city and county police, sheriffs

and deputy sheriffs, might be called upon to enforce, and with which they should be familiar. Kentucky is rich with navigable waterways, including creeks, streams, rivers and lakes, and during the summer, many citizens of Kentucky, along with visitors, take full advantage of the pleasures of being on the water.

In particular, Kentucky law requires that boaters (including those on personal watercraft) and water skiers ride in a manner that is not reckless or negligent and that they not be impaired by alcohol or other drugs. (KRS 235.240) All boats must have a sufficient number of personal flotation devices (PFDs) on board, must have an operable fire extinguisher and must have lights as needed based upon the visibility. Children 12 or under must actually wear an approved PFD at any time they are on an open deck of a boat. (KRS 325.203) There is, however, an exception for children traveling on a commercial vessel. It is also prohibited for anyone to ride on the bow (the front) or the

stern (the rear) of a boat while it is underway.

With respect to personal watercraft, Kentucky law requires that operators and passengers wear approved PFDs and further details the types of behavior that is considered unlawful while riding on personal watercraft. This behavior includes, but is not limited to weaving through congested watercraft traffic in a dangerous manner, jumping the wake of other watercraft in a dangerous manner and crossing between a boat and a person being towed. (KRS 235.285) In particular, it is unlawful to operate a personal watercraft on “public waters at any time between sunset and the following sunrise.” (KRS 235.285 (5)) Children under the age of 12 are prohibited from operating personal watercraft – or motorboats – with engines over 10 horsepower, and children between the ages of 12 and 17 shall not operate such watercraft unless they have, in their possession, a “safe boating certificate” or are accompanied by a person over the age of >>

>> 18 with such a certificate. Most offenses under KRS 235 are violations, and carry fines in various amounts. In addition, the Court may order those who do not have a safe boating certificate to successfully complete that course and obtain such certificates.

Milligan encourages “officers from other departments to take the opportunity to partner with our officers either on land or water.” He believes this type interaction will foster a greater understanding of the job duties of a Kentucky conservation officer.

### Bicycles

Bicycles are becoming more and more a source of transportation, as well as recreation, for both children and adults. Kentucky defers control of bicycles to the Transportation Cabinet, which was tasked with creating appropriate regulations. (KRS 189.287) To that end, the Transportation Cabinet created regulations (601 KAR 14:020) requiring bicycles being operated on the public highways meet certain standards. Bicycles operated during the hours between sunset and sunrise, or times of low visibility, as defined in KRS 189.030, must have a front light. All bicycles must have rear reflectors, and if operated at times when a front light is required, must also have a red light at the rear. Bicycles are required to have a horn or bell, must have adequate brakes, and may carry only the number of passengers, if any, for which the bicycle is designed. Bicyclists may only carry a package that

permits them to have at least one hand on the handle bars, and cannot attach themselves, or the bicycle, to any other vehicle.

Finally, bicycles must follow the same laws, such as stopping appropriately at stop signs or for stop lights, as motor vehicles, except that bicyclists are permitted to ride on the shoulder of the road. Hand signals should be used when riding in traffic. No more than two bicycles may be operated abreast (side-by-side) in a single highway lane, and if bicycle-only lanes are available, bicyclists are to use those lanes whenever feasible. Bicyclists who violate a law that applies to motor vehicles are subject to the same penalty. For purposes of DUI, however, bicycles are considered to be a “vehicle not a motor vehicle” – and it is unlawful to operate such vehicles while under the influence of alcoholic/intoxicating beverages or other impairing substances. (The per se limit for such vehicles is also .08.) Bicycle offenses are violations.

### All-Terrain Vehicles

According to Kentucky State Police, Kentucky had 308 ATV crashes in 2007, of which 29 involved fatalities. Of course, those numbers only reflect the crashes that were reported, and many minor crashes are presumably not reported to law enforcement.

All-terrain vehicles are broadly defined under Kentucky law as “any motor vehicle used for recreational off-road use.” (KRS 189.010 (24)) However, the American National Standards Institute considers an ATV to be a vehicle that travels on low pressure

tires, with a seat that is straddled by the operator, and with handlebars for steering. Generally they are intended for a single rider, although it is possible for two persons to ride on some models. Most recreational ATVs in common usage have four wheels (hence the term, four-wheelers) but some models have three.

