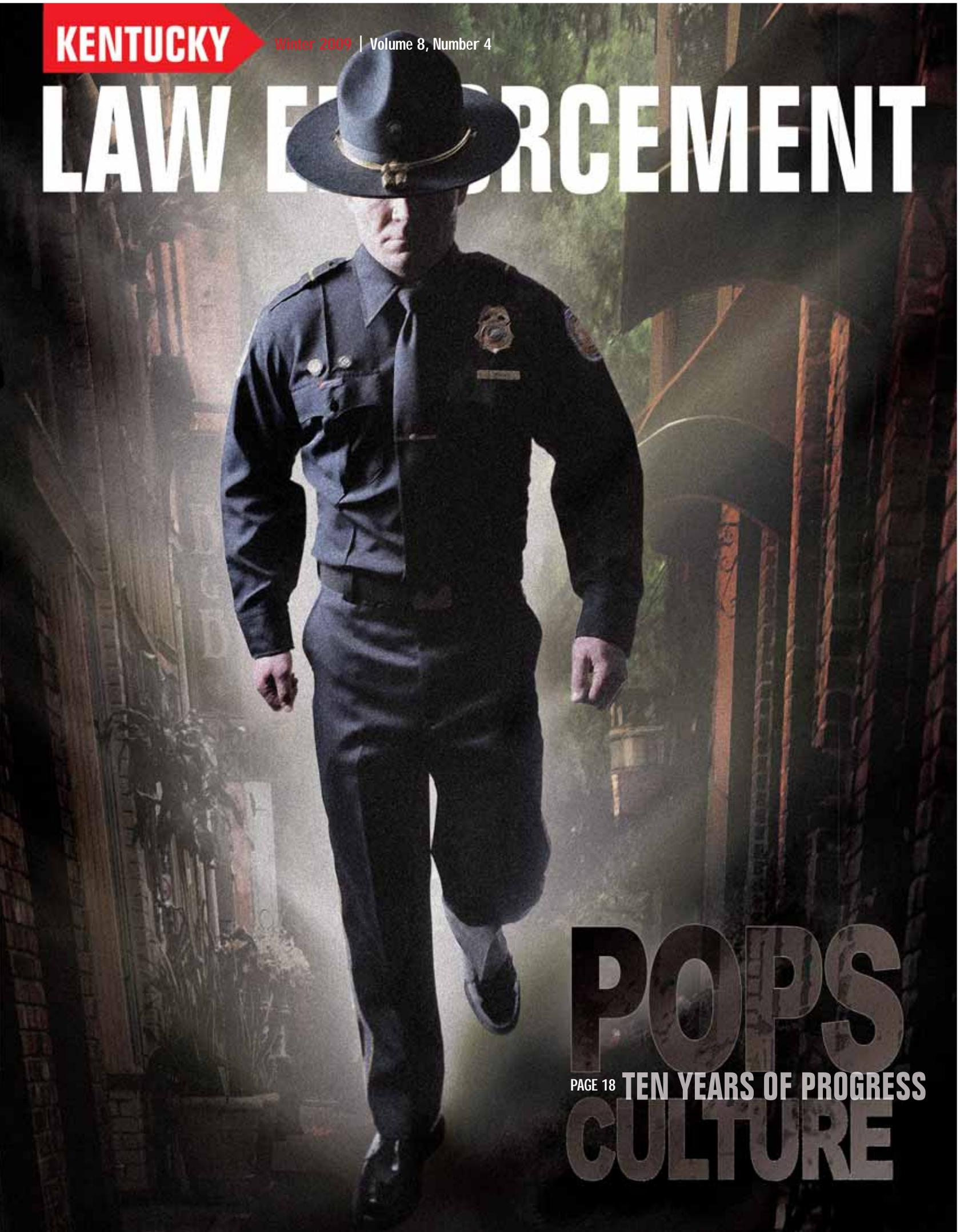


**KENTUCKY**

Winter 2009 | Volume 8, Number 4

# LAW ENFORCEMENT



**POPS**  
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**CULTURE**

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Steve Beshear  
Governor

J. Michael Brown  
Justice and Public Safety  
Cabinet Secretary

John W. Bizzack  
Commissioner

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

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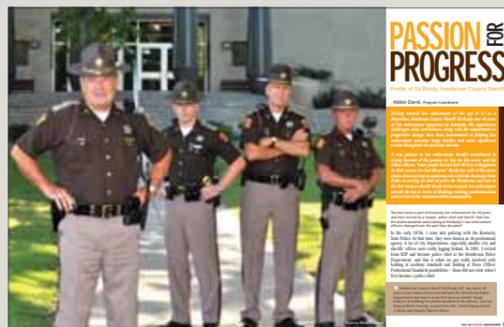
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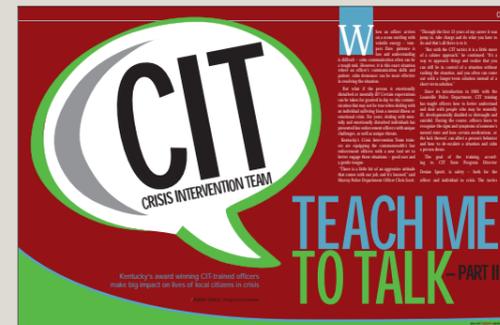


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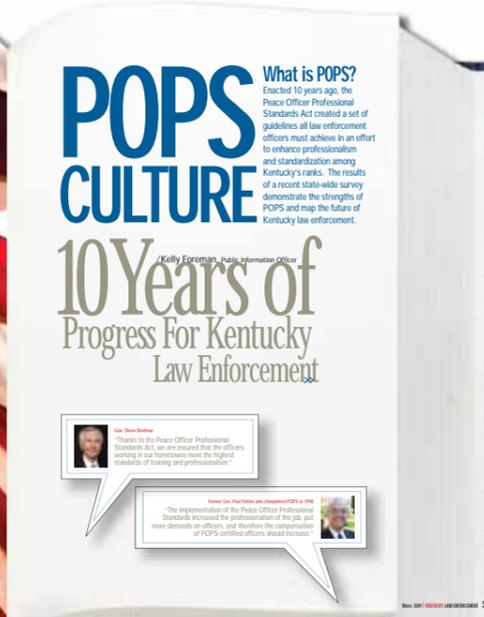
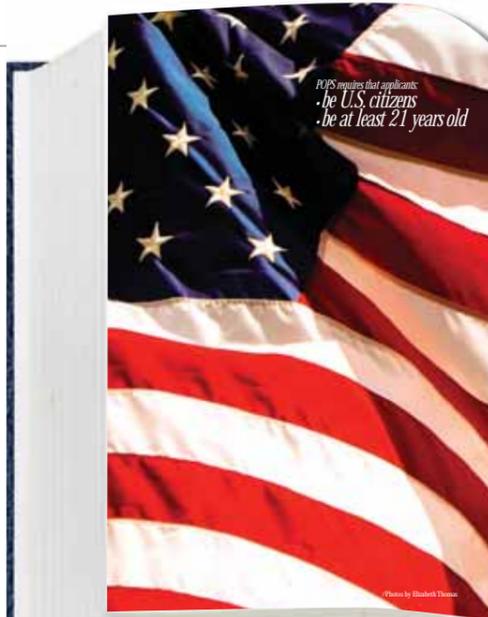
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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital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

# Briefs

## LEXINGTON'S MOUNTED POLICE

### Excel in Competition

Lexington's mounted police officers won first place in every category at the North American Police Equestrian Championships in Harrisburg, Pa., conducted in October. It was the first time a single police agency won all the categories and the first time a single officer won first place in both the equitation and obstacle events.

Among the winners: Lisa Rakes and her horse, Jake, took first place in equitation, obstacles and the combined equitation and obstacle courses event; Raymond Alexander and Paco took first place in the uniform and inspection event; and a team consisting of Rakes, David Johnson and Daniel Edge won the team obstacle event. Johnson and Edge won second and third places, respectively, in the obstacle event.



## PROJECT BLUE LIGHT

In remembrance of those officers who have made the supreme sacrifice and in honor of those who continue to work the violent streets of our nation, Concerns of Police Survivors is asking everyone to burn a blue light in their windows during this holiday season.

Project Blue Light is a simple gesture; during the holidays, decorate with blue lights. COPS also encourages law enforcement agencies to decorate precinct stations and headquarters in blue lights.



## KSP AT KENTUCKY STATE FAIR

Trooper Dean Patterson, public affairs officer for Kentucky State Police Post 1 in Mayfield, instructs a participant at the Safety Town exhibit at the Kentucky State Fair in Louisville in August. Photo by Les Williams, KSP Media Relations

## CYBERSAFEKY PARTNERSHIP

### Helps Educate Families

ConnectKentucky has joined Attorney General Jack Conway and the Kentucky Department of Education in the Internet safety partnership, CybersafeKY. The CybersafeKY partnership will be expanding and launching new programs throughout the school year to educate parents and help children safe.

"As parents and students get back into the swing of a new school year, it's more important than ever before to talk about the dangers that exist online," Conway said.



## ABC'S NEWELL RECEIVES

### Meritorious Service Award

Alcoholic Beverage Control Investigator Steve Newell received the 2009 Meritorious Service award from the Lexington Division of Police for his life-saving actions during a fire.

While conducting routine duties, Newell became aware of a fire in a Lexington home. Risking his own safety, Newell went to the scene and helped civilians out of the burning structure.

## SECRETARY BROWN ELECTED

### National Criminal Justice Board

Justice and Public Safety Cabinet Secretary J. Michael Brown was elected chairman of the National Criminal Justice Association's southern region, seating him as a member of the board of directors.

NCJA promotes a balanced approach to communities' complex public safety and criminal justice system problems, and works to coordinate juvenile justice, criminal justice and other federal programs so that limited federal funds are used most effectively.



## VEHICLE DESIGN

### Kentucky Agencies Recognized for Vehicle Design

Law and Order, a national police magazine, recently recognized four Kentucky agencies for placing in its Police Vehicle Design Contest.

The agencies and their awards were: Richmond Police Department, third place, municipal over 50 officers category; Vine Grove Police Department, third place, municipal under 10 officers category; Grayson County Sheriff's Office, second place, sheriff up to 25 officers category; United States Mint Police, U.S. Bullion Depository (Fort Knox, Ky.), first place, federal and state agencies category.

## LONGEST-SERVING TROOPERS

### Still on the Job

Kentucky State Police Detective Colan Harrell (Post 11) and Detective Bill Riley (Vehicle Investigations) were recognized for 40 years of service Aug. 31. The two began their training at the KSP Academy on Sept. 1, 1969 in cadet class 40, making them the longest-serving, sworn officers in the history of the agency.

"Detective Riley and Detective Harrell embody everything that is the Kentucky State Police. They're role models for what a trooper should be," said KSP Capt. Lisa Rudzinski, Post 11 commander.

Harrell has investigated about 125 murder cases during his tenure. Riley was the first trooper to respond to the 1976 coal mine explosion in the Letcher County community of Scotia that killed 15 men. He also was involved in the eastern Kentucky coal strikes during the 1970s and the Louisville school busing unrest in 1975.

## FORMER FBI AGENTS

### Society Meeting Hosted by DOCJT

On Sept. 24, a group of 15 retired FBI agents and their spouses toured the Department of Criminal Justice Training's facilities as part of their quarterly Bluegrass Chapter Society of Former Special Agents of the Federal Bureau of Investigation meeting. Attendees were able to take part in a firearms practical in the indoor range during the tour.

The Bluegrass Chapter Society of Former Special Agents of the FBI members and their spouses were: Bernie Thompson, Bob Saffell, Adrienne Saffell, Sam Smith, Gayle Smith, Pat Conley, Ruth Conley, Bill Bowling, Jim Huggins, Sheila Huggins, Tom Scholl, Doris Scholl, Phillip Doty, Kirby Major and Vicki Major.



## KSP CORVETTE DETAIL

Driving corvettes detailed with temporary markings and blue lights, KSP escorted more than 5,000 Corvettes in September as part of the Corvette Museum's 15th Anniversary and National Caravan. Photo by Les Williams, KSP Media Relations



**VITAL PROGRAM RE-FUNDED  
THROUGH TRANSPORTATION GRANT**

A check for \$80,000 was presented in September to the Department of Criminal Justice Training to re-fund for another year a vital, collaborative, statewide effort – Drug Recognition Expert training. Specifically, the DRE training grant will again fund courses for new DRE candidates, to train DRE instructors and to re-certify those trained in drug recognition evaluations.

Highly effective and skilled at detection and identification of drug and alcohol-related impairments, DREs conduct a methodical 12-step evaluation consisting of physical, mental and medical components.

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



**OHIO LAW ENFORCEMENT**

Ohio law enforcement executives visited the Department of Criminal Justice Training in October to learn from the academy and Kentucky's other law enforcement programs and initiatives.

**NEW CHIEFS**

**In Kentucky**

**James O. Berry**

**Paducah Police Department**  
Berry was appointed chief July 20. Berry has nearly 35 years of law enforcement experience and has served the Hartford (Conn.) Police Department, Manchester Police Department and as chief of security, responsible for 40 schools and more than 26,000 students.

He has a bachelor's degree in sociology from Eastern Connecticut State University and graduate certification in Homeland Security Management from St. Joseph College's graduate program.

**Barry Rice**

**Mayfield Police Department**  
Rice was appointed chief August 1.

**David Gregory**

**Berea Police Department**  
Gregory was appointed chief Sept. 1. He has more than 10 years of law enforcement experience. He began his law enforcement career with the Department of Corrections and joined the Berea Police Department in 1998. He is an Academy of Police Supervision Class No. 4 graduate, Criminal Justice Executive Development Class No. 10 graduate, and FBI National Academy graduate. Gregory graduated from Eastern Kentucky University with a bachelor's degree in police studies.

**John Shofner, Jr.**

**Sturgis Police Department**  
Shofner was appointed chief Sept. 14. Shofner has more than 15 years of law enforcement experience. He began his career at Earl Clements Job Corp center as a sergeant with the security department's investigations division. He joined the Union County Sheriff's Office in 1993. Shofner received an associate's degree in science from the University of Kentucky.

**Delbert Harlow**

**Harrodsburg Police Department**  
Harlow was appointed chief Au-

gust 1. Harlow has 32 years of law enforcement experience with Harrodsburg Police Department. He began his career as a dispatcher and moved through the ranks to chief. Harlow graduated from the Department of Criminal Justice Training Basic Training Class No. 151.

**Douglas Holt**

**Silver Grove Police Department**  
Holt was appointed chief July 1. Holt has 12 years of law enforcement experience and began his career with the Terrace (Ohio) Park Police Department. He also served the Dayton (Ohio) Police Department before coming to Silver Grove. Since taking office, Holt has moved the department from a one-man to three-man agency.

**Michael Dingus**

**Fleming-Neon Police Department**  
Dingus was appointed chief Oct. 1. Dingus has 16 years of law enforcement experience and began his career with the Letcher County Sheriff's Office. He also served with the Jessamine County Detention Center and Jenkins Police Department, where he began as a patrolman and moved through the ranks to become chief before going to Fleming-Neon.

**Roy Daughtery**

**Mount Washington Police Department**  
Daughtery was appointed chief Oct. 12. He has served his entire 14-year law enforcement career with Mount Washington. Daughtery graduated from the DOCJT Basic Training Class No. 243.

**Darren Harvey**

**Greenville Police Department**  
Harvey was appointed chief Oct. 15. Harvey has nearly 20 years of law enforcement experience serving the city of Greenville. Harvey graduated from DOCJT Basic Training Class No. 212 and attended Hopkinsville Community College, majoring in criminal justice.

**KLEC Presents CDP Certificates** /KLEC Staff Report

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

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

**INTERMEDIATE LAW ENFORCEMENT OFFICER  
Ashland Police Department**

David A. Cannoy  
Elbert J. Church  
William D. Hensley  
Danny L. Mooney  
Orrin G. Patrick  
Timothy L. Renfro  
Charles R. Tweddell  
Darren S. Wilson

**Bardstown Police Department**

Joseph A. Satterly  
Jason R. Woodson

**Cold Spring Police Department**

Jeremy A. Enzweiler  
M. Wayne Hall

**Covington Police Department**

William A. Kelley  
Derek D. Uhl

**Frankfort Police Department**

James W. Ebert

**Hopkinsville Police Department**

Charles D. Inman

**Kentucky Department of Parks - Ranger Division**

Robert M. Cope

**Louisville Metro Police Department**

Brian D. Kuriger

**Owensboro Police Department**

Michael D. Harper

**Winchester Police Department**

Dennis C. Briscoe

**ADVANCED LAW ENFORCEMENT OFFICER  
Ashland Police Department**

David A. Cannoy  
William D. Hensley  
Danny L. Mooney

Timothy L. Renfro  
Charles R. Tweddell  
Darren S. Wilson

**Bardstown Police Department**

Joseph A. Satterly

**Berea Police Department**

James B. Hampton  
Kenneth C. Puckett

**Bluegrass Airport Police Department**

Steve L. Morris

**Cold Spring Police Department**

M. Wayne Hall

**Nelson County Sheriff's Office**

Christopher M. Kaminski

**Owensboro Police Department**

Michael D. Harper

**LAW ENFORCEMENT OFFICER INVESTIGATOR  
Clark County Sheriff's Office**

Brian O. Caudill

**Daviess County Sheriff's Office**

Lawrence P. Wilbanks

**Jessamine County Sheriff's Office**

John C. Bourne

**Kentucky Alcoholic Beverage Control**

Brett H. Bond

**Logan County Sheriff's Office**

Charles E. Dauley

**Pembroke Police Department**

Mark H. Goforth

**LAW ENFORCEMENT TRAFFIC OFFICER  
Ashland Police Department**

Charles R. Tweddell

**Owensboro Police Department**

Michael D. Harper

**ADVANCED DEPUTY SHERIFF  
Logan County Sheriff's Office**

Wallace E. Whittaker

**LAW ENFORCEMENT SUPERVISOR  
Ashland Police Department**

Darren S. Wilson

**Bowling Green Police Department**

Penny L. Bowles

**Cave City Police Department**

Billy G. Minton

**Cold Spring Police Department**

M. Wayne Hall

**Danville Police Department**

Anthony G. Gray, Jr.

**Kentucky Alcoholic Beverage Control**

Brett H. Bond

**LAW ENFORCEMENT MANAGER  
Campbell County Police Department**

Barrett J. Champagne

**Cave City Police Department**

Billy G. Minton

**LAW ENFORCEMENT EXECUTIVE  
Danville Police Department**

Thomas E. Bustle

**BASIC TELECOMMUNICATOR  
Bluegrass 911 Central Communications**

Russ Clark  
Myrtle E. Walton

**Carrollton Police Department**

Ruth S. Heightchew  
Leah J. Hill  
Randall L. Tharp

**KSP Post 13, Hazard**

Christopher P. Hays

**London/Laurel County Communications Center**

Justin E. Sizemore

**Montgomery County 911**

Robert E. Kiskaden

**Nelson County Dispatch**

Linda J. Klostermann

**Shively Police Department**

Marcia J. Miller

**INTERMEDIATE TELECOMMUNICATOR  
Jessamine County 911**

Sue Greene

**KSP Post 13, Hazard**

Christopher P. Hays

**Madisonville Police Department**

Timothy S. Davis  
Randall E. Orange

**ADVANCED TELECOMMUNICATOR  
KSP Post 13, Hazard**

Christopher P. Hays

**London/Laurel County Communication Center**

Terry Wattenbarger

**Muhlenberg County 911**

Kristi D. Jenkins

**CRIME SCENE PROCESSING OFFICER  
Bowling Green Police Department**

Charles D. Casey



## Genuine, Measureable Progress in Kentucky

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

**T**he strides made by Kentucky law enforcement in the 10 years since the Peace Officer Professional Standards were enacted have been nothing short of remarkable.

Our communities are safer, our officers are smarter and our agencies are stronger because of the standardization and professionalism brought about by the POPS Act. Kentucky's training is at the forefront among the nation's academies and continually is praised for being both visionary and efficacious.

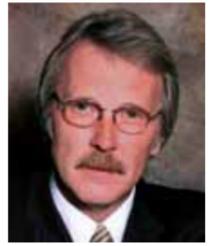
Establishing a set of standards to bring together our state's law enforcement community as a uniform group of professionals was one of the most important things Kentucky ever has accomplished. Now, as we look toward the future, we can do so with a solid foundation beneath us and great expectations for the path before us.

A special committee under the governance of the Kentucky Law Enforcement Council has been hard at work, surveying law enforcement professionals from around the commonwealth and getting answers not only about how far POPS has brought us, but also about where we are to go from here.

The reflection on the past 10 years has been resoundingly positive. Administrators have raved about the quality of recruits who return to them after 18 weeks of basic training at the Department of Criminal Justice Training academy. Even more so, the students who have attended our advanced leadership courses such as the Academy of Police Supervision, Criminal Justice Executive Development and School of Strategic Leadership have heralded the training as second to none.

The people of Kentucky should be proud of the accomplishments made to secure a better future in public safety. But our work is not yet done. We must continue to push our limits, reach for the cutting edge and find new and innovative ways to move Kentucky forward.

Our officers deserve to receive the most advanced training and resources we can make available to them. Our citizens deserve the very best we have to offer in trained and professional law enforcement. We cannot be satisfied only by our achievements. It is our responsibility to build from what we have begun so that 10 years from now, we can look back at this era as a time when Kentucky craved more than excellence. It is time for us to demand the very best.

## We Are Among the Nation's Best

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

**A**s practitioners, executive leaders and the general law enforcement community, we stand at the end of the first 10 years of the Peace Officer Professional Standards Act and on the brink of the next 10, recognizing that the POP standards have indeed advanced Kentucky policing while making note of still necessary advancements.

Kentucky's law enforcement practitioners and its leaders fully endorse and demand that the POP standards be maintained and advanced as necessary. It isn't government bureaucracy that asserts this message, nor an anecdotal notion; it is the police community itself that pushes toward ever-increasing professionalism.

