To Iraq and Back
Ludlow Police Chief Wayne Turner was instrumental in building one of the first regional police academies in war-torn Iraq.

Justice For All
Profiling Charles Geveden, deputy secretary of the Justice and Public Safety Cabinet. Following family footsteps, Geveden has lived a life of public service and leadership.

A Growing Need
The Kentucky Law Enforcement Memorial Foundation provides support to police, their families and police survivors through financial assistance, with an ever-growing need to aid more families.
Justice Cabinet Merger Will Benefit Law Enforcement

O n July 14, 2008, Gov. Beshear signed an Executive Order moving Kentucky Vehicle Enforcement to a newly created division of Kentucky State Police. The reorganization, which will allow KVE to focus on its unique, core mission - commercial and vehicle enforcement, - combines law enforcement resources and creates cost-saving efficiencies, is an obvious merger of two outstanding agencies with sometimes overlapping and similar missions. Moreover, the placement of the KVE function and officers under the umbrella of KSP will only serve to give KVE a permanent home within the law enforcement family.

The restructuring brings many advantages.

It will make our highways safer. It will strengthen how we protect our citizens - the whole nation, really - against terrorists. It will save money. It will increase state revenues. And it will have side benefits, such as lessening the wear and tear on roads from overweight trucks.

I will expand on those benefits below, but first let me offer reassurances.

Under the new division, KVE personnel will maintain their identity as the primary agents of driver and vehicle compliance and safety. The distinctiveness of the insignia, uniforms, markings, and line origination of KVE will remain intact. The primary mission of KVE will remain as stated in the KRS. KVE officers will not be required to become “troopers.”

Nor will the mission of the state police be diluted in any way. We're well aware we have high-quality and valuable personnel in both KVE and KSP, and we will not jeopardize their work.

KVE performs a vital and unique mission for the commonwealth - patrolling of commercial vehicles. The specialized training and enforcement capabilities provide an indispensable line of defense at our borders and on our roadways.

Since 911, the development of KVE into a publicly recognized branch of law enforcement has been steady and irreversible. Rigorous and focused commercial and vehicle enforcement is absolutely critical to the safety of our highways, the security of our homeland and the maintenance of our roads.

The heavy commercial traffic which flows through our state brings with it the added burden of ensuring that that traffic operates safely, legally, and without threat to the communities through which it passes.

This was not a hastily made decision, nor was it made primarily for budgetary reasons. Since accepting this appointment in December, I've looked at ways to streamline operations and ensure our agencies run as efficiently as possible. The natural complementary functions of the two agencies made it an obvious place to consider a merger, and the recent retirement of Commissioner Greg Howard and several other top level officers created opportunities to envision a department that combines the talents and resources of both.

Far from being a takeover of one agency by another, it's a move that strengthens and institutionalizes the core functions of each. By folding KVE into our state police department, we're able to eliminate a layer of bureaucracy and allow KVE to focus on vehicle and driver safety, and enforce compliance of vehicles operating in commerce.

The reorganization will allow the new division to expand hours of operation at weigh stations, in some cases doubling or tripling the hours these crucial checkpoints are open. Longer hours will increase the inspection and records checks of hazardous cargo, expand the use of radiological and nuclear material, and increase contact with operators and drivers.

While enhanced public safety is the key reason for the merger, the reorganization is expected to save $750,000 to $1 million annually through efficiencies, by eliminating positions which are or will soon be open through recent retirements, reducing fuel costs, eliminating overhead costs of duplicative operations and programs, and centralizing offices and facilities.

In addition, the increased operation of weigh stations is expected to bring in higher revenue, such as tax compliance, licensing, as well as permits, fines, and fees.

Commissioner Rodney Brewer will be convening joint teams from both KVE and KSP to review the interface of the two organizations. He already has met with the command staffs, and the “re-engineering” teams are in progress under the supervision of Lt. Leslie Gannon.

I am personally asking for your cooperation in this important transition period. I truly believe that this action is in the best interest of KVE, KSP, and the citizens of the Commonwealth of Kentucky.

Generating Leaders for the Future

T he public - and even many law enforcement officers - may be surprised at the consistent results drawn from several recent research studies that focus on how officers’ time is consumed. Those research results, the experts tell us, reveal that approximately 8 percent of police time is spent actually enforcing the law, the other 92 percent of the time involves routine details that are not crime related.

Any realistic discussion of police work must be based on the reality that no one group of police, police executives, criminalologists, elected officials or even the courts can define precisely the exact function of police in their communities. If we can’t agree on what police should do then it is very difficult to agree on how to do it. Furthermore, if we cannot really agree on what police are supposed to do all the time, how can their actions be properly evaluated?

The idea that police are primarily crime fighters doesn’t really hold as much water as it did in the past. Police seldomly influence the root causes of crime, poverty, a failing education system, deteriorating family structures, a shaky economy, substantial housing, despair, hatred and many other issues that affect crime and crime rates.

Police are certainly law enforcers and if only 8 percent of their time is spent on law enforcement, it is amazing that prisons are packed or exceeding capacity in most states. What would today’s prisons look like if police spent 50 percent of their time on law enforcement?

Obviously, much of the traditional role of law enforcement has, by necessity, changed. Perhaps today police are more apt to be considered order maintenance executives who must view themselves and their work, from a much broader perspective. Police today is service oriented with a range of services extending from answering calls for action, maintaining order and making their presence known, and of course, community policing. Community policing has broadened the role police in community life, extending responsibilities from various forms of traffic control to homeland security assessments, escort details, ceremonial duties, bailiff duties and official on-duty participation in community events and activities.

Political and social realities have changed for policing more in the past couple of decades than in any other time in history. Indeed, nothing influences policing more than political and social realities, the very core of a free society. Freedom is a complex concept and policing it requires fluid adaptation and a broader view of how the community, an individual’s rights and law enforcement must seamlessly dovetail for the good of all.

While many steadfastly agree that police are primarily law enforcers who must be stable in their individual commitment to support and maintain freedom, balancing those concepts will always be a difficult task.

The weight of the responsibility in assuring the law enforcement community remains fluid and capable of adapting to the ever-evolving police role rests exclusively with law enforcement executives. These executives – typically at the level of chief, director, assistant chief, major, and captains – represent the best educated, trained, seasoned and experienced administrators who lead the thousands of police departments across the country.

These are the people who through example, leadership and behavior, must consistently rev their responsibilities as their primary responsibility continually change. Courts will continue to universally influence policing. Training will continue to influence training. What is right, what is safe, what is ed- ucated and reliable leadership, those influences create instability instead of well-thought-out integration of change.

Across the nation we see police departments being asked to do more with less. We watch police assign functions to policing that are not suitable and then leave departures underfunded as more services are called for from the shrinking ranks of trained officers. Recruitment burgeons into an unconquerable mountain and retention grows into a consistent problem. Fuel costs eat into operating budgets, leaving less funding for other essential services. Hot topic issues such as drugs, Internet fraud, missing and exploited children, gangs, violence, immigration, hate crimes, homeland security and other contemporary challenges now drive modern policing. Obviously, today’s issues and today’s police leaders cannot effectively manage or lead with yesterday’s methods. Even the most effective of police executives fail when they attempt to manage only yesterday’s tools.

As with everything else in government, business and private life, successful law enforcement comes down to a question of leadership. As all levels of government officials vie for attention to their unique and individual problems, scramble for budgetary relief, debate their mission and struggle to promote their agenda to the public and elected officials, police and their essential services no longer automatically bubble up to the top of the heap.

Today, more than just leadership is required from executives within police organizations. Now and well into the future, statesmanship is required to redefine and lead the change in charging police priorities. Individuals with proven skills in the effective management of public affairs related to the world of law enforcement and public safety will be needed to effectively lead our march into the future. Will you be one of them?

Luckily, Kentucky has more than its share of police executives who may be considered statesmen. Hopefully, they will remain engaged and help bring the rest of the commonwealth’s law enforcement leaders into the new roles they will be required to fill as policing evolves and budgets become tighter and lighter.
Kentucky Vehicle Enforcement presented awards for excellent achievement and service at its annual awards ceremony June 3. The highest award, the 2007 Jason Cammack O’Ficer of the Year Award was presented to O’Ficer Anthony Beresgia. The award is in honor of Jason Cammack, the first and only KVE officer killed in the line of duty.

“In my 16 years of law enforcement service it was the greatest honor I have received,” Beresgia said. “I feel like that’s the greatest honor an officer can receive on the road.”

The awards ceremony came to an end with Commissioner Greg Howard’s announcement of his retirement from KVE.

“I want you to continue to pursue the same excellence that you are working toward now and you’ve been working towards all along,” don’t let this overshadow it,” he said.

“Have taken us from a great department to an outstanding department,” officer Phillip Frazer said. “He has made a lasting mark on the department.”

Commissioner Rodney Brewer of the Kentucky State Police, was stunned by Howard’s announcement.

“I was surprised and honestly a little disappointed both professionally and personally” Brewer said. “He has accomplished a lot.”

In reference to the retirement announcement, Officer Charles Tinsley, recipient of the Mentorius Service Award, mentioned it was “shocking.”

“He has been good not only to me but my family” he said. “He never forgets my wife or my kids’ names. We’ll miss him.”

Other awards and recipients include: The DVI Award given to O’Ficer Collett, Inspector of the Year Award and Federal Motor Carrier Safety Award for Inspector given to Inspector William Williams. The Drug Enforcement Award (Special Operations) was given to officers Stephen Burks and Randell Hocquisite. The Drug Enforcement Award (Field Operations) was given to O’Ficer Kelly Anderson. The Civilian of the Year Award was given to Amy Dempsey and the Outstanding Citizen Award was presented to Harold Wiggens.

Kentucky Meth Cleanup Law Amended
Establishes new notice requirements, appeal process, site tiering system

People who are considering renting, leasing or buying a residence must now be given written notice by the owner if the property has been contaminated by methamphetamine and has not properly been cleaned up by a certified contractor.

Failure to give potential occupants a written notice will be a Class D felony according to amendments to the current Kentucky meth lab cleanup law that went into effect July 15. Each violation could result in a fine of up to $25,000 and/or imprisonment from one to five years.

House Bill 765, passed during the 2008 regular session of the General Assembly, also set up a four-tier cleanup system based on the level of meth production and the potential contamination. The range is from tier one, a small-scale, short-term meth lab, to tier four, a mass production lab where large amounts of meth were produced and large volumes of wastes were generated.

“Chemicals and equipment used to cook meth in illegal makeshift labs create an immediate danger of explosion and fire and leave waste that poses a threat to the health of future occupants and to the environment,” said Tony Hutton, director of the Division of Waste Management in the Energy and Environment Cabinet.

Based on evidence and observations made at the scene, the Kentucky State Police or other law enforcement will determine if the property is contaminated and make a recommendation regarding the tier level. The recommendation is final unless the certified contractor provides clear justification for the property to be assigned to a different tier.

Other changes in the law will:

• Allow law enforcement to post a meth contamination notice at the request of state or local health departments.
• Removing a notice without authorization will be a Class A misdemeanor, punishable by up to a year in prison and/or a fine up to $500.
• Require establishment by the state Department for Public Health of disclosure requirements for property owners and a process for appealing a posting.


KSP Unveils Retro-Look Cruisers to Kick Off 60th Anniversary

To officially kick off the Kentucky State Police 60th Anniversary activities, 17 limited-edition, retro-look cruisers were recently unveiled at KSP headquarters in Frankfurt.


The Emergency Response Guidebook was developed jointly by the U.S. Department of Transportation, Transport Canada, and the Secretariat of Communications and Transportation of Mexico for use by firefighters, police and other emergency services personnel who may be the first to arrive at the scene of a transportation incident involving a hazardous material. It is primarily a guide to aid first responders in quickly identifying the specific or generic classification of the material(s) involved in the incident and protecting themselves and the general public during this initial response phase of the incident. The EGR is updated every three to four years to accommodate new products and technology. The next version is scheduled for 2012.


Click It or Ticket‘ Turns Up More Than Seat Belt Offenders

Fugitives, drunken drivers and people with stolen vehicles were among those detected and cited in this year’s Click It or Ticket enforcement effort, coordinated by the Kentucky Transportation Cabinet and supported by more than 300 police agencies statewide.

The main objective of Click It or Ticket was enforcement of Kentucky’s seat belt law, and more than 20,580 people were cited for not being buckled up, according to reports from participating law enforcement agencies.

But officers who manned 883 checkpoints throughout the commonwealth also made 1,594 drunken driving arrests, 1,246 felony arrests and 1,581 drug arrests. They recovered 76 stolen vehicles and apprehended 1,312 fugitives. They also cited 13,460 people for speeding and 6,574 people for having no proof of automobile insurance.

“Our goal is to educate the public on the importance of wearing a seat belt and to reduce deaths and injuries among our roadways,” said Boyd Sjol, director of KYTEC’s Highway Safety Programs, whose office coordinates the campaign each year. “It’s interesting, though, to learn what officers encounter when they’re out there doing traffic patrols and check points and how working to reduce crashes also reduces crime activity.

Bob Critwell, KYTC law enforcement liaison, said law enforcement agencies are an important partner in reducing deaths and injuries in Kentucky.

“They care about their jobs, and when they see the numbers of deaths falling, they get excited, knowing that their efforts really do make a difference,” he said.

Despite a wealth of data showing that seat belts save lives – and also despite implementation of a primary seat belt law – Kentucky remains at the bottom nationally in seat belt usage rates, at only 72 percent.
Kentucky Vehicle Enforcement to Become KSP Division

Kentucky Vehicle Enforcement will become a division of the Kentucky State Police under an executive order signed on July 14 by Gov. Steve Beshear, returning KVE to its core mission while allowing the two agencies to combine law enforcement resources and create cost-saving efficiencies.

Under the new division, KVE personnel will maintain their identity as the primary agents of driver and vehicle compliance and safety.

"Rigorous and focused commercial and vehicle enforcement is absolutely critical to the safety of our highways, the security of our homeland and the maintenance of our roads," said Gov. Beshear. "By folding KVE into our state police department, we're able to eliminate a layer of bureaucracy and allow KVE to focus on vehicle and driver safety, and enforce compliance of vehicles operating in commerce."

The reorganization will allow the new division to expand hours of operation at weigh stations, in some cases doubling or tripling the hours these crucial checkpoints are open, Beshear said. Longer hours will increase the inspection and records checks of hazardous cargo, expand the use of radiological and nuclear material and increase contact with operators and drivers.

The move, which comes after former KVE Commissioner Greg Howard announced his retirement June 3, also enhances critical security measures, and the new division is expected to save $150,000 to $1 million annually through efficiencies, by eliminating top-level positions, which are or will soon be open through retirements, reducing fuel costs, eliminating overhead costs of duplicative operations and programs and by centralizing offices and facilities.

In addition, the increased operation of weigh stations is expected to bring in higher revenue, such as tax compliance, licensing and permits, and fines and fees.

Kentucky Begins New Booster Seat Law

Gov. Steve Beshear signed a new child booster seat law that went into effect July 15. The law requires parents in Kentucky to take new measures to protect their children in the car.