Kentucky law prohibits riding ATVs on public highways or roadways, and further prohibits the usage of such vehicles on public property, unless the government agency that controls the property has specifically approved their use. Of course, their usage on private property is subject to the approval of the property owner, otherwise, the operator would be subject to Criminal Trespass and possibly Criminal Damage to Property charges. Further, Kentucky law prohibits children under the age of 12 from riding ATVs with engines larger than 70 cc in size, and children between 12 and 16 from riding ATVs with an engine size exceeding 90 cc. All children under the age of 16 are prohibited from riding an ATV without direct parental supervision. All persons under the age of 16 are also required to wear approved protective headgear.

Kentucky law does permit the use of ATVs on public roadways when used for farm or agricultural purposes, construction, road maintenance and snow removal, but when so used, the operator shall possess a valid operator’s license and comply with all appropriate traffic regulations, and shall have at least one headlight and two taillights. With the exception of snow removal or emergency road maintenance, ATVs may only be ridden on the public roadway during daylight hours. All operators may cross the public roadway, as needed, but are required to do so “at as close to a 90 degree angle as is practical and safe, and shall not travel on the highway for more than two-tenths of a mile.”

Finally, all ATV operators are required to wear protective headgear, while riding on public property, unless the operator is engaged in farm/agricultural purposes, mining, logging or other business, commercial or industrial activities. (Presumably, these individuals will all be over the age of 16, as well.)

### Motorcycles and Scooters

Two- or three-wheeled motorcycles are popu-

lar throughout the year, especially with the increase of fuel prices. During the summertime, however, motorcyclists take to the road in droves. Motorcyclists are required to follow most of the same laws as drivers of other vehicles, but the nature of the vehicles places additional obligations on them, as well. Motorcycle operators must have valid operator’s licenses specific to motorcycles, must wear approved eye-protective devices and must have a rear view mirror on the motorcycle. In particular, many motorcycle riders erroneously assume that no operator is required to wear a helmet, but that is not the case. Operators under 21, persons operating on a motorcycle instruction permit and those whose motorcycle license is less than one year old are all required to wear protective headgear, approved under the same regulation that regulates protective eyewear. In addition, the law suggests that all passengers, no matter the age, must wear protective helmets, and is clear that all passengers must ride on a permanent seat and with permanent footrests on the frame. Operators riding on an instruction permit are not permitted to carry passengers.

A relatively new phenomena on Kentucky roads are the miniature motorcycles often called pocket bikes. Although occasionally considered to be the same as mopeds, they do not fit the precise legal definition of such (KRS 189.285(6)) because they lack a step-through frame, although most are manufactured with a less than 50cc engine. The definition of mopeds also requires that the vehicle have a maximum speed of less than 30 miles per hour, but the ability to reach a particular speed will depend upon the size of the rider and might prove very difficult for an officer to judge. Originally all mopeds had bicycle pedals, but Kentucky law no longer makes that a requirement for a vehicle to be classified as a moped, and opens the door for many of the small electric or gas-powered scooters to be regulated as mopeds. One must be 18 to obtain a motorcycle license, but a moped rider is not required to get a motorcycle license; they may ride on a regular motor vehicle license as well. (KRS 189.450(1)) However, all motorized-scooter and moped riders must hold an operator’s license, and as such, it appears that the rider of a pocket bike must also have a motor vehicle operator’s license, but may not be required to have a motorcycle license.

(Officers are strongly recommended to discuss this issue

with their respective county attorneys should they receive complaints of pocket-bike riders.)

### Golf Carts

The 2008 Kentucky Legislature, in Senate Bill 93, addressed the specific issue of the use of golf carts on public roadways. As passed, local governments may designate roadways for the use of golf carts, and such carts must be inspected and display an appropriate permit, issued by the local government, and must have appropriate insurance. Further, the operator must have a valid operator’s license in their possession. To the extent possible for a golf cart, the operator must obey all relevant traffic regulations, such as obeying traffic control devices and signaling turns.

As a newly passed bill, the law will be assigned a statute number and UOR code prior to the effective date. Prior to that time, however, officers who expect to see golf carts being driven in their jurisdiction should discover if that jurisdiction has passed an ordinance designating approved roadways and has developed a permitting system for the golf carts.