In closing the 10th year of the POPS Act, we take pride in its successes and its influence around the country. We are among the nation's best. Parts of the Act and the facilitation-style training delivered by Department of Criminal Justice Training have been copied by many states and academies worldwide. Today, as a result of the POPS Act, Kentucky is recognized as one of the premier states for its attention to public safety training and standards, as well as selection and hiring practices.

With the recent statewide assessment of all police and executive leadership — initiated by the Justice and Public Safety Cabinet, DOCJT and Kentucky Law Enforcement Council — regarding reactions to POPS and training delivery, we have learned the depth of the success of the standards as well the areas which need further investigation.

POPS has moved Kentucky to the forefront of American policing standards and performance. To realize our potential and meet upcoming challenges, Kentucky's police community, local and state leaders need to know where we have been to see clearly where we are headed. As promised in 1998, the process of fully assessing POPS and its training methods at the 10-year mark is well underway.





# PASSION FOR PROGRESS

Profile of Ed Brady, Henderson County Sheriff

/Abbie Darst, Program Coordinator

*Having entered law enforcement at the age of 17 as a dispatcher, Henderson County Sheriff Ed Brady has 40 years of law enforcement experience in Kentucky. His experiences, challenges, risks and failures, along with his commitment to progressive change, have been instrumental in helping law enforcement overcome large hurdles and make significant strides throughout the past four decades.*

*A true pioneer in law enforcement, Brady's commitment is strong because of the passion he has for his career and his fellow officers. "Some people haven't had 40 days of happiness in their career; I've had 40 years," Brady has said of his career choice. From serving in numerous roles with the Kentucky State Police to serving as chief of police for Henderson and now in his first term as sheriff, Brady strives to push law enforcement outside the box in terms of thinking, training, professionalism and service to the commonwealth's communities.*

You have been a part of Kentucky law enforcement for 40 years and have served as a trooper, police chief and sheriff. How has the professionalism and training of Kentucky's law enforcement officers changed over the past four decades?

In the early 1970s, I came into policing with the Kentucky State Police. At that time, they were known as *the* professional agency. A lot of city departments, especially smaller city and sheriffs' offices were really lagging behind. In 1991, I retired from KSP and became police chief at the Henderson Police Department, and that is when we got really involved with looking at academy standards and looking at Peace Officer Professional Standards possibilities – those did not exist when I first became a police chief. >>

◀ Henderson County Sheriff Ed Brady, left, has spent 40 years in law enforcement and led both the Henderson Police Department and now is in his first term as sheriff. Brady believes in building the professionalism of his officers, such as Deputy Brent Gramig, second from left, Chief Deputy David Crafton and Deputy Warren Weiss.

/Photos by Elizabeth Thomas



>> One thing that I have seen throughout my 40 years that dramatically has changed the face of law enforcement is the academy. Our academy in Richmond is second to none – it's the best in the country. I have always said that. I think the leadership of John Bizzack in the academy has been absolutely critical. I tell people statewide that he has done more as an individual to help law enforcement than any other person I have ever met. The man is unbelievable in the things he has demanded for law enforcement.

And then the standards came in after the great academy, and that was really the basic element that we needed. If you hire quality people, you have a chance at having a quality police officer. If you hire a person who is not quality, you are going to get a police officer who is

not quality. I think POPS has helped us to identify quality people, and if you start out with good people and give them great training, I think you are going to have a real good possibility of having good law enforcement.

As a chief, what was your initial position on the creation of the POPS, and how do you think their implementation has affected Kentucky's law enforcement community?

From the moment that I heard about the standards, I was in favor of them. I think because I came from KSP and saw how high standards and quality training would really give you a good police officer, I wanted our local police departments and our sheriffs' offices to have the same opportunities that troopers had to be quality police officers.

You would not recognize agencies today compared to 20 years ago when we did not have POPS. There has been rapid development, growth and progress, and as much as has come in the past 10 years, I can only imagine what we are going to be looking at for Kentucky law enforcement in the next 10 years.

How do you think the implementation of POPS affects every Kentucky citizen?

I think citizens now see a police officer pull up to their front door who is professionally trained and competent. He or she has taken the written test and polygraph, and we know a little bit more about these officers.

I think if an officer is more qualified, he or she is generally more compassionate, too. After the DOCJT academy was established more than 30 years ago, citizens saw a better quality officer, but I think with POPS, agencies are hiring a better, more competent and qualified person to do the job. They now see problem solvers pull up to their houses who can help them with their issues.

With that better educated, better trained officer coming out of the basic academy, do you think leadership-type training is the next step in allowing these officers to maintain their high level of knowledge and desire to learn?

I think the academy has some really great leadership schools for our young officers who want to become future leaders. My job as a leader in Kentucky law enforcement, whether it was with the city police or the sheriff's office, is to develop my people into the best they can be. I should be training people to become sergeants, majors, lieutenants and police chiefs. As sheriff, I need to be training people to become competent supervisors, if that is what they want to do. Some people want to be a deputy or policeman for 20 years, and that is great if that is where they are happy. But, I think my job is to get people the tools they need, whether it be educational, equipment or opportunity to grow and become leaders in law enforcement.

I think the academy has done a great job developing leadership training in the academy that will get our people ready for the next 20 years. I think as good as it looks now, the next 10 or 15 years are just going to be absolutely great for Kentucky law enforcement because of some of the leadership programs.

You always need training through your entire career and I still go to training, whether I am required to or not, every year because I want to know the latest changes and the latest technologies available.

The sergeants' academy was an idea that was developed by Greg Howard and me at a McDonald's in Frankfort one afternoon. We were sitting there eating a cheeseburger and Greg said, "Let's talk about some leadership schools." And I said, "We need a sergeants' academy worse than anything. The toughest step is from patrolman to sergeant."

Greg took that back to Richmond and with the help of the staff and the leadership of the commissioner, developed a sergeants' academy that is second to none. There are academies from all over the country coming to Richmond saying we want to be like you. How great is that to see Kentucky as a leader in law enforcement?

What do you see as the biggest benefit of offering graduated leadership training to Kentucky's up-and-coming law enforcement leaders?

Confidence, definitely. Everybody, when on the patrol level, thinks they can be a leader. I did when I was trooper. They think, 'Well, why don't they run it this way; I could do better.' But, I think what leadership training does is give some of these people who have the desire to be a leader the opportunity to see what is comprised of leadership and the thinking, philosophy and education that goes behind it. I think it gives them confidence that they do have what it takes and this is a career path that they can take that will help them achieve their goals.

Commissioner Bizzack made a statement that, "Leadership is not a position, it's a behavior." We have future leaders that have the behavior, but have not had the training and the philosophy. I would hope when they go to training it would be exciting to them to see they do have the qualities that it takes, all they need is the training and the background and they will be leaders.

As a former Kentucky Law Enforcement Council member, what impact/influence has KLEC had on Kentucky policing?

I was on the Kentucky Law Enforcement Council for about 10 years. It is the most important group to Kentucky law enforcement. KLEC shapes the training requirements and also ap-

proves the instructors. You have to have good training information and you have to have an excellent presenter. You show me good training and a bad presenter and I will show you training that is not going anywhere, and vice versa. To me, I think the KLEC is the most important thing I have served on in 40 years of law enforcement.

How does KLEC, across the board for all four academies keep things on the same page?

We have to be consistent in the information we provide to police officers. You cannot tell KSP one thing, city police another and sheriffs another and get consistency in law enforcement. They all have their separate identities, especially KSP, Louisville and Lexington because they have their own academies, and the way they present it.

However, I think the meat of the training – your criminal law, traffic law, pursuit driving – are things that we all get no matter what academy we are in. I think the academies are extremely consistent in what is taught and each provides quality training. I think where KSP, Louisville and Lexington branch off is more on policy issues, whereas DOCJT cannot do that because they have police officers from hundreds of different agencies coming and most of those have different policy manuals. Now if we were all under the same policy manual in local law enforcement, I think that you would have the same thing at Richmond that you have at the other academies with a lot of policy being taught.

Quite honestly, in the future, I would like to see local agencies try to adopt and develop a common policy manual. Good policy is good policy whether it is in Pikeville or Paducah. There would have to be some small variances because of the equipment each agency has and things of that nature, but I think our weakest avenue right now is not in training or quality of instructors, but in policy. If we hire the best quality people and give them the best training we can in Richmond, then we send them back to a department that has weak policy, we are not doing anybody any favors. I think where we really need to look over the next five years is law enforcement policy in Kentucky and how we can get more consistent from east to west on having good, strong policy that supports the officer, and make sure that the citizens are getting what they are supposed to be getting.

Police officers who do not have a strong >>



>> KSP, and in some areas they match KSP. As an example, I think the Henderson Police Department has as good equipment, service and quality of people as KSP now. That is not a knock on the state police, that was our goal, so that is a compliment to them.

I'll guarantee Henderson County probably has better equipment than the state police. We had a half-million dollar earmark with which we have bought all kinds of technology. I know our dedication to service to the people is as good as the state police. What I have seen in the past 20 years is that local law enforcement has made great strides to become extremely professional, well equipped and has quality people. That is where we should have been to begin with, but we did not have the means until the academy got started and began improving things.

I'm just really proud of where law enforce-

I think they are getting great law enforcement service.

It has been eight years since the KLEFPF stipends were raised for Kentucky's law enforcement officers. In that time the inflation rates have dropped the buying power of \$3,100 to only \$2,400. What do you think should be done about the stipends?

I think we have to use the money in that fund for what it was set aside for and that is to assist in the training of Kentucky's law enforcement officers. It is being used for many other things right now. And when you start taking from that fund, it hurts all of law enforcement. I think the fund is healthy enough to sustain itself and give us the money that we need, both from an officer standpoint and a training academy standpoint. But there are people that started taking that money and using it for other things and I think they need to leave it alone and leave it in there. It is critical that that money be there.

Also, I think if the fund allows it, the stipend should be raised and I think the fund would allow it if there were not other people in government who were taking millions and millions of dollars out of the fund. Certainly, I think we have to look at periodically raising it a reasonable amount to make it still mean something.

What action do you think should be taken toward the 328 officers not currently able to participate in the KLEFPF system?

I am 150 percent in favor of bringing them all in. I have always felt that way. If you are a qualified peace officer in Kentucky who meets the standards in Kentucky, you should have that money. The fact that there are 328 that don't is embarrassing. I think it is unfair and old fashioned. I cannot imagine why anybody in Kentucky would not want those 328 men and women to have the same incentive that we have financially. We are all trying to make a living for our families, send our kids to school and pay off our mortgages. For anybody who is receiving the money now to say that others should not get it, I just cannot fathom. They absolutely ought to be included in it. Firemen get it, and that is wonderful – they have a dangerous job. Why shouldn't these other law enforcement people get it? J

ment has gone and that it has gone there in my lifetime. I am very pleased and thankful it happened while I was here. I think it has advanced more in my lifetime than ever in its history. I know I was a small part of it because I was on some of these committees and groups that did the research and fought the battles in Frankfort and convinced the people who did not think we should do it.

What I'm looking forward to is the next generation of leadership that comes through still wanting to push those buttons, still trying those things and still risking failure to get it done. And I think that is what we are going to see. I think it is too late now, the train has pulled out. I think progressive leadership is always going to win out over those who are afraid to take a chance.

It all boils down to the citizen. If it does not do the citizen any good then we did not do our job. This all has come down to the citizen, and

*Quite honestly, in the future, I would like to see local agencies try to adopt and develop a common policy manual.*

## Looking at the Past to Direct the Future

/Keith Cain, Sheriff, Daviess County



If you travel around this country and listen to some of the stories of law enforcement, it truly makes you appreciative of what we have here in Kentucky. When this process first started more than a decade ago, the intent of having statutes to govern law enforcement in this state was to raise the quality of the officers and add a level of professionalism to the service they provide our communities. I believe that in the 10 years since the Peace Officer Professional Standards Act, that has been accomplished all across the commonwealth.

In many of our neighboring states, there are not standards that compare with what we have implemented here in Kentucky. Many states are in discussions with Kentucky's law enforcement personnel about duplicating what Kentucky has done, not only with the Kentucky Law Enforcement Foundation Program Fund, but also with the training initiatives we offer and standards to which we so rigidly hold our officers. That should make all of us proud to wear a Kentucky law enforcement uniform, regardless of whether it is brown, blue or gray.

Though some may argue that Kentucky's standards have made it more difficult to fill positions, especially in smaller agencies where the hiring pool is smaller so there is less from which to pick and choose. I would agree that it has restricted agencies in their ability to hire in terms of numbers and who they want. However, I would vehemently argue that it has not restricted their ability to obtain qualified candidates who actually need to be wearing a law enforcement officer's uniform.

The sacrifice made in not being able to hire a relative or buddy is no sacrifice at all when compared to what our communities gain in enforcing high standards and parameters on those who enforce our laws.

You can only reach a level of excellence by denying those that are not up to par. It is that way with every professional group. No one would seek care from a doctor who couldn't pass medical school or seek legal advice from a lawyer who could not pass the bar exam. Likewise, citizens should not be expected to seek security, protection and equitable treatment from officers who cannot meet the minimum standards set by this commonwealth.

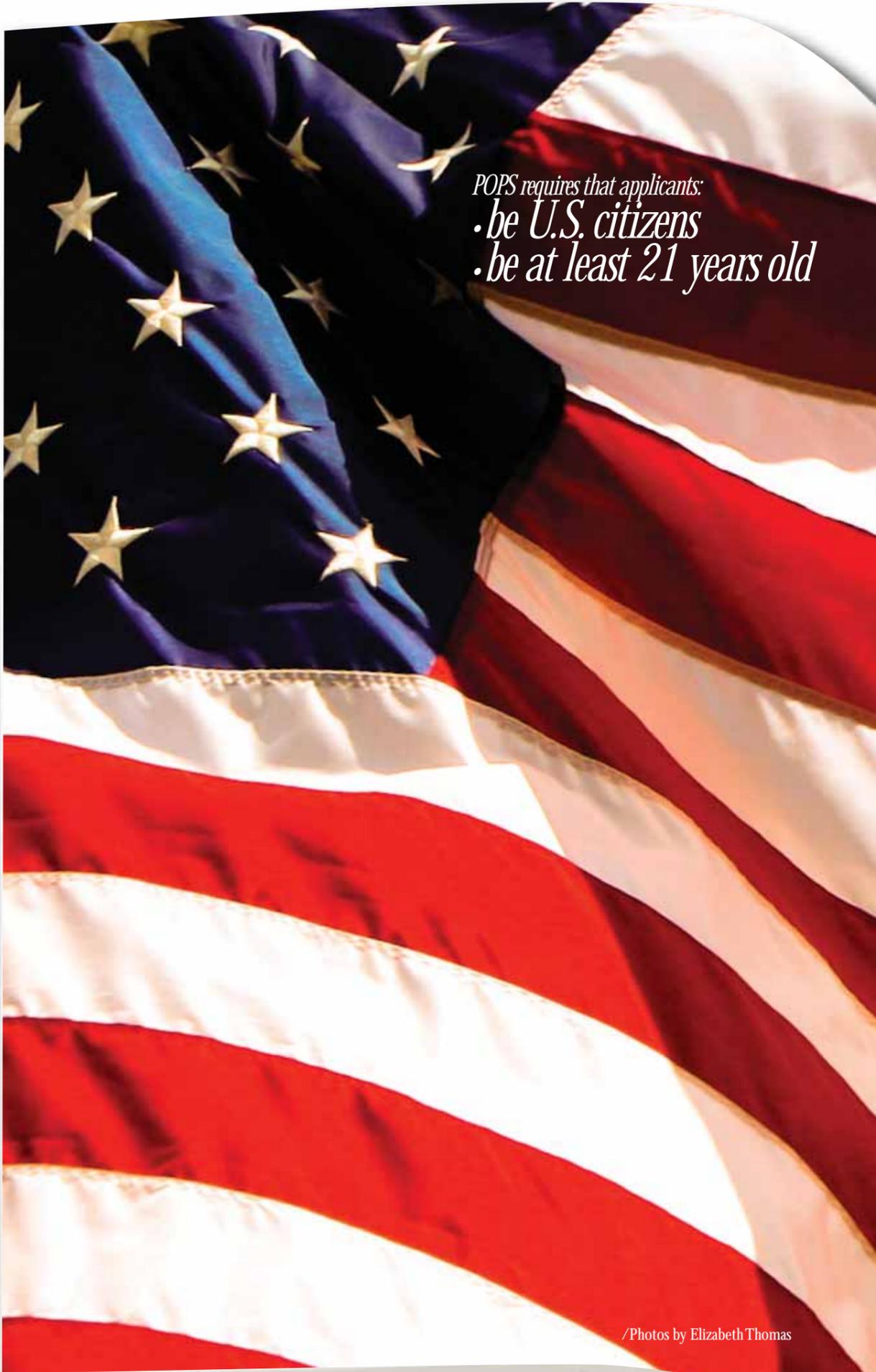
Not only do we owe it to our communities to give them well-trained, highly-qualified, competent, knowledgeable officers, we owe it to our officers to provide them with standards and to equip them with the resources, knowledge and training they need. It is absolutely essential for their well being.

This past June, one of my officers was involved in a shooting when responding to a criminal trespass call. Unbeknownst to him, the individual was a convicted felon. The individual produced a weapon and fired on my officer from a matter of just a few feet. Afterward, the officer attributed his survival of the incident to two things: the grace of the good Lord and the training he received at the Department of Criminal Justice Training. There can be no higher accolade than that for the confidence and life-saving skills we are providing Kentucky's law enforcement officers.

In that same vein, Kentucky's officers ought to be compensated for what they are providing our citizens – proficient law enforcement service at the risk of their own lives. Started more than 30 years ago, KLEFPF stands today as a way to recompense officers for the proficient services they provide to their communities day in and day out. That stipend has stood at \$3,100 per year for eight years. When you factor in the inflation rate, the buying power of that dollar figure actually goes down for our officers and their families.

When it comes to perpetuating the quality and professionalism of Kentucky's law enforcement community, we should not be satisfied with staying where we are – whether in terms of the stagnant KLEFPF stipend or the training we offer for an ever-evolving field. It is important that we take note of how far we've come, but that we not congratulate ourselves and be content with the laurels of the past successes POPS has demonstrated.





*POPS requires that applicants:*  
*• be U.S. citizens*  
*• be at least 21 years old*

/Photos by Elizabeth Thomas

# POPS CULTURE

## What is POPS?

Enacted 10 years ago, the Peace Officer Professional Standards Act created a set of guidelines all law enforcement officers must achieve in an effort to enhance professionalism and standardization among Kentucky's ranks. The results of a recent state-wide survey demonstrate the strengths of POPS and map the future of Kentucky law enforcement.

# 10 Years of Progress For Kentucky Law Enforcement >>

/Kelly Foreman, Public Information Officer



Gov. Steve Beshear

"Thanks to the Peace Officer Professional Standards Act, we are assured that the officers working in our hometowns meet the highest standards of training and professionalism."

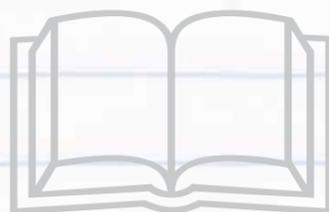
Former Gov. Paul Patton who championed POPS in 1998

"The implementation of the Peace Officer Professional Standards increased the professionalism of the job, put more demands on officers, and therefore the compensation of POPS-certified officers should increase."





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# >> The POPS law\* requires that applicants:

- be U.S. citizens
- be at least 21 years old
- have obtained a high school diploma or its equivalent
- possess a valid driver's license
- submit fingerprints for a criminal background check
- not be convicted of a felony offense
- not be prohibited by federal or state law from possessing a firearm
- have read the Code of Ethics
- not have received a dishonorable discharge or general discharge under other than honorable conditions
- not have had certification as a peace officer permanently revoked in another state
- have a background investigation
- have a medical examination
- be interviewed by their potential employing agency's executive or designee
- take a written suitability screener
- pass a drug-screen test
- take a polygraph examination.

**The entry standards\* also include five physical fitness measures requiring applicants to:**

- bench press 64 percent of their body weight
- complete 18 sit-ups within one minute
- finish a 300-meter run in 65 seconds
- perform 20 push-ups
- run 1.5 miles within 17 minutes and 12 seconds

*\*as of Oct. 1, 2009*

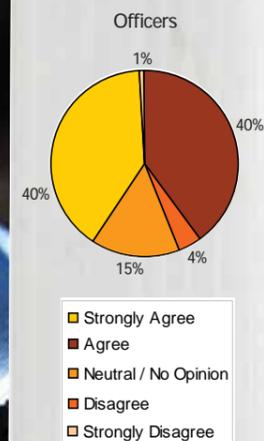
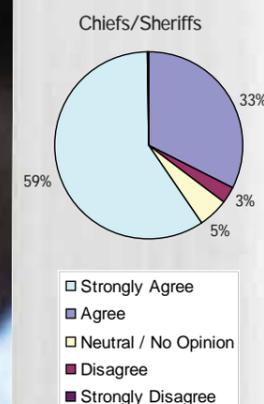
Although prior to 1998 some agencies had higher qualification standards, the only state-wide requirements to become a law enforcement officer were a valid driver's license, a minimum age of 21 years and a criminal record free of felony convictions. >>

*POPS requires that applicants:  
have a medical examination*

## 2009 STATEWIDE SURVEY ISSUES

POPS has had a significantly positive influence on policing in Kentucky - particularly in the area of:

## Recruitment

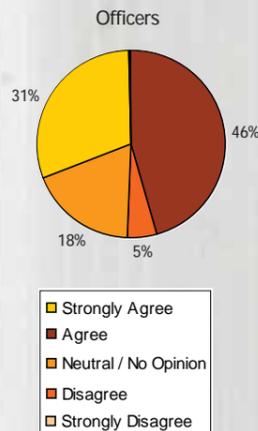
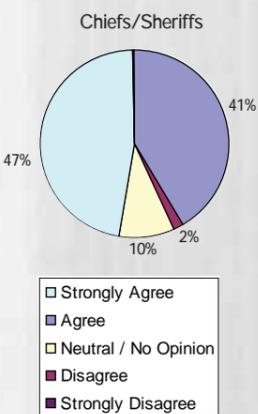




### 2009 STATEWIDE SURVEY ISSUES

POPS has had a significantly positive influence on policing in Kentucky - particularly in the area of:

## Discipline



It has been described as “the single biggest accomplishment” of Kentucky law enforcement, “the most successful program ever,” “second to none” and as an initiative raising Kentucky law enforcement training to the “top 5 percent in the country.”