Any child under 7 years of age and between 40 and 50 inches tall must now ride in a booster seat. The new requirements are part of KRS 189.125, which set forth guidelines for child safety seats, booster seats and seat belts.

Capt. Tim Lucas, commander of the Kentucky State Police Highway Safety Branch said that the new law will be phased in during the next year, giving courtesy warnings through June 30, 2009 before issuing a $30 fine.

Any person who has not been previously charged with a booster seat violation can have the charge dismissed by providing proof that they have acquired a booster seat for the child, Lucas said.

"More children die from motor vehicle crashes than from any single disease," Lucas said. "More children in the United States are killed or crippled in car crashes than from any other cause of injury. U.S. roads, he said.

In September, KSP Detective Crum will celebrate 20 years of serving with the agency, something he has never seen ending soon.

Crum was 23 and had a back-ground in mechanics and commercial vehicles. 11 years ago, he decided to use his skills to help people that he knows and loves.

"I always admired troopers, and it was a lifelong dream to become one."

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"I always admired troopers, and it was a lifelong dream to become one."

"One of the things I love most about this job is, if I can help someone, it makes me feel good."

"I still enjoy getting up and coming to work today as I did when I first started," Crum said. "The workload gets kind of tough sometimes and so does the job."

"You hope everyday that you do something to make someone’s life a little better," he said. "I guess everyone wants to help people but you can’t do it if you don’t have the skills."

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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.
Following a lifelong dream and the footsteps of generations before him, Charles Geveden has lived the life of public service he always sought. Geveden, named deputy secretary of the Justice and Public Safety Cabinet in December 2007, served 17 years in the General Assembly as a House District 1 representative, as well as practiced law for nearly 40 years and served as the commonwealth’s attorney for the First Judicial District. Geveden holds a bachelor’s degree from Vanderbilt University and a juris Doctorate from the University of Louisville School of Law. He resides in Frankfort with his wife, Patricia.

How has your 17 years experience with the Kentucky General Assembly, combined with your years practicing law in Kentucky, prepared you for your position as deputy secretary for the Justice and Public Safety Cabinet?

I was a member of the General Assembly from December 1987 through the end of 2004, and I represented the first legislative district, which is in far western Kentucky and includes Ballard, Carlisle, Hickman and Fulton counties, and the western part of McCracken County. If you go back even a little further than that, I spent nine years as a commonwealth’s attorney prosecuting in the first judicial circuit from 1972 through 1981.

Then, of course, all that time until I came to work in Frankfort in 2005, I was a practicing attorney. From January 2005 to January 2008, I was executive director of the Office of Criminal Appeals at the Attorney General’s Office. So, having been a prosecutor, a member of the General Assembly and knowing the legislative process, having been involved in criminal prosecutions at the appellate level at the Attorney General’s Office, and my private law practice all fits exceptionally well into a position in the Justice and Public Safety Cabinet.

I served all 17 years in the General Assembly on the judiciary committee, so we received reports and dealt with legislation that affected the Justice and Public Safety Cabinet the entire time I was in office. So, I had a pretty good feel for what the cabinet did because all the legislation dealing with prisons came before us. As a matter of fact, in 1996, I was the sponsor of and worked for about two years on revising the juvenile code. The legislation that I sponsored and worked on for those years created the Department of Juvenile Justice. Before that, all those now served by juvenile justice, the...
We feel if you stop some of the people on the front end from substance abuse then you could keep them out of prison.

What we hope to do with some of the legislation that was passed is to set up substance abuse treatment programs and use home incarceration to reduce the prison population. In 1972, I believe, the prison population was 5,000. As of January of this year, there were 22,000 people incarcerated in Kentucky. The Justice and Public Safety Cabinet is in a position where we do not really have control over the number of people incarcerated. We certainly want to ensure public safety – we do not want to do anything to compromise public safety – but there are many people who are in prison now who could be released sooner, and there are lots of folks in prison who could avoid prison with substance abuse treatment.

The single most critical issue facing the cabinet, in my opinion, is that we have to do something to reduce the number of people we have incarcerated.

The biggest obstacle, right now, would be the budget. That seems to be an obstacle everywhere. It takes money to implement these programs. There are going to be some savings, but that is a long way down the road. We are supposed to implement programs by using funds from home incarceration. But we are hamstringed because while we want to do them, we cannot begin to generate savings without the money upfront to start the programs.

We have people in prison for failure to pay child support. Prosecutors and judges give them multiple opportunities to pay, and prison is a last resort. But still, if the person is in prison, they cannot make any money and cannot earn wages to pay child support. Most likely, the children are going to end up being on some type of public support like welfare or Medicaid. So the state is paying twice. We are paying to house the father and also paying for the children's care. So there are all sorts of things that we can do, but we really need some money to start these programs.

Is savings from home incarceration the only money you will have available for these programs, or is there any money in the upcoming budget to help with their implementation?

Well, we will have to find it some way. The budget says that home incarceration is supposed to be the vehicle. Specifically it says, "If actions resulting from sub-section six, which is home incarceration, achieve more savings than are contemplated in the appropriations in this act, funds may be expended by the Department of Corrections to increase funding for drug treatment programs in county jails and for a secured substance abuse recovery program."

But we have to have more funds than are anticipated before we really start those programs. That is the difficulty we face. We are going to have some meetings, hopefully, with folks from the crime council and state governments who worked with Kansas and Texas, to get legislation in place and implement some reforms in their prison system. These reforms have resulted in reducing the prison population and ultimately saving lots of money. Those are the things that we are looking for, while maintaining the safety and security of the people of Kentucky.

Like every cabinet, Justice faces some tight budgetary restraints. How do you think Kentucky law enforcement can best reconcile its lack of funding while maintaining services to the public and actively attracting new recruits?

That is a tough problem because I understand that the Kentucky State Police anticipated having a new cadet class and will probably not be able to do that because of the funding. There will be some retirements and, therefore, the state police may be somewhat undermanned – as they have been for awhile. The number of troopers with the state police has been about the same for a number of years.

I understand they are burning off their cars to save gas. When gasoline prices go up, that is an unbudgeted expense for governmental services, the state, schools – think of how much they have to pay for gasoline. They have to reduce other programs in order to compensate for that. We will have to do that too. One of the things being done statewide is limiting out-of-state travel.

I understand KSP Commissioner Rodney Brewer is trying to do some things to have some of the troop-
I hope that does not make state government seem cumbersome, but state government was smaller and you could think and act more quickly. I hope that does not mean we should attract the kind of people we would prefer.

As long as salaries are low and the retirement system is not as attractive as in the private sector, maybe we are not attracting the kind of people we would prefer. One of the top priorities you mentioned is prison overcrowding and the cost of incarceration to the state. We understand the Kentucky Law Enforcement Foundation Program Fund has been modernized, the Kentucky Law Enforcement Foundation Program Fund has been very good for law enforcement and its education. I used to be a city attorney for a couple of small towns and afterwards, in the 1970s, a policeman would resign and they would say, ‘Well who can we get to be the policeman?’ They would just hire somebody off the street with little, if any, training to be a police officer. Of course, that sometimes resulted in problems and complaints because the officer did not know how to handle things diplomatically. Sometimes they may have used some excessive force, which created lots of problems.

KLEFFP, and the Peace Officers’ Professional Standards Act have gone along with substance abuse treatment programs – to keep people on the street working and providing public service ... making your future safer and healthier mission? Governor Steve Beshear in his budget speech indicated the need for a study of the penal code to deal with prison overcrowding. Through the Kentucky Criminal Justice Council, we have begun to study the penal code, sentencing policy, probation and parole, Chapter 218A – which is the drug offenses chapter – and pretrial release.

The penal code was enacted in the early 1970s. It has been changed numerous times for various reasons with some of these so-called designer crimes – that is when an instance happens in a legislator’s district and they say, ‘well, we need the law changed to affect these certain types of situations.’ The law contains these specific crimes, like desecration of a tombstone. A crime like that could always be put under criminal mischief.

Since it has been 30 years since the penal code was changed, we need to go through and modernize it and look at what affect the sentencing provisions of that penal code have on our prison population. We need to see what we can do to use probation and parole more – along with substance abuse treatment programs – to keep people on the street working and getting their treatment instead of being locked up in a county jail without treatment. We have started that process, and we are going to have a report ready this fall and hope to have legislation ready for the 2009 short session.

With what is going on in the country and in Kentucky, these are certainly interesting and challenging times for the Justice and Public Safety Cabinet. Secretary Brown, myself and everybody else in the cabinet are working to solve the problems we have with prison overcrowding, modernization of the penal code and the juvenile justice programs already in place. So it is really challenging, but I think it can be very rewarding for us and very beneficial to the people of Kentucky.
Even at the tender age of 9, Tyler Adkins knew his life was somehow changed the day after Thanksgiving in 1995. The man who coached his little league team, took him to basketball practice, picked him up from school each day and tucked him in at night was gone. For Tyler, soon everything changed.

“When you’re 9 – I was old enough to know what was going on, but it didn’t really hit me until a little bit later,” Tyler said. “You don’t really get the full ramifications of what happened, but I knew what had gone on, and it was devastating.”

Tyler’s dad, seven-year Kentucky State Police Trooper Johnny Adkins, was serving at Pike County’s Post 9 when he was killed in the line of duty, Tyler said.

“He was trying to arrest a suspect in Martin County,” Tyler said. “They wrestled around for like 100 yards, they said, and he tore a small hole in his heart. Five days later his aorta ruptured because of the tear.”

Similarly, Bobbie Harris was 7 years old when her father was killed in the line of duty. Edward Harris also was a KSP trooper, serving at Elizabethtown’s Post 4.

Now, at 36, Bobbie said it still hurts to read about the events of November 7, 1979 – the night a criminal shot and killed her father while he attempted to make a traffic stop.

“There’s the stuff I try not to read about,” Bobbie said. “Now I’ve heard lots of great stories about my father from people who worked with him and admired him and thought a lot about him. And then I have heard from people whom he actually arrested – and they came to admire him. So I enjoy all of those.”

But Bobbie and Tyler have more in common than the sudden loss of their KSP-trooper fathers at a very young age. Despite the loss of their parents, the two have moved on and earned college educations.

Both families realized the burdens of paying for school without the emotional and financial support of a father can be difficult. However, it was because of their fathers’ sacrifices that Bobbie and Tyler were honored with scholarships from the Kentucky Law Enforcement Memorial Foundation to ease that burden.

“The memorial foundation seeks to help Kentucky’s law enforcement officers and their families because of the sacrifices they make each day to better our communities,” said KLEMF Executive Director Larry Ball. “Those who make the ultimate sacrifice are our top priority.”

Kelly Foreman, Public Information Officer
The foundation was established in 1999 with the goal of building a monument to honor fallen officers. Following the completion of a 17-foot by 10-inch black granite monument honoring officers killed since 1854 in the line of duty, KLEMF board members expanded their focus to reach out statewide to lend assistance to law enforcement, their families and survivors. Each officer’s name is etched into stainless steel panels memorializing them forever.

“This officer’s program will provide financial emergency relief for Kentucky officers,” said Ball. “In order to do so the foundation has been actively involved in fundraising to establish an endowment fund and provide emergency relief grants and loans to serve police officers and their families. Provide scholarships to serving and retired officers, telecommunicators and their families; maintain the monument; specify grants for local monuments and provide necessary expenses of foundation administration and fundraising.”

The state General Assembly in 2000 passed legislation creating a KLEMF license plate – the primary source of funding for the services KLEMF provides.

“I think it is an attractive license plate,” said Jennifer Thacker, KLEMF board member and national president of Concerns of Police Survivors. “I really think the public needs to support our law enforcement and our law enforcement organizations because they are – I am obviously biased – but law enforcement is the most noble. I may say outside of being in the military profession, that you can go into.”

Jennifer’s husband, Alcohol Beverage Control Investigator Brandon Thacker, was killed on April 16, 1998, by a criminal who shot him through the window of his vehicle while driving on the Western Kentucky Parkway. Brandon’s death left Jennifer with an 18-month-old baby girl, Kathryn, to raise on her own while dealing with the loss of her husband of less than three years. He was 27 years old.

“One thing people don’t realize about surviving families is that they are very proud and they are not really going to be the kind of people that are going to just ask for money or ask for help,” Jennifer said. “I mean, that’s the white law enforcement mentality – I’m independent, I can do this on my own. I’m the tough person, I am the protector – and law enforcement families assume some of that from their officers.”

Both Jennifer and fellow survivor Brandi Mundo hope that when their children apply to college, they will receive scholarships from the foundation.

Brandi’s son, Julian, was 14 months old when her husband, LaGrange Police Officer Eddie Mundo Jr., was killed on April 16, 2003.

“He was responding to a domestic call and the guy was, I guess, assaulting his ex-wife and she called the police and he fled the scene,” Brandi said. “So the suspect was driving and on drugs and … he was coming around a curve and trying to get out of the city and hit Eddie head on. And my husband was killed instantly.”

Brandi already is thinking about college for Julian, who is now 6 years old. Kentucky law mandates free tuition at state-supported schools for survivor families, but Brandi notes that there is a lot more to the price of college than tuition.

“It is so expensive,” she said. “You have to pay parking which I, don’t know what it is and books. So even though you have a 00 and free tuition with the scholarship, you still have to pay for parking and books. So that is such a valuable resource to have those survivors who are going to college, they will receive scholarships from the foundation.”

Julian and Brandi Mundo

| Photo by Jim Robertson |
After serving the University of Kentucky football program as a standout wide-receiver under former coach Hal Mumme, Kio Sanford began his hometown service to the Lexington Division of Police in 2003.

But last summer as he was preparing to take a vacation, Sanford said he noticed a knot in his side.

“They removed it and that’s when I found out it was a cancerous tumor,” Kio said. “I have a rare form of cancer called Ewing’s sarcoma. Normally it is found in Caucasian males between adolescence and like 18 to 20 year olds. I’m not 18 to 20 and I’m not Caucasian, so it was rare for it to be found in a black male.”

For about a year, Kio said he had been undergoing chemotherapy treatments - an expensive medical procedure necessary to save his life. One day, Kio said he opened his mail and it had a $1,000 check inside with a letter from the foundation telling him to use the money for his medical bills.

“It helped a lot,” Kio said. “You know, when you get medical bills in that are somewhere between $500 and $2,000 every time you go to the doctor, every little bit helps. No matter if it was $1 or $2, eventually it adds up. I’m grateful.”

Former Allen County Sheriff’s Deputy Danny Davis and Henderson Police Officer James Oakley understand that feeling of gratefulness.

Danny Davis had just begun his night on third shift for the Allen County Sheriff’s Office when he learned his Scottsville home of 18 years had just gone up in flames.

“We lost everything,” Danny said. “Pretty much the fire only got the kitchen, but smoke and water got the rest of it. We thought we would either tear down and rebuild or buy somewhere else and then we finally decided we just tore the whole thing out down to the ground and up to the ceiling inside and rebuilt it. It was a mess, I know that. It was a mess. Some hard times.”