### Other Vehicles

But what about non-motorized items such as skateboards, foot-operated scooters and roller skates, including in-line skates? Although Kentucky does not have laws specific to these items, anyone riding these vehicles are subject to prosecution under, for example, Assault or Wanton Endangerment, if they are being ridden in a dangerous manner, either on the roadway, the sidewalk or any other location. In addition, jurisdictions may have ordinances covering the use of such items.

### Driving/Operating Under the Influence

Driving under the influence of alcoholic beverages or other intoxicating substances is a separate and specific issue. Boating under the influ-

ence is a specific and separate charge (KRS 235.240), although the elements of the offense are identical to those listed under the motor vehicle DUI statute, KRS 189A.010. This statute applies both to boats and personal watercraft. All-terrain vehicles, motorcycles, scooters and golf carts, all of which meet the definition of motor vehicles, and as such, riders/operators may be charged under KRS 189A.010. Bicyclists and foot-powered scooters, and even, arguably, skateboarders and roller skaters, along with horseback riders and drivers of horse-drawn carriages or wagons, are charged under KRS 189.520, as they do not fit the definition of a motor vehicle because they are powered solely by muscle power. Electric scooters, which look like skateboards with an upright handlebar and which may or may not have a seat, do not clearly fit into any category, and although they do have a motor, their maximum speed is less than 20 mph. (Some states have special categories for these scooters, and consider them to be electric bicycles, but Kentucky has not yet created a specific special licensing category for these vehicles.)

The coming of the summer months will put greater demands on law enforcement to help ensure the safety of the public. The efforts of officers and deputies will help keep summer a time of easy living, fun and happy memories for citizens and visitors alike. J



# Does Anonymity Matter?

/Hon. Moriah Lloyd Greer, Asst. Commonwealth's Attorney for the 25th Judicial Circuit

Anonymity, in a world where new technological advances are introduced each day, is becoming more and more difficult to achieve. A phone call or e-mail can be traced with little effort. Law enforcement agencies can use these advances to their benefit. An officer must determine on a daily basis whether or not an acceptable level of reasonable suspicion exists for an investigatory stop and the issue of "truly anonymous" information can be a crucial one. Technology can be used to help law enforcement reinforce the reliability of information coming from a tipster. Several cases in the last few years have offered some guidance with regard to whether a tip is truly anonymous and whether or not reasonable suspicion exists to initiate a stop of a person. These cases can assist an officer in determining whether his facts warrant reasonable suspicion and a valid investigatory stop.

In *Commonwealth v. Kelly*, 180 S.W.3d. 474 (Ky. 2005), the Kentucky Supreme Court examined a case with identifiable informants.

The police officer in that case initiated a stop of a vehicle with only information regarding a possible drunk driver and a vehicle description. The callers had identified themselves to dispatch as employees of Waffle House but no further identifying information was given. When the officer arrived, two women wearing Waffle House uniforms were outside pointing to the car identified by dispatch. The Court found that, although the officer was never given their names, the tipsters were identifiable based on the totality of the circumstances. As a result, the tip benefited from a greater presumption of reliability. Based on his observations, the officer also was able to corroborate the tip. The Court stated that the subjective intentions of an officer are irrelevant in a determination of the reasonableness of a stop.

Since the *Kelly* case, both the Kentucky Supreme Court and lower courts have written opinions attempting to differentiate between truly anonymous informants and possibly identifiable informants. The Courts have also made it clear that the standard for evaluating whether

reasonable suspicion exists is to examine the totality of the circumstances. Whether a tip was truly anonymous or not is just one factor in the equation.

In *Hampton v. Commonwealth*, 231 S.W. 740 (Ky. 2006), information was given to a police officer in person although the officer did not know the man's name or any of his identifying information. The tipster was a familiar face in the neighborhood and had provided information about illegal activity on several prior occasions. The Court held that a tipster who has face-to-face contact with the police may result in a finding of reasonable suspicion without any further investigation.