To Kentucky’s officers certified by the Peace Officer Professional Standards Act, known simply as POPS, the standards are a bar to meet – and often to exceed. To Kentucky’s citizens, the standards are a quiet assurance of safety and professionalism among law enforcement, regardless of the color of uniform.

“The POPS Act not only established a much-needed set of standards for new recruits passing through the 18-week Department of Criminal Justice Training basic training academy, but also led to higher standards of training for the more than 8,000 certified officers who return each year to the academy for the required 40 hours of advanced in-service training,” said Daviess County Sheriff Keith Cain, chairman of the Kentucky Law Enforcement Council.

“Law enforcement agencies of every size throughout the commonwealth are assured that their officers, through POPS and DOCJT, are trained to a uniform level of excellence that would be unachievable without the implementation of POPS,” added Justice and Public Safety Cabinet Secretary J. Michael Brown.

Now, 10 years after the initiation of POPS, a survey of Kentucky law enforcement underscores the credibility of the standards and guides the way for the next steps in the improvement of Kentucky law enforcement services.

Results from the survey vividly demonstrate the positive influence of POPS, as seen by both law enforcement executives and line staff. In fact, 92 percent of executives and 80 percent of officers feel recruitment has strongly been enhanced by POPS.

Indeed, results from a randomly-selected, representative sample of Kentucky officers, managers and community leaders vividly demonstrates that these professionals overwhelmingly equate POPS with improvements in recruitment, initial screening, discipline, suitability and basic qualifications of officers. The survey also opens the doors to what law enforcement officials see as their next major goal: development of additional, in-depth leadership training. (See pie chart, page 31).

## CREATING A BENCHMARK

Ten years ago, Kentucky legislators implemented the POPS Act, which established a set of 17 pre-employment standards by which all law enforcement candidates would be measured. (See page 20). Those standards included measures ranging from physical agility and education requirements to background investigations and drug testing.

POPS was to be directed by the 20-person KLEC – appointed by the governor. Before POPS was enacted, the only qualifications required from those wishing to become police officers were a valid driver’s license, a minimum age of 21 years, honorable discharge and a criminal record free of felony convictions.

“Overall, the POPS standards have done more to professionalize policing during the past 10 years than perhaps anything we had done in the prior 50 years,” said Kentucky State Police Commissioner

Rodney Brewer.

The standards and enhanced training are governed by KLEC, which includes individuals who represent various levels of law enforcement as well as the civilian community. (See page 43).

Former Gov. Paul Patton, who ushered POPS through the Kentucky legislature sees it as one of his major contributions to the people of Kentucky.

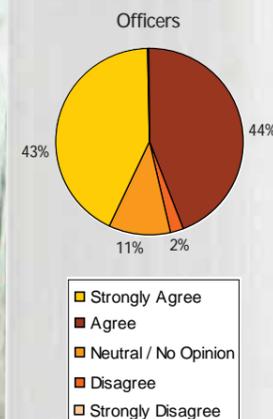
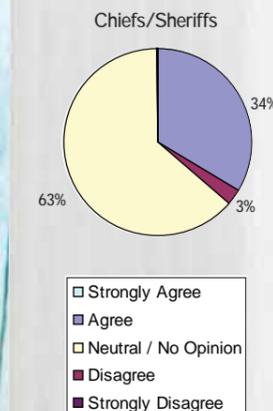
“Before POPS, any sheriff or city police department could put a badge on somebody, strap a gun to their waist, call them a police officer and give them arrest power,” he said. “That is an awesome power and an awesome responsibility. And it was being distributed in many jurisdictions without any real effective state-wide requirements.”

“Prior to POPS, there were a lot of good people who had been in policing a lot of years without >>

### 2009 STATEWIDE SURVEY ISSUES

POPS has had a significantly positive influence on policing in Kentucky - particularly in the area of:

## Overall Suitability of Officers



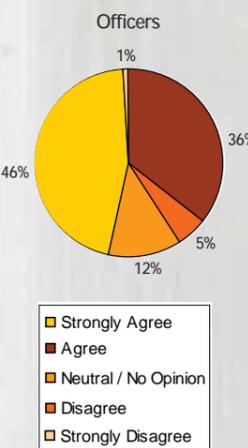
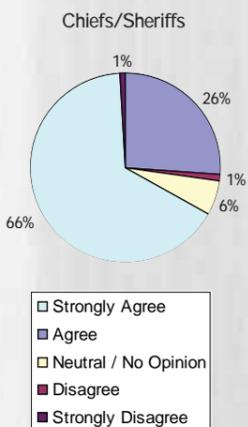
*POPS requires that applicants: not have received a dishonorable discharge or general discharge under other than honorable conditions*



### 2009 STATEWIDE SURVEY ISSUES

On the whole, individuals becoming law enforcement officers since 1999 are better screened and more qualified than prior to 1999.

## Overall Qualification



formal training,” said former Bowling Green Police Chief Bill Waltrip. “What I think you were able to see in personnel after POPS was that they all met at least minimum professional standards and an intensive training regimen.”

Some agencies previously had established local standards, but others who also desired a higher level of professionalism for their officers either could not afford the examinations or manpower that went into them or wanted parameters more solidly based than their own self-created standards.

For instance, “For physical agility, we didn’t have a set of standards that could not be challenged,” said Van Ingram, former Maysville Police chief and now acting director of the Office of Drug Control Policy. “We didn’t want to make something up off the top of our heads. You wanted something that had been researched. A hiring process in those days consisted only of a written test and an interview or two.”

“Not only was it not fair to the community, it wasn’t fair to that [sheriff’s] office and it wasn’t fair to those officers,” Cain said.

The process to enact legislation creating the standards for all Kentucky law enforcement began in 1996 under the governance of a 68-member committee, representing all professional associations, state police, Justice and Public Safety Cabinet, Administrative Office of the Courts, county and commonwealth attorneys’ associations; district and county judges, legislators, chiefs and sheriffs,

## CONSISTENCY OF STANDARDS, UNIFORMITY OF OFFICERS

Almost immediately after the standards were enacted, people within and associated with the law enforcement profession began to see signs of uniformity among the ranks.

“[Law enforcement] was on the rise anyway with the Department of Criminal Justice Training programs – they certainly were setting the bar pretty high – this just brought in all the other agencies,” said former Georgetown Police Chief Craig Birdwhistell. “It was mandated that they meet minimum requirements to be law enforcement officers and this was a tool that we could use to get that done.”

Hiring became easier, said Robin Cooper, a former Paintsville mayor.

“There are an awful lot of people out there who

all coordinated by the Department of Criminal Justice Training’s executive staff.

“I believed then, and even more so now, that enacting POPS was the right direction for Kentucky to take,” said Kentucky Speaker of the House Greg Stumbo. “What was a great array of police and sheriffs’ departments across the state has become even better.”

At the time, former Justice and Public Safety Secretary Dan Cherry was concerned about the liability stemming from a lack of consistently applied standards across the commonwealth, he said. When he was presented with the idea to adopt uniform standards, he said it appeared to be a win-win situation for everybody.

“Not that it was easy,” Cherry said. “Not that there were not some bumps in the road. But I knew in my heart it was the right thing to do for every citizen of Kentucky. This was a painful adjustment because it required a lot of change for a lot of people, but it was absolutely the right thing to do.”

“All the positive actions taken by law enforcement over the past decade have come about because law enforcement, as a group, became galvanized in their support of the POPS legislation,” said DOCJT Commissioner John Bizzack. “That progress allowed law enforcement to overcome inertia and stimulate positive action by the collective group.”

would like to be in law enforcement,” he said. “You get to wear a uniform and badge, carry a gun and drive a big, fast car with lights on it.

“So when we put the standards in the pre-testing, then there became a threshold they had to meet,” he continued. “If it is your buddy’s kid who comes to say, ‘Hey Mayor, I’d like to be a police officer,’ before you can hire those people they have to meet that standard.”

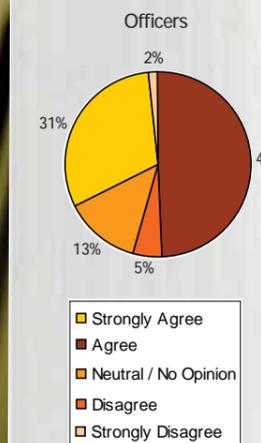
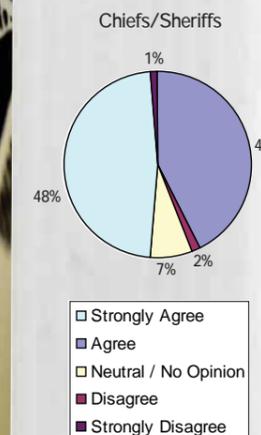
The physical agility of officers on the road also began to increase.

“Being a police officer requires so much physical ability at times; chasing the bad guys, fighting with them and sometimes just the stamina to work the overtime when needed,” said Christian County >>

### 2009 STATEWIDE SURVEY ISSUES

Adult learning methods (i.e. facilitation and problem solving) are more appropriate for peace officers in Basic Training and Advanced Individual Training than traditional basic training models.

## Adult Learning Methods



*POPS requires that applicants:*

- have obtained a high school diploma or its equivalent*
- possess a valid driver’s license*

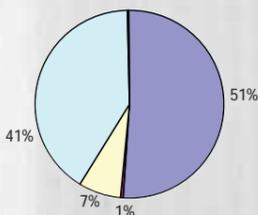


### 2009 STATEWIDE SURVEY ISSUES

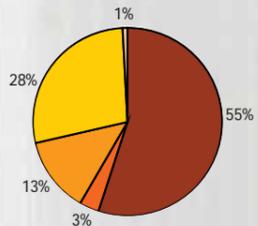
Adult learning models of instruction promote problem solving skills that benefit an officer's home community.

## Promoting Problem Solvers

Chiefs/Sheriffs



Officers



Commonwealth's Attorney Lynn Pryor, whose husband also serves as a Bowling Green police officer. "Physical fitness standards have really made a difference. But all the other standards combined make better officers all the way around."

The standards were simple, easy to follow, well-written and well-maintained, several within the law enforcement community have emphasized. Soon Kentucky was being looked at nationally as a yardstick for professionalism.

"When I go around the country to lecture to various law enforcement organizations, Kentucky often is cited as a model for overall statewide standards," said Tracey Corey, Kentucky's chief medical examiner.

But more than anything, Kentucky's ranks were becoming uniform, something that ODCP's Ingram said puts Kentucky "head and shoulders above a lot of other states."

"Literally, an officer from Bowling Green is receiving the same training as an officer from Pikeville Police Department," added Brewer. "Even

though you have different types of environments in which people are policing, in different parts of the commonwealth, tactics don't change. Good sound processes and the way you deal with people don't change. Good investigative practices don't change.

"We're getting to a good, standardization of practice.... To maintain those standards that we are expected to uphold, we needed to make sure it was uniformly applied to everyone in the commonwealth, whether they have a brown uniform, a gray one or a blue one. That doesn't matter. What matters is, do they meet those minimum qualifications and are they continuing to meet those qualifications through their annually required 40 hours of in-service training?"

Identifying the standards helped to define the expectations most law enforcement agencies already held for their personnel, said George Moore, a former commonwealth's attorney representing Bath, Menifee, Montgomery and Rowan counties. He also formerly served as president of the Kentucky Commonwealth's Attorney Association.

## THE QUALITY OF POPS

As recruits began to pour into DOCJT for basic training, professional uniformity was emerging in all areas of the state, according to former Springfield Police Chief Larry Tousignant.

"The fundamental way we looked at training changed," said Alexandria Police Chief Mike Ward, who also serves as the Kentucky Chiefs of Police Association president. "There is just no comparison to what it was before. You get a recruit out of the academy now and they are much better trained than I was."

There was a much greater emphasis on better training – exactly as the original 68-member committee intended, added former Laurel County Sheriff Gene Hollon.

"The difference is vast," said Monticello Chief Ralph Miniard. "It makes our officers safer."

As the training developed, officers became more confident in themselves and in each other.

"I think there has been a tremendous improvement in the level of training of police officers and the confidence that police agencies have in calling each other for back-up," said Kentucky Senate Pres-

ident David Williams. "I think it has been one of the most successful programs ever."

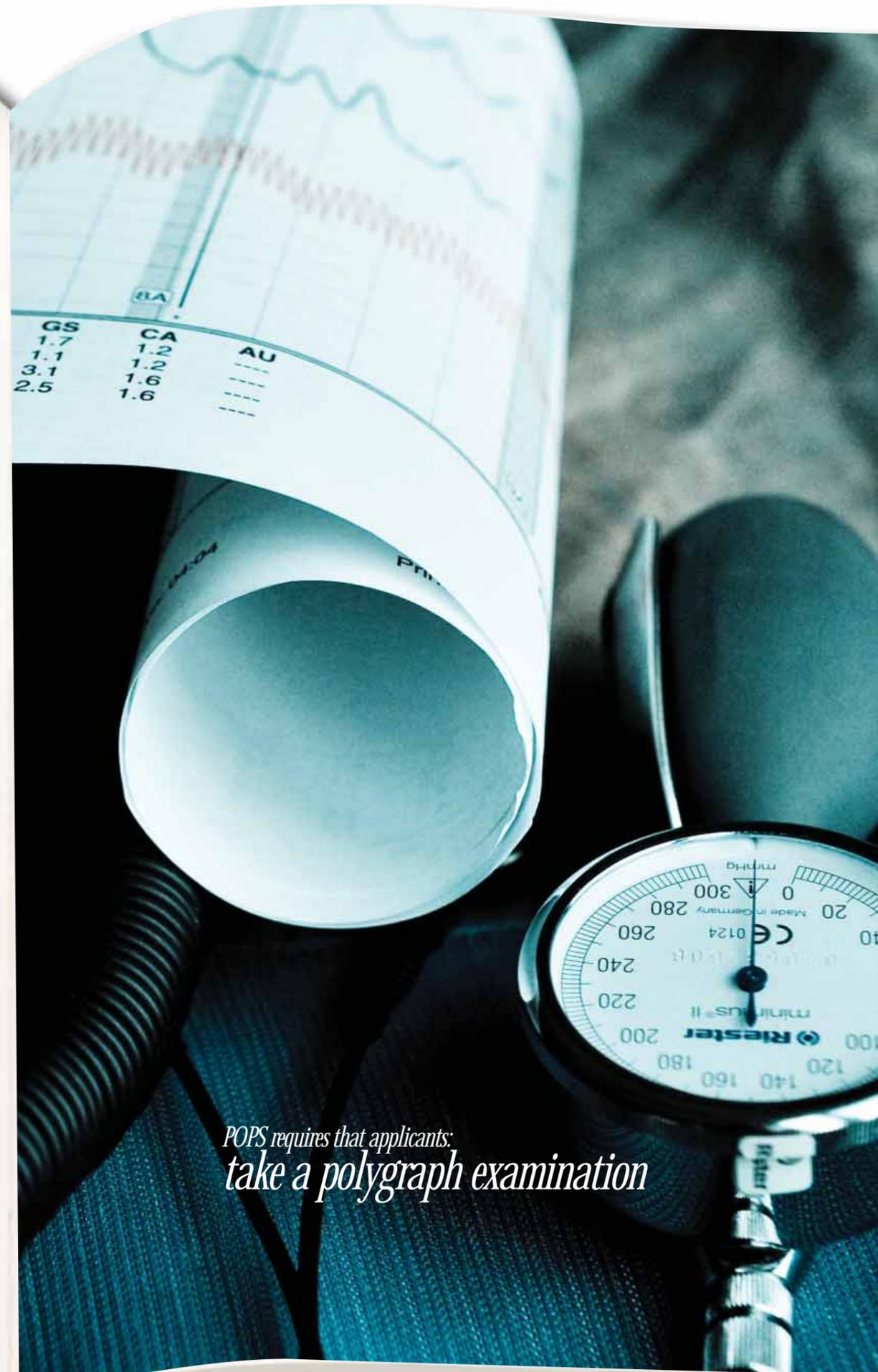
That confidence among comrades was a dramatic change for law enforcement, Paintsville's Cooper explained.

"To have some confidence in the training and the ability of the person you are having to serve shoulder to shoulder with – it just put everybody on the same level. That, I think, was one of the strongest elements and one of the strongest benefits of [POPS]."

And the officers weren't the only ones taking notice. In courtrooms, at crime scenes and on the streets, the boldness of a new professionalism shone through.

"I've seen tremendous changes in the investigative efforts by police officers," said Fayette County Attorney Larry Roberts. "It is not perfect, but it has been a huge change for the better – following up on leads, not just closing a case when the scene was cleared. ... the training that has gone on to help police officers testify has been very good."

Having served as a prosecutor since the 1970s, >>



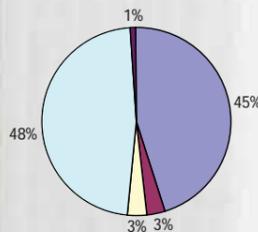
*POPS requires that applicants: take a polygraph examination*

### 2009 STATEWIDE SURVEY ISSUES

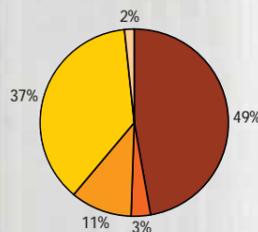
KLEFPF has evolved into pay for establishing and maintaining proficiency for almost all law enforcement instead of an incentive for some.

## KLEFPF

Chiefs/Sheriffs



Officers





**(Franklin) Office of Drug Control Policy Acting Director Van Ingram**  
 "I think a uniform set of standards that apply to almost every police agency in Kentucky just puts us head and shoulders above a lot of states that don't have that."

**(Boone) Boone County Sheriff Mike Helmig**  
 "I think it is coming to a time for the state to take a look at [the KLEFPF stipend]."

**(Campbell) KACP Executive Director Mike Bischoff**  
 "It is making law enforcement a quality profession and making sure the people who go into this are the type you want, whom you can develop and who are going to provide the future of our profession."

**(Jefferson) Kentucky Chief Medical Examiner Tracey Corey**  
 "I have seen an increase in the thoroughness and attention to detail, especially with regards to forensic evidence that detectives bring to their cases."

**(Franklin) Justice and Public Safety Cabinet Secretary J. Michael Brown**  
 "Law enforcement agencies of every size throughout the commonwealth are assured that their officers, through POPS and DOJT, are trained to a uniform level of excellence."

**(Campbell) Alexandria Police Chief and KACP President Mike Ward**  
 "You get a recruit out of the academy now and they are much better trained than I was."

**(Scott) Former Georgetown Police Chief Craig Birdwhistell**  
 "We're going to have to address some type of pay or benefit issue for small agencies to be able to retain qualified officers."

**(Washington) Former Springfield Police Chief Larry Tousignant**  
 "[Officers] are no longer deterred simply because they may come from a rural area, belong to a small agency or receive relatively less in pay."

**(Franklin) Kentucky State Police Commissioner Rodney Brewer**  
 "This is one of the greatest strides that has been made in the past 10 years versus any other time period in Kentucky law enforcement history."

**(Scott) Georgetown Police Chief Greg Reeves**  
 "I can't retain officers without consistent financial and training support from the state."

**(Fayette) Fayette County Attorney Larry Roberts**  
 "It is not perfect, but it has been a huge change for the better."

**(Hardin) Elizabethtown Police Chief Rueben Gardner**  
 "[The KLEFPF stipend] is an important part of the benefit of being a police officer and I think that the program needs to continue and expand dollar wise."

**(Jefferson) Former Southern Police Institute Director William Walsh**  
 "The standards and the way they are interpreted and implemented has really made the commonwealth a model throughout the United States."

**(Bath) Bath County Judge-Executive Carolyn Belcher**  
 "There is a lot of liability that is constantly there every day, and at least there are some standards in training out there that lay a whole lot to rest."

**(Oldham) Oldham County Sheriff Steve Sparrow**  
 "Since POPS has come around, the sheriff's offices throughout the state of Kentucky have drastically changed to a more professional standard and level."

**(Pike) Former Gov. Paul Patton**  
 "I think the Peace Officer Professional Standards had a major impact in the level of competence that the people of Kentucky have in their police officers."

**(Henderson) Henderson County Sheriff Ed Brady**  
 "I've been around for 40 years and I've been a state trooper, a police chief and a sheriff, and I've seen it change since 1969 ... and you would not even recognize law enforcement in Kentucky compared to 40 years ago."

**(Floyd) Kentucky Speaker of the House Greg Stumbo**  
 "Kentucky has long been recognized by the FBI as one of the safest states in the nation, and a big reason is the professionalism and tireless dedication of our law enforcement officers."

**(Graves) Graves County Sheriff John Davis**  
 "[Before POPS] our smaller agencies, like I was, couldn't afford to have all these pre-requisites done."

**(Madison) Department of Criminal Justice Training, John W. Bizzack, Commissioner**  
 "Peace Officer Professional Standards were designed by and for the Kentucky police community. Progress came quickly and results today are widely endorsed by those governed by the standards."

**(Davies) Davies County Sheriff Keith Cain**  
 "These officers, regardless of where they are from, can stand shoulder to shoulder and people expect the same from them."