Danny’s wife, Donna, was in the garage outside the home when the fire started just a few days after Christmas 2007. The two had been on the phone talking about bass jigs when Danny said he got another call from the local constable. Minutes later, Danny said his wife was calling again.

“She was screaming, ‘The house is on fire!’” he said. “I just grabbed my mic and started hollering for Scottsville Dispatch to get a fire department over here. And when I got here, everybody, even the fire department, thought it was on fire upstairs because it was just rolling out from under the eaves and you couldn’t open the doors and knock it down.”

While the family was lucky that no one was hurt, they were left with only the clothes on their backs, nowhere to lay their heads and a pile of memories covered in soot.

“Things, especially as a man, that I never gave much thought to, I miss bad,” Danny said. “Family heirlooms and things of that nature that I didn’t know how much they did mean to me until they were gone.”

Not long after the fire, Danny said the Allen County sheriff called and told him former Department of Criminal Justice Training director of Training Operations, Horace Johnson, wanted to see him.

“I still didn’t know anything, and that’s when he came up and he had a $1,000 check from the memorial foundation over the fire,” Danny said. “Nobody will ever know how important that $1,000 donation was. I mean, nobody other than myself and my wife. You try to be strong, you try to pretend like it’s not the end of the world - well, you know, it’s devastating in ways that you would never know. It’s devastating.”

Like Danny, James and his family experienced this sense of need.
Donnie Thacker, mother of deceased Alcoholic Beverage Control Officer Brandi "Thacker, has received aid from the Kentucky Law Enforcement Memorial Foundation.

encountered a devastating blow to their home and vehicles in November 2005 when an F3 tornado blew through the city of Henderson.

“My parents lost about $500,000 worth of property during the tornado and (KLEMF) donated to help them out,” James said.

James’ parents, two sisters and three nephews were all at his parents’ home when the tornado sirens sounded.

“They were over there getting things together to come up to watch me graduate (from the police academy),” James said. “It happened on Tuesday and I graduated that Friday.”

When James first got the news of the tornado, he said his family had been unable to find his father. While most of his family had been safe in the basement when the tornado ripped through the home, James said his father was trying to make his way down the steps to join his family when the tornado took the roof off the home and took his father with it.

Amazingly, James’ father was found safe and unharmed by the disaster, but the clean up was formidable. During his graduation ceremony, James said the foundation presented his family with a $1,000 check to aid them in the task.

“That $1,000 bought a lot of the tools to start cleaning up out there, plus bought some clothes for them because they lost all their clothes other than the clothes on their back,” James said. “They lost everything.”

A way to help

The stories of these officers and their families are among hundreds who have benefited from funds raised by the foundation. As more names tragically are added to the memorial each year, more families are left with financial struggles and needs.

“We definitely need to support those people who don’t stop serving just because their life is in turmoil,” Jennifer said....”

When any kind of a crisis happens, who do you call? You call the police. How many times a day do you pass a police car and it makes you feel a little safer because you know that officers are patrolling your neighborhood? When an officer is killed in the line of duty, it doesn’t just affect that officer’s family; it doesn’t just affect the agency. It affects the community.

“When you hear of an officer killed in the line of duty in your area, you want to do whatever you can to support the agency and the family. Well, there is one way that you can do that by buying a T-shirt.”

2008 Golf Tournament

The annual law enforcement memorial golf tournament was conducted June 16 at Gibson Bay golf course in Richmond. The 144 participants made up teams from across the state. The golf tournament raised money and we promised to support the services that the KLEMF provides to law enforcement officers and their families across the state.

2008 KLEMF Scholarships

For the fifth consecutive year, the Kentucky Law Enforcement Memorial Foundation awarded 25 scholarships to students who will attend college this fall. The students who submitted the application by June 30, and are line-of-duty death survivors, dependents of current, retired or disabled law enforcement officers and telecommunicators or officers’ telecommunicators themselves were considered. To provide educational assistance is one of the many services that the foundation hopes to continue in order to honor fallen officers in our state.

Kentucky Conservation Officer’s Association donates to KLEMF

On June 12, the Kentucky Conservation Officer’s Association donated $10,000 to the Kentucky Law Enforcement Memorial Foundation. The KCOA currently has a membership of 230 active and retired Kentucky Department of Fish and Wildlife Resources officers. Since the mid 90’s this organization has generated income by selling advertisements for their publication “Game Warden Diaries” to businesses in all 120 counties across the state. KCOA chose to give to the memorial foundation to honor all officers and particularly their own that are listed on the monument. President Jim Gibson said his organization desires to see a stronger bond between all law enforcement agencies and he feels this presentation is a strong indication of the conservator officer’s desire to enhance that bond.

Thacker Elected President of National COPS

Jennifer Thacker, surviving spouse of Kentucky Department of Alcoholic Beverage Control Investigator Brandi Thacker, was sworn in as the 13th President of Concerns of Police Survivors on May 16.

Thacker began her term by leading the national, non-profit, grief support organization at the National Police Survivors’ Conference, conducted in the Washington, D.C. area during National PoliceWeek.

Thacker, a Louisville resident, served four years on the National Board of COPS as the Southern Region Seaboard Trustee. She is a founder and past president of the Kentucky Chapter of Concerns of Police Survivors, and the recipient of the “Gutsy Gal” award in 2007 by Louisville’s “Today’s Woman” magazine. The “Gutsy Gal” award was presented to her honoring excellent role models.

Thacker and her daughter, Kathryn, became members of COPS following the line-of-duty death of Investigator Thacker on April 16, 1998. Thacker and her daughter have attended National Police Week, COPS Kids Summer Camp, and the COPS Spouses’ Retreat. Brandon Thacker’s parents have attended National Police Week and the COPS Parents’ Retreat several times.

“Concerns of Police Survivors is responsible for my healing,” Thacker said. “Other surviving spouses showed me how to take the journey through grief and come out on the other side in a positive way. I am so proud to have the opportunity to do just that for a national president of COPS. I can have an impact not only in Kentucky but also across the nation. It also is exciting to serve as president during COPS 25th year of service to America’s law enforcement survivors.”

COPS now represents more than 15,000 surviving families of America’s fallen law enforcement officers. For more information about COPS, visit www.nationalcops.org.

Kentucky Law Enforcement Memorial Foundation 2008 Scholarship Recipients

Adams, Skylar Brent | Morehead State University
Adkins, J. onthan Tyler | Northern Kentucky University
Bailey, Lakai Deshae | Western Kentucky University
Bland, J. ames Garland | University of Louisville
Brewer, Matthew Barrett | Campbellsville University
Brown, J. joseph F. | University of Louisville
Bryant, Lindsay Michelle | Eastern Kentucky University
*Clark, Tanya Leanna | Eastern Kentucky University
Clements [c.], J. ames Bernard | Campbellsville University
*Coyle, J. ordan Taylor | University of Kentucky
Dowell, Ryan C. | Western Kentucky University
*Edrington, J. ohnna Caille | Eastern Kentucky University
Engle, Arielle Alexandra | Hazard Community College
Filbourn, Morgan Elizabeth | Elizabethtown Community College
*Hoffmeister, Kimberly J. ane | University of Kentucky
Howard, Stefanie Ann | Morehead State University
Jowell, J. osua Lee | Western Kentucky University
Jowell, Nicholas Paul | Western Kentucky University
Marsh, Kelly A. | Eastern Kentucky University
McCague, Emily J o | Western Kentucky University
Weaks, Andrea Nichole | Western Kentucky University
Payton, Katlin Elizabeth | Western Kentucky University
Pohl, J. anee Lynn | University of Louisville
Prude, Angel Maria | Western Kentucky University
Schmidt, Brittani Leigh | St. Catharine College

*From 2008-2009 scholarship recipients were sponsored by the Kenton County Police Officers Association Scholarship Fund.
With the commanding 4-star general of the United States Army by his side, Ludlow Police Chief Wayne Turner built one of the first Kentucky Police Academies in war-torn Iraq amidst mortar attacks, political corruption and democratic barriers.

Now, Turner is using his Iraqi experiences and education to help the people of Ludlow take back their neighborhoods from crime, drugs and decline.

"I used some of the same tactics I used in Iraq, at a lower scale obviously," Turner said of his early work to rejuvenate the northern city of Ludlow, home to about 5,000 people. "You don't have the supporting fire power and collateral damage, but the same principals apply when you go in and you take it back one house at a time. One house, one neighborhood."

Turner, 46, joined the United States Marine Corps in 1980 while still in high school because he wanted to fly Harrier jets. After briefly serving the marines, Turner transferred his branch of service to the Army to attend officer selection. He was commissioned as a second lieutenant and quickly climbed the ranks to serve in the highly competitive military intelligence branch.

But he still couldn’t settle on a career path.

"I never could make up my mind whether I wanted a career in law enforcement or the military," Turner said. "So I chose both."

Turner began work toward his bachelor’s degree at Thomas More College, which he completed after joining the Fort Thomas Police Department in 1986. He later graduated from...
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a neighborhood. House by house. That’s how you make things positive here, house by house.”

Using that concept, Turner reignited a dormant neighborhood watch program, enlisting community members to help the police help the community.

“A community that works together that establishes the term community and educates its citizens about what it means to have a community and why, gets people thinking outside of their own residence, taking pride in their neighborhoods—finding out where the problem people are, working with the police to identify where the drug activity is, where the drug houses are, where the crime is—and that is one of the processes with neighborhood watch,” Turner said.

Each month, Turner leads the neighborhood watch meetings, covering special topics ranging from how to burglar-proof a home to what neighborhood watch is all about, emphasizing that it is not “vigilante justice.”

“I don’t want you out there at night with batons bringing me criminals and tossing them through my front door saying, ‘Here, chief, I caught one,’” Turner said to citizens.

With a staff of only 10 officers—including Turner—using the community’s eyes and ears is a crucial part of reaching that utopian Mayberry goal, he said. Next on the agenda is getting those citizens who already are involved to step up into leadership roles and become block captains, starting their own meetings and spreading further into new neighborhoods.

“It works because we empower our citizens from within the community, within neighborhoods, to band together for a common purpose—not vigilante justice—but a common purpose of making the neighborhoods better, reducing crime, making streets safe for their families and kids, and that’s just kind of how we started marketing it,” he said.

Community responsibility
Additionally, Turner, together with the city manager and other officials, has worked to put into place and enforce a city ordinance placing the responsibility for crime inside those lower-rental units on their landlords—an effort Turner said has been tried, tested, and found successful.

“We couldn’t evict people,” he said. “But what we could do was establish codes and ordinances that would hold property owners accountable for things that happened at their units, basically making them maintain an orderly premise. We’re telling you (the landlords) up front that this person is involved in drug trafficking. Here is where we arrested them; they are your tenant. Now we are telling you that you don’t have to evict them, but you have 45 days to come up with a plan of how you’re going to deal with this. If you chose not to evict them, the second time we have an encounter with them, we are going to fine you $100 a day for criminal activity, criminal nuisance in that unit.

“The idea is that if I’ve got people dealing drugs out of a building and if I’m constantly running to that building, it is taking resources that are in short supply and taking those away from people who need it. And you (the landlords) are operating a business enterprise. If you are going to continue to do that, it is going to get expensive.”

The city has had less than a dozen cases to progress to “phase two,” Turner said. So far it not only has been successful, but also Turner said the community has been pleased with the progress.

“They are actually glad to see something being done about it,” he said.

City Council Member Ken Wynn said he has been thrilled with Turner’s progress and the changes he—and other community members—have seen in Ludlow.

“I really think, through his actions and when he’s on the job, that he cares about this town,” said Wynn, a four-year councilman and lifelong Ludlow resident. “He has really been putting the effort in, trying to make a difference with the image of the police department, and I think he does a great job with motivating our officers. I really do believe we have a good staff as far as officers go, and that is due to leadership, if anything.”

Ludlow assistant chief and Turner’s friend of more than 20 years, Benny Johnson, agreed.

“He has come in with more of a community mind,” Johnson said. “He wanted to come in and try to get a good feel for the community and see exactly what way he wanted to go. He has pretty much worked with the principals of COPS (Community Oriented Policing Services) and he is starting programs that have been dormant for quite sometime.”

Turner said some of his officers have really stepped up and participated in an effort to reach out to the community, but getting everyone on the same page to achieve the same goal still is a work in progress.

“Being new here, there is still some old policing [styles] and some of the guys are a little resistant to it,” he said. “But we’ve got to overcome that. It is not us versus them (the community). They are us. We are here because of them. Without them, they don’t need us.”

Wayne Turner has served as Ludlow’s police chief since early 2007 and is acutely interested in working toward the community’s desired “utopian atmosphere.”
With great care and precision, Kyle Ruff meticulously swathed his hands in soft, yellow, Ringside hand wraps – stretching, rewrapping and tightening the material between his fingers until it enveloped his fists.

Then, with assistance from his coach, Lexington Division of Police Officer Jerry Loughran, Ruff pulled on the tight, leather, sparring gloves in preparation for his fight. Every week Ruff goes through this routine before practice with his Lexington Police Activities/Athletic League teammates.

For Ruff, boxing is more than something to do in his spare time. The opportunity to participate in the P.A.L. sport has opened his eyes to what he hopes will be a new part of his future.

“I don’t think I’ll ever quit,” said the 16-year-old police officer’s son. “I’m starting to fall in love with boxing, pretty much.”

It took nearly four months of fundraising, planning and recruiting, but in April, Lexington re-ignited the P.A.L. boxing program that fell by the wayside many decades ago. The boxing league means something different to each of the spearheading officers – Loughran, Jonathan Washington and Connie Rayford.

But, the three agree that the newly created team achieves the same goal – bringing cops together positively with the community’s children.
Giving back

“Another, ‘I am from this neighborhood,’ Washington said, inside the gymnasium of Lexington’s Chestnut Street YMCA. ‘I always wanted to give something back. When the chance came for me to become a police officer, I said, ‘This is my opportunity. This is what the Lord planned for me to do.’ This is the perfect chance to give something back in my community.”

Giving the community a chance to see police officers work in a different environment also is an important issue for Washington.

“Every time most people see the police, the big thing they always say is, ‘Well, somebody’s got to jail,’” he said. “Here, this is the police helping kids obtain a goal. We like to mentor them and be friends with them and everything because it is not just about taking people to jail. And that’s really big to me.”

Four days a week for two hours, local children ranging in age from 8 to 17 years old gather in the repurposed gym to practice their skills, condition and train. About a dozen kids regularly attend the league, with a total of nearly 20 signed up to participate. Of those, three youth recently attended their first USA Boxing competition.

“I was a nervous wreck,” Loughran said. But within four seconds of being in the ring, Loughran said Kyle scored a knock down, ultimately stopping his opponent – a move Loughran said earned the entire league legitimacy in the community.

“Boxing is a close-knit family,” he said. “A lot of coaches have been around for years. For me to come around, I’m a young guy still in my 30s ... a lot of times it is hard to get that respect from some of the other coaches who have been in it so long. To start out like that – the proof is in the pudding.”

After 10 years of fighting around Kentucky as an amateur boxer himself, Loughran said the idea to rekindle the boxing program grew from his work with Lexington’s Community Law Enforcement Action Response unit.