The courts have also addressed the issue of a tip called into dispatch. Information given to the dispatcher was not relayed in its entirety to the officers. The dispatcher did not inform the officers of the name of the caller although the caller did offer his name during the initial call. This type of information is not anonymous. *Tucker v. Commonwealth*,

199 S.W.3d 754 (Ky. App. 2006).

There are also several unreported cases relevant to determining whether reasonable suspicion existed to initiate a stop of an individual. Although the cases cannot be cited as precedent, they offer guidance to police officers none the less. If the caller gives some identifying information, such as a place of employment, the informant could be identified and as such, the tip is regarded with more reliability, *Howe v. Commonwealth*, 2007 WL 625276 (Ky. App. 2007).

However, in *Commonwealth v. Telle*, 2007 WL 3317540 (Ky App. 2007), the Court was faced with a situation where the caller gave only the location from which she was making the call – a hospital. She gave some information as to a possible drunk driver but no information as to herself. The Court found this tip to be anonymous because there was no way to identify the caller, as an employee, patient or visitor. These two cases demonstrate the need for dispatchers and/or police officers to attempt to garner some personal information from the tipster. The courts value information that could lead to the identity of the informant although a name is clearly not required for a tip to be considered credible. Enough information to possibly identify the tipster is crucial if the tip is the sole basis of the investigative stop.

Most recently, the Supreme Court has addressed this issue in two cases, *Commonwealth v. Morgan*, 2008 WL 199714 (Ky. 2008) and *Henson v. Commonwealth*, 2008 WL 465360 (Ky. 2008). Neither case has been finalized but both cases involve arrests, in part, as a result of completely anonymous tips. In *Henson*, the Court found that the anonymous tip was not corroborated and in fact, some of the information offered to the police was not what the officers observed. In *Morgan*, although the tip was anonymous, the officer was familiar with the target of the tip and was able to verify enough of the information prior to making an investigatory stop. The officer also made independent observations raising his suspicions as to the defendants' activities. The Court held, in *Morgan*, that based on the totality of the circumstances the officer had reasonable suspicion to initiate a traffic stop.

Each arrest consists of a unique set of circumstances. These cases offer guidance as to what considerations an officer should make prior to an investigatory stop based on reasonable suspicion. The importance of an officer being able to articulate all of the circumstances leading up to an investigatory stop can not be understated. Technological advances such as caller ID, tracing of e-mail addresses and recording of phone calls can assist an officer in establishing an identifiable informant and, as a result, a more reliable tip. Also, it is critical that call-takers and dispatchers obtain as much information as possible from tipsters even if they do not want to give their actual names. The entirety of the information does not have to be passed along to an officer, but the fact that dispatch has obtained information to assist in identifying the caller will bolster the credibility of the tip. The courts look at the totality of the circumstances and an anonymous tip may be the primary basis for a stop so long as the officer makes independent investigation or is able to determine through dispatch that the tipster provided some type of identifying information. J

# NEW LAWS

## AFFECTING LAW ENFORCEMENT

/Steve Lynn, DOCJT Assistant General Counsel

The 2008 Regular Session of the Kentucky General Assembly adjourned sine die on April 15. The following bills of interest to law enforcement were passed during the session. At the time this article went to press, statute numbers had not yet been assigned by the Legislative Research Commission. Unless otherwise noted, all of the following bills will become effective on July 15, 2008.

### Senate Bill 13 — Closed Circuit Testimony of Child Victims

This bill expands the offenses for which trial testimony may be taken by closed circuit video from child victims to include violent offenses.

### Senate Bill 46 — Victim Impact Testimony

Senate Bill 46 amended KRS 421.500 and 532.055 to allow victim impact testimony from more than one family member of a deceased crime victim in the penalty phase of a criminal trial.

### Senate Bill 47 — Supplemental Health Insurance

Senate Bill 47 amends KRS 95.624 to allow retired police and firefighters of cities of the third class and their spouses to be provided supplemental health insurance if they are receiving Medicare benefits or are eligible to receive Medicare benefits as long as providing that insurance does not jeopardize the payment of obligations of the retirement fund of the city.

### Senate Bill 151 — Sex Abuse Victims' Polygraph Bill

This bill was passed in response to conditions imposed by the federal government on the receipt of grant funding for state programs for sex abuse victims. Under the provisions of Senate Bill 151, a police officer, constable, sheriff, deputy sheriff, Kentucky state police officer, county attorney, or commonwealth's attorney cannot request or require the victim of an alleged sexual offense to submit to a polygraph examination as a condition of proceeding with an investigation or prosecution of a case. Further, none of the officers or prosecutors listed above may threaten an alleged victim with prosecution for failure to submit to a polygraph examination.