**(Laurel) Former Laurel County Sheriff Gene Hollon**  
 "You've got a responsibility to measure up with your department. I actually think it made running a department easier; it made my job easier."

**(Clinton, Cumberland, McCreary, Monroe, Wayne and Whitley) Kentucky Senate President David Williams**  
 "I think it has been one of the most successful programs ever."

**(Marshall) Former Marshall County Sheriff Terry Anderson**  
 "I think we have a much better, quality work force as a result of [POPS]."

**(Perry) Rural Law Enforcement Technology Center Director Rod Maggard**  
 "You can't be professional without having something to stand on."

**(Warren) Former Justice Cabinet Secretary Dan Cherry**  
 "This was a painful adjustment, because it required a lot of change for a lot of people but it was absolutely the right thing to do."

**(Madison) EKU Dean of Justice & Safety Allen Ault**  
 "We are 300 light years ahead of where [law enforcement] would be if it was not for POPS."

**(Christian) Christian County Commonwealth's Attorney Lynn Pryor**  
 "I believe any additional training or equipment or anything we can give them to allow them to do their job better, we should all be striving to get that for them."

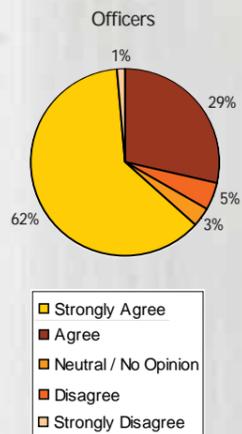
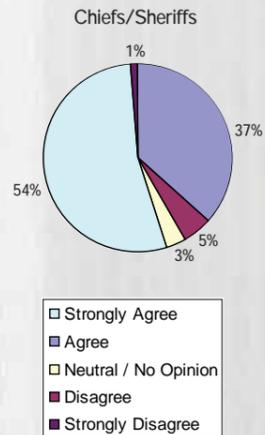
**(Barren) Glasgow Police Chief Horace Johnson**  
 "I think there is a very positive attitude toward standards for law enforcement."



### 2009 STATEWIDE SURVEY ISSUES

Pay increases would lower the number of officers who will leave policing before retirement.

## Pay and Retention



Justice and Public Safety Cabinet Deputy Secretary Charles Geveden said he has seen an overall improvement in police work that has led to more crimes being solved because of POPS.

“Our officers are better trained, more competent, more professional and have a better understanding of criminal law and criminal procedures,” he said. “This translates to better aid to prosecutors and a safer society.”

Whitley and McCreary counties Commonwealth’s Attorney Allen Trimble also has noticed a remarkable difference.

“[Officers] have a much better understanding of the law and how it applies to their daily activities as a police officer,” he said.

Most importantly, the public perception of Kentucky law enforcement began to shift.

“I think the Peace Officer Professional Standards had a major impact in the level of respect and confidence that the people of Kentucky have in their police officers,” former Gov. Patton said.

“In my opinion, there has been a noticeable, significant and visible increase in the professionalism of the police community, including not only knowing how to detect crime, but also relating to the public – the way you treat the public with respect and you expect to be treated with respect in return. It just makes all the difference in the world,” he continued.

## THE QUALITY OF KENTUCKY’S OFFICERS

“The law enforcement community is continually expected to deliver an ever-growing level of professional service to the ever-increasing level of expectations of their residents,” Tousignant said. “The criminal element is becoming more proficient, the residents are more educated and television offers an unrealistic expectation of a scientific solution to crime in under 60 minutes.

“The officer hired under POPS is more determined to handle those obstacles, as evidenced by the difficulty level of training courses many are requesting and attending,” he continued.

Officers hired since the inception of the POPS standards also display better communication skills, practice safer tactics, use the most current technology to do the job, stay updated on legal issues and become more educated, said DOCJT Physical Training and Defensive Tactics Section Instructor Gina Smith.

“I also believe that incumbent officers have improved their professional service to the community as a result of POPS and the Kentucky Law Enforcement Foundation Program Fund,” Smith continued. “Agencies across the state seem to utilize available resources much better today than ever before.”

In fact, DOCJT Director of Training Operations Chuck Melville said officers are begging for a higher level of training to use those resources.

“As officers challenge us more, training and police administrators have to be able to keep up with that,” Melville said. So we are having to address not only the POPS standards, which are entry standards, but also expand class offerings and improve the training staff.”

“These officers are starving for more,” Alexandria’s Ward added. “They want to do more with their career than just put people in jail.”

The standards, combined with the uniform training, have created an opportunity for Kentucky’s law enforcement to excel in ways they could not before, according to former Owensboro Police Chief John Kazlauskas.

“With opportunity, encouragement and initiative, they can excel in the law enforcement profession because they have the basic qualities and potential,” Tousignant explained. “They are no longer deterred simply because they may come from a rural area, belong to a small agency or receive relatively less pay. Instead they view obstacles of the future as a challenge.”

## THE FUTURE OF KENTUCKY LAW ENFORCEMENT

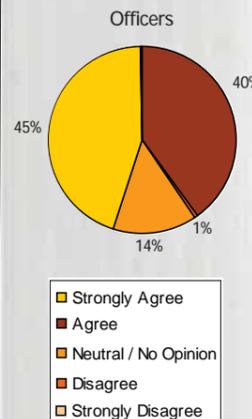
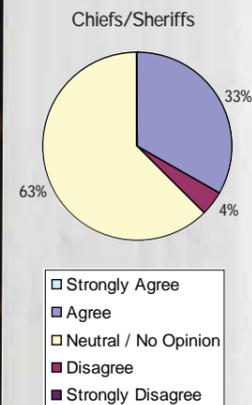
Creating a set of standards by which all officers uniformly are vetted and trained has given Kentucky’s officers mobility to achieve goals they

may have for their future. And while that mobility has been of great benefit to the officer, some agency heads have faced issues in retaining their greatest as- >>

### 2009 STATEWIDE SURVEY ISSUES

Leadership courses (basic, intermediate and executive) offered at DOCJT, provide officers with significant skill sets that are beneficial to the community served, the officer’s agency and to the officer’s individual development.

## Leadership Courses



*POPS requires that applicants meet:  
measured physical fitness standards:*

- bench press 64% of body weight
- complete 18 sit-ups within one minute
- finish a 300-meter run in 65 seconds
- perform 20 push-ups
- run 1.5 miles within 17 minutes and 12 seconds

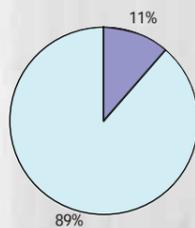


### 2009 STATEWIDE SURVEY ISSUES

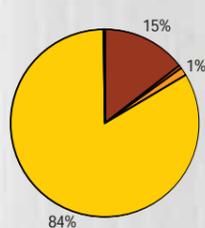
The governor's administration should initiate and lead, and the General Assembly should fully endorse and pass, legislation that raises the KLEFPF stipend for the advancement of Kentucky law enforcement.

## KLEFPF Legislation

Chiefs/Sheriffs



Officers



sets. After all, an officer in a three-man, small-town police department has the same training as an officer in a large, metro area.

Their skills are comparable and transferable.

Some also have argued that the physical standards are too demanding on some demographics, that their hiring options have been limited or that an 18-week academy is difficult for some potential recruits with family responsibilities to attend.

"We are putting out some very good officers, don't get me wrong," said Graves County Sheriff John Davis. "But it might eliminate some possibly -good recruits."

Davis offered an example of one of his deputies who almost did not make it through the rigorous standards of the basic training academy. However, after multiple tries the officer met the standards and went on to save the life of a local citizen.

"Had he not gone back [to the academy], that person would have died because he [the deputy] couldn't do 25 push ups," Davis said.

But most argue that the restrictions that have risen from the POPS standards are greatly outweighed by the overall betterment to the law enforcement community.

"Has it restricted their ability to hire in terms of numbers and who they want?" asked Sheriff Cain. "Absolutely. Has it been restrictive in terms of obtaining qualified candidates that need to be wearing a law enforcement officer's uniform? I would argue it has not."

Those concerns and others expressed by Kentucky's law enforcement are being addressed as administrators begin to look toward the future.

"I don't think we can ever lose sight of the basics, of the small things that we do in law enforcement," Kazlauskas said. "We have built a good foundation over the years and we need to keep that in mind. But as we move into the future, we're met with new challenges and I think we constantly have to be aware of what the challenges are that law enforcement has to rise to and we have to be ready to accept them."

Glasgow Police Chief Horace Johnson agreed.

"I don't have a crystal ball, but I can see us modifying and improving along the way, whether it be in small bits or otherwise," he said.

The results of the 2009 survey bear out those remarks. Ninety-six percent of executives and 85 percent of line officers say that leadership classes provide officers "with significant skill sets that are beneficial to the community served, the officer's agency and to the officer's individual development." (See pie chart, page 31).

"The leadership classes already offered by DOCJT are immensely beneficial to improving the professionalism and effectiveness of our officers and our management personnel," Cain said. "But to meet the ever-growing demands on Kentucky law enforcement, to improve our efforts, to help our communities and to usher us into the next decade of POPS-enhanced policing, we must emphasize - and make that emphasis available to all Kentucky officers - leadership."

(Jefferson) University of Louisville Police Chief Wayne Hall

"[POPS] encouraged us universities out there to raise our qualifications and pay, which brought up professionalism and attracted other police officers from other law enforcement agencies."

"And," Bizzack added, "extend that thought to the future of Kentucky law enforcement when trained leaders are ready to step in at a moment's notice, leaving little or no vacuum when a chief, sheriff or other leaders leave office."

Looking for ways to improve and meet the growing needs of the law enforcement community is of great importance, Cain explained.

"What is most important is not to congratulate ourselves and be content with the laurels of past successes that POPS has demonstrated, but to identify those areas that need to grow, that need to be changed," he said. "We can continue as we are and continue to provide quality services, but all of us know that complacency is fatalistic to any organization, and that is particularly true with regards to the law enforcement profession."

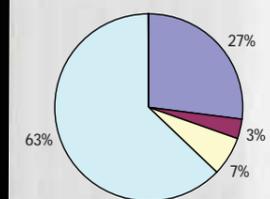
"So, I guess we can say to ourselves, 'This is good enough.' But is it the best we can do?" Cain asked. "The resounding answer to that is 'No,' and that is why we're here." J

### 2009 STATEWIDE SURVEY ISSUES

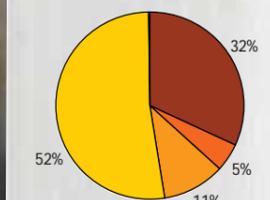
I will only support elected officials who demonstrate support of the Kentucky law enforcement community, POPS standards and the proper use of KLEFPF funds for stipend increases.

## Official Support

Chiefs/Sheriffs



Officers



*POPS requires that applicants:*  
 • not be convicted of a felony offense  
 • take a written suitability screener



# Move to Facilitation-style Training Encourages Adult Learning

/Kelly Foreman, Public Information Officer

**T**he recommendation to move to a training style more in line with adult learning led the Department of Criminal Justice Training to the cutting edge of instruction, allowing law enforcement recruits to take ownership of their education and ultimately their own actions on the street.

Prior to January 1999, the primary style of training was lecture, said DOCJT General Studies Supervisor Scott Saltsman. But, after several DOCJT instructors observed training with the Royal Canadian Mounted Police, the recommendation was made that the DOCJT academy focus more on a facilitation style of training, including more hands-on and interactive classroom studies.

"This is one of those situations where Kentucky was at the forefront of moving American police training forward," Saltsman said.

The 2009 survey shows that 92 percent of law enforcement executives and 83 percent of line officers agree that "adult learning models promote problem solving skills that benefit the officer's home community. And, 80 percent of officers and 90 percent of chiefs and sheriffs believe that "adult learning methods (i.e. facilitation and problem solving) are more appropriate for peace officers in Basic Training and Advanced Individualized Training than tradition training models such

as lectures." The planning phases began for the training transition in the late 1990s, about the same time as the implementation of the Peace Officer Professional Standards and the move from a 10-week basic training academy to a 16-week program, Saltsman said. As the program began to show its successes, a team of DOCJT instructors again worked together in 2000 with the RCMP to develop a modular style of facilitation-based training to enhance what already had begun.

"We began by asking, what are the basic elements that a recruit needs?" Saltsman said. "We thought, learning how to take a theft report, learning how to deal with individuals that are in a confrontation, traffic stops, how to do crimes against property investigations, how to do crimes against persons investigations. We broke it down into large blocks to organize training in a more efficient manner."

That transition helped to tie all training together in a connected and logical format for trainees, made officers more responsive to the material, initiated more group work and later led to more problem-based learning, Saltsman continued.

"While we provide them the resources and materials, it is really up to the students," he said. "Regardless of what style of learning you are teaching, you can't really force someone to learn anything. You can have the best lecturer in the world, but that doesn't mean the

students learn.

"So, through adult facilitation, adult learning, as well as problem-based learning (which is where we're moving into now), that responsibility really does become the students', and it is up to them to take on the learning," he continued.

Most importantly, Saltsman said this style of training helps transition the students from being responsible for their own learning to being responsible for their own actions when they go into the field.

"It is about the bigger picture many times," he said. "It is not about always having somebody there to give you the answer. Many times when you are out there and you're the only officer working, you have to decide for yourself how you are going to solve the problem.

"We are not creating robots," Saltsman continued. "We are creating problem solvers and critical thinkers. And that is really how we resolve issues in our own communities. It's not about expecting somebody to always give you the answer, but about finding out your resources. We have had a lot of recruits come back and tell us that now they understand how important it is to keep the community involved or make sure we are addressing the right problems." J

*POPS requires that applicants: not be prohibited by federal or state law from possessing a firearm*



# Grandfathered and Goal Driven

/Abbie Darst, Program Coordinator

**E**ven after a decade of law enforcement adherence to the Peace Officer Professional Standards, there still are nearly 50 percent of law enforcement officers in Kentucky who were grandfathered in and were not required to meet the standards required in the POPS Act of 1998. However, the large leaps made in the professionalism of Kentucky's law enforcement community as a result of POPS have by no means been hindered by these officers. Instead, many have taken every opportunity to meet and exceed the ever-rising bar of professionalism set by the quality officers who have entered the career field in the past 10 years.

"It's not that we, as officers prior to the POPS Act, weren't qualified and professional, but the implementation of standards encouraged us to continue to better ourselves through education and training," said Daviess County Sheriff Keith Cain. "Today we are successful, first-class leaders of agencies throughout the commonwealth."

However, there also were officers who wanted to set an example in a different way after POPS was implemented. There were numerous officers across the commonwealth who, though grandfathered in under the new Act, chose to attend the then-16-week basic training academy and receive their POPS certification.

"To be honest with you, it was just part of the process as far as I was concerned," said Paducah Police Commander Brian Krueger. "Whether I was grandfathered in or not, I was there with a group of people

of which some were required to go through, and I didn't see any reason why I should not participate in the same standards.

"I knew I had been hired by the agency prior to December and that I had been grandfathered in because of that, but as far as the POPS standards are concerned, that was not a factor in my mind," he said.

Krueger was a member of the first 16-week academy class, which also was the first class of distinction to graduate from the basic training academy. Since that time, he also has graduated from two DOCJT leadership programs — the Academy of Police Supervision and Criminal Justice Executive Development — as well as the FBI National Academy.

Richmond Police Officer Stephen Parker understood the dangers of having untrained officers on patrol when he served as an auxiliary officer with Prestonsburg in the early 1990s.

"One year after getting on auxiliary with the city, they allowed us to patrol by ourselves," he said. "We could get in an officer's car who was off duty and we would answer calls and do the whole kit and caboodle. Knowing what I know now, that is just not a good idea."

Parker chose to come through DOCJT's 16-week academy in 2003, shortly after he officially joined the Prestonsburg Police Department.

## Leadership Moves to the Forefront

In 2003 the Department of Criminal Jus-

tice Training created the Kentucky Leadership Institute to provide opportunities for a lifetime of progression of learning, growing and advancement. The KLI creates a hierarchy of courses specifically designed for each step in a peace officer's law enforcement career to assist in developing the leadership and supervisory skills necessary to be an effective leader.

Included in this hierarchy are APS, CJED, Situational Leadership and the School of Strategic Leadership.

Since their respective implementations, nearly 1,300 individuals have graduated from these courses and approximately 1,025 or 80 percent of them are officers who were grandfathered in under the POPS Act.

"These numbers show that the experienced officers in the field before POPS are motivated to set an example in educational discipline, training advancement and proven leadership strategies," said DOCJT Commissioner John Bizzack. "Their continued leadership training allows them to effectively lead the new generation of high-quality officers entering the law enforcement field."

"Officers across the commonwealth are seeking out the best training and tools necessary to provide the best-quality service to their communities," Cain concluded. "Professional, quality service should be the bottom-line goal of each officer in Kentucky, regardless of whether his or her tenure of service to the community began before or after the POPS Act." J

*POPS requires that applicants:  
• have read the code of ethics*



# Officials: KLEFPF Needs a Second Look

*/*Kelly Foreman, Public Information Officer

**K**entucky has not been immune to the economic downturns seen across the nation in recent years. But neither have Kentucky's officers and their families.

"There are just some things that cannot be, or should not be, affected by financial hard times and one is emergency services," said Darrell Pickett, a retired police officer turned mayor of Glasgow. "The lives of too many people depend on first responders. Police officers carry big responsibilities on their shoulders with the decisions they make. We need the most educated, well-trained person with a desire to serve wearing a badge."

The Kentucky Law Enforcement Foundation Program Fund was launched in 1972 by the Kentucky General Assembly as a restricted fund with the goals of upgrading compensation for the state's law enforcement officers and implementing new education and training standards.

Since its inception, KLEFPF has been funded by a 1.5 percent fee on all casualty insurance premiums for at-risk property such as automobiles, homes or businesses. The rate never has changed, although the demand for the fund's revenue has in-

creased by more than 29 times its original budget.

KLEFPF provides an annual \$3,100 stipend representing proficiency pay to 8,133 POPS-certified Kentucky officers – an amount that has not changed in eight years, despite the rising cost of living. In essence, officers earn the proficiency pay by attending a minimum of a week-long career development class annually to upgrade their knowledge and skills in specific areas of policing and to maintain their Kentucky police license.

rector of the Office of Drug Control Policy and former Maysville police chief. "So many officers in this state work for very small agencies with very small budgets. Although their officers are worth more, they just can't afford to pay them more. The KLEFPF stipend helps fill that gap."

Former Gov. Paul Patton agreed, arguing further that the implementation of the Peace Officer Professional Standards increased the professionalism of the job, put more demands on officers, and therefore the compensation that POPS-certified officers should be increased.

"The people of Kentucky get a real bargain for their investment," he said, "when KLEFPF funds are used as originally

intended.

"Over the past 20 years, more than \$91 million has been diverted from KLEFPF to the General Fund," DOCJT Commissioner John Bizzack said. "Law allows the legislature and the administration to use these kinds of funds to balance the budget. However, some of those funds should be left to cover the original intent of the legislation; raising proficiency pay to officers who have successfully gone through the academy and completed their 40 hours of annual training, bringing into KLEFPF a group of officers who are required by law to do all the training that other officers do, but are completely left out of mon-

>>

*(Davies)* Former Owensboro Police Chief John Kazlauskas

"We ought to go back to the basics – make sure that our law enforcement officers are getting rewarded for the training that they are involved in."

An additional group of law enforcement officers are mandated to pass POPS testing and annual professional development training, but do not receive proficiency pay, an unfair situation in the eyes of most officers.

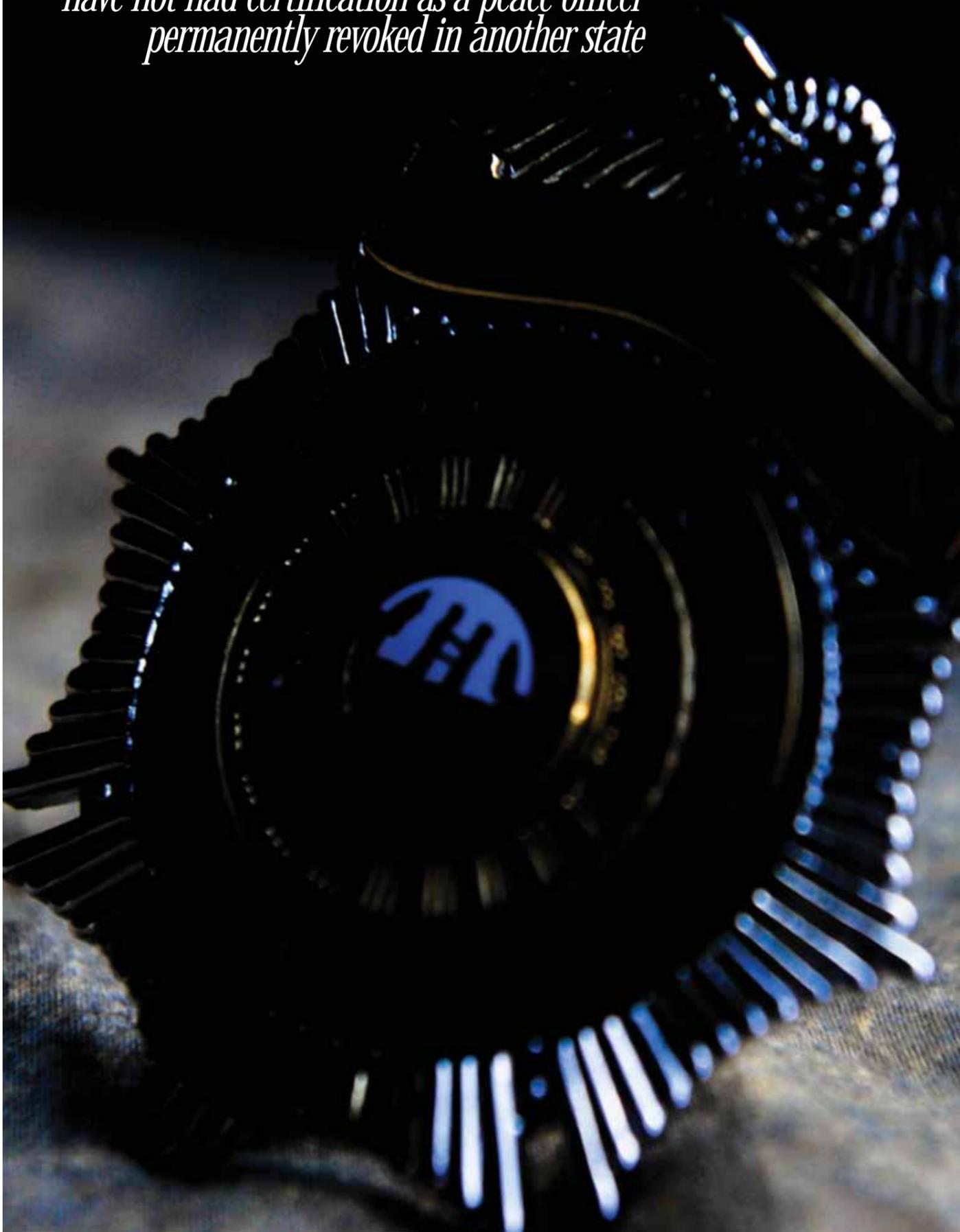
The fund also maintains and improves the quality of nationally-recognized Department of Criminal Justice Training programs; including but not limited to basic, advanced, career development, mid-level and executive leadership training; as well as the facilities used to execute these programs.