“I worked in the CLEAR unit where I was assigned to a neighborhood that has had a history of maybe more than its share of crime,” Loughran said. “You are encouraged to be innovative and take a holistic approach, not just enforcement, what have you. So, one of the things I started looking at – me and another officer – was the PAL boxing program because I knew nationwide how big it is.

“I knew we had a PAL program here, but the question was, why have we not implemented the boxing?” Loughran said.

Timing was right

During her 15 years working with Lexington’s PAL program, Rayford said adding boxing had been discussed several times, but PAL coordinators often ran into roadblocks, particularly during the league’s funding process.

“Some PAL clubs are just strictly boxing programs,” Rayford said. “So because of all the good, positive things I have heard from them, that was one of the reasons why I really tried to tap into it and get it started. I have seen some of the great results they were having, especially for kids with discipline. I’m not saying boxing is the only way, because it reaches a different group of children.”

No restrictions

Interested?

Of the state’s 452 law enforcement agencies, Kentucky is home to two Police Athletic/Laurel League programs. Lexington Division of Police Officer Connie Rayford, who heads up the agency’s PAL program, said she would like to see more agencies involved.

“We have another PAL that is in Louisville, but right now, Louisville police and Lexington are the only two police departments that offer PAL,” Rayford said. “I would like to try to find ways to recruit other agencies.”

Several agencies have called Rayford to ask questions; she said, and often just need help getting in the right direction. Getting started is fairly simple, according to National PAL materials.

By visiting the National PAL website at www.nationalpal.org, an application for membership can be completed. Along with the interested agencies should submit a letter from the police chief or agency head, proof of insurance, articles of incorporation, non-profit status documentation and a check for $400.

“As a membership organization, National PAL provides chapters with resources and opportunities to grow their own programs and enhance the quality of their individual programs,” the PAL materials state.

“Trends include funding opportunities through various grants, general liability protection programs, programming opportunities through affiliate organizations, and growth and development through corporate partners and supporting organizations,” the materials state.

“Anyone interested in more information about getting a PAL program started should call Rayford at (859) 258-3636 or contact by e-mail at conniemdavis@excite.com.”
Defined as anything that restricts or obstructs progress, a barrier is not an unfamiliar concept in today’s society. There are natural barriers that often exist between different populations, cultures and individuals based on cultural and language differences. However, when one looks at how these particular barriers affect the ability of law enforcement officers to effectively communicate and serve the populations within their communities, one quickly sees how such barriers jeopardize the safety and efficiency of providing law enforcement services to the entire community.

Whether during a routine traffic stop or in a high-stakes homicide investigation, law enforcement officers need to be able to communicate effectively to do their jobs. Yet, as growing numbers of immigrants become more geographically dispersed throughout the United States, communication breakdowns are becoming more and more commonplace. Fortunately, having recognized how this issue has pervaded many aspects of American society, law enforcement around the country, and specifically in Kentucky, is responding with a variety of promising and effective new strategies for communicating with victims, suspects and witnesses who speak little to no English.

Even where police departments and sheriffs’ offices have limited resources and few or no bilingual officers, some have found ways to bridge the language gap and make services more accessible.

A changing population
In recent years, the United States has seen the biggest wave of immigration since the early 20th century. The number of foreign-born U.S. residents increased by 57 percent between 1990 and 2000. While only 2 percent of Kentucky’s population is foreign-born, according to the 2000 census, certain areas in Kentucky have seen tremendous growth in the past decade, especially in more recent years since the census. The Louisville Metro area has experienced a 93 percent increase in the foreign-born population since 2000 and a 388 percent increase since 1990, according to an Urban Institute study. Nearly 80 different languages are spoken in Louisville Metro area homes and schools. These Louisville-Metro statistics are reflective of the changing demographic throughout the commonwealth.

As foreign-born populations continue to increase, various challenges face law enforcement personnel who police the ever changing and growing communities of which they are a part. The most obvious challenge is the language barrier that is present in the majority of individuals who migrate from other countries. Laws such as Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) make it mandatory for law enforcement agencies to find ways to overcome language barriers. According to Title VI, any police agency that receives federal assistance must take reasonable steps to ensure that the services are meaningfully accessible to those who do not speak English well. Not to do so could constitute national-origin discrimination. However, in Kentucky, many agencies are going beyond merely trying to follow laws requiring equal service provision and document translation. Instead, they are finding ways to break down barriers by building up relationships with limited-English proficient or LEP communities.

“I think probably over time the way we conduct ourselves, the way law enforcement conducts themselves with that ethnic group, I think that’s a positive in the respect that they do feel as if they really can come to you if they really need you,” said Shelby County Sheriff Mike Armstrong about the way his deputies respond to the Latino population in Shelby County.

In Boone County, building relationships, particularly within the Hispanic communities, is a high priority. Sgt. Dean Pattison is often referred to as the department’s ‘welcoming wagon’ in the Hispanic community.

“Pattison is our outreach program,” said Tom Scheben, public information officer for the Boone County Sheriff’s Office. “He visits Spanish [Hispanic] businesses, talks to them, finds out their concerns and what we can do for them. It may not sound like much for one man, but if you saw him work and listened to him, he does a whale of a program.”

Pattison, who began his career in law enforcement with the Boone County Sheriff’s Office nearly 14 years ago, has been studying and speaking Spanish for many years.
Speaking Spanish has opened more doors for me than I ever would have dreamed,” he said. “I thought in high school that it would be a good segue into law enforcement, so I started studying it in high school and college and studied at the University of Madrid in Spain for a while. But the doors it has opened are phenomenal – you get to be in an absolutely everything”

Through his job and language skills, Pat- tion has formed a great relationship with the owners of a store called Abuelitos De Dios. The relationship, which started out with Pat- tion visiting the store as part of his commu- nity outreach initiative, has developed into a close friendship with the store owners, their children and grandchildren. The positive inter- action he has within the store opens the door to positive interaction during outside encounters as well.

“Talking to [Hispanics] in the store allows them to get to know me and feel a little more comfortable with me,” Patterson said. “It’s kind of prestigious – if there is something positively has to be done and done right, it’s kind of prestigious – if there is something they grab me and it’s the neatest feeling in that.”

In the six years since its inception, the de- partment’s bike patrol has had a huge impact on relationship building within the county’s Hispanic communities. In Boone County, the majority of the Hispanic population is con- centrated in mobile home parks and apart- ment complexes, prime locations for officers to ride their bikes into the communities and interact with families, Scheben said.

“ anytime kids see police, on a bike espe- cially, it’s like a carnival ride – the eyesight up, they’re just excited,” said Boone County Deputy Chris Combs. “We never just keep riding no matter what we’re on. If I’m on a call, I’ll stop and talk to the kids, pass out stickers and you’d think they had won the lottery.”

As is commonly experienced by officers across the state, children in LEP populations have much more open than older genera- tions to interact with law enforcement. For Combs, kids are the key to get the parents, but the parents tend to be very denial of the po- lice, he said.

Presenting a welcoming and inviting pres- ence is what the bike patrol is all about.

“You don’t get to be a bike patrol deputy because you are super fit or look great on a bike,” Scheben said. “They are a problem-sol- ving team. The bike is nothing more than a conveyance.”

In Bowling Green, these refugee popula- tions, a large number of which are from Bos- nia, are as prevalent as the growing His- panic population because of the International Center located within the city limits, which is part of the Western Kentucky Refugee Mu- 

Demographic Data

It also can be helpful to supplement this demographic data with information gathered from community and faith-based organizations and social service providers. These organizations – in addition to those that serve new immigrants – can help identify emerging demographic trends that are too recent to be documented by federal censuses such as the U.S. Census.

For an accurate picture of a jurisdic- tion’s residents, agencies can look at demographic data collected by the U.S. Census Bureau, city and state agencies such as departments of education and city planning, state and municipal court systems, local hospitals, and even marketing and research companies. Specifically, departments may want to look for information on race, ethnicity, language spoken at home, English proficiency, and educational levels of the people in the command area. Keep in mind, however, that data on race and ethnicity cannot always tell precisely what language is spoken. For example, there are as many Asian languages as there are Asian countries, and some countries have more than one language group. In India, for example, more than 30 languages are spoken.
munity by using true relationship building to change the perception different cultures have toward law enforcement. In Hawkins’ concept, building relationships is the key to solving issues in the community.

“Monica’s position is initially designed to create relationships,” Hawkins said. “First and foremost to create relationships in international communities that we don’t have a lot of contact with, and that it would be beneficial for that community and law enforcement and local government to have relationships within that community. But to take it a step further and to extrapolate from those relationships - use them to solve problems. Whether they are issues that we have that need to be resolved within a community or issues that the communities have that local government can be part of the solution to their issues. But without those relationships, those communications don’t take place and those problems never get solved effectively.”

Woods, who has held the international communities liaison title since early July, was chosen to fill Bowling Green’s new position for her skill set and personality. Hawkins said. The fact that she is fluent in Spanish allows her to communicate effectively with the approximately 5,000 Spanish-speaking individuals residing in Bowling Green. Woods also has the personality it takes to effectively relate to other people, he added.

“Monica has the right personality in a job where personality can make all of the difference,” Hawkins said. “Monica is friendly, outgoing, easy to talk to and easy to get along with. Those qualities are valuable when you’re making friends - since that’s her job. I need someone who has that ability naturally. ... Even though she wears a uniform, she doesn’t come across with that over-authoritative presence.”

The department’s hope is that by seeking relationships with community leaders within the various international communities in the city, Woods will make her uniformed image one that is welcomed and trusted, and in turn, change those communities’ perceptions of uniformed officers.

“We’re not all about knocking on doors and dragging people away, matter of fact, that is the smallest part of what law enforcement does,” Hawkins said. “The same concept of changing perceptions of law enforcement does not resonate solely in Bowling Green. In Louisville, former members of the Latino Citizens’ Police Academy believe there are many positives to having uniformed officers speak to their classes. Seeing them in uniform is even better because people gain more respect for the uniform - say he’s a police officer and he’s not here to harm me, but to tell me that we are welcome, that they need our help - we need relationships, explaining laws, explaining our position and building that relationship.”

Woods plans to target pastors and other religious leaders in the community as one of the prime ways to begin building those relationships within the international communities, specifically the Hispanic communities where religion tends to be very important. Since these religious leaders have already earned the trust of the community, by developing a relationship with them, they can introduce Woods to others who are leaders in the Spanish-speaking communities and build from there, Hawkins explained.

Tangible barrier breakers

In a society where population dynamics are continually growing and changing, law enforcement agencies also may want to look at specific options for defining how their department and officers will relate to and work with foreign-born and LEP populations. The Vera Institute of Justice’s study “Overcoming Language Barriers: Solutions for Law Enforcement” establishes several different specific methods that law enforcement agencies of any size can use to combat communication barriers among the LEP populations in their jurisdictions. Law enforcement agencies across the country already operate within a culture of policies and procedures. Most agencies have policies on almost every aspect of an officer’s job, including uniform dress code, procedures for making arrests and use of force protocols. So, it’s not surprising that a growing number of agencies are developing policies for interacting with persons who are LEP. With a written policy or protocol, a program or service is at risk of being imple-
In addition to creating a language access policy, departments also can identify and train bilingual staff. Some agencies have been able to successfully recruit, hire and/or compensate staff with foreign language skills. However, since levels of bilingualism among individuals can vary, the best way to ensure that a person is truly bilingual is to test him or her spoken and written proficiency in the other language. Some agencies in Kentucky have chosen to build on the bilingual skills with which officers have come to the department. Even with limited staff and resources, in Shelby County the sheriff’s office allowed Deputy Tim Gilbert, who is fairly fluent in Spanish, to go to Mexico for a few weeks to become even more fluent and get a good understanding of the way that culture looks at things, Sheriff Armstrong said.

Other agencies have sent numerous officers to language training in an attempt to create a pool of officers that can communicate with the Spanish-speaking population in their communities. The Boone County Sheriff’s Office partnered with Gateway Community and Technical College for a 10-week Spanish language training class. The agency sent 14 officers to the program, which met one night each week, in order to train deputies with enough Spanish to at least get introductions made and gather the basic who, what, when, where and why information, if they come across a non-English speaking individual, Reathe said.

After many attempts and program trial and error, the Lexington Division of Police took officer and staff training a step further with the creation of what they now call the Advanced Language Program. Lexington’s public information officer, Ann Gutierrez, received now 12 years ago the agency really started noticing an influx of people who could not communicate with the officers. At the time, the department only has two officers who could speak any Spanish at all, Chief Ronnie Bastin, who was the head of training at that time, thought it would be useful to teach recruits what he called “survival Spanish” in the academy. Gutierrez, who was part of the first classes to learn survival Spanish in basic training, said after recruits left the academy, if they did not use their Spanish skills on a consistent basis it did not stick with them well.

“We had officers on the street who knew they should know something in Spanish, but couldn’t remember," she said. “It really didn’t work.”

It was around this time that the department partnered with Murray State University and came up with the Advanced Language Program. This program, which was first offered in 2000, consists of five semesters of college Spanish condensed to two intense semesters. With class day for three to four hours each day, officers have said that they are much more likely to retain the information than if they attended a class only once or twice per week. At the end of the two semesters of classroom training, members of the class can choose to take a five-week trip to Mexico, giving them the opportunity to be immersed in the language and gain knowledge about cultural traits and attitudes that may prove helpful to them while patrolling the streets of Lexington.

“This program has been well worth it because we are seeing a huge turn around in how cooperative our Spanish-speaking population is being with our police officers now,” Gutierrez said. “It’s a big difference. They trust us more because they know that we’ve put forth an effort to be able to communicate with them a little more effectively.”

Since its inception, 124 officers have completed the program and taken their skills into Lexington’s communities. Detective Andrea Burkhart, who completed the program in 2003, said the best part of completing the program is that it allows her to communicate directly with victims and build a relationship that is impossible to build through a translator. In one case in particular, Burkhart came across a young woman who had been raped by her father and was reluctant to talk about the situation or give any details to officers. But, Burkhart was able to speak to her in Spanish, build a positive, trusting rapport with her, and eventually officers were able to get the young lady out of the situation and put her father in prison.

“If you have to rely solely on an interpreter, in many situations that relationship is never built, that rapport is not there, and that can really hinder an investigation,” Burkhart said.

However, an interpreter is often the only option an officer has to communicate with a victim, witness or suspect. Even at a department with more than 100 officers who speak a second language, there will never be an officer available who speaks every language, from French to German to Croatian, that may be encountered while in the field. For this reason, some agencies take advantage of what is called the Language Line. The Language Line is a bank of interpreters that are accessible 24/7 and offers translation from more than 150 languages into English. An officer can call the Language Line number and, if they know the language the individual is speaking, ask for interpretation in a particular language. Officers can also put the individual on the phone and after the individual speaks just a few words, the service will identify the spoken language and provide an interpreter within minutes.

“It’s effective for that short interview and it’s a great tool to have especially for an obscure language for someone that you can’t find an interpreter for,” Gutierrez said.