### Senate Bill 159 — Quarantine Exception for K-9 Service Animals

This bill exempts properly vaccinated service animals under the control of a law enforcement agency and acting in the line of duty from being quarantined by an animal control officer for a 10-day period for biting a person.

### House Bill 106 — Scrap Metal Dealers

This bill was filed in response to the increasing thefts of copper and similar valuable metals to scrap metal dealers. Scrap metal dealers are now required to keep a register of every person from whom they make a purchase. The registry is to include a copy of a driver's license or photo identification card, license number of seller's vehicle, time and date of the transaction, description of the usage of the metal, and the amount paid. Upon request, the scrap metal dealer must permit any peace officer to inspect the registry and upon written request provide an electronic report to the sheriff or chief of police. The bill further creates the offenses of "Failure to maintain a registry of metals and objects containing metal," "Unlawful acts relating to purchase and disposition of metals," and "Providing fraudulent identification for the sale of metals."

### House Bill 168 — Operator's licenses of returning military personnel

House Bill 168 amends KRS 186.412 to clarify that a member of the military returning to the commonwealth from out-of-state duty, whose operator's license has expired while away, shall not be cited or convicted for driving on an expired license within 90 days of return to the state if the person can provide proof of out-of-state service and dates of assignment.

### House Bill 202 — Alcohol-vaporizing devices

This bill creates a new statute banning the sale, purchase or use of an alcohol-vaporizing device except by certain individuals and institutions and provides penalties for violation.

### House Bill 211 — Sex crimes

House Bill 211 amends KRS 510.110, relating to sexual abuse in the first degree, to prohibit any person over the age of 21 from subject-

ing a minor under the age of 16 to sexual contact or engaging in masturbation in the minor's presence, and to prohibit a person in a position of authority or special trust from engaging in the same prohibited acts with a minor under the age of 18. The bill further amends KRS 510.120, relating to sexual abuse in the second degree, to prohibit any person who is 18 to 20 years old from subjecting another person who is less than 16 to sexual contact and create a defense when the accused and the other person are close in age and the sexual contact was otherwise consensual. The bill also amends KRS 620.030 to increase penalties for intentionally failing to report that a child is dependent, neglected or abused and amends KRS 500.050 to increase the criminal statute of limitations for misdemeanor sexual offenses when the victim is under the age of 18.

### House Bill 324 - Appointment of deputy coroners

This bill amends KRS 64.185 to allow coroners to appoint additional deputy coroners with the approval of the local legislative body of the county.

### House Bill 639 - Sale of confiscated weapons and purchase of Tasers

House Bill 639 directs the Kentucky State Police to sell confiscated firearms at auction and transfer proceeds to the Kentucky Office of Homeland Security. The KOHS is authorized to grant money to city, county, charter county, unified local government, urban-county government, and consolidated local government police departments, university safety and security departments, and sheriff's departments for the purpose of purchasing body armor, firearms or electronic control devices.

### House Bill 683 - DNA collection of felons

House Bill 683 mandates that any person who is convicted of a felony offense, adjudicated a public offender for committing a felony, or who is in the custody of the Department of Corrections, the Depart-

ment of Juvenile Justice, or a local or county jail for any felony offense, or is a registered sex offender shall have a DNA sample collected by authorized personnel. The bill further creates a criminal offense for any registered sex offender that knowingly refuses to provide a DNA sample. This bill was passed with an emergency clause and will take effect on July 1, 2008.

### House Bill 696 - Online Traffic Accident Reports

House Bill 696 amends KRS 189.635 to clarify that accident reports are not public records and allows a limited exemption to the prohibition on commercial distribution of accident reports to allow sharing with entities that collect vehicle accident data to give consumers a means of determining a vehicle's accident history. The bill further allows the Kentucky State Police to contract with an entity to provide electronic access to accident reports. Additionally, the bill provides that a copy of an accident report shall be available without subpoena to any party to litigation.