"That stipend is unique to the commonwealth," said Van Ingram, acting di-

*POPS requires that applicants: pass a drug-screen test*



*POPS requires that applicants:  
have not had certification as a peace officer  
permanently revoked in another state*



etary rewards and upgrade DOCJT training capabilities.”

**‘A real disconnect’**

“Law enforcement has become a job that is not just carrying a gun and wearing a badge,” explained Robin Cooper, former Paintsville mayor and Kentucky Law En-

forcement Council chairman. “There is so much more with all the technology and the forces they have to go up against in protecting the safety of our citizenry.”

“But if you don’t feel safe in your community, nothing else matters. We owe this law enforcement community a lot for giving us that peace of mind, for ourselves and for our children who are growing up in that environment.”

(Franklin) Kentucky State Police Lt. Col. Leslie Gannon

“We are public servants, and the community – the public – deserves to get the same qualified service regardless of what agency responds.”

The call to law enforcement is unique, and those willing to serve daily face trials most Kentucky citizens would like to pretend do not exist in their own communities. Yet despite those challenges, these officers work sometimes for little more than minimum wage.

“It takes an awful lot of money to hire somebody, pay their salary, send them to the academy, get them equipped and get them on the road ready to be a police officer,” said DOCJT Deputy Commissioner Herb Bowling. “And [the officers] get out there and find out that they can’t survive financially. I think once they get into it, most of them really would like to stay. But if it comes down to being a police officer or feeding your family, you are going to feed your family.”

In light of those responsibilities, former Justice and Public Safety Cabinet Secretary Dan Cherry said he sees a disconnect between what citizens expect from law enforcement and how they are compensated.

“I think about it like a citizen – there are all these competing needs,” he said.

“But if you don’t feel safe in your community, nothing else matters. We owe this law enforcement community a lot for giving us that peace of mind, for ourselves and for our children who are growing up in that environment.”

KLEFPF also serves as a means to retain our most highly-trained and proficient peace officers who could seek employment in other states, which offer much higher salaries.

**Same job, no incentive**

“How do I retain the officers that I have without throwing something out there and letting them know that not only are we going to pay them, but the state is supporting them in their endeavors and their jobs to protect the people of the commonwealth?” asked Georgetown Police Chief Greg Reeves.

Law enforcement personnel across the state hope to see an increase in the annual \$3,100 stipend. Commissioner Bob Foster of the Attorney General’s Office

(Madison) DOCJT Physical Training and Defensive Tactics Instructor Gina Smith

“The ... POPS [standards] have taken us well beyond the days of an applicant just meeting an age requirement, not being convicted of a felony offense and holding a valid operator’s license.”

represents the many agencies who are certified by POPS and meet all the requirements, but do not receive annual stipends.

Other officers serving state departments of Fish and Wildlife Resources, Alcoholic Beverage Control, the Department of Insurance, Charitable Gaming and Agriculture all meet the same stan-

dards as municipal and county law enforcement, but have never been part of the fund.

They simply want to be included.

“Not only are these officers POPS certified, it is the right thing to do,” Foster said of including the officers in KLEFPF funding. “They undergo all the same pre-hire testing, training and attend the same training academy. The only fair thing to do is to include all officers who do the training, have the same responsibilities and are fellow law enforcement officers.”

Kentucky State Police Commissioner Rodney Brewer and Bizzack both agreed that including the 328 excluded officers is a parity issue and that since the standards are upheld uniformly across agencies, so should the proficiency pay for meeting those standards.

“To level the playing field, we need to have a statute that basically says all qualified, full-time law enforcement officers in the commonwealth who are POPS certified deserve to be included in the KLEFPF stipend,” Brewer said.

“We owe it to the officers to provide them with the standards, to provide them with the resources, to provide them with the knowledge and the training – it is absolutely essential for their well being and safety,” said Daviess County Sheriff Keith Cain. “I think we need to bear in mind

what that [KLEFPF] money is for. It is proficiency pay. And if you really believe that, and indeed I think all of us do, these officers need to be compensated for that which they are providing – proficient law enforcement service.”



# KLEC: POPS Training and KLEFPF Management

/Elizabeth Thomas, Public Information Officer

**C**reated in 1966 by then-Gov. Edward Breathitt, the Kentucky Law Enforcement Council oversees virtually every aspect of POPS training and KLEFPF management for the entire state.

In 1968, legislation was sponsored in the Kentucky General Assembly to create mandatory training for peace officers. It only passed when the training was rewritten as voluntary. In 1972, the council implemented legislation requiring an incentive program for officers who attended training: 15 percent of an officer's salary. In 1982, that stipend was fixed at \$2,500. Sporadically, the stipend grew to a stan-

dardized \$3,100, where it has remained stagnant since 2001.

The duties of KLEC have expanded since its inception. By law, the council prescribes standards for training for all Kentucky law enforcement academies so that peace officers can retain their eligibility to participate in the KLEFPF fund. It also prescribes minimum qualifications for law enforcement instructors, prescribes minimum standards for attendance and expulsion conditions, inspects and evaluates training schools, monitors KLEFPF and administers the POPS pre-employment process for all law enforcement applicants.

Kentucky law states that the governor

will appoint 11 of the 20 KLEC members to four-year terms. Those appointed must include one city manager or mayor, three sheriffs, five police chiefs, a U.S. Attorney or his designee, and one citizen. Professional law enforcement organizations fill the other seats on the council, such as Kentucky's attorney general; the Kentucky State Police commissioner; Southern Police Institute director; one member of the Kentucky Bar Association, the dean of Eastern Kentucky University's College of Justice & Public Safety; and the presidents of the Fraternal Order of Police, Kentucky Peace Officers' Association, Kentucky Association of Chiefs of Police and Kentucky Sheriffs' Association. **J**

*POPS requires that applicants:*  
*• have a background investigation*  
*• submit fingerprints for a criminal background check*

## KLEC STAFF AND BOARD MEMBERS

Larry Ball, executive director

### Support and Records Section

Melissa Beck, administrative section supervisor  
Joe Boldt  
Kelly Adkins  
DeAnna Boling  
Elizabeth McIntosh

### Testing Services Section

Pam Shaw, administrative section supervisor  
Rick Bastin  
Mike Beck  
Gary Davis  
Don Nicholson  
Jarred Ball

### KLEC executive committee

Sheriff Keith Cain – Daviess County, chair  
Mayor Darrell Pickett – Glasgow, vice-chair  
Chief Mike Ward – Alexandria, Certification Committee chair

Dean Allen Ault – Eastern Kentucky University, Curriculum Committee chair  
Lt. Col. Leslie Gannon – Kentucky State Police, Peace Officers Professional Standards chair

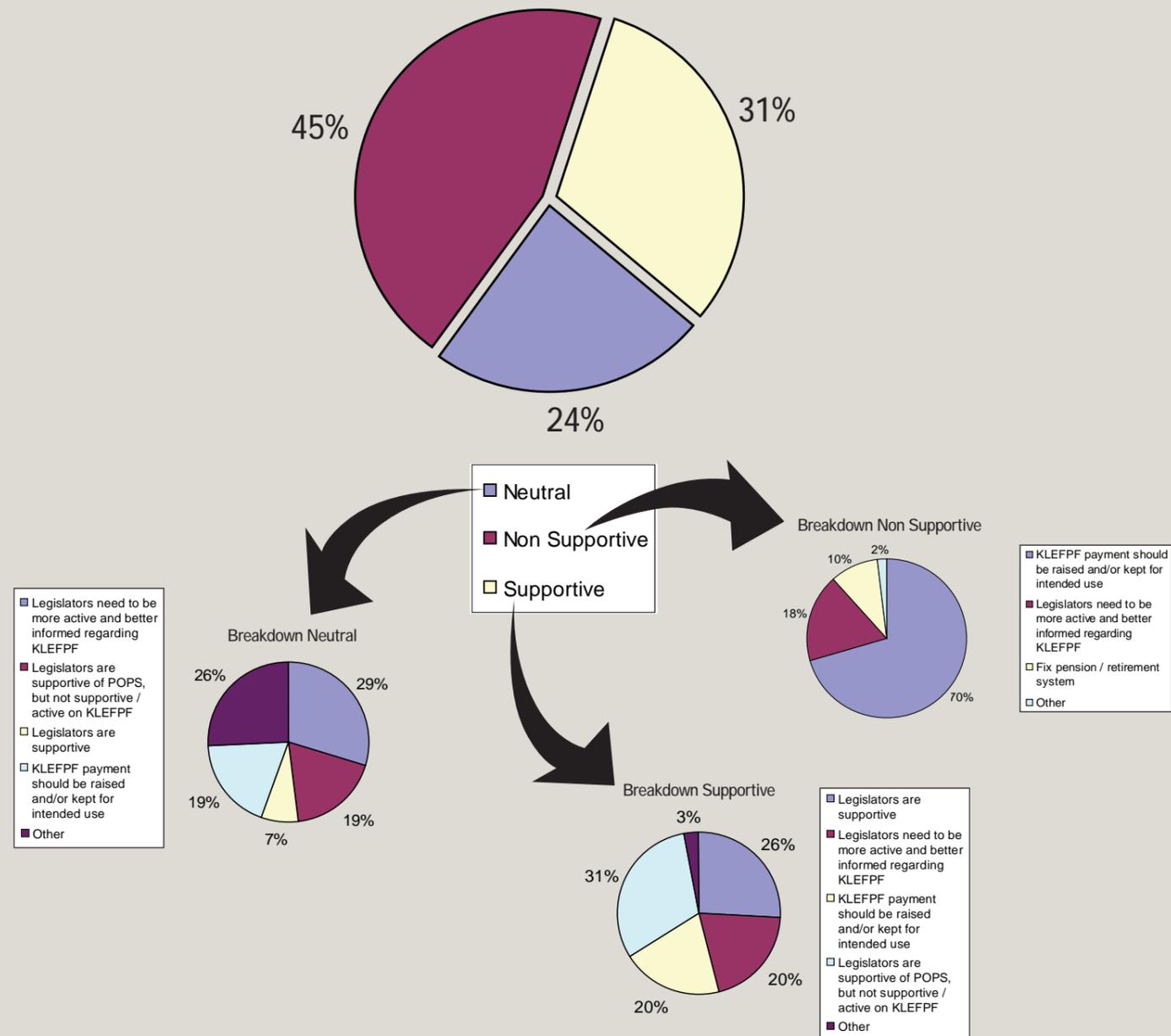
### Other Board Members

Judge-Executive Carolyn Belcher, Bath County  
Sheriff Chris Eaton, Barren County  
Commissioner Robert Foster, of the Kentucky Bureau of Investigation Office of the Attorney General  
Chief Wayne Hall, University of Louisville Department of Public Safety  
Law Enforcement Coordinator Gary Howard, for the U.S. Attorneys Office for the Western District of Kentucky  
Director Tom Hughes, JD, Ph.D., Southern Police Institute  
Commander Alan Martin, Lexington police of the Investigative Support Section  
Luke Morgan, Lexington attorney  
Chief Michael Ormerod, Prestonsburg Police Department  
Chief Robert Ratliff, Ashland Police Department  
Chief Greg Reeves, Georgetown Police Department  
Michael "Spike" Jones, current FOP president, will assume KLEC position in February 2010  
Martin Scott, Fraternal Order of Police past president  
Chief Glenn Skeens, Owensboro Police Department  
Sheriff Steve Sparrow, Oldham County  
Sheriff Charlie Williams, Hardin County



## OPINIONS OF CHIEFS, SHERIFFS AND OFFICERS ON LEGISLATIVE SUPPORT FOR POPS AND KLEFPF IN PAST 10 YEARS

In August 2009, a survey was taken of virtually all Kentucky chiefs and sheriffs and a representative sample of law enforcement officers to review the successes and trials of 10 years of Peace Officer Professional Standards. The survey results are shown via graphs throughout this publication.



*POPS requires that applicants:*

- be interviewed by their potential employing agency's executive or designee

/Kelly Foreman, Public Information Officer

Changes set to go into effect on Jan. 1 to the physical agility portion of the Peace Officer Professional Standards will allow chiefs and sheriffs to select candidates from a greater applicant pool, said Don Pendleton, Department of Criminal Justice Training director of training support and special committee member.

After careful consideration of empirical data under the leadership of Dr. Bryant Stamford, a special committee appointed by the Kentucky Law Enforcement Council recommended that a weighted standard of scoring be established. Up-

males at a rate of only 21.6 percent.

"There has been discussion in the law enforcement community with chiefs and sheriffs for some time that the female pass rate on those tests has been less than ideal," Pendleton said.

In a preliminary test of 20 females, results showed that under the existing scoring scheme, one in 20 applicants received a passing score. However, when the same females were scored under the weighted system, nine passed and three others came close to meeting the standards. Testers felt confident that given the opportunity for pre-test training, the passage rate could have been boosted to 60 percent.

were done. That was a failure," Pendleton said. "We have allowed a second start to facilitate that if somebody's shoe comes untied and can't complete the run, they could do it again the same test day, that kind of thing. So, there are some things that are being done that will help try to facilitate more success in addition to the weightedness of the scores."

The weighted standard only will apply to entry standards, Pendleton said. The exit standards will remain the same and will be scored the same as in the past.

"Keeping the current academy exit standards benefits recruits in two ways," Jumper said.

### Physical Performance Points Distribution

Event	9 pts	9.5 pts	10 pts	10.5 pts	11 points
Bench Press (% body weight)	55.3%	59.7%	64%	68.5%	≥ 73%
Sit Ups (repetitions)	13	16	18	-----	≥ 18
300 Meter Run (seconds)	68	67	65	-----	≤ 65
Push Ups (repetitions)	14	17	20	23	≥ 25
1.5 Mile Run (min:sec)	17:56	17:34	17:12	16:44	≤ 16:15

holding the standards already in place, the validity of the five-component test battery included in POPS will not be altered.

Stamford, a professor, consultant, author and principal investigator for the 2001 study, which led to the previous POPS revision, was contracted to evaluate the standards. Stamford's previous experience and understanding of the issue was an important part of the evaluation process, Pendleton said. Eight others from various levels of law enforcement served on the review committee.

A chart has been established to show how points gained through physical performance during the test will be distributed to reach an overall minimum score of 50 points. Each test in the five-test battery now will have a range of scores to meet instead of the previous pass or fail score of 10 points per test. (See above chart for further details of new weighted standard.)

The change is expected to most greatly affect females, who historically have failed the physical agility test at a rate of 66.8 percent, compared to

"The changes to the Peace Officer Professional Standards will not affect our expectation of the recruits," said Joe Jumper, senior DOCJT Physical Training and Defensive Tactics Section instructor. "The physical training section still will teach the importance of fitness in law enforcement. We still will continue to motivate the recruits when they are outside running two to four miles or inside lifting weights. It is incumbent upon this section to make sure the recruits are fit enough to protect themselves and the community when they graduate DOCJT."

Additionally, the study addressed potentially negative test protocol issues, such as elements which could penalize applicants and make it difficult for them to demonstrate their ability to pass the tests. Some of the issues related to the bench press test, pacing issues in the 300 meter and 1.5 mile run and time restrictions. Several recommendations were made by the committee to reduce these issues.

"As an example, in the 300-meter run, typically if for some reason you tripped and fell, you

"First, the exit standards set a goal. If a recruit doesn't work sufficiently enough to meet that goal, she or he will not graduate the academy.

"Second, recruits finally are given the opportunity to see for themselves how much they have improved physically and hopefully maintain their fitness throughout their career," Jumper continued.

Pendleton also stressed that there will be no compromise on what it takes to graduate and become a police officer, but said there is an expectation that the changes will lead to a more complete applicant pool.

"Law enforcement strives to represent the communities we serve and the greatest group impacted currently has been females, so allowing law enforcement executives to consider those persons in their applicant pool will be a tremendous improvement," he said. "Now, how many more are employed is their call, but the ability to consider additional people that more represent the community is important." J

Changes Made to Test Protocols

# WEIGHTED PHYSICAL-AGILITY STANDARD ENACTED FOR POPS

/Photo by Elizabeth Thomas



# Monticello Police

## Chief Through Changes



and other intoxicants,” Miniard said. “If you eliminated the intoxicants from society – that’s just me daydreaming – you’d have no need for law enforcement. Domestic violence, traffic accidents and theft occur most often because someone is intoxicated.”

Miniard noted the change he’s seen since 1977 in crime influences.

“When I started, it was alcohol – but not anymore,” he said.

Miniard recalls drug trafficking coming south, most often from Michigan.

“Drug traffickers realized that Oxycontin had a larger profit margin down here. They could purchase it at \$8 to \$10 per tablet in Michigan, but sell it for \$100 or more here.”

But in this 6,500-person town where “you know everybody and everybody knows you, we’re policing in our own community,” Miniard said. “We share the results of what we do. Who you work with, whether it’s the victim or the accused, they’re not a stranger.”

But now, Oxycontin issues have become methamphetamine issues throughout most of the region.

Six-year Monticello patrol officer Allen Braden said that the manufacturing of meth has been a major issue in the town until recent

weeks. Where they were seeing five meth-lab busts per week and many meth-related arrests, it has slowed to just a couple busts in weeks, a testament Braden said to the interagency cooperation throughout the area, including Kentucky State Police, Wayne County Sheriff’s Office, Monticello Police Department and the FBI.

“We tend to take pride in working together with all the law enforcement agencies in this county,” Miniard said. “As a matter of fact, all those agencies have been in here this week working on a big drug campaign.”

At a routine road block just outside the downtown area Braden worked alongside uniformed and undercover troopers as you might often find in this area.

### Ten years of change

Miniard recognized the changes that law enforcement has seen in his tenure as chief, but particularly the past 10 years after the Peace Officer Professional Standards took effect.

“Officers today are better trained and tend to be in better health and physical condition,” he said. “They are held to a higher standard. POPS made officers feel more professional and gave them more pride in what they do. It eliminated the upper class and lower class officers; it put us all on a level playing field. Our officers are as good as anybody’s.”

Miniard said that although there is more record keeping involved and more training to continue, the POPS Act made it easier to be a police chief and made the actual job of policing easier.

“Thanks to POPS, [Kentucky’s] officers can stand against the rest of the country,” he said. “I think the general public would be surprised at how well our officers would stack against those in bigger states and bigger cities.

“They can move from writing a traffic ticket in the morning to investigating a felony offense in the afternoon,” Miniard added. “We may not have all the issues of larger cities, but we have just enough to keep us on our toes and to be competent officers. It’s



▲ Chief Ralph Miniard, with Officer Allen Braden and Sgt. Joe Bybee, stands outside Happy Days Soda Shoppe. (top)  
 ▲ (Bottom Left) Officer Allen Braden assists Kentucky State Police with a routine road block.  
 ▲ (Above) Braden makes a visit to one of the most popular stops in Monticello.

just the right place to police.”

And the Kentucky Law Enforcement Foundation Program Fund helps with what the department can offer to attract these better officers, Miniard said.

“The increase in pay gives you a better selection,” he said. “You can attract better people and once you get them, you tend to keep them. It’s always helpful when you have more to offer.”

Poorly paid officers, Miniard said, tends to result in officers who are tempted by corruption.

“I’m a real believer in high standards,” Miniard said. J

Article and photos by Elizabeth Thomas, Public Information Officer

Policing Monticello for more than 30 years, Chief Ralph Miniard has seen both Monticello and law enforcement change over the past three decades.

Monticello lies near Lake Cumberland, with commercial lake access at Conley Bottom and Beaver Lodge docks, and many other non-commercial boat landings.

In a town where directions are given in reference to the “Doughboy” statue – which pays homage to infantrymen and sits just outside the

Happy Days Soda Shoppe and City Pool Room – you might expect to find a quiet town with occasional petty crime.

“As we like to say in Monticello, ‘We’ve got most of what the rest of the world has, just a little less and five years later,’” chuckled Miniard.

But much like other communities of its size, Monticello’s 10 full-time and two part-time officers, along with the area’s other law enforcement agencies, are in a war against drugs and all the crime that follows.

“At least half, if not more, of all criminal activity relates back to drugs



# Old Vests Still Save Lives

Armor of God Project distributes vests to officers around the world

/Abbie Darst, Program Coordinator

**W**hat started as a simple ministry out of Muscle Shoals, Ala. to law enforcement officers in the Philippines has grown into a national project to help save lives of law enforcement officers throughout the world.