In Lexington, the Language Line was originally used in the communications centers for dispatchers to communicate with anyone who may call in, but more recently, all Lexington officers have been made aware of the Language Line and guided on how to use it while on duty. In the 2005-2006 fiscal year, Lexington Division of Police officers made 1,700 calls to the Language Line.
Language Barriers

Likewise, the Bowling Green Police Department has been using language line-type services since the mid 1990s, and its last Language Line report showed officers accessing 11 different languages.

“I thought we might have four or five, but not 11,” said Barry Pruitt, Bowling Green Police Department public information officer. “It’s a good litmus test to see how diverse our population is that we have to utilize that many different languages during the day or night.”

While the Language Line service is particularly helpful with more obscure languages, some departments, especially smaller departments with fewer officers, may also find it helpful to pool language resources with other area agencies or institutions.

Kentucky Vehicle Enforcement Officer Chad Mayas assisted Lexington-area Alcoholic Beverage Control officers during a late-night detail in one of Lexington’s high-Hispanic populated areas. The Hispanic driver had been stopped at a drive-through liquor store window because he did not have proper identification. It quickly became evident to the ABC officers that he may be intoxicated, but because of their inability to effectively communicate with him, they called Mayas to help administer a field sobriety test.

Using liaisons and interpreters from other areas outside of law enforcement also is an option for departments wanting to create a pool of reliable translators. The Lexington Division of Police has informally partnered with the University of Kentucky language program and officers are able to call them and ask if they have someone who can help them out in various situations. A U.K. interpreter will usually respond within 30 minutes, Gutierrez said. The department also is looking at having a language bank in Lexington where different service agencies would be part of one language bank.

“It’s not just yet, but that’s where I see us moving for those more in-depth interviews’ interrogations where we need someone who is impartial and can just sit and do their role as an interpreter,” Gutierrez said.

The LMPD is one of several agencies across the state that has created programs to proactively tackle the communication and cultural barriers that exist between law enforcement and LEP populations. The agency has numerous different citizen’s police academies that target different areas of Louisville’s diverse communities. Like other departments, Louisville offers a Latino Citizen’s Police Academy specifically geared toward the Hispanic community. Each academy session, which is 12 weeks long and accommodates up to 30 participants, focuses on a different area of law enforcement and explains how participants can benefit from various services or how to report different types of crime or problems.

“The most beneficial part [of the academy] is that they understand that police are not out to get them,” said Barry Pruitt, Bowling Green Police Department public information officer. “Even through the community comes in with that impression.”

In addition to the Latino CPA, the metro police also offer an international CPA each February. In the international CPA everyone speaks English, but they are immigrant community leaders or they work in an area that has a lot of immigrants or diversity, said LMPD Officer Minerva Virola, who heads up all of the agency’s citizens’ police academies. In this particular academy, Virola said she focuses on different information, especially laws.

“An American doesn’t have to worry too much about how to get a driver’s license or ID, but the immigrant community can’t do that and they don’t know if they are supposed to have one,” she said. “Participants can go back to their communities and share what they’ve learned and if they have any questions they can call me and I’ll come do a special presentation on an issue.”

The international CPA also focuses on how Metro government works and the participants are invited to the Mayor’s Conversation, conducted once a month.

Communication barriers break down cooperation and relationships and in a field like policing these two concepts are immeasurably important. Likewise, their lack has a significant impact not only on the job of each officer, but also the quality of service offered within the community, which affects in some shape, form or fashion, every citizen of the

Photography by Adams & Barry
recently the Louisville Metro Police Department took notice of a group that faces many communication issues within society. The hearing impaired...
Language Barriers

Know Who You Are Serving

According to the Vera Institute of Justice’s study “Overcoming Language Barriers: Solutions for Law Enforcement,” in order to be effective in fighting crime and protecting residents, a law enforcement agency needs to understand the changing demographics of the communities in its jurisdiction. Obviously, building relationships with the various populations is crucial to knowing the changing demographics of the population the agency serves. But there are other resources that may prove valuable in helping an agency determine whether its services are being properly and effectively administered to and used by all aspects of its surrounding population.

Agencies can compare demographic data from the U.S. Census Bureau or other city and state agencies, such as departments of education and city planning, with data about how often police have contact with LEP individuals. The Institute’s study recommends gathering this information from front desk logs for station walk-ins, by routinely polling officers during roll call training and analyzing call information from telephonic interpreting-service providers or other language-service providers. This comparison could shed light on whether LEP populations are fully accessing services.

Some agencies across the state have already found that there tends to be an under reporting of crime in the majority of LEP communities. There are several possibilities for why this trend exists. One prevalent reason is the inherent fear and distrust of law enforcement that pervades the first generation of some immigrant populations.

Some departments also identified the cloud of illegal immigration that hovers over the Hispanic population in particular. According to the Pew Hispanic Center, in 2005, an estimated 28 to 56 percent of the foreign-born population in Kentucky was made up of illegal immigrants. However, how an individual came to reside in a given community does not impact the fact that individuals should not have to tolerate crime being committed against them.

Irrespective of that perception, we still have to provide law enforcement services to that community and, in as much as we can, include them in our community,” Bowling Green’s Hawkins said. “It’s not about deal-
ing with illegal immigration, but an issue of dealing with the reality of having a specific population in our community that does have a demand on our police services. … I think we have an obligation—whether they are ilegal or illegal—if they are a victim of crime, to provide policing services. And if they are afraid to report that crime then we can’t provide those services.”

Hawkins hopes that as relationships are formed between the Hispanic community and the police department, the comfort level of the Hispanic community as a whole will improve and the department will see more crime reported as a result.

The issues created by illegal residents can pose challenges to law enforcement in other ways as well. Those in the country illegally don’t have reliable identification, making it hard to keep track of who they are and where they are from, many officers said.

“It’s hard to police an entity that can be so anonymous,” Boone County’s Patterson said. “However, there’s not much local officials can do about Hispanic legality. … We run across them every day. We can contact Im-

igration and Customs Enforcement, but they aren’t going to spend thousands of dollars on each individual we grab.”

A third possibility for under reporting crime in LEP populations is simply the difference in cultural norms. In some cultures, certain issues like domestic violence are tolerated and almost never reported. For Boone County officers, this is especially true in the Japanese population that resides in the county because of the Toyota headquarters located in Erlanger. Understanding these cultural differences is vital for law enforce-

ment when dealing with these populations.

“Some people are just here on short work visas for Toyota and they will go back and you won’t change their culture, but we should be respectful to understand what their cul-
ture is,” Boone County’s Rusthe said. “It helps us build that partnership and helps us out a lot.”

Tips and Tools

Whether an agency interacts with LEP individuals only occasionally or on a daily basis, it is useful to plan and identify language resources. Executive Order 13166 Limited English Proiciency Resource Documents: Tips and Tools for the Field is a report developed by the Department of Justice’s Civil Rights Division and includes information about language access tips, tools, and practices identified in informal surveys of court personnel, social service providers, police departments, 911 call centers and several other agencies. For more information visit the Web site http://www.lep.gov/index.htm.

Homeland Security

Cost-Free Training

HOMELAND SECURITY

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ferings, both in state and out of state, go to the Ken-

tycky Office of Home-


homelandsecurity.ky.gov/ firstresponse anunci-

ements.htm.


Two-day course examines the role of public information in WMD terrorism incident management and provides practical training in crisis communica-
tion techniques.

Weapons of Mass Destruction: Threat and Risk Assessment (Local Jurisdictions) (MGY-310) September 9-11, 2008, Lex-

ington, Kentucky

Prepares emergency responder managers and community leaders to conduct a comprehensive, capabilities-based threat and risk assessment for a weap-

ons of mass destruction (WMD) terrorism all-hazards incidents under the National Response Plan and Presidential Directives.

WMD Crime Scene Management for Emergency Responders (CSM) (AWR-180) September 13, 2008, Lake Barkley State Park

A one-day course providing response personnel with proper procedures and guidelines for crime scene management when responding to a Chemical, Biologi-

cal, Radiological, Nuclear or Explosive (CBRNE) incident.

WMD Radiological / Nuclear Awareness Train the Trainer (AWR-141) September 14, 2008, Lake Barkley State Park

Prepares trainers to deliver a six-hour WMD Radiological/Nuclear course (AWR-140) for first responders on the scene of a radiological/nuclear incident.

Pandemic Influenza Preparedness Program (IPPP) (CDP001-06) Date & Location TBA

A three-day training course providing an overview of pandemic influenza and planning that will enable a community to effectively respond to a pandemic influ-

erza event.

Introduction to the Computer-Aided Management of Emergency Operations (CAMEO) Suite (PER-229) Date & Location TBA

A three-day course designed to demon-

strate how emergency responders work together to collect, manage and share emergency planning and response information.

Date & Location TBA

A three-day training course providing an overview of pandemic influenza and planning that will enable a community to effectively respond to a pandemic influ-

erza event.

As each Emergency Dispatch class begins, De- partment of Criminal Justice Training Instructor Jason Pirtle talks to his students along with their Powerphone Dispatcher’s Medical Desk Reference Manual and name tags.

“I tell them the first day of the class that the stories are all true and that they do get to the block of instruction we are talk- ing about at the particular time,” Pirtle said. “... I like telling stories.”

During a recent EMD class, Pirtle told a group of telecommunicators a story about his experiences as an emergency medical techni- cian turned obstetrician, relating them to the importance of emergency medical dispatching.

“Actually, I have had to deliver three and a half (babies),” Pirtle said. “We got to the hospital quickly one time, but it was still in the hallway at Central Baptist (Hospital). Just as we were going through the la- bor and delivery hall she started crowning.”

With a laugh, Pirtle explained that among the most bizarre de- livery stories was his first birth and delivery hall she started crowning.

She was standing right over the spot still.”

But not all of Pirtle’s delivery stories result in happy, healthy newborns. The third delivery that first week brought with it a pre-term baby delivered in her mother’s bathtub. Weighing only in unci- es, Pirtle said the baby was pronounced dead after arriving at the hospital.

“Here’s the baby,” he said. “It was an experience, she hands out an admonition to the women.”

Unfortunately, Pirtle estimated only 30 to 40 percent of Kentucky’s dispatch centers are performing emer- gency medical dispatching.

“‘Here’s the baby’... We snatched the baby up and cut the um- bilical cord and ran to the truck with her,” he said. “Me and the other partner packaged the lady up in the bathtub, got her on the cot, started an IV on her and got to the hospital with the while the other partner took care of the infant.

“Here’s the baby did make it to the hospital, but we were doing resuscitative efforts on her all the way to the hospital.”

T he mother was only in her fourth or fifth month of pregnancy when the baby was born after she had some difficulty during the day, Pirtle said.

At the age of 18 months, the little girl became sick and decided to go to the hospital.

After watching for another second and seeing the baby take another gasp, Pirtle said he and his partner quickly began working to save her life.

“We snatched the baby up and cut the um- bilical cord and ran to the truck with her,” he said. “Me and the other partner packaged the lady up in the bathtub, got her on the cot, started an IV on her and got to the hospital with her while the other partner took care of the infant.

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“Not the most promising.”

Pirtle also has a hobby.

“I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. My rank in is a member of a Civil War reenactment group,” Pirtle said. “I have been doing about 30 years now. 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In the Spotlight | Sheriff Todd Cooper

Todd Cooper joined the Ballard County Sheriff’s Office in 1990. Cooper served as a deputy until he was elected sheriff of Ballard County in July 1995. He holds an associate’s degree from West Kentucky Community and Technical College, and a bachelor’s degree from the University of Louisville. Cooper is a graduate of the Department of Criminal Justice Training Basic Class No. 215 and attended the DARE Basic Class No. 215 and Criminal Justice Training at the University of Louisville and received his bachelor’s degree from West Kentucky Community and Technical College and Eastern Kentucky University. He and his wife, Doris, have been married for more than 18 years and have a daughter, Devra, 28, and a son, Logan, 25. Haynes is a member of the Kentucky Association of Chiefs of Police and the Kiwanis Club, and is an avid golfer.

Sheriff Todd Cooper
Ballard County Sheriff’s Office

“Newton is vital that in serving our community better that we maintain good working relationships with other agencies.”

What impact do bordering states have on your department and how are you able to join with them to combat the war on drugs? The past few years we have developed contacts within agencies from surrounding states. Crime and other law enforcement issues do not know boundaries. It is vital that in serving our community better that we maintain good working relationships with other agencies. We have built contacts with drug task forces and drug enforcement officers from Illinois and Missouri. In the past we have been able to help each other with tips, search warrants and areas of persons perpetrating drug crimes.

What is your mission statement and how do you achieve it? Each officer will be encouraged, empowered and assisted to implement problem solving in the Ballard County community. This is a commitment to excellence in service to the citizens in Ballard County. Citizen input will be a main ingredient of community mobilization for a modern, efficient community service agency. The partnership created between the sheriff’s office and the community will benefit all Ballard County citizens. With the development and assistance of community contacts, we have established in the past 10 years, we have accomplished our mission statement by:

- taking citizen surveys of the county to obtain input on where we can focus our attention.
- publicizing through the Internet and newspaper media the need to report suspicious activity and crime, no matter how small. Our calls for service have tripled from 1998 to 2007. We quit advertising the need to report, because the volumes of calls have become too heavy.
- getting out of our cars and into local stores and places has increased reporting as well.
- giving officers the time needed to work to the root of a problem when answering quality-of-life problems in the community.
- being a Kentucky Law Enforcement Foundation Program Fund-certified agency, each officer in our department has become proficient in many law enforcement areas. With the increase in professional development, pay and morale have increased.

Tell us about your working relationship with the Kentucky State Police? We were notified in the summer of 2004 about the possibility of assigning an officer to the Kentucky State Police Drug Enforcement Special Investigations Unit, a unit that investigates large scale drug trafficking sales, methamphetamine manufacturing and other illicit drug use and abuse. A position became available and we placed an officer on the unit in October 2004. Since the officer has been assigned, more than $1.75 million in illegal drugs and assets have been seized during cases developed by our officer. This again shows how cooperation between agencies can help bring criminals to justice.

Chief Tom Haynes
Flatwoods Police Department

Tom Haynes is a graduate of Russell High School and attended Ashland Community College and Eastern Kentucky University. He and his wife, Doris, have been married for more than 18 years and have a daughter, Devra, 28, and a son, Logan, 25. Haynes is a member of the Kentucky Association of Chiefs of Police and the Kiwanis Club, and is an avid golfer.

“Knowing I make a difference in my community gives me a satisfaction I could not have gotten in just about any other career.”

Was law enforcement your first career path? Law enforcement was not my first choice for a career path. While growing up, my favorite television show was Perry Mason, and I wanted to become an attorney when I got out of school. After high school I decided I was not ready to commit the extra years necessary to become an attorney. My father worked at the local steel mill and I can remember him saying at the breakfast table that he hated to have to go to work. To his credit, he still went to work to provide for his family. I made myself a promise I would find a career I was interested in that I would look forward to going to work every day. When I got into law enforcement, I fell in love with it. I actually look forward to going to work every day. I realized there was not much money to be made but there are more important things in life than how much money you make. Knowing I make a difference in my community gives me a satisfaction I could not have gotten in just about any other career.