### House Bill 765 - Methamphetamine Lab Cleanup

House Bill 765 addresses the problems that many communities and individuals face in dealing with methamphetamine contaminated properties. This bill amends KRS 224.01-410 to permit the Environmental and Public Protection Cabinet to establish a tiered response system for methamphetamine-contaminated properties. The bill further requires local health departments to conduct the initial sampling of an inhabitable property site and request that a local or state law enforcement agency post a notice of quarantine on inhabitable properties. All contaminated properties must meet a Tier 1 cleanup response and property owners shall certify cleanup to the cabinet. Additionally, any owner of a contaminated property is required to disclose contamination prior to leasing, renting or selling property. The bill further creates criminal penalties for removing a methamphetamine contamination notice or leasing, renting or selling a contaminated property without written notice of the contamination. J

## THE LEGAL TRAINING SECTION

regularly adds material to the Department of Criminal Justice Training's Web site, including case law summaries and new, statutory law. See [www.docjt.ky.gov/legal/](http://www.docjt.ky.gov/legal/) for details. In addition, should your agency have a question with which we might be able to assist, please feel free to call us at (859) 622-3801 or e-mail [docjt.legal@ky.gov](mailto:docjt.legal@ky.gov).

# 'Triangle of Death', Death Is the Threat Real?

## Force Science News

**T**he rumor bouncing around various law enforcement listservs piqued Cmdr. Michael Richards' curiosity.

Street gangs in California, the story went, were training members to shoot cops at night by aiming for the highly visible patch of white T-shirt exposed above the top of many officers' vests; "The Triangle of Death," posters to the listservs called it.

Whether the rumor was fact or fiction, Richards wondered just how dangerous this so-called Triangle of Death was for officers?

He set up a little experiment that he said shocked him.

On the indoor range of his department, Mundelein (Illinois) Police Department, an agency of 50 sworn in a suburb northwest of Chicago, he positioned a 6-foot mannequin target, buttoned a blue uniform shirt on it, and slipped a sheet of white, legal-sized paper behind the shirt so that just enough was exposed at the top to simulate a bit of T-shirt.

He then dimmed the lighting to resemble "what you'd find in an older residential neighborhood, with some streetlamps and a lot of heavy trees," he told Force Science News. "You could make out the target, but you had to strain to really see what was going on." In other words, a lot like normal nighttime patrol condi-

tions in many areas. From the control booth, Richards said, "the contrast between the patch of white paper and the dark shirt was really obvious."

One at a time, he brought in a series of randomly selected officers he knew, as the department's rangemaster, to be average shooters. "They typically qualify with low numbers, don't necessarily like to shoot and go to the range only because they have to," he explained. "I figured they'd be like the typical suspect who gets into a shooting with an officer – not overly proficient with a handgun. I didn't want any of the top shooters involved."

Explaining only that this was a "quick course in low-light shooting" so as not to tip off the true point of the test, Richards led each officer to a spot about 10 feet in front of the target. He told each to draw the weapon at the sound of a timer buzzer, step to the left or to the right, come up on target, fire three rounds as fast as possible, then scan the area. By incorporating movement, scanning and time pressure, he wanted to distract them from thinking too much about the target.

Each officer fired a total of 18 rounds (six sets of three shots apiece), using his duty pistol (either a .40-cal. Glock or a Sig). After an officer finished, the "T-shirt" was changed before the next test subject was brought in.

"The shot placement was shocking" when he analyzed the results, Richards said. "On our department we train to shoot center mass, usually using flat, two-dimensional targets on a fully lit range. In training, our shots consistently tend to go to the center. If officers are shooting at high speed, their rounds may drop down toward the stomach, but they don't often go higher."

In his low-light experiment, by contrast, more than 80 percent of the shots across all the officers and all sets of fire hit in or immediately around the Triangle of Death simulated by the peek of white paper. In other words, Richards concluded, in low light they overrode their training and focused their shots on what was most vividly visible. All the officers confirmed in a post-shooting debrief that the patch of white had drawn their aim.

"Absolutely right," said Dr. Bill Lewinski, executive director of the Force Science Research Center at Minnesota State University-Mankato. Although Richards' sample was limited (only six officers) and his methods admittedly not scientifically pristine, the thrust of his experiment and his thinking are right on track, Lewinski maintains.