In 2008, the Armor of God Project began when Muscle Shoals Police Lt. Clint Reck was approached about sending used ballistic vests to officers with the Philippine National Police Department. Teaming up with his local church, Reck was able to send 24 vests to the Philippines. Within two days of the PNP officers receiving the vests, a high-ranking officer chased a stolen car to a dead-end road and was shot pointblank in the chest by the suspect.

The vest saved the officer's life.

In February 2009, Tulsa (Okla.) Police Capt. Travis Yates, who is head of the national law enforcement ministry, Ten-Four Ministries, con-

to send 100 more vests to the Philippines. They began looking at other countries in which they could fill the same need, when they received a call that set their ministry on a whole new course.

"We were notified by an upstate New York officer's wife who was crying, saying her officer didn't have a vest," Yates recalled. "I didn't believe it because we are the wealthiest country in the world. I am spoiled by my department where you get a vest every five years, whether you use it or not.

"When we started hearing from all these small communities in America that couldn't afford vests ... we decided to halt the overseas work and fill the need here in America. So we're taking vests now and sending them out in America," Yates said.

## Other options

Most ballistic body armor vests have a warranty that only guarantees the vest's effectiveness for a

“We didn't know where it would take us, we just knew there was a need.”

tacted Reck to keep the ballistic vest ministry going.

"We didn't know where it would take us, we just knew there was a need," Yates said of the decision. "We found a few local places [distributing used vests], but nothing on a national scale."

Every day, thousands of law enforcement officers across the United States and the world work in dangerous environments, putting their lives on the line for the communities they serve, but do not have the life-saving equipment necessary to protect them.

In contrast, numerous police agencies across the nation have the benefit of supplying their officers with new ballistic vests every five years when the manufacturer's warranty expires.

Interest in the Armor of God Project spread quickly, and the program's members were able

certain number of years. For this reason, many departments across the country replace their officers' vests when the warranty runs out. There are numerous ways agencies dispose of these vests, from burning them or cutting them up to giving them to tire companies to recycle. Yates found that many agencies just collected them in closets year after year because they did not know what to do with them.

However, Yates argues that these expired vests are not necessarily ineffective and are still capable of stopping a bullet and saving a life. But questions of liability seem to hinder many departments from initially wanting to give their old vests.

"The big word in America is liability," Yates said. "... We had two lawyers draft up two acknowledgement forms – one we give to the agency that donates" and one to the receiving agency. >>

>> “We haven’t had anybody shy away because of liability except just a few agencies,” Yates continued.

But for some Kentucky agencies, liability and safety issues are huge concerns.

The Lexington Division of Police had several reservations about the agency donating to a program like Armor of God.

“You wouldn’t eat out-of-date food, so why would you put something on your body that is out of date and is supposed to save your life?” asked Lexington Lt. Doug Pape, who also serves as the agency’s public information officer.

The Louisville Metro Police Department, which currently sends some of its used vests back to the company or allows officers to dispose of them on their own, mainly had reservations related to liability issues, and had lawyers look into the liability waivers and other information before deciding whether they would participate in such a project.

However, LMPD did recently have an of-



## What Is It?

### Ten-Four Ministries

Ten-Four Ministries was founded in 2002 by Los Angeles County Deputy Tony Miano (Ret.) to provide practical and spiritual support to the law enforcement community.

ficer request old vests to send to Belize, so the concept is not a new one for the agency, said Public Information Officer Alicia Smiley.

On average, LMPD receives 70 vests per year from retirees, resignations and terminations, and as of October the agency replaced 39 officer vests in 2009, Smiley said.

“Ultimately, you’ve got to forget about some of [the liability issues] because we’ve got officers in America who don’t have vests and, I’ll be honest with you, that is just atrocious,” Yates said. “I can’t believe it; I cannot fathom it.”

For small agencies in Kentucky, that is a legitimate reality.

Deputies at the Lincoln County Sheriff’s Office are currently using ballistic vests that have surpassed the original warranty date, Sheriff Curt Folger said.

“Something’s better than nothing,” he said of using expired vests. “I’m sure every small department ... is like us probably, using vests that are outdated. With a lack of money we can’t afford to purchase \$8,000 worth of vests, or more – our budget won’t allow that. When you have to scrape by your teeth, it makes it tough.”

### More than 600 vests

In the year since the Armor of God Project took off, the organization has given away more than 600 vests free of charge – the majority of which have been to officers in the United States. The project averages five to 10 requests per week from U.S. agencies, Yates said.

In addition, another Philippine National Police officer’s life was saved from a ballistic vest he received from Armor of God.

“We actually get a lot of grief from policemen who say, ‘What’s the catch?’” Yates said. “You know how police are with our paranoid mindset – but there really is no catch. As long as we have the donations to support us, we are going to keep sending them out.”

It costs \$11 dollars to ship a vest from the donating agency and \$11 to ship the vest to a receiving officer, if the vest cannot be hand delivered, Yates said.

For any agency or department interested in donating or receiving vests, Yates said the best way to contact the organization is by filling out a form on the Web site at [www.vestforlife.com](http://www.vestforlife.com), but officers or agencies also can call (977) 912-7667.

Forms submitted online are received instantly and someone usually will respond within 24 hours, Yates said.

“We’d like to get as many (vests) as we can, but we’ve got a lot now; we just want to give them away to people who need them in America,” Yates said. J

# NEW KENTUCKY LEADERSHIP

PROFILES

## JONES Named President of Kentucky Fraternal Order of Police

/Profiles by Kelly Foreman, Public Information Officer

When Covington Police Assistant Chief Michael “Spike” Jones began his law enforcement career with the Covington Police Department 22 years ago, he also joined the brotherhood of the Kentucky Fraternal Order of Police.

And after serving both as a legislative lobbyist for a few years and the organization’s sergeant-at-arms since 2003, Jones was elected president during the FOP fall conference in November.

“It is an awesome responsibility when you consider that we are caring for our membership, but most of all – and probably most importantly to our membership – we are caring for their families as well,” Jones said.

Former president, Martin Scott, served the organization for 18 years, Jones said.

“I have seen the work that our past president has put into [the organization] and I take great pride in having been elected to fulfill those responsibilities,” Jones said. “But I realize that it is a very heavy responsibility as well. I’ve got big shoes to fill.”

The upcoming year holds new opportunities for the FOP, Jones said, as the organization looks at involving members in technological upgrades to improve communications.

“Kentucky is a pretty big state from East to West and we are working on improving our ability to get our message out more rapidly,” he said.

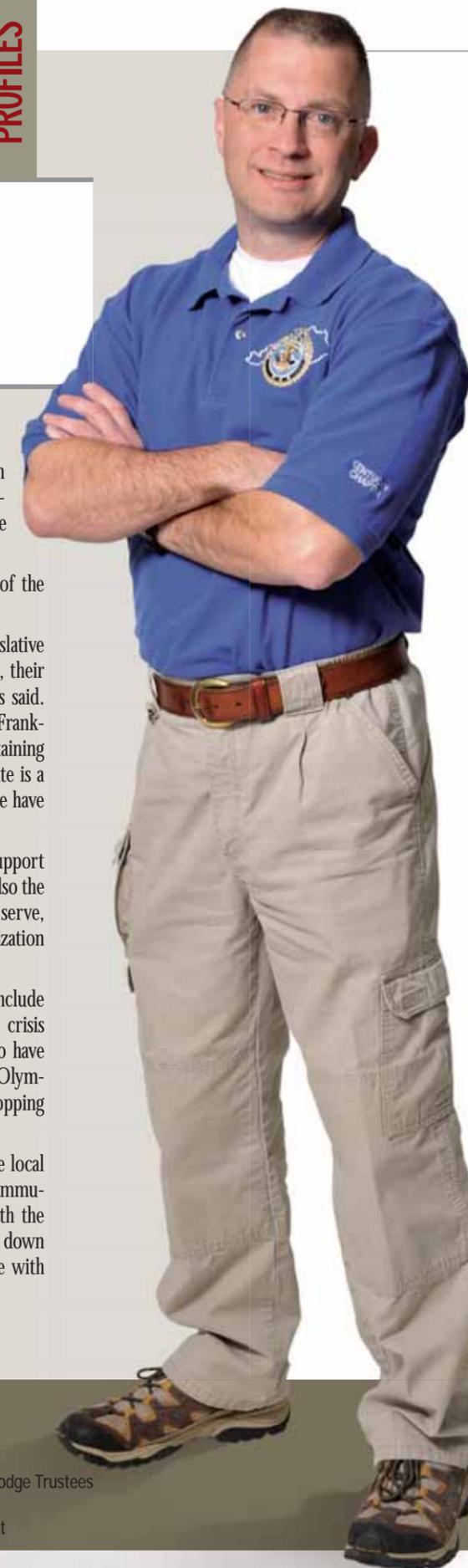
Lobbying will continue to be one of the organization’s top priorities.

“My primary objective now is legislative – safeguarding our officers’ retirement, their pension and their quality of life,” Jones said. “One of our most important roles is in Frankfort during the legislative session. Maintaining the vigilance we have maintained to date is a daunting task, but I’m confident that we have the staff to safeguard our future.”

Because of its many endeavors to support not only officers and their families but also the communities in which those officers serve, Jones said the FOP is an essential organization to Kentucky law enforcement.

The organization’s many initiatives include providing legal assistance to officers, crisis intervention to families of officers who have suffered a loss, service to the Special Olympics, Easter Seals and a Christmas shopping program for underprivileged children.

“Those types of involvements on the local level are really essential to building community, to building good relationships with the police and, in many instances, breaking down those barriers that a lot of people have with police officers,” he said. J



## Kentucky Fraternal Order of Police

Berl Purdue, Vice President  
 Michael “Spike” Jones, President  
 Robert “Bubba” Bringham, 2nd Vice President  
 Denis Spaulding, Secretary  
 Don Brashear, Treasurer

Mike Sweeney, Sergeant-at-Arms  
 Tim Davis, Chaplain  
 Scott Hildebrand, Chairman of State Lodge Trustees  
 Mike Hettich, National Lodge Trustee  
 Martin Scott, Immediate Past President

## GAINES Named to Fifth Term as Kentucky Sheriffs' Association President

Jerry "Peanuts" Gaines has served the Kentucky Sheriffs' Association for each of the 28 years he has been Warren County sheriff, but said he still considers being named to a fifth term as KSA president a great honor.

"The sheriff is elected by the people and belongs to the people," Gaines said. "That is why [KSA] is an important organization."

Gaines first served as president in 1980 and will be sworn in once again on Jan. 1. Over the years, he said he has seen a lot of change among Kentucky sheriffs' departments.

"We went from the old sleepy bailiff in the courtroom to a complete, new modernized courthouse with the best bailiff system in the state of Kentucky," Gaines said of his agency's changes. "We went from furnishing our own cars to [being provided] a new fleet of cars that the county takes care of. When I came in, I had eight deputies and they furnished their cars.

"Now I have 32 field deputies and they are furnished cars and everything," he continued. "All of them are trained now. Back in the day, you hired a man, gave him a gun and put him on the road.

"Our tax base [in Warren County] has

more than doubled and, like I said, the facilities are better, the cars are better, the training is better and we've got the most elaborate tax collection system here in the state," he said.

Gaines also has served as president of the National Sheriffs' Association and is the only Kentucky sheriff ever to do so.

"That was the greatest honor I've ever had," he said. "It is a big honor because I look back and I know there are some things I have done that have helped the Kentucky Sheriffs' Association."

The KSA is responsible for lobbying for Kentucky's sheriffs, a job Gaines said is not always easy. Each year, Gaines said the association tries to introduce new bills that will be beneficial to both the people and sheriffs' departments but its most important role is "holding on to what we've got."

Gaines has other goals for the upcoming year, including meeting on a more regular basis, having a convention in Bowling Green and possibly one in the eastern part of the state.

"I don't want to change everything, I just want to make it more efficient," Gaines said. J



### Kentucky Sheriff's Association

Jerry Wagner, Executive Director  
Jerry Gaines, President  
Bruce Hampton, 1st Vice President  
Steve Sparrow, 2nd Vice President

Ed Brady, 3rd Vice President  
Chuck Korzenborn, Secretary/Treasurer  
Chris Eaton, Sergeant-at-Arms

## STEWART Named President of Kentucky Peace Officers' Association

The mission of the Kentucky Peace Officers' Association is to further the education and professionalism of law enforcement in Kentucky. Lexington Police Officer Paul Stewart said he is proud to help pursue that mission by serving as the organization's newest president.

Stewart, who has served as a patrol officer for the Lexington Division of Police since 2004, moved to Kentucky from upstate New York to attend Lexington's police academy. He quickly got involved with KPOA and said the other officers he has met through the organization have become valuable, life-long contacts.

"It really means a lot to me [to serve as KPOA's president]," Stewart said. "Obviously KPOA is a statewide organization, and just getting to travel around and meet people in different agencies, to get to see how other officers in the state do things, that network has been really valuable to me."

KPOA is responsible for fundraising, giving annual scholarships, offering training programs and disseminating information about opportunities for training around the state and sometimes nationally, Stewart said.

"Really for a \$25 membership fee, it is valuable to any officer of any rank in Ken-

tucky," Stewart said.

With a membership base of about 600, Stewart also is looking to increase participation this year, particularly in northern, southern and western Kentucky.

But beyond its regular functions, Stewart said the organization is focused on lobbying together with the Kentucky League of Cities and Kentucky Association of Counties to pass legislation qualifying retired officers for their license to carry a concealed weapon.

"Every year we have a firearms championship that we hold regionally and compete around Kentucky," Stewart said. Through that event, KPOA hopes to pass legislation stating that if both active and retired officers, "come and compete in the firearms competition, it will count toward their yearly qualification for their license."

Stewart anticipates that serving as president of KPOA will be a challenge because he is a young officer working with others who "have so many more years of experience than I do," he said.

"So far, I have really worked with some great people all around Kentucky – chiefs, sheriffs and people who have been really helpful and really have played a pretty huge role in furthering the organization," he said. J



### Kentucky Peace Officer's Association

Paul Stewart, President  
Jeff Sharpe, 1st Vice President  
Steve Newell, 2nd Vice President  
Jackie Richardson, Secretary

Alan Martin, Treasurer  
Barry Cecil, Sergeant-at-Arms  
Jerry Huffman, Chaplain  
Ricky Lynn, Photographer

## O’PELL Named President of Kentucky Women’s Law Enforcement Network

Members of the Kentucky Women’s Law Enforcement Network have a lot of work ahead of them as they prepare to host the International Association of Women Police conference in 2011, but new KWLEN President Angel O’Pell said she is excited about the opportunity.

O’Pell, an eight-and-a-half-year veteran patrol officer of the Ashland Police Department, recently was given the organization’s top honor. O’Pell began her career in law enforcement with the Maysville Police Department and served there for a year and a half before joining the Ashland force.

“The women I have met in KWLEN are an amazing group of women – all different and unique yet sharing similar career goals,” she said. “I am honored they have chosen me as their leader and think it is going to be an excellent opportunity.”

The IAWP conference will be conducted in Lexington and KWLEN is responsible for doing all the background work to prepare for it, O’Pell said. The conference this year was conducted in Seattle and hosted more than 500 delegates from 39 countries, the IAWP Web site states.

“When I accepted the responsibility [of being president], I set two goals for myself,”

O’Pell said. “I would like to double the enrollment of the group and at least double our balance of the bank account. The bank account goes back again to the international conference. We need more money to host that and one way of doing that obviously is going to be reaching out to more women and getting more women involved in the organization. They kind of go hand in hand.”

In addition to preparing for the international conference, O’Pell said she is excited about the work KWLEN has done to make changes in the POPS physical agility standards.

“Hopefully that will give an opportunity to more female officers throughout the state,” O’Pell said of the changes.

O’Pell has been a KWLEN member since her early days as an officer and cherishes the purpose and camaraderie the group provides.

“When KWLEN was formed and had their first conference in 2000, I was a rookie fresh out of the academy,” she said. “That KWLEN conference, to me, opened my eyes and made me realize that there is still a minority in law enforcement. The women Kentucky does have serving are strong and empowering.”



### Kentucky Women’s Law Enforcement Network

Angel O’Pell, President  
Tia Chilton, 1st Vice President  
Amy Hawkins, 2nd Vice President  
Melanie Watts, Secretary

Bella Wells, Treasurer  
Donitka Kay, Historian  
Samantha Lynn, Chaplain

## REEVES Named President of Kentucky Association of Chiefs of Police

As a young, Georgetown police officer, Greg Reeves watched the work his then-chief Craig Birdwhistell accomplished for Kentucky’s police chiefs in his service as Kentucky Association of Chiefs of Police president.

Not knowing then that someday he, too, would serve as chief of the Georgetown Police Department, Reeves said he knew then the service to KACP was a big honor. Being named the 2010 KACP president is something of which he is very proud.

“Once I had the opportunity to become chief and get involved more with the association, I knew I wanted to work my way toward that goal [of becoming president] and having an impact on law enforcement,” Reeves said. “When you are the president ... you have a great opportunity yourself to be involved in steering young law enforcement officers in the direction for the future that we feel like is needed, to kind of mentor them and make sure that they are ready to be the leaders of tomorrow.”

Reeves has served the Georgetown Police Department for 26 years, starting in patrol then working as a detective in investigations, narcotics and “pretty much everything else,” he said. In 2000, Reeves became assistant chief, where he served for four years before becoming chief of the central Kentucky agency.

If for no other reason than the lobbying KACP does for law enforcement, Reeves

said the association is an asset to Kentucky. But it also plays an important role in the different boards on which KACP members sit, including the Special Olympics, the Governor’s Highway Executive Board, Kentucky League of Cities board, Kentucky Law Enforcement Council and others.

“Those are all things KACP is instrumental in, not only in law enforcement, but in the future of public safety in general,” he said. “I think that is the reason it is so important for this association to be recognized.”

Reeves does not see many challenges for the association because the men and women who have come before him have left a well-structured association, he said.

“I’m not reinventing the wheel,” he said. “If there are challenges, they will probably be legislative, something that is a common goal with other public safety organizations. If there are challenges, they are not challenges I will fight alone, the executive board will assist me with them.”

In the upcoming year, Reeves said he plans to look at ways to handle funding issues to overcome the challenges law enforcement around the state have in the economy.

“I’d like to get law enforcement back in the direction that it used to be in,” Reeves said. “... Each law enforcement agency, I believe, has been somewhat challenged and has taken a hit just to make sure the primary role of protecting the community is not jeopardized.”



### Kentucky Association of Chiefs of Police

Michael Bischoff, Executive Director  
Greg Reeves, President  
James Pendergraff, 1st Vice President  
Robert Ratliff, 2nd Vice President

Bill Crider, 3rd Vice President  
Danny Smith, Treasurer  
Stephanie Bastin, Sergeant-at-Arms  
Mike Ward, Immediate Past President

/Kelly Foreman, Public Information Officer

One hundred and thirty five motorcycles on Saturday commanded 55 miles of KY 52 as they rode in honor of two law enforcement officers killed last year in the line of duty.

Altogether, more than 180 riders participated in the 7th Annual Memorial Foundation Ride, earning more than \$3,100 for the Kentucky Law Enforcement Memorial Foundation. The ride was sponsored by Blue Knights KY XI Motorcycle Club of Stanford.

Law enforcement officers and supporters representing the Blue Knights Motorcycle Club honored Bell County Sheriff's Office Deputy Sean Pursifull and Harlan County Constable Joe E. Howard, Sr., who both were killed in 2008.

"This is to remember," said Tom Blankenship, a Blue Knights member and Department of Criminal Justice Training instructor. "We should not forget what they have done for the commonwealth."

Bell County Sheriff's Office Deputy Sean Pursifull was killed Jan. 10, 2008 when his parked patrol car was struck by a fleeing suspect. Two juveniles were in the car when the driver crossed the center line and hit the patrol car. Pursifull and his K-9 partner were both killed. Pursifull's family was presented with a flag and plaque in honor of his service during a short memorial program prior to the ride.

Harlan County Constable Joe E. Howard suffered a fatal heart attack April 1, 2008 shortly after arresting a suspect who was wanted on an outstanding warrant. The suspect had to be restrained during the arrest. Constable Howard was later transported to Harlan Hospital where he passed away.

The memorial foundation was established in 1999 to build the unique memorial, which is the only monument in the commonwealth that recognizes all Kentucky peace officers killed in the line of duty.

Once the memorial was completed in 2000, the organization expanded its efforts to include an ongoing financial endowment program, which helps Kentucky peace officers and their families with educational, medical and emergency needs.

Blue Knights is an organization comprised of law enforcement officers from many areas of the world. It is an organization that started in Bangor, Maine in 1974 when a few friends, all connected with law enforcement, started riding motorcycles together. From there, the idea of the club was formed and the name Blue Knights was chosen. From the original seven members, the organization has grown to almost 20,000 members and now represents 26 countries worldwide. J



/Photos by Elizabeth Thomas



# BLUE KNIGHTS MEMORIAL Ride<sup>2009</sup>





## Chief Larry Brock

### Richmond Police Department

Larry Brock began his law enforcement career in 1974 in the U.S. Army as a military policeman. Brock joined the Richmond Police Department as a patrol officer in January 1979, and worked patrol and investigations during his tenure with the department. He attended Eastern Kentucky University and earned a bachelor's degree in Police Administration. He then accepted a job with the federal Bureau of Alcohol, Tobacco, Firearms and Explosives where he served for more than 29 years before retiring in June 2007. Brock was named the Richmond chief of police in July 2007.

**How does it feel to serve in a leadership position in the community in which you were raised?**

It has been a great experience and honor for me. The citizens of Richmond have been very welcoming and supportive, and I strive every day to live up to the confidence they have placed in me. I received many helping hands and guidance from people in Richmond when I was growing up and I feel fortunate to be in a position where I can, hopefully, return some of that to the community through the police department. It is a great benefit to have many friends in the community from which I can seek advice and receive support.