What are your long term goals? The long-term goals I have for the police department are; putting mobile data terminals in all police vehicles (installed this year), providing TASERS to our officers, going through the accreditation process and re-implementing the home-field program. The home-field situation does not look promising with gas prices going through the roof right now. I certainly hope this will change, but I doubt it.

How does the Flatwoods Police Department keep youth safe? Child safety is a priority with our police department. One of our area churches has a Child Safety Day, and we have an officer speak year at this outing. We strictly enforce our curfew ordinance (12 a.m. to 5 a.m.) and are proactive instead of reactive with respect to juvenile crimes as well as crimes committed by adults. Many times during the year our officers speak at churches and schools on a myriad of subjects including child safety, home safety and school safety. Our officers train with school officials during lockdown drills to be prepared for any incident that could occur in our school system.

As a member of KACP, what impact does KACP have on advancing law enforcement? As a member of KACP, I think the organization has a great impact on advancing law enforcement in Kentucky. KACP is a strong supporter of the accreditation program and lobbies our legislature for improvements in our laws. I have been going to Barren River for my Police Executive Command Courses through DOCJT. This has allowed me to network with the chiefs from western Kentucky and I find most of the problems we encounter in eastern Kentucky are the same in the west. I try to attend the KACP conference every year. They do an outstanding job in providing training appropriate to our positions within law enforcement during the conference.

What is FADE, and how is your department involved? The Flatwoods Police Department was a founding member of the Fivco Area Drug Enforcement Task Force in 1988. We have continued to assign an officer to this task force each year. Without the help of FADE, I don’t even want to think what our area would be like. It would be very difficult for each agency to attempt to control the drug problem. With a joint effort through five local agencies, we have had a lot of success, and FADE is ranked as one of the top task forces in Kentucky.
New Chiefs of Police Across the Commonwealth

STEVEN HADDEN, ADAIRVILLE POLICE DEPARTMENT

Steven Hadden was appointed chief of the Adairville Police Department in January. He began his law enforcement career at the Logan County Sheriff’s Office in 1995. Hadden also served the Russellville Police Department before coming to Adairville. His goals are to raise community awareness by community policing and having an open-door policy. He also plans to have a more proactive department.

JAMES DAVIDSON, CUMBERLAND POLICE DEPARTMENT

James Davidson was appointed chief of the Cumberland Police Department on June 13. Davidson began his career in law enforcement 31 years ago with the Kentucky State Police as a trooper. After retiring from KSP in 1997, he served as the sheriff of Leslie County from 1999 through 2003. Davidson’s primary goal is to make the Cumberland Police Department the best police department in the state.

GUY HOWIE, HOPKINSVILLE POLICE DEPARTMENT

Guy Howie was appointed chief of the Hopkinsville Police Department on May 1. Howie comes to Hopkinsville from the Ocala Police Department, Florida, and has more than 28 years of law enforcement experience. He is a 2001 graduate from the FBI National Academy. Howie is a firm believer in community policing and looks forward to enhancing the quality of life in Hopkinsville and moving the department forward to be the best in Kentucky.

ADAM CRUM, INEZ POLICE DEPARTMENT

Adam Crum was appointed chief of the Inez Police Department on May 21. He began his law enforcement career in 2003 with the Martin County Sheriff’s Office. He looks forward to the department growing and serving the citizens of Inez for which he says are the greatest people and city to work.

JAMES MATT SPARKS, MOREHEAD STATE UNIVERSITY POLICE DEPARTMENT

James Sparks became the chief of Morehead State University Police Department on April 21. Sparks has 22 years of law enforcement experience with most of his career spent with the Kentucky State Police. He served KSP in Ashland, Hazard and Frankfort, but the majority of his career was spent at Morehead. Post 8. Sparks’ goals are to keep the ship moving toward where the former chief, Joe Cline, had it steering. He will also continue to maintain campus safety and continue to improve the working relations with faculty, staff and the student body of Morehead State University.

CHARLES PARKS J.R., PERRYVILLE POLICE DEPARTMENT

Charles Parks, Jr., became the chief of the Perryville Police Department on May 1. Parks has 22 years of law enforcement experience. He served the U.S. Marine Corps for 6 years before taking a job with the Fayette County Sheriff’s Office in 1978. Parks then became employed at the Danville Police Department, where he retired in 1999. His goals for the Perryville Police Department include helping the department grow and seeking grants to purchase new vehicles and equipment.

JOSEPH RENZI, STRATHMOOR VILLAGE POLICE DEPARTMENT

Joseph Renzi was appointed chief of the Strathmoor Village Police Department on April 15. Before coming to Strathmoor Village, Renzi served the city of Graymoor-Devondale as its chief for 28 years. Renzi graduated from the University of Louisville in 1981, receiving a Bachelor of Science degree in Police Administration. He looks forward to keeping the people safe in his city and has initiated a foot and bike patrol with his officers. Renzi also looks forward to more house-watch programs. Last year Renzi was honored to be inducted into the Kenpo Hall of Fame for Chinese martial arts.

Psychological Aspects of Crisis Negotiation

Reviewed by Kris Bowerman, DOCJ Network Analyst II

by Thomas Strentz, CRC Press, Boca Raton, Fl., 2006

What is the role of a negotiator and a crisis negotiation team, and where does this individual and the team fit within the structure of a police department? The preservation of human life and the successful resolution of a hostage crisis is the primary objective for the negotiator and negotiation team. Thomas Strentz’s book, Psychological Aspects of Crisis Negotiation, is an excellent resource for command staff and crisis negotiation units. Strentz, an FBI agent and crisis negotiation instructor, has provided a five-part resource that defines the necessary fundamentals a negotiator must have to do his or her job.

The topics in Part I discuss the basic concepts of negotiation. What are the characteristics of an effective hostage crisis negotiator? Strentz states that a negotiator should have five or more years experience in law enforcement, an ability to relate to people, training in suicide prevention, be a good listener and be adaptable. In addition, Strentz discusses the pros and cons of an agency cross-training negotiators and the use of non-law enforcement negotiators.

Chapter five outlines a crisis negotiation team as not being a one-man job because of what the job entails. Further, the author discusses the team concept in setting up or developing a crisis negotiation unit, explaining individual roles in the unit and how that unit works to accomplish the objective. Stentz points out that, ideally, a team should consist of a team commander with the equivalent rank of a SWAT commander, primary and secondary negotiator, chronographer, technician, behavioral science expert and interpreter if needed. Just as a full SWAT team responds to a crisis, each negotiator must have the same personnel and training allocated to avoid the loss of life and millions of dollars in civil damages.

In Part II, Stentz describes how to react when dealing with certain hostage takers. He provides the resources for negotiators such as guidelines and rationale for handling different types of hostage takers.

With this in mind, in Part III Stentz discusses situational indicators as they pertain to subject surrender and voluntary negotiations that involve the violent and suicidal. Using examples, Stentz details the specific strategies that will aid the negotiator by providing a list of factors that have been associated with violence in hostage situations. He emphasizes the purpose of understanding predictors of violence during a hostage crisis.

Strentz compiles together examples from past cases and experiences, with both successful and tragic endings, with the hope that they will be used as learning tools to avoid repeat errors.

Part IV discusses group dynamics through examination of two highly publicized incidents in Waco, Texas and Ruby Ridge, Idaho. In addition, it looks at and gives creative criteria for constructive deviation for the guidelines of negotiation.

The function of group think, Stentz explains, is a means of seeking concurrence with, not the correctness of, the decision. Stentz states that when managers involve a knowledgeable group in the decision-making process, better recommendations are made than when one works alone.

Finally, Part V illustrates hostage issues such as the Stockholm Syndrome and what to communicate to a hostage. Stentz lists the types of hostage takers and gives the negotiator an overview of those who take hostages in order to better cope with the demands they might make.

While the negotiator will never know to what type of situation they are responding, Thomas Stentz’s book Psychological Aspects of Crisis Negotiation is a valuable resource to have. It is equally useful for those in the field or those who are responsible for a negotiation team.
THE DEVIL IS IN THE DETAILS

Education and Experience Merge for Elizabethtown Detective During KCA Training

Angela Townsend, Administrative Staff, Elizabethtown Police Department

Silence greeted investigators as they exited their vehicles in front of the two-story brick structure. The absence of childish voices and laughter would have testified to tragedy had school been in session and were the crisis a reality instead of a training exercise.

“Our team was called out to investigate a mass casualty murder suicide,” said Elizabethtown Police Detective Peter Chytla, one of 10 investigators who responded to the scene.

None of them had ever responded to a crime scene of this magnitude.

The scenario was staged at an abandoned Matson County elementary school. Mannequins had been posed throughout hallways and vacant rooms to represent victims of a school shooting. The investigators were responsible for processing the scene – photographing and sketching the site and identifying and collecting evidence that included blood, fibers, shell casings and the remnants of a detonated explosive device. Each carefully documented step, every piece of evidence, held the potential to speak of what had been done, and by whom, in the school that day.

The assignment was one of many practical applications implemented by the 10 law enforcement officers and staff from across the state who comprised the inaugural class of the Kentucky Criminalistics Academy at the Department of Criminal Justice Training last September.

Chytla, a 12-year veteran of the Elizabethtown Police Department and a detective since 2001, participated in the intensive 10-week program. Training that might appear redundant for someone with his level of experience and knowledge proved far more than a review of basic information.

“Evidence processing, scene sketching, photography, all of it was much more in-depth than any course I had taken before,” he said. “KCA gave us the benefit of learning new techniques in the classroom and practicing those methods hands-on in the lab and in the field.”

CAD, or computer-aided design software, has been used by Elizabethtown police for years to produce accident reconstruction diagrams. A total station consisting of a transit and an electronic distance meter is used to survey the site and determine key points and positions. The investigator then enters this information into computer-aided design software to create accurate drawings of the scene.

At the KCA, Chytla used similar technology to map out a crime scene.

The KCA introduced investigations in a variety of fields the students had not previously encountered. Car bombs represented new territory for Chytla.

“We were divided into two five-person teams to investigate and reconstruct the post-blast scene,” he said.

Two vehicles were bombed. Students photographed each scene and conducted a grid search to find and collect evidence that would provide clues as to what had been used.

“We located a timer among all the shrapnel,” Chytla said. “The challenge was figuring out which piece of debris came from the car, and which were fragments of the explosive device.”

Classroom instruction included profiles of bombers and discussions about prominent cases. A.1 Alcohol, Tobacco, Firearms and Explosives agent who had worked on the scene of the Oklahoma City bombing shared his experiences and knowledge with the class.

“The biggest thing I get from KCA was the experience and knowledge of the instructors. Their exposure to crime scenes, the things they have learned and the mistakes they have made, their willingness to share those experiences, helped us tremendously,” Chytla said.

Real blood stains and blood splatters are comparable to interpreting a map created by a stranger who violated a human life. Mock-crime scenes in a series of rooms offered students some clarification of this opaque language. Bullets and blunt instruments, velocity and trajectory, were illustrated by instructors who struck blood bladders on mannequins and fired a variety of weapons of different calibers through blood-soaked sponges.

“I had no formal training this extensive,” said Chytla. “I wish I could have had this training in the past, because I have worked a number of violent crimes in which this information would have been a tremendous benefit.”

Perhaps the most unique aspect of the KCA was the week students spent at the Forensic Anthropology Center, known informally as the Body Farm, at the University of Tennessee in Knoxville.

It was 70 degrees and sunny, one of those lovely autumn days the Ohio Valley might advertise on a postcard, when KCA students walked through a gate in a chain link fence capped with a tangle of razor wire and passed through a second gateway in a wooden privacy fence.

“It was surreal,” Chytla said. “Some bodies lay in plain sight. Some were nothing more than bones. And some had been burned for a long time.”

Dr. William Bass, founder of the FAC, met with the class for an initial presentation.

“Dr. Lee Jantz and her staff introduced us to forensic anthropology,” Chytla said. “We talked about entomology. We learned how to determine age, stature, sex and ancestry from human remains and how to recognize signs of trauma and disease.”

Students handled skulls and bones in a lab, seeing for themselves how deceptive appearances can be to the inexperienced responder. One of these skulls had suffered significant damage that might have been the result of a fatal blow to the person’s head. Cancer was revealed to have been the true culprit. Students also learned that weathered bones scattered across the surface of the ground can look so much like rocks and twigs that the untrained eye will glance right over them.

The class then moved from the lab to the field for practical exercises.

“It was an eye opener,” Chytla said. “It is a long and painstaking process to exhum a body.”

Investigators have numerous means at their disposal with which to look for disturbances in the soil that, even more than 10 years after a body is placed in the ground and covered over, will indicate a possible burial site. Once a grave is identified, investigators mark the perimeter, rake the surface, and prepare to excavate. Brushes are used instead of shovels to preserve bones and other evidence from further damage. With all of the student’s senses engaged, education becomes experience.

“There is a certain smell that accompanies death,” Chytla said. “Once you experience it, you never forget it. I have worked several death investigations where the deceased were in various stages of decomposition. This training brings all of those elements together.”

Chytla said his experiences with the KCA have influenced the way he approaches an investigation.

“As a police officer, you respond to a call, take care of business, and move on to the next call quickly,” he said. “Investigative work takes more time and attention. Going through the KCA has encouraged me to slow down even more and to take a closer look at details, especially at those types of evidence that aren’t always visible to the naked eye.”

Since graduating from the KCA in November 2007, Chytla has applied new techniques while processing a number of burglaries and a homicide.

“KCA training has made these scenes a lot clearer,” he said. “We have excellent instructors who were willing to use the benefit of their experience to make us aware of what to do and what not to do. I commend the Department of Criminal Justice Training and the Kentucky Criminalistics Academy for creating an outstanding training program.”

Detective Chytla sets up a cyanocrylate, or Crazy Glue fuming chamber, to recover fingerprints during a recent investigation.
The United States of America, 1975-1980

Supreme Court Updates

North Carolina v. Robinson

In the 1955-1960 period, the Court heard cases involving the application of the Bill of Rights in state courts. The Court focused on criminal procedure and the protection of individual rights, such as the right to counsel and the right against self-incrimination.

Korematsu v. United States

During the 1940s, the Court ruled on the constitutionality of the internment of Japanese Americans during World War II. The Court upheld the constitutionality of the internment, arguing that it was necessary for national security.

Heart of San Francisco v. Barry

In 1976, the Court ruled on the constitutionality of a law that prohibited cross-burning as a means of expressing political beliefs. The Court struck down the law, finding that it violated the free speech clause of the First Amendment.

Tinker v. Des Moines

In 1969, the Court ruled on the constitutionality of a school district’s policy that prohibited students from wearing black armbands to protest the Vietnam War. The Court held that the policy violated the students’ free speech rights.

Engel v. Vitale

In 1962, the Court ruled on the constitutionality of a New York State law that required public school students to recite a prayer. The Court struck down the law, finding that it violated the establishment clause of the First Amendment.
heart this new threat, and Congress responded with a carefully crafted attempt to eliminate the First Amendment problem. 142 Both the provision at issue in this case is concerned, that effort was successful. The 12th Circuit decision was reversed, and the current version of the PROTECT law was upheld.