"Our research on attention shows that when people are trying to understand what is happening in a stressful, uncertain situation, they scan the scene quickly and grasp little bits of available information," he explained. "This process is automatic, almost instinctive. For the most part, their attention is attracted to something first and then shortly after that they recognize why it caught their attention."

This was verified in one Force Science study in which officers were thrust into a rapidly evolving, very complex and dynamic situation. Their immediate response was to scan the scene in an effort to understand it. In doing so, they reported picking up noticeable elements of each person they scanned. Something about that person attracted their attention to a particular body part, article of clothing or motion.

"The same phenomenon is at work with the Triangle of Death under low-light conditions, Lewinski said. "The brightest part of the officer's body is automatically drawing the attention and the gunfire of subjects intent on attacking."

Firearms expert Ron Avery, a technical advisor to the FSRC, notices the same low-light aiming tendency that Richards documented when he's training officers from a wide variety of agencies through his Practical Shooting Academy.

As he put it: "People shoot at what they can see, what they can focus on, not at what you train them. In low-light conditions, movement, shine, contrast and outline (silhouette) all become target indicators to a potential attacker. Shooters tend impulsively to take the target of opportunity, and when time is not working in their favor the target of opportunity is whatever is most noticeable."

The problem is by no means limited just to >>

>> white T-shirts under a dark uniform, Avery emphasizes. “Light-colored shoulder patches, shiny badges, bright metal on hats, an activated flashlight – anything that creates a contrast can be dangerous. In semi-darkness like ambient moonlight, even sweat on your face and hands can be reflective.”

For safety, he said, “you want to minimize yourself as a target. This includes keeping your clothing low-contrast, staying in shadows as much as possible at night when you’re moving or pausing to observe, and being aware of your background environment.”

firearms instructors do so, as a show of leadership by example. Most patrol officers have followed suit. A few officers still wear white, unmindful of what Avery calls a no-brainer.

Our thanks to Jeff Chudwin, chief of the Olympia Fields (Illinois) PD and master of an outstanding law enforcement listserv, for tipping us to Cmdr. Richards’ experiment.

“ ... don’t equate looking professional with wearing a crisp white T-shirt under your uniform .... Dress for your mission; that’s the dress code for the modern officer. ”

So, far as the Triangle of Death is concerned, “don’t equate looking professional with wearing a crisp white T-shirt under your uniform,” Avery cautioned. “Dress for your mission: that’s the dress code for the modern officer.”

Cmdr. Richards now urges all his officers to wear dark T-shirts on duty. He and all the department’s

▼ Most firing ranges have targets like the ones below that don’t draw attention to any particular part of the target’s body area, such as the triangle of death area addressed in Richard’s scenarios.



## STRANGE STORIES FROM THE BEAT



**N**ot-so Funny Money: A man was arrested during a traffic stop for driving with a suspended license after he made an illegal left turn. He attempted to post his bail with counterfeit money. He went back into jail, this time on a felony charge. –Associated Press ■ **Gas Prices affecting teenager’s budget:** A teenager was caught stealing gas from a cop car. Police were on a stakeout in a Michigan neighborhood when one of the officers caught the teen trying to steal gas from his unmarked car. The officer was still inside the car when the suspect tried to siphon the gas. His justification? His tax dollars paid for the car and the gas that was put into it. Technically it’s not stealing because he’s just taking something he’s already paid for. –Associated Press ■ **Vidiot:** A man called a friend to brag about a video game win but he called the wrong number and ended up getting nabbed by the cops. He called his friend and immediately said, “I’ve killed them all.” The problem is he called the wrong number. The woman he called had caller ID so she called the police and the cops went to his house. They also found out he had a warrant for cocaine possession. –The News Star ■ **I’ll be back and so will the police:** Two men were arrested for robbing a gas station because they warned the cashier they would come by later to rob the place. The cashier called police. They also attempted to rob the cashier with a BB gun.

If you have any funny, interesting or strange stories from the beat, please send them to [elizabeth.thomas@ky.gov](mailto:elizabeth.thomas@ky.gov)



# PREPARE

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DEPARTMENT FOR PUBLIC HEALTH

DEPARTMENT OF MILITARY AFFAIRS



**KENTUCKY**

## LAW ENFORCEMENT

Department of Criminal Justice Training  
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