**How did serving with the ATF help prepare you for your position as chief?**

I had the opportunity to work with and ob-

The citizens of Richmond have been very welcoming and supportive, and I strive every day to live up to the confidence they have placed in me.

serve many different police departments, both large and small, and the means by which they conducted business, for more than 23 years. I have tried to put to use the good things that I observed during those years and not repeat the mistakes I have seen. The federal system was a great teacher of organization, professionalism and personnel practices. This combination of federal and local experience has helped me tremendously in dealing with a wide variety of areas, including patrol, investigation and personnel matters.

**What steps have you taken toward a better future for the Richmond Police Department?**

One of the first things we did after I took office was to request a Regional Community Policing Institute Community Assessment to gauge the community's perception of the department along with the internal view of operations. This assessment helped us develop a road map of where we wanted to go as a department. We followed that up with a focus group comprised of citizens and officers to make recommendations to my office for improving the department and serving the community in a better fashion. We have placed much more emphasis on interactions with the community, especially with our youth, and continue to reaffirm old partnerships and develop new ones. Internally, we have moved to increase accountability and placed significant value on the

service-oriented side of our duties. Just as importantly, we have overhauled our hiring process to ensure that we identify the best available candidates for positions.

**What programs have you brought back to life since becoming chief and why?**

Two programs that were identified as positives by our citizens during the RCPI assessment were the bike patrol and the citizens' police academy. Those two programs had been dormant for some time and we have resurrected those. Once our staffing reached a level that could support it, we re-established the bike unit and we partnered with the other law enforcement agencies in the county to bring back the Madison County CPA. We also have partnered with the school system to deliver Gang Resistance Education and Training in the middle schools, strengthen our school resource officer program and establish a summer youth camp. J



## Sheriff Todd Pate

### Breckinridge County Sheriff

Todd Pate was elected Breckinridge County sheriff in 2002. He began his law enforcement career in 1994 with the Breckinridge County Sheriff's Office. In 1999 he began working for the Louisville Police Department and later moved to the Hardinsburg Police Department. He received an Associate of Arts degree from Eastern Kentucky University in 1994. Pate is married to Kristi and the couple have three children (two boys and one girl) ranging in ages from 9 to 1 year old.

The outcome of these standards has provided departments with officers that are better prepared to face the day-to-day challenges of law enforcement.

**How does it feel to serve in a leadership position in the community in which you were raised?**

I am very fortunate to have been given the opportunity to serve as sheriff in the community in which I was born and raised. My position as sheriff has allowed me to, hopefully, make a positive impact on the people of Breckinridge County, and the community in which I will always call home.

**How have the Peace Officer Professional Standards advanced law enforcement since their inception 10 years ago?**

I feel that POPS has professionalized law enforcement by requiring departments to follow a strict, but essential set of guidelines prior to hiring new officers. The outcome of these standards has provided departments with officers that are better prepared to face the day-to-day challenges of law enforcement.

**What has been your focus since taking office in 2003?**

When I first ran for this office in 2002, I made a promise to the citizens of Breckinridge County that if I was given the opportunity to serve as

their sheriff, I would be very proactive and aggressive against illegal drugs that were either being made or distributed in the county. I, along with the deputies of this office, have worked vigorously on this endeavor, and feel that we have made great strides in combating illegal drug activity. I now have a retired Kentucky State Police sergeant who works for the sheriff's office and the KSP task force, which has allowed us to focus more time on essential investigations. We also have implemented an anonymous tip line for citizens to leave information regarding illegal activity within the county, which has proven to be extremely helpful in many investigations.

**What would you consider to be a core value that has lasted a lifetime and been especially important in your career?**

Honesty and integrity have always been a part of my life. I have always said that it takes a lifetime to build your reputation and character, but it can be destroyed almost immediately. I have always tried to put myself in the shoes of others and use good common sense when making decisions. J



# CIT

CRISIS INTERVENTION TEAM

Kentucky's award winning CIT-trained officers make big impact on lives of local citizens in crisis

/Abbie Darst, Program Coordinator

# W

hen an officer arrives on a scene swirling with volatile energy – tempers flare, patience is low and understanding is difficult – calm communication often can be a tough task. However, it is this exact situation where an officer's communication skills and patient, calm demeanor can be most effective in resolving the situation.

But what if the person is emotionally disturbed or mentally ill? Certain expectations can be taken for granted in day-to-day communication that may not be true when dealing with an individual suffering from a mental illness or emotional crisis. For years, dealing with mentally and emotionally disturbed individuals has presented law enforcement officers with unique challenges, as well as unique threats.

Kentucky's Crisis Intervention Team trainers are equipping the commonwealth's law enforcement officers with a new tool set to better engage these situations – good ears and a gentle tongue.

"There is a little bit of an aggressive attitude that comes with our job, and it's learned," said Murray Police Department Officer Chris Scott. "Through the first 13 years of my career it was

jump in, take charge and do what you have to do and that's all there is to it.

"But with the CIT tactics it is a little more of a calmer approach," he continued. "It's a way to approach things and realize that you can still be in control of a situation without rushing the situation, and you often can come out with a longer-term solution instead of a short-term solution."

Since its introduction in 2001 with the Louisville Police Department, CIT training has taught officers how to better understand and deal with people who may be mentally ill, developmentally disabled or distraught and suicidal. During the course, officers learn to recognize the signs and symptoms of someone's mental state and how certain medications, or the lack thereof, can affect a person's behavior and how to de-escalate a situation and calm a person down.

The goal of the training, according to CIT State Program Director Denise Spratt, is safety – both for the officer and individual in crisis. The tactics and ideas taught during the 40-hour course are designed to prevent the use of force in some situations, and give officers the resources to get a person the medical attention he or she needs as opposed to a night in jail. >>

# TEACH ME TO TALK – PART II



/Photo by Elizabeth Thomas

>> For the more than 900 Kentucky peace officers who have been trained using CIT techniques, the course's success becomes more and more evident with every officer who goes back to his or her community with a deeper understanding, compassion and desire to make a difference.

Murray's Officer Scott was able to make that difference in March 2008 when he received a mental health warrant to serve on a woman who had held her husband at knife point the night before. It was the close of the shift and Scott's captain wanted him to resolve the situation as quickly as possible.

The woman's husband had told police she was not a criminal, she just needed help.

Though Scott and his partner had been given the key to the house by the landlord and had the order to go in and retrieve the woman, Scott decided to simply knock on the door and try talking to her.

After several unresponsive knocks on the front door, Scott heard a knock from inside the carport door, and knew for sure what he was dealing with then, he said. He went to the carport door and started a conversation with the woman. After talking to the closed door for 20 minutes, Scott finally gained her confidence enough for her to open the door – where she was standing with a large butcher knife still in her hand.

With only a locked storm door between them, Scott continued to talk to the woman, reassuring her that he had done everything he said he would do, including not rushing into her house, since she was adamant she did not want anyone inside her home.

Scott eventually was able to talk the woman into putting the knife down and coming out the door. No one put their hands on her except to pat her down for other weapons. And when asked if she would get in the car with his partner to go to the hospital and get some help, she said, "Sure, I'd love to go for a ride," Scott recalled.

"Her demeanor had changed from very hateful and very defensive to wanting to go for a ride," Scott said. Evan (Scott's partner) said she talked the whole way over and was just as friendly as could be and he never had to restrain her.

"It took a little bit to gain her trust, but to

me, 20 to 30 minutes of talking is better than three to five minutes of fighting," he said.

The woman was diagnosed as a paranoid schizophrenic when admitted to the hospital.

After the ordeal, Scott's captain asked him what he thought the outcome would have been if he had chosen to follow orders, force entry into the house and pick her up. Scott told his captain he probably would have tased her or possibly resorted to deadly force because of the knife and her defensive attitude.

"After that, I was very impressed with the results I got," Scott said of his CIT training put in action.

Though Scott and his colleagues were able to resolve this situation peacefully and did not harm her in any way, that is only part of what CIT training actually teaches officers.

◀ CIT-trained Campbell County Police Officer Marty Hart, the department's chief hostage negotiator, helped rescue a woman before she made a suicide jump off the Combs-Hehl bridge on the Ohio River.

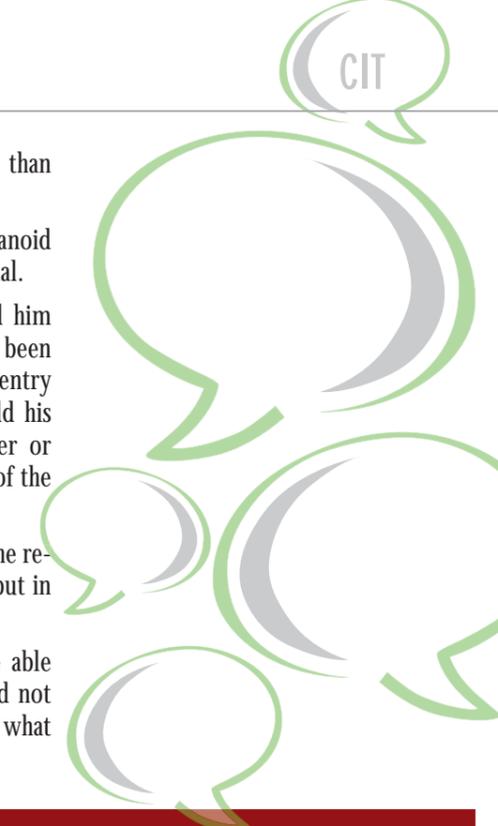
"I think sometimes officers coming into the class think that because they are being taught verbal skills, they are not supposed to use any of their previously learned tactics, and that is absolutely not true," Spratt said. "The verbal tactics are designed to enhance their officer-safety skills and a lot of times, by talking to somebody, they are able to keep it from escalating to the point of a physical confrontation, and that's what this is all about."

Campbell County Police Officer Marty Hart understands that lesson all too well.

While serving on an off-duty traffic detail for Combs-Hehl Bridge repairs, Hart received a call that a woman was threatening to jump from the bridge. When he arrived, a Hamilton County officer from Cincinnati was talking with the woman who was then perched on the edge of the bridge as if sitting on a fence, Hart said.

Hart, who has a minor in psychology and also serves as Campbell County Police Department's primary hostage negotiator, approached the officer first, told him that he was a CIT officer and asked to speak to the woman. Hart then engaged the woman and began talking with her.

The woman was concerned that her husband should know that she had jumped so he could >>



## CIT Training Techniques

There are numerous techniques that Crisis Intervention Team training emphasizes to officers. These de-escalation strategies are meant to help officers learn a different way of dealing with difficult people in difficult situations and try to understand what the root of the issue really is.

### CIT TRAINS OFFICERS TO:

- Use a calm demeanor
- Listen to the individual
- Use "we" statements
- Educate those around the scene that this is a mental-health issue
- Talk on eye level to help build rapport
- Make the individual come to your physical level, do not pace
- Give other persons on the scene a task so you can isolate the individual in crisis and his/her situation
- Listen to repetition used by the individual, he/she will always tell what the problem is by repetitive mentioning of a certain issue
- Use patience and slow pace in the confrontations – this brings ease and caring to the situation
- Try not to assign blame
- Use their name

>> come and get the car. Hart used that to buy him time with her. He told her to hang on so he could get her husband's information from her.

Meanwhile, his partner began walking toward another woman who was approaching the scene on the bridge. To distract the suicidal woman, Hart asked, "That isn't your mom is it?" However when she heard the word 'mom,' she scooted herself even closer to the edge. Hart continued to move in toward her and when she turned to look at the approaching woman, he grabbed her, locking his arms under hers and lifted her off the edge of the bridge and placed her on the hood of his cruiser – saving her life.

"CIT training emphasizes verbal tactics while acknowledging times when the person's actions will dictate a different tactical response," Spratt said of Hart's actions. "When the woman failed to respond to the officer and moved to the edge of the bridge, Hart responded with the necessary life-saving action."

Hart and Scott each received a 2009 CIT Officer of the Year Award for their efforts and actions with emotionally disturbed individuals in their communities.

"If you think about your stereotypical police officer with a criminal justice degree, everything geared toward criminal interdiction, safety tactics, use-of-force scenarios – CIT, for me is the more personal side of law enforcement," Hart said. "You get to see the individual from their perspective. ... You can come up and see someone who's being belligerent and assume that they are intoxicated or on something, but now that you know what to look for, it may help you realize that you're ... dealing with a medical issue that they have no control over."

"It makes you realize that the typical stuff 'em and cuff 'em ... is not going to be in [their] best interest and you're not going to solve or help the problem, but make it worse," he continued. "Now, instead of arresting the person you can bring in an ambulance, medical professionals or social workers, depending on the scenario you're dealing with, and try to help them with their problem so you do not have further issues down the road."

### Response must change

Taking that extra step proved invaluable for Louisville Metro Officer Beth Ruoff, who also recently received a CIT award.

Ruoff responded to a spouse-abuse center to remove a client who was intoxicated. When Ruoff entered the room, she found the woman almost non-responsive in a fetal position in the corner. She was extremely paranoid of people and sounds, so Ruoff began explaining everything she was doing and sat down on the floor with her. The only time the woman would calm down was if Ruoff was around. She spent several hours convincing her to go to the hospital and, since she was the only one the woman trusted, ended up staying with her another six hours at the hospital, never leaving her side.

"As an officer, you are required to make split-second decisions that impact not only the lives of community members, but yours as well," said Ruoff, who has served with LMPD for three years. "CIT training prepares officers for unique situations that occur when encountering the mentally ill and how our response must change. This training has brought awareness to the law enforcement community that traditional tactics and use of force may not be appropriate when dealing with a consumer in crisis."

During the time Ruoff spent with the woman, she shared her personal experience with her own mother being a person with Bipolar disorder, just like this woman. She spoke about what it was like growing up, since this woman was going through a divorce and had four children.

"This woman will remember this experience for the rest of her life and probably has never been treated with more compassion, care and empathy than from Officer Ruoff," Spratt said during the CIT awards ceremony in June.

The rapport Ruoff was able to build with this woman is key in CIT training, which stresses the importance of a calm demeanor, listening to the individual and how patience and a slow pace can bring ease and caring to the situation with which an officer may be faced.

"CIT encourages us more to look at the solution of the problem," said Dep. Tim Reynolds

with the Marshall County Sheriff's Office. "We can't fix every problem, sometimes not any problem, but we need to try to address the sense that we are there to help fix the issue, not necessarily to be the bad guy."

Reynolds answered the call to assist the Calloway County Sheriff's Office on a mentally disturbed man who had doused himself and his trailer with gasoline. He had previously told another officer on scene he was done and was going to end it all. Due to the power being shut off, Reynolds was unable to make contact by phone and had to resort to speaking to the man through a loud speaker. He spoke for nearly an hour without any contact from the man when he suddenly emerged and wanted to speak to the officer who had been talking to him. However, he was still approximately 50 feet away from the gasoline-soaked man and could not hear or understand what was being said.

Knowing that face-to-face negotiations are the most dangerous, Reynolds recognized the need to move in closer to resolve the situation. Because the man and the entire trailer had been soaked in gasoline, the SWAT team and its usual tactics were rendered ineffective, since a single spark could ignite the whole scene, Reynolds said.

Using a cruiser, he pulled up as close to the trailer as possible and used a flashlight to approach the man. With the man still soaked in gasoline, Reynolds talked with

him face to face.

The man told Reynolds, "I don't know you, and you don't care about me." But Reynolds reassured him that even though he was a total stranger, he did not want anything bad to happen to him, Reynolds recalled.

Eventually, Reynolds was able to shake his hand and officially introduce himself and, from that point, never let go of his hand. After several hours spent gaining his trust, he was able to pull the guy from the trailer and resolve the situation peacefully and with no one being harmed.

"I think that's the goal of CIT, overall, to put a face, put a family with that call," Reynolds said. "We have to take the attitude out that it is just another call. He had been in and out of the system and we all knew of him, but he still had family and he's still under pressure and going through some sort of crisis at that moment."

Though CIT is geared toward interaction with mentally-ill people, the tactics can be used in nearly any situation where a person is in a crisis.

"The implications and what you can do with it on the street to me is so important that it really sticks out and it is really effective," Campbell County's Hart said. "There is nothing difficult about it. It is a matter of the officer being given the information and knowing what to look for."

### CIT Advisory Boards Help Build Local Relationships

An important tool that comes with Crisis Intervention Team training is the establishment of local advisory boards. These boards, set up after training is completed in an area, allow law enforcement and the mental-health centers in the region to come together, along with local advocacy groups like the National Alliance of Mental Illness, or NAMI, and allows them to work hand in hand to build better relationships.

Building the bridge between law enforcement agencies and mental-health clinics is invaluable to the long-term success and effectiveness of CIT-trained officers, said State CIT Program Director Denise Spratt.

These groups build on the relationships started in the class and serve as problem-solving mechanisms. Each committee is chaired by law enforcement, and any issues or concerns involving the response to people with mental illness, substance abuse or developmental disabilities in the community can

be brought up in the committee meetings. CIT-trained officers can relay any operational issues at the meetings and decision makers from the agencies are there as well, so if something needs to be changed, the people are present who have the authority to make those changes, Spratt said.

There are 14 mental health regions in Kentucky, but not each region has an advisory board established in the area.

"In my opinion, our working relationship with Four Rivers (Behavioral Health Center) has increased dramatically," said Murray Police Officer Chris Scott. "It is a little of a give and take, but all in all, when we have problems, I've been able to address them and it has created a two-way communication street that wasn't there before."

"If nothing else, they know who we are and we know who they are," he continued. "It is difficult sometimes to relate to somebody you don't even know. ... Getting to know each other has helped a lot."

In Ashland, the advisory committee has only been established since June, but the area has seen a lot of positive results from its meetings, said Ashland Police Maj. Todd Kelley who is the committee leader in the Pathways Behavioral Health region.

The Ashland advisory committee extends down into the Morehead area and incorporates numerous hospitals and mental health clinics, as well as involving officers from multiple departments in the area who have received CIT training.

"Hopefully what we share altogether will be used to bring help to those who are going through tough times in the upcoming holiday season," Kelley said. "Instead of only trying to meet and put something new in place, we've been able to learn from experiences that happen between meetings and then go from there."

The Ashland/Morehead area advisory committee meets approximately every other month as schedules allow. ■

"The stuff you pick up in CIT makes you a better interviewer, too – though it is not an interview course," Hart continued. "You can go through courses that teach you to interview and read body language, but this adds another tool and gives you insight into what might be going through this guy's mind. ... It allows you to get on a more personal level and develop a good bond. Good interviewers know that the key to get a confession or good information is developing some level of a trust bond between you and the person you are interviewing."

In the eight years officers across Kentucky have been trained on CIT tactics, numerous scenarios have played out, many crisis have been encountered and these officers have taken the extra necessary steps to resolve issues in the best interest of the individuals, themselves, their departments and their communities. Each call these CIT-trained officers answer could lead to one more life saved, one more bad situation diverted and one more citizen who has gained trust and respect for their local police agency.

"I've had good training, but I can always give you a negative," Hart said. "But when I think about CIT, I can't give you a negative because of the applications across the board." J



The following is a list of currently operating committees and their chairperson.

- Capt. John Ward, Kentucky State Police Post No. 4, Communicare Region (Elizabethtown area) John.Ward@ky.gov
- Chief Glenn Skeens, Owensboro Police Department, River Valley Behavioral Health Region (Owensboro area) Skeensgw@owensboro.org
- Sgt. Jason Newby, Kentucky State Police Post No. 2, Pennyrite Center Region (Hopkinsville/Madisonville area) Jason.Newby@ky.gov
- Capt. Nathan Kent, Kentucky State Police Post No. 1, Four Rivers Behavioral Health Region (Paducah area) Nathan.Kent@ky.gov
- Maj. Todd Kelley, Ashland Police Department, Pathways Region, (Ashland/Morehead area) toddkelley@ashlandkypd.com
- Capt. Melanie Watts, Bowling Green Police Department, Lifeskills Region, (Bowling Green area) Melanie.Watts@bgky.org

# KSP TAKES FORENSICS ON THE ROAD

/KSP Submitted

The Kentucky State Police is taking forensics on the road with a new Crime Scene Response Vehicle. The 2009 Ford Super Duty truck is equipped with everything needed for on-scene crime analysis including a generator, trace-evidence analysis and a latent-fingerprint processing machine.

Painted in KSP gray and striped in blue, the eight-foot bed carries a service body containing supplies for extensive processing and analysis at major crime scenes.

The CSRV will expedite crime scene investigations by providing detectives with greater storage capacity and state-of-the-art tools to capture all possible evidence. Enhanced crime investigation also will assist the prosecutorial phase of crimes by providing additional visual evidence.

When KSP decided to buy its mobile forensic vehicle, there was no catalog from which to choose the unit. Starting with an empty shell, KSP gathered input from its crime-scene detectives to create a wish list of equipment and capabilities.

KSP Commissioner Rodney Brewer was de-

termined to get the project moving regardless of budgetary constraints.

"Finding the right mobile crime-scene vehicle for our agency was a complicated task," Brewer said. "It involved looking carefully at our cases, our expertise and our budget."

The total vehicle package cost about \$30,000 and KSP used asset forfeiture funds – proceeds from the sale of assets such as real property, vehicles, vessels, aircraft and jewelry that are seized by state, local or federal law enforcement during the course of a criminal investigation – to purchase it.

A serious crime occurs in Kentucky every four minutes and 28 seconds. With the increasing crime rate, there also has been an increased need for crime-scene processing.

"When the number of murders in Kentucky increases by 78 percent in one year, every possible effort must be made to utilize funds to assist a project that will make the commonwealth a safer place to live," Brewer said.

Over the past two years, Kentucky averaged 190 homicides annually and KSP investigated ap-



▲ KSP Commissioner Rodney Brewer shows Gov. Steve Beshear and Lt. Col. Mike Sapp contents from the New Crime Scene Evidence Response Vehicle.