Rothberg v. Gilleppi County, Texas
--- S.Ct. --- (2008)

ISSUE: W. When does the right to counsel attach in a criminal case? HOLDING: The Court began its discussion by noting that it had – for purposes of the right to counsel, pegged commencement to “the initiation of adversary judicial criminal proceedings – whether by way of formal charge, preliminary hearing, indictment, information or arraignment.” 143 In this case, the Texas trial courts, as a matter of practice, did not assign appointed defense counsel to a defendant until they were indicted, and in this case, the trial defendant, Rothberg, was in legal limbo and without counsel, for more than six months between his initial appearance upon his arrest and his indictment. (Once he was indicted and appointed counsel, his attorney quickly was able to prove there was a mistake and the case against him was promptly dismissed.)

The Court found that the lower Texas state courts had “effectively focused not on the start of adversarial judicial proceedings, but on the activities and knowledge of a particular state official who was presumably otherwise occupied.” The Court found this to be in error. Indeed, the Court looked to its decisions in Brewer v. Williams 144 and Michigan v. Long, 145 in which the Court held that “the right to counsel attaches at the initial appearance before a judicial officer.” No matter the actual name for that proceeding, it is “generally the hearing at which the judge, inquired the defendant of the charge in the complaint, and of various rights in further proceedings, and determined the conditions for pretrial release.” Clearly, the hearing in question in this case, a 14.17 hearing, is an initial appearance.

The Court noted that Rothberg asserts that he was unable to find a job after his arrest because potential employers “knew or learned of the criminal charge pending against him.” The Court found it fair to assume “that those potential employers would still have declined to make job offers if advised that the county prosecutor had not yet filed the complaint.”

The Court concluded that its holding in this case was narrowly focused and “merely reaffirmed (what the [Court] held) held before and what an overwhelming majority of American jurisdictions understand in practices around defendants’ initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel.” The case was remanded back to the lower courts for further consideration of whether the delay resulted in prejudice to Rothberg.

Giles v. California
--- S.Ct. --- (2008)

ISSUE: E. May testimonial statements made by deceased subjects some time prior to their murder, be admitted against the suspect in their murder, when there is no evidence the murder was committed to prevent them from testifying against the suspect? HOLDING: First, the Court accepted, as did California, that Avie’s statements to the officer were testimonial. To decide the case, however, the Court asked “whether the theory of forfeiture by wrongdoing adopted by the California Supreme Court is a foundation-era exception to the confrontation right.”

The Court had previously accepted “two forms of testimonial statements” as admissible – one being those “declarations made by a speaker who was both on the brink of death and aware that he was dying” and the other being statements made by a witness who was “detained” or “kept away” by the “means or procurement of the defendant.” 146 The Court engaged in a lengthy dis- cussion of the meaning of various terms used in such cases, with the intended purpose to determine whether an intentional murder of the witness was “conduc[ing] to prevent the witness from testifying.” From that series of cases, the Court concluded that “in cases where the evidence suggested that the defendant had caused a person to be absent, but had not done so to prevent the person from testifying – for example, a typical murder case involving accusatory statements by the victim – the testimony was excluded unless it was confined or fell within the dying-declaration exception.”

The Court concluded that to permit the admission of the statement would, in effect, overrule Crawford and would lead back to the adoption of “an approach not much different from that in Ohio v. Roberts.” 147 It noted that “the common-law forfeiture rule was aimed at removing the otherwise powerful incentive for defendants to intimidate, bribe and kill the witnesses against them…”

Because the California trial courts did not consider Giles’s intent in killing Avie, the Court declined to rule on that aspect of the case. Giles’s conviction was vacated, and the case remanded back for further proceedings, including the possibility that its intent in killing Avie was to prevent her from testifying against him.

Kennedy v. Louisiana
--- S.Ct. --- (2008)

ISSUE: E. May an individual convicted of child rape be subjected to the death penalty? HOLDING: The Court reviewed the history of the Eighth Amendment with respect particularly to capital punishment. In 1972, in Furman v. Georgia, the Court invalidated most state statutes that had existed prior to 1968. The Court believed that the death penalty for rape and other non-homicide crimes was “an extreme form of punishment that has been held for rape and other non-homicide crimes. Following that year, several states, including Louisiana, reenacted its law authorizing capital punishment for all rape, but that was modified to only apply to child rape. Specifically, six states that authorized the death penalty for crime of child rape did not do so until the relevant portion of the statute reads: ‘(3) advertises, promotes, presents, distributes or solicits through the mail, any material designed or intended for use as a sexual conduct aid or intended for distribution to sexual conduct aids;’”) The result was a partial admissibility of an unseriously engaging narrative aid.” In this case, the defendant refused to answer any questions that related to the rape or murder, and the Court declined to rule on that aspect of the case. The Court ruled that:

Yes. The U.S. Supreme Court reviewed the history of the Second Amendment, and the history of ownership of fire- arms, including handguns, in the United States. The Court also used amicus briefs provided by historical linguistic experts in reaching its decision, to determine the us-

age of language at the time of the Second Amendment. After extensive examina- tion, the Court concluded that the Second Amendment “guarantees the individual right to possess and carry weapons in cases of self-defense, to suppress political opposition. Turning to the specific issue presented in this case, the Court found that the “inherent right of self-defense has been central to the Second Amendment right.” The D.C. ban prohibited the precise type of weapon “onlywhelmingly chosen by American society for that lawful purpose.”

The Court concluded:

Undoubtedly some think that the Second Amendment is outdated in a society where our standing army is the pride of our nation, where well-trained police forces provide personal security and where gun violence is a serious problem. That is perhaps debatable, but what is not debatable is that it is not the role of [the] Court to pronounce the Second Amendment extinct.

The Court found the D.C. law to be un- constitutional, and ordered that the District “permit (Heller) to register his handgun and issue him a license to carry it in the home.” The Court agreed, however, that the right to keep and bear arms was not unlimited, and upheld “longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or law-imposing conditions and qualifications on the com- mercial sale of arms.”
Inchoate Offenses: The Forget-Me-Not Charges

Kevin McBride, Staff Attorney, DOCJT Legal Section

Let’s talk about inchoate offenses. You may be asking, incho-what offenses? The word inchoate literally means in an initial or early stage. Essentially, an inchoate offense is one that has begun but remains, for whatever reason, unfinished or incomplete. That is, the underlying offense never quite makes it to the result sought or intended by the offender. These crimes are often forgotten because they easily can be overlooked. This may happen in a variety of situations and for various reasons.

In Kentucky, inchoate offenses include solicitation, conspiracy, attempt and facilitation and are located in Chapter 506 of the Kentucky Revised Statutes. Although facilitation is lumped in as an inchoate offense, it actually requires a completed crime and therefore is not a true inchoate offense.

Why even bother charging someone with an offense when you think of them generally in the initial or early stage? In other words, the defendant’s failure was not for a lack of trying.

It may help in understanding the inchoate offenses if you think of them generally in the following ways:

- Solicitation as asking a conspiracy as agreeing
- Attempt as trying a facilitation as helping

Criminal solicitation (asking)

What comes to mind when you hear the word, solicitation? Many people think of prostitution or some other kind of sex offense. This can help in understanding criminal solicitation because, generally when soliciting for purposes of prostitution, one person is asking another person to engage in sexual conduct in exchange for money. According to KRS 506.030, “a person in guilty of criminal solicitation when, with the intent of promoting or facilitating the commission of a crime, he commands or encourages another person to engage in sexual conduct in exchange for money.”

Criminal conspiracy (agreeing)

According to KRS 506.040, in order to be guilty of conspiracy, “a person having the intention of promoting or facilitating the commission of a crime agrees with one or more persons that at least one of them will engage in conduct constituting that crime or an attempt or solicitation to commit such a crime or agrees to aid one or more persons in the planning or commission of that crime or an attempt or solicitation to commit such a crime.” The statute makes it appear that once the agreement is reached, the offense has been committed. However, KRS 506.050(1) adds the requirement that “no person may be convicted of conspiracy to commit a crime unless an overt act in furtherance of the conspiracy is alleged and proved to have been committed by one of the conspirators.”

Criminal attempt (trying)

An attempt to commit a crime is just that, a failed or unsuccessful effort. Attempt is the closest a person can come to completing a crime without actually succeeding. Think of attempt as trying to do something but coming up just short of your goal.

There are three ways for someone to commit an attempt. First, by intentionally engaging in conduct, which would constitute the crime if the attendant circumstances were as the defendant believes them to be. One example of this is a defendant trying to steal a person’s wallet from that person’s coat pocket but the pocket is empty. Another example is a defendant thinking a person is a government official and trying to bribe them when the person is not an official at all.

Second, by intentionally doing or omitting to do something which, under the circumstances he believes to be, is a substantial step in a course of conduct planned to culminate in the commission of the crime. The substantial step element ensures that persons are not punished for equivocal or innocent conduct. The substantial step element requires that there be no reasonable doubt as to the defendant’s intentions.

Finally, a person is guilty of a criminal attempt when he engages in conduct intended to aid another person to commit a crime, even though the crime is not committed or attempted by that other person, as long as his conduct would establish complicity under KRS 502.020 if the crime were committed by the other person.

Criminal facilitation (helping)

Criminal facilitation involves providing the means or opportunity for another person to commit a crime with knowledge that the person is going to commit a crime. The individual providing the means or opportunity does not necessarily intend for the crime to be committed, he simply provides the means or opportunity with the knowledge that the recipient will commit a crime with what he has provided.

A good example of this is that of a gun dealer who sells a shotgun to a customer whom he knows is going to use it to hunt illegally. The customer uses the shotgun to hunt illegally but also uses the shotgun to murder his wife. The gun dealer would be guilty of facilitating the illegal hunting because he knew the customer was going to hunt illegally and provided him with the means to accomplish it, but the gun dealer would not be guilty of facilitating the murder because he had no knowledge of the customer’s intent to kill his wife.

Defenses

The defense of renunciation is available for the offenses of solicitation, conspiracy and attempt as long as it is a voluntary and complete renunciation of criminal purpose and the defendant abandoned his effort to commit the crime. It is not a renunciation if the defendant abandons his attempt only because of a risk of being caught or detected. Abandoning the crime due to the risk of being caught or detected is more akin to a rescinding than a renunciation.

Conclusion

It is possible to forget about inchoate offenses when a completed offense has happened right in front of you. However, inchoate offenses should be kept in mind since it is also possible that one of them may be applicable. Inchoate offenses should be considered in circumstances when a suspect has taken all the actions necessary to commit a crime but has been unsuccessful (attempt), or when it is apparent that the suspect intended that a crime be committed and he encouraged another to complete it (solicitation), or entered into an agreement with at least one other person that one of them would commit or attempt to commit a crime (conspiracy).

The inchoate statues are a valuable charging tool for law enforcement and prosecutors. Without them, suspects would only be accountable for crimes actually completed. Unsuccessful offenders would go unpunished even though they had actively pursued the commission of a criminal offense and demonstrated the dangerousness of mind needed to commit a crime. Inchoate statutes help protect society by punishing offenders who have manifested all the actions and thought processes needed to complete a crime, but due to the circumstances, failed. Make their failure your success by using the inchoate offenses to bring them to justice.

References


2. Kentucky Revised Statutes 506.010(1)(a).


4. Kentucky Revised Statutes 506.010(2).


6. Fall 2008| KENTUCKY LAW ENFORCEMENT

Legal
CASTLE DOCTRINE
Brings Change to Kentucky’s | Justification of Force Law

Michael S. Schwendeman, Staff

In 2008, the Kentucky General Assembly adopted a version of what is commonly known as the Castle Doctrine, addressing a person’s right to use force. The Castle Doctrine has widely been supported across the country, and variations of it have been adopted in many other states.

This legislation made a number of changes to KRS Chapter 503 regarding the justification of use of force. The Castle Doctrine has been somewhat problematic in that the General Assembly did not completely reconcile the language of the model law, which had been used in other states, with the existing law in Kentucky when it adopted provisions of that model law. While some of the changes arguably should have no significant impact on the state of the law and law enforcement, certain changes may prove to be very significant. Depending upon how they are applied in the courts, they could have great impact and also may expose officers to civil liability for making arrests in certain cases.

Despite having been in effect for two years, anecdotal evidence indicates that many Kentucky law enforcement officers are unaware of these changes in the law and of their potential liability.

Justification

Chapter 503 sets forth who is justified in using what otherwise would be unlawful force, how much they may use and under what circumstances they may use it. The chapter generally applies to all persons in the Commonwealth.

The legal defense of justification in the event that any person is charged with an offense alleging an unlawful use of force, is addressed in KRS 531.020. When a person is claiming the justification defense, they do not deny they used force. Rather, they admit the use of force, but claim they are justified under the circumstances. If the court agrees that they were justified, they are acquitted of the charge.

In addition to the provisions permitting force, including deadly force, to defend oneself or another, KRS 503.090 provides law enforcement officers with the ability to use physical force, including deadly physical force, to make an arrest or capture a dangerous, violent subject. It was not amended by the Castle Doctrine.

The overall intent of the Castle Doctrine is to broaden and clarify the range of situations in which a person threatened with unlawful force would be justified in responding with deadly force. The doctrine also makes it more difficult to prosecute or bring a lawsuit against an individual who claims justification in using deadly force.

Two definitions were added to KRS 503.010 as a result of the Castle Doctrine, and the definition of “dwelling” in subsection 2 was modified. The definition of dwelling now means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night. This change does not specify that the structure actually be occupied, only that it must be able to be occupied by people overnight.

A definition for “residence” was added: “a dwelling in which a person resides temporarily or permanently or is visiting as an invited guest.” This broadens the prior provision that presumed that an individual could only use deadly force to defend their own dwelling.

The final definition added is that of “vehicle,” which states it is “a conveyance of any kind, whether or not motorized, which is designed to transport people or property.” This would cover automobiles, boats, aircraft, buses, trains and anything propelled by muscle power, which would include animal-drawn vehicles and bicycles.

Self-protection

The use of physical force in self-protection is provided for in KRS 503.050. Subsection 2 provides for justification in using deadly force in self-protection. As modified by the Castle Doctrine, it reads as follows, with the changes underlined:

The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat, felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055.

Two circumstances have been added under which a person may be justified in using deadly force for self-protection. The first is if the defendant believes he or she is being threatened with a felony involving the use of force.

This broad language includes felonies in which the person may or may not be in danger of death or serious physical injury. There would include, but not be limited to, second-degree assault, third-degree assault, first-degree sexual abuse, first-degree robbery, second-degree robbery and assault and a sports official.

In all of these crimes, the victim might perceive himself to be in danger of death, serious physical injury, kidnapping or forcible sexual abuse, and would have been justified under both the Castle Doctrine and the prior version of the law in using deadly force for self-protection. The Castle Doctrine language arguably extends the justification to use deadly force in self-protection against such forcible felonies, even when the victim perceives no danger of death or serious physical injury to himself.