◀ KSP places a new Crime Scene Response Vehicle at its Hazard Post.

proximately 50 percent of those cases. Most cases are located in rural areas that have little access to crime-scene support.

Crime-scene detectives are responsible for the investigation of major violent and property crimes.

Brewer plans to provide CSRVs at every post and seek alternative funding sources to accelerate implementation. In the meantime, KSP's new vehicle will be housed at the Hazard post.

"We looked at statistics and crime trends in recent years, and the Hazard post is centrally located to the areas where most Part I (violent and property) crimes are occurring," Brewer said.

Gov. Steve Beshear was on hand at the August unveiling at KSP headquarters in Frankfort to promote the project and personally inspect the new CSRV unit.

"Installing these new response vehicles in all post regions will not only be an asset to KSP, but also will be an additional resource for local law enforcement," Beshear said.

Hazard post commander, Capt. Scott Miller, is excited that his post will be the pilot location for this project.

"The CSRV coming to the Hazard post will be instrumental in assisting our detectives in solving and working major crimes that happen in the Post 13 area." Miller said. "It will provide them with the on-site tools and technology that will make processing scenes more thorough and efficient," he said.

Citizens who have information about criminal investigations are encouraged to visit the KSP Web site at [www.kentuckystatepolice.org](http://www.kentuckystatepolice.org) or call 1-800-555-2222. J

# HE SAID WHAT?

All oral statements should be provided to prosecution

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

Officers often are the recipients of oral statements made by suspects who may or may not be in custody at the time. In training, officers are drilled that exculpatory evidence, including oral statements, must be disclosed through the prosecutor to the defense.

But what about inculpatory oral statements, those that actually incriminate the subject, which are never reduced to writing? The results of several court cases show that all statements should always be provided to the prosecution.

Courts (both state and federal) make a tremendous effort to follow the “doctrine of stare decisis,” also known as the rule of precedent. The rule comes from the phrase “stare decisis et non quieta movere” which translates as “stand by that which is decided.”

In other words, the courts try to follow precedent set by earlier courts. This rule is intended to “ensure that the law will not merely change erratically, but will develop in a principled and intelligible fashion.” (*Vasquez v. Hillery*)

For law enforcement officers and lawyers alike, this rule provides a framework on which to base decisions, and consistency is highly valued.

However, on occasion, a court finds itself in the position of reversing a decision of an earlier court. In 2008, in *Chestnut v. Commonwealth*, a de-

tective repeated an incriminating statement (an admission) made by the defendant while on the stand. That statement had never been reduced to writing, however, and thus was never disclosed to the defense in discovery. The highly incriminating statement effectively gutted Chestnut’s planned defense strategy.

The Court concluded that earlier decisions concerning the application of Kentucky Rule of Criminal Procedure (RCr) 7.24 were incorrect, in that the earlier courts had held that only statements that had been reduced to writing were required to be disclosed. In those prior decisions, the court had held that the rule, which requires disclosure prior to 48 hours in advance of trial, only applied to written or otherwise recorded oral statements, not to statements that are never made part of any official statement.

In *Chestnut*, however, the court did not think it was obligated to “unquestioningly follow prior decisions” when change is warranted. The court concluded that the plain reading of the rule indicated that it “was intended to apply to both oral and written statements, which were incriminating at the time they were made.” Further, the court found that the “commonwealth’s ability to withhold an incriminating oral statement through oversight, or otherwise, should not permit a surprise attack on an unsuspecting defense counsel’s entire defense strategy.”

As such, the court stated that the “nondisclosure of a defendant’s incriminating oral statement by the commonwealth during discovery” is a violation of RCr 7.24(1), provided it was “plainly incriminating at the time it was made.”

Further, in *Chestnut*, although the statement was disclosed during rebuttal, rather than the case in chief, the court ruled that it was still inadmissible. The result was that Chestnut’s conviction was reversed and the case remanded for a new trial. >>

## Kentucky Rules of Criminal Procedure

### RCr 7.24 Discovery and inspection

(1) Upon written request by the defense, the attorney for the commonwealth shall disclose the substance of any oral incriminating statement known by the attorney for the commonwealth to have been made by a defendant to any witness, and to permit the defendant to inspect and copy or photograph any relevant (a) written or recorded statements or confessions made by the defendant, or copies thereof, that are known by the attorney for the commonwealth to be in the possession, custody, or control of the commonwealth, and (b) results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with the particular case, or copies thereof, that are known by the attorney for the commonwealth to be in the possession, custody or control of the commonwealth.

### RCr 7.26 Demands for production of statement and reports

(1) Except for good cause shown, not later than 48 hours prior to trial, the attorney for the commonwealth shall produce all statements of any witness in the form of a document or recording in its possession, which relates to the subject matter of the witness's testimony and which (a) has been signed or initialed by the witness or (b) is or purports to be a substantially verbatim statement made by the witness. Such statement shall be made available for examination and use by the defendant.

## Federal Rules of Criminal Procedure

### FR 16 Government's Disclosure

(1) Information Subject to Disclosure.

(A) Defendant's Oral Statement. Upon a defendant's request, the government must disclose to the defendant the substance of any relevant oral statement made by the defendant, before or after arrest, in response to interrogation by a person the defendant knew was a government agent if the government intends to use the statement at trial.

(B) Defendant's Written or Recorded Statement. Upon a defendant's request, the government must disclose to the defendant, and make available for inspection, copying, or photographing, all of the following:

- (i) any relevant written or recorded statement by the defendant if:
- the statement is within the government's possession, custody, or control; and
  - the attorney for the government knows – or through due diligence could know – that the statement exists;
- (ii) the portion of any written record containing the substance of any relevant oral statement made before or after arrest if the defendant made the statement in response to interrogation by a person the defendant knew was a government agent; and
- (iii) the defendant's recorded testimony before a grand jury relating to the charged offense.

>> Following the decision in *Chestnut*, the issue arose in another Kentucky case. In the unpublished case of *Lynn v. Com.*, an incriminating statement made by Lynn to his wife, in earshot of an officer, was then repeated by that officer at trial. The Commonwealth argued that since the statement was not exculpatory, it had no duty to disclose it under *Brady v. Maryland*. The Court agreed, but noted that the "Commonwealth has a duty to disclose all inculpatory statements that it plans to use against the defendant."

Further, a review of the record indicated "that the statement was only provided to the defense on the day of trial just minutes before the testimony of the police officer who told the jury about the statement." The prosecutor had argued that since he did not interview the officer until the day of trial, he did not know about the statement. The Court, however, stated that the "Commonwealth cannot choose to wait until the day of trial to interview a witness and then disclose previously unknown evidence." As a result, Lynn's conviction was reversed and the case remanded.

## 'Attempted to blindside'

In another recent unpublished Kentucky case, *Johnson v. Com.*, the prosecutor was aware of statements made by a witness that strongly incriminated Johnson in a vehicular homicide. When the suspect denied the statements, the prosecutor informed the court that she intended to call the witness to rebut Johnson's testimony. Johnson argued that the statements had not been disclosed, although the individual had been disclosed as a possible witness in voir dire.

The trial court permitted the impeachment testimony, but the Kentucky Supreme Court ruled that the prosecutor clearly violated RCr 7.24(1). The Court noted that this was

"not a situation where the existence of [the] incriminating statements spontaneously came out at trial for the first time."

Instead, the Court found that it appeared that "the prosecutor attempted to blindside" Johnson with testimony disguised as rebuttal. Johnson's conviction and sentence were reversed and the case remanded back to Wolfe County for further proceedings.

A comparable issue, relating to a companion Federal Rule of Criminal Procedure, has arisen in the federal courts, but with a different result. Federal Rule 16 is slightly different from the Kentucky rule, although it covers the same issue. Under the federal rule, disclosures of oral statements need only be made if the statement was given as a result of interrogation – it does not apply to spontaneous statements or those given in questioning that is not legally interrogation, such as during booking. Written or otherwise recorded statements must be disclosed upon request, however, pursuant to *Smith v. U.S.*

In conclusion, officers should ensure that all oral statements, whether incriminatory or exculpatory, are captured or recorded in some way and provided to the prosecution. This includes casual comments that might have been overheard by officers at the scene, even those that are not the investigators. (For example, a transporting officer or an officer assisting in the execution of a search warrant might have overheard such statements and might repeat them in court, but may have never shared those statements with anyone before appearing to testify.)

During trial preparation, it is essential that any and all officers who had even the most minor of contact with the defendant be questioned to ensure that such statements aren't revealed for the first time on the stand. The failure to do so might very well jeopardize the successful resolution of the case. J



# Leadership Training Draws Out-of-state Students

/Kelly Foreman, Public Information Officer

The Academy of Police Supervision is getting national attention and recently drew students from departments as far as 1,800 miles away.

While conducting research for her doctorate, Tucson (Ariz.) Police Officer Stacy Matson came across an article about leadership development programs in policing in an *International Association of Chiefs of Police* magazine.

After speaking to Leadership Institute Branch Manager J. R. Brown, Matson said she was invited to attend the Department of Criminal Justice Training's Academy of Police Supervision.

"The situational leadership is definitely something I've never learned as a police officer," she said.

Matson was joined in APS class 34 by another out-of-state officer, Greenville (S.C.) Police Sgt. Mike Estes. Former Louisville Metro Assistant Police Chief Terri Wilfong now is serving as chief of the South Carolina department and told Estes about the training.

Estes said he has attended first-line supervisor training in another state, but the training was "not nearly as in-depth or as interesting" as what was offered through the APS class.

## A unique program

APS is unique because it is designed for first-line supervisors and is focused on the develop-

ment of human skills that are vital in any leadership training, said Richard Hanzes, leadership development training section supervisor.

"Many courses concentrate on technical skills, but APS is all about the improvement of human skills; developing leadership and communication skills; problem solving and ethical decision making abilities; diversity – the value of and tolerance for [others]; emotional and social intelligence and critical thinking, to name a few," Hanzes said.

The course not only stresses wellness and physical fitness, it also requires students to read articles and books, write speaking outlines and abstracts, research speaking topics and provides opportunities to hone their oral communication skills. There also is an emphasis on teamwork building, Hanzes said.

"They really stress caring for your people, which I think is good," Estes said of the course's instructors. "In law enforcement, it's that whole tough image and everything. But if you don't care for your people and you don't take care of your people – that is something I believed before but this class reinforced that."

"The leadership models in situational leadership emphasized that you can't supervise everyone the same, that in every task you have to have a different model," he continued.

Before Wilfong took over the top post in South Carolina, Estes said the department did not emphasize leadership training. Now that

several of the agency's supervisors have been sent to schools such as APS, Estes said he has seen positive results.

Matson's Arizona department never has sent officers out of state to attend leadership classes before, she said, but encouraged her to come to Kentucky to gather information she could bring back to share with her fellow officers.

"I think everything is applicable in my department because we don't have any type of leadership development program there," Matson said. "That was my whole point in coming here – I wanted to develop something like this in Tucson. Everybody has been more than helpful in providing me information so that I can develop something similar that mirrors this. My chain of command has been open to it, too, so I'm really excited about sharing similar things in my department."

Kentucky sergeants and first-line supervisors get the first chance at seats in APS classes, Hanzes said, but out-of-state students are permitted to attend on a case-by-case basis in an effort to help other law enforcement enhance their leadership skills and programs.

"I believe it is safe to say we are one of the best at developing police leaders, especially when agencies outside of our state request to visit and see what we are doing," Hanzes said. "It speaks volumes about and is a tribute to all DOJT to be involved with a program that others wish to emulate." J

# EVIDENCE ISSUES:

## Official Duties and Spoliation

/Thomas W. Fitzgerald, J.D., M.Ed.;  
Staff Attorney, Legal Training Section, DOCJT

**E**vidence, in a very broad sense, includes everything that is used to determine or demonstrate the truth of an assertion or matter at hand.

While the precise Rules of Criminal Procedure and Rules of Evidence in Kentucky are not daily reading for law enforcement professionals, there are many provisions that are applicable to the overall mission law enforcement performs. Two Kentucky Rules of Evidence that should be understood are the general rule of relevancy and the definition of relevant evidence. (See sidebar.)

In law, spoliation of evidence is either the intentional or negligent withholding, hiding, alteration or destruction of evidence that is relevant to a legal proceeding.

The following are cases which demonstrate the obligation on the part of law enforcement officers to collect, maintain, and preserve evidentiary material,

as well as a duty to make the prosecutor aware of, and to provide to the prosecutor, the complete evidence obtained during the course of any matter.

Whether or not the material will be given to the defendant or defendant's counsel will rest on these and other legal principles, but officers must accept their duty to assist in ensuring that due process is provided. A failure to provide this can be costly, not only in terms of monetary damages, but also in reputation and lost time to assist in defending any litigation.

### **Brady v. Maryland**

One of the landmark cases dealing with evidentiary issues is *Brady v. Maryland*. The U. S. Supreme Court reviewed the 14th Amendment's due process clause to determine, as *Brady* contended, if he was entitled to use co-conspirator Charles Boblit's statement throughout the trial to sway the jury, which might even have >>



### **KRE 402 General rule of relevancy states:**

All relevant evidence is admissible, except as otherwise provided by the Constitutions of the United States and the Commonwealth of Kentucky, by Acts of the General Assembly of the Commonwealth of Kentucky, by these rules, or by other rules adopted by the Supreme Court of Kentucky. Evidence which is not relevant is not admissible; and,

### **KRE 401 Definition of "relevant evidence" states:**

Relevant evidence means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.

## The Best Defense

Law enforcement officers always should work with their local prosecutors to develop local protocol in handling spoliation issues. The best defense against the litigation filed as a result of *Brady v. Maryland* is to make sure the following has been accomplished:

- 1.) The agency has a policy which requires that officers document exculpatory information and provide it to the prosecutors.
- 2.) All officers have been properly trained on their obligations and duty to disclose exculpatory material in accordance with the policy. Law enforcement agencies should reach an agreement with their prosecutors on the best mechanism for handling these issues involving their personnel. ■

persuaded the jury to acquit him.

The facts of the *Brady* case began with John Brady, a 25-year-old man who could not hold a steady job. He had fallen in love with another man's wife, Nancy Boblit Magowan, and she was pregnant with Brady's child. Brady was broke, but felt he had to come up with money to take care of Nancy and their child. Together with Nancy's brother, Donald Boblit, Brady hatched a scheme to rob a bank. In order to accomplish the robbery, they needed a fast, reliable car. Brady suggested that they steal the new Ford his friend William Brooks just bought.

Late in June 1958, Brady and Boblit placed a log across the road near Brooks' home and waited for him to return home from work. When Brooks pulled up and got out of his car, one of them hit him over the head with a shotgun, knocking him unconscious. They put him into the back seat, stole his wallet and Brady drove them to a secluded field 10 miles away. The two men walked Brooks to a clearing at the edge of the woods and one of the men strangled Brooks to death with a shirt. They both carried his corpse into the woods and left it there.

The key issue in the case turned out to be the identity of the actual killer. Which one of the two, Brady or Boblit, had murdered Brooks?

Before trial, Brady's lawyer asked the prosecutor for any confessions that Brady or Boblit had made. Each man made statements to the investigating law enforcement officers. The prosecutor turned over Boblit's statements but did not turn over Boblit's July 9 statement, in which he had admitted doing the actual killing. Brady, and later Boblit, were convicted and sentenced to death.

Sometime thereafter, Brady's new lawyer read the transcript of Boblit's trial and learned of the July 9 statement, which Brady's trial lawyer had never received. He filed a collateral attack, requesting a new trial based on newly discovered evidence.

In writing for the majority, U.S. Supreme Court Justice William Orville Douglas said, "We now hold that the suppression

by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution."

### Commonwealth v. Bussell

In the reported murder case of *Commonwealth v. Bussell*, Charles Bussell alleged that the commonwealth failed to disclose numerous police reports in violation of Brady and the trial court's discovery order. This order required the commonwealth to disclose all police reports and statements of witnesses expected to testify. In its order granting Bussell a new trial, the circuit court found that the undisclosed police reports would have suggested the possibility of an alternate suspect in Sue Lail's death.

Six of the nine police reports found to have been undisclosed to the defense were compiled by a detective of the Hopkinsville Police Department. The reports disclosed the following information:

(1) December 4, 1990, there were new pry marks on the outside and inner portions of the door leading to the screen portion of Lail's home as well as a broken lock on the door, signs suggesting forced entry;

(2) December 5, 1990, indicating a plaster cast of a tire print found in Lail's yard;

(3) December 11, 1990, documenting Martins' conversation with a gas company employee who saw Lail the day before she disappeared and indicated Lail's gas bill was paid December 3, 1990, two days after she disappeared;

(4) January 19, 1991, statements from a confidential informant suggesting two other possible suspects in Lail's death;

(5) January 22, 1991, reflecting a conversation the detective had with Don Bilyeau, a store owner in the area, in which Bilyeau reported that the black male he had seen in the area of Lail's house on the day of her disappearance had just been in his store; and

(6) February 24, 1991, reflecting a conversation the detective had with Brian Cunningham, an employee of a local radio sta-

tion who advised he checked a transmitter daily near the place where Lail's body was found.

The three remaining police reports discussed by the circuit court contained the following:

(1) December 5, 1990, report that Lail just had new carpet installed and, as a result, her front door would not close, suggesting easy entry with minimal force;

(2) December 8, 1990, report where Don Bilyeau stated that he saw a black male or someone other than Bussell walking up Lail's driveway or her neighbor's driveway about 4 p.m. on or about the day Lail disappeared; and

(3) January 3, 1991, report in which Christian County Sheriff's Deputy Bobby Dale Williams stated that a confidential informant reported seeing a red GMC pickup backed up to Lail's home between 11 p.m. and 11:30 p.m. near the night of December 1, 1990.

The Court stated, "under the totality of the circumstances as found by the trial court, we agree that those reports known to the prosecution and withheld for whatever reason were material to Bussell's guilt. Moreover, while not every police report discussed during the evidentiary hearing was exculpatory or was otherwise required to be disclosed, the cumulative effect of the information contained in those reports certainly suggests a reasonable probability that had the information been disclosed, the outcome of Bussell's trial would have been different."

Also, the Court said, "under the rationale set forth in *Kyles v. Whitley*, the prosecutor in this case was under a concomitant 'duty to learn of any favorable evidence known to ... the police.'" The Court went on to say that, "Furthermore, we disagree with the commonwealth's assertion that 'alternative suspect' information is not exculpatory unless it eliminates the defendant as the culprit."

In *Beatty v. Commonwealth*, this Court held that "a defendant has the right to introduce evidence that another person committed the offense with which he is charged," and that this right may be infringed only where the defense theory is unsupported or far-fetched, as this may confuse or mislead

the jury. Additionally, the test set forth in *Brady* requires only that the court find the undisclosed evidence to be material to the defendant's guilt or punishment. Thus, exculpatory evidence must only meet the requirement established for materiality – that is, there must be a reasonable probability that had the evidence been disclosed to the defendant, the outcome of the trial would have been different."

### An erased tape

In a reported federal case, an Oldham County police officer stopped at a Thorn-ton Mini-Mart off Interstate 71 in Oldham County. While taking a break there, he observed two men, Craig Branch and Christopher Patterson, who both seemed to actively avoid him. The officer followed the two men as they drove north on I-71. After observing their car exceed the speed limit and weave out of its lane, the officer pulled over the car.

The officer approached the car and requested Branch's insurance and vehicle registration. Branch responded that he did not have either document because he had rented the car, but handed his driver's license and the rental agreement to the officer, who examined the rental agreement and noticed that the car was overdue by several weeks. The officer also requested Patterson's driver's license, and noticed that although Branch and Patterson claimed to be from New York, their drivers' licenses were from Tennessee and Florida, respectively. The officer wrote Branch a warning citation for the speeding offense, ran radio checks on the car and its occupants and called for security backup. When he returned to the stopped car, he asked Branch to step out. As Branch complied, the officer noticed Branch's level of nervousness "just shot through the ceiling all of a sudden." The officer handed Branch the warning citation and returned the driver's license and rental documents.

After that, the officer told Branch he was free to leave, but asked if he would mind staying to answer a few more questions. Branch agreed, and, in response to the officer's question as to why he and Patterson were together that evening, Branch stated he had flown from New York to Memphis to at-

▼  
tend a party, and that Patterson had agreed to return with him to New York. Branch acknowledged he did not know Patterson well and knew nothing about the rental car.

Patterson was asked for consent to search the car, which was rented in his name. Patterson gave consent. The officer brought his drug-detection dog to the car, and it alerted to the scent of narcotics at several places on the car. As the officer proceeded to search the car by hand, he discovered a small canvas bag containing slightly less than \$10,000 in cash.

At this point, the officer and his backup officer, patted down Branch and Patterson for weapons. The officer felt a "large, unusual, hard object" around Branch's waistband. Branch said it was cocaine. Branch was handcuffed and the officer retrieved a kilo-brick of cocaine from Branch's waistband. After being Mirandized, Branch admitted he had been transporting the cocaine for sale.

A video recorder in the officer's patrol car automatically recorded the entire encounter. However, when the officer reviewed the tape, he discovered that the microphone unit had not been working, and there was no audio track recorded on the tape. With the belief that the tape had no evidentiary value, the officer sent the tape back to the police department's clerk's office for erasure.

Branch filed a motion to dismiss for government misconduct based on the officer's destruction of the videotape. After an evidentiary hearing, the district court found that the officer had not acted in bad faith in failing to preserve the videotape and denied the motion.

Citing several U. S. Supreme Court cases, Branch also contended his due process rights were violated by the officer's failure to preserve the videotape. The failure to preserve material, exculpatory evidence violates the defendant's right to due process regardless of whether the government acted in bad faith, he said.

The Court answered, "Constitutional materiality means that the evidence possesses