Defensive force

KRS 503.055, which addresses the use of defensive force, is a significant, but potentially confusing, addition to Chapter 503. To a certain degree, however, it is redundant, merely restating justifications already set forth elsewhere in the chapter.

One issue it creates is that it uses the term “great bodily harm,” but provides no definition for the phrase. The term “serious physical injury” is defined in KRS 505.080(15) as “physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.” Physical injury is defined in KRS 500.080(13) as “substantial physical pain or any impairment of physical condition.”

The courts will have to apply some meaning to the term “great bodily harm.” Logically, it cannot mean exactly the same thing as the definition of serious physical injury, although, in states that use that phrase, it is obvious the meaning is essentially the same. Kentucky law presumes the use of different phrases or terms to indicate different meanings. Since one aspect of serious physical injury is that a person could die as a result of it, logically there is no injury more serious than that.

Furthermore, since physical injury covers any impairment of physical condition, however minor, that is presumably the lowest level of harm. The word of the term “great” in the term plainly intends a significant injury. Therefore, great bodily harm may be interpreted by the courts to mean some level of injury between physical injury and serious physical injury.

What the courts may conclude great bodily harm means could greatly affect which uses of force are found to be justified and which are not.

Reasonable fear

KRS 503.055(1) states that:

(a) A person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:

(1) The person against whom the defensive force was used was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered a dwelling, residence, or occupied vehicle or if that person has re-entered or was attempting to remove another against that person’s will from the dwelling, residence or occupied vehicle; and

(b) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry was occurring or had occurred;

The next subsection of that statute sets forth exceptions to the above presumption. In these exceptions, the person using force will not have the benefit of presumption if the person against whom the defensive force was used fell into one of the categories listed in subsection 2.

These categories include (a) a person who

...has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee or titheholder; and there is no domestic violence order or pretrial release order or any sort of no contact order; (b) [the person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used]; (c) the actor using defensive force is engaged in unlawful activity or using the dwelling, residence or vehicle for further an unlawful activity; or (d) the person against whom the defensive force is used is a peace officer "who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties, and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a peace officer."

No duty to retreat

A person who is not engaged in any sort of unlawful activity who is attacked in any place he has a lawful right to be, does not have a duty to retreat and may stand his ground and meet force with force, according to KRS 503.055(3). This includes the right to use deadly force if he or she reasonably believed it is necessary to do so to prevent death or great bodily harm to himself or herself or another, or to prevent the commission of a felony involving the use of force.

This codifies and elaborates upon what Kentucky case law generally held, which was that there was no duty to retreat when confronted by a threat. However, it did not add anything to the existing state of the law in Kentucky regarding a person having no duty to retreat in self-protection.

In Gibson v Commonwealth, the Court of Appeals of Kentucky, then Kentucky’s highest court, held a self-defense instruction to a jury was wrong because it included language that they had to find the defendant had no reasonable means of escaping in order to claim justified self defense. The Court stated:

“It is the tradition that a Kentuckian never...”
runs. He does not have to."

Subsequent cases generally upheld the "no duty to retreat" ruling, but did not require it to be included in jury instructions when a defendant claimed to be acting in self-protection.

The fourth subsection addresses burglars, stating that "[A] person who unlawfully and by force enters or attempts to enter a person’s dwelling, residence or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence."

This subsection codifies and broadens the existing presumption regarding burglars, their presumed felonious intent and the clear and present danger they pose to the occupants of the dwelling. Deadly force was thus justified in dealing with the burglar. The language of subsection 4 applies the presumption of danger to any forcible intruder in a dwelling, residence or occupied vehicle.

Protection of another

KRS 503.070, Protection of Another, also was amended by the Castle Doctrine. Subsection 2 addresses use of deadly force as it relates to protection of another. The same language that was added to KRS 503.050(2) was added to KRS 503.070(2)(a). That paragraph now reads "[T]he defendant believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping, sexual intercourse compelled by force or threat or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055."

The effect of these changes in KRS 503.070(2) is the same as discussed for KRS 503.050(2). The requirement in KRS 503.070(2)(b), that deadly force is only permitted when under the circumstances the person actually exist the person whom the defendant sought to protect would have been justified in using such protection, was not changed. Subsection 3 of this statute also provides that a person has no duty to retreat if he or she is in a place where they have a right to be.

Protection of property

Justification of force in the protection of property also was modified by the Castle Doctrine. The justification of using physical force in protection of property in KRS 503.080(3)(a) was changed as follows, with the new language underlined:

The commission of criminal trespass, robbery, burglary or other felony involving the use of force, or under these circumstances permitted pursuant to KRS 503.055, in a dwelling, building or upon real property in his possession or in the possession of another person for whose protection he acts. . . .

Arguably, however, this language makes no substantive change in the law. Under the pre-existing statute, a victim already was privileged by law to use physical force to defend his dwelling or building against a burglar, to defend himself with physical force against an attacker, including a robber and to protect any sort of property of his or another’s whose behavior he feared against any sort of crime against it.

The justification in using deadly force to defend property under KRS 503.080(2) was amended at paragraph 1. As amended, it provides as follows, with the new language underlined:

Committing or attempting to commit a burglary, robbery or other felony involving the use of force, or under these circumstances permitted pursuant to KRS 503.055, of such dwelling. . . .

Again, the statutory changes have little impact on the applicability of the justification defense. A burglary, as defined in KRS Chapter 511, has the criminal entering or remaining unlawfully in a building or dwelling with the intent to commit a crime. That language is very broad and not limited to felonies or any crime of violence. Therefore, such conduct would have encompassed crimes contemplated by the Castle Doctrine language.

Under KRS 503.080 prior to enactment of the Castle Doctrine, the law did not consider any fear by the defendant that he or another was in physical danger of the suspect. If the defendant was acting in self-protection, he would have invoked KRS 503.050 (the self-protection law) as justification. Even if the suspect had been invited in and somehow never becomes a burglar within the meaning of KRS Chapter 511, it is hard to envision a scenario not covered by the pre-existing statutes. Subsection 3 of this section also states that a person does not have a duty to retreat if the person is where he or she has a right to be.

Legal immunity

The most important, and potentially the most problematic change made by the Castle Doctrine for law enforcement, is the enactment of KRS 503.085. This new statute provides for legal immunity for criminal prosecution and civil actions. The statute reads as follows:

(1) A person who uses force as permitted in KRS 503.055, 503.050, 503.070, and 503.080 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom the force was used is a peace officer, as defined in KRS 416.010, who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law, or the person using force knew or reasonably should have known that the person was a peace officer. As used in this subsection, the term criminal prosecution includes arresting, detaining in custody, and charging or prosecuting the defendant.

(2) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (1) of this section, but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

(3) The court shall award reasonable attorney’s fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by the plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection (1). (Emphasis added.)

One of the primary purposes of the Castle Doctrine was to protect people who justifiably used deadly force in defense of themselves, others or their homes from the costs and stress of criminal prosecution and civil litigation, when they ultimately would prevail. KRS 503.085 is intended to provide that protection, although it does not serve as a complete shield. It effectively creates a rebuttable presumption that when a person claims he or she was justified in using deadly force according to the law, that he in fact is justified. It shifts the burden of proof to law enforcement or the prosecutor to show that he was not justified in that belief.

The following hypothetical situation may be useful to illustrate the point:

Officers are dispatched to a shooting call. When they arrive, they find a subject dead of an apparent gunshot wound and the apparent shooter still at the scene. The shooter is cooperative and readily talks to officers. He claims he believed that the decedent was about to kill him, so he used his own weapon to shoot and kill the decedent. After investigating other witnesses and collecting physical evidence at the crime scene, the officers conclude that there is probable cause to believe this was a criminal homicide, and that there is probable cause to believe the shooter committed the homicide.

Prior to the enactment of the Castle Doctrine, the officers would probably have arrested the shooter at that time. However, subsection 1 provides that the person is immune from criminal prosecution – which includes the actions of arresting, detaining in custody and charging or prosecuting the defendant.

Law enforcement agencies discuss the matter with their legal advisors and local prosecutors before they arrive. What a suspect might raise when they admit they committed the act but claim legal justification for committing the act. Officers can and should take a suspect’s affirmative defenses into account in determining if they have probable cause to believe both that the crime occurred and that the suspect committed it. The mere existence of a possible affirmative defense does not ordinarily bar an arrest. Usually it is the defendant’s responsibility to raise the affirmative defense in court. With the Castle Doctrine, that usual process is cast aside. Officers must now have probable cause not only to believe the offense was committed and that the suspect did it, but also probable cause to believe that the affirmative defense will fail before they can arrest the suspect. In many cases, this will not be a problem in that the suspect’s claim will clearly be weak. The problem arises in cases where the claim is more credible.

A likely result of this will be that officers have to contact the prosecutor to seek guidance as to how to proceed before arresting a suspect who is claiming justification under KRS Chapter 503. That contact will provide some shield from liability for the officers.

Civil liability

Further, KRS 503.085 creates potential civil liability for officers who arrest a suspect claiming legal justification for their action. If the suspect’s justification ultimately is accepted by the court or the case is dismissed, the suspect may sue the officers for false arrest. This is an issue that apparently is not well understood by the law enforcement community. Due to the newness of the law, Kentucky does not have any reported court cases that provide guidance on how the statute should be applied.

All officers need to be familiar with the changes created by the Castle Doctrine to KRS Chapter 503. Caution is the byword in responding to deadly force cases where the suspect is claiming justification under the new laws. It is recommended that law enforcement agencies discuss the matter with their legal advisors and local prosecutors now to be prepared to deal with such cases before they arise. 

315 503.018(8)(y), 3002.

Violette, Commonwealth, 261 S.W.2d 542 (Ky., 1953).

KRS 503.018(3).
Call for Cell Phone Forensics

he functionality of cellular phones today rivals that of personal digital assistants and even laptop computers. Cellular phones can perform all of these tasks and more: voicemail, music, MP3 player, camera, video camera, voice recorder, Web browser, e-mail appliance, text/ instant messenger, address book, calendar, notepad and games. They also send and receive phone calls.

Any technology that can be used for legitimate purposes can be used to accomplish illegal aims as well. State and local law enforcement officials responding to emergencies and criminal complaints almost inevitably discover the presence of a cell phone. These cellular phones should not be overlooked as a potential source of evidence and intelligence in any type of criminal investigation. A quick look at the headlines will reveal criminalizing cellular phone technology as a network for coordinating a criminal enterprise, a means to send harassing text messages to a victim, a method of producing photographs and videos, and devices and methods available for locating cellular phones to detonate devices.

The most favorable method for examining cellular phones is not always an option for all cellular phone types. Ideally, an investigator can read data directly from the memory chips on the phone’s circuit board and store this data in a file. The contents of this file can then be examined with a hex editor or interpreted with software such as Cell Phone Analyzer, allowing extraction of both active and deleted data. Another advantage is that this method can be used with the cellular phone powered off, so there is no change to the data in the phone’s memory.

A thorough examiner will use one, or all, of the methods described above when examining cellular phones for valuable evidence. Some cellular phones, however, simply defy any examination owing to direct writing.

Investigators who find this information overwhelming should know there is help available. State, local and federal agencies continually endeavor to build their resources and create strategies that work for handling cell phone technology. Libraries and bulletin boards for cellular phone forensics may provide answers to questions. There are also software packages and training courses that specifically target law enforcement. Investigators need to reach out and find these resources quickly, before their next investigation hinges on data from a cellular phone.

For more information, visit BK Forensics at www.bkforensics.com, or phone (888) 701-1718.

Basic Resources

The following list of resources, which may not be all inclusive, may be helpful to law enforcement officers looking to learn the basics of cell phone forensics.

TRAINING

- BK Forensics (www.bkforensics.com)
- Forensic Telecommunications Services (FTS) (www.ftsinc.co.uk)
- Mobile Forensics Inc. (MFI) (www.mobilityforensictraining.com)
- Paraben Corporation (www.paraben.com)
- Software and Hardware
  Bifilim (www.bifilim.sourceforge.net)
- Compelson Laboratories (www.compelson.com)/MobileEdit
- FeniX (www.fenix.com): Enzyme Reporting Tool
- Paraben (www.paraben.com): Device Seizure, Device Seizure Toolbox, SIM Card Seizure
- Systeem, Inc. (www.datapilot.com): DataPilot, SecureView for Forensics

REPORTS


Cell Phone Forensics

Call for Cell Phone Forensics

KENTUCKY dence: for reliably seizing the devices and methods available for locating cellular phones, and using including custom designed operating systems and varied network matters. Cellular phones present many hurdles to the investigator, ging able to extract that all-important data, however, are two different

rassing text messages to a victim, a method of producing photographs
phones should not be overlooked as a potential source of evidence

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Have you ever thought about training other personnel within your agency in the skills and knowledge necessary to do their job more effectively? Does your agency need additional training other than what is currently offered by the Department of Criminal Justice Training but do not have people who are trained as instructors? Then the job of field instructor is just for you.

The Department of Criminal Justice Training’s Field Instructor course is offered two times each year.

This course does NOT certify participants to teach at the academy level, but it does give a good foundation to any instructor who wishes to train other officers. Agencies looking to provide in-house training on topics specific to their needs should consider sending officers to this course.

For further information please contact: Patrick V. Miller, Supervisor Instructional Design (859) 622-5930

WANTED:

- Officers assigned to conduct training within their own agency or current Kentucky Law Enforcement Council-certified instructors who wish to transition from the traditional lecture method to an adult-learning style of instruction.

KNOWLEDGE/SKILLS REQUIRED:

- Able to relate well with other officers within your agency
- Competent typing and computer skills to prepare the required lesson plan
- Capable of using Microsoft Word 2003 or above

JOB DESCRIPTION:

- Develop and document content for agency-approved training programs
- Conduct training on a variety of law enforcement topics based on current agency needs
- Deliver presentations to administration and personnel relating to training updates

TRAINING REQUIREMENTS:

- Field Instructor course requiring a 30-minute student-centered learning project including written objectives and a lesson plan developed during the week

Don’t Drink and Drive – to work: A woman drove drunk to a police station. She actually worked at the station as a cleaning woman. –Associated Press

Crime doesn’t pay for cab fare: A bank robber took a cab to commit his caper. Authorities claim he had a cab pick him up, take him to the bank and then back to his apartment. –Associated Press

An Unfortunate Cookie: In Tulsa, police arrested the burglar of several Chinese restaurants after they caught him with some of their fortune cookies. Police responded to a burglar alarm at one Chinese restaurant and then another one just down the street. Officers found the man not far from the scene with fortune cookies from both restaurants. –Associated Press

Closed but no Cigar: A man tried to rob a bank that had already closed. The man showed up at the bank in a mask and wielding a shotgun but couldn’t open the doors because they were already locked. Some people who were still inside the bank saw his license plate number and that the plate, ironically, was bolted to the car upside down. Police tracked him down and arrested him. –Elmira Star-Gazette

A Real Shocker: A man was shocked trying to steal copper wire. He attempted to steal it from a power plant. –The Desert Dispatch

If you have any funny, interesting or strange stories from the beat, please send them to elizabeth.thomas@ky.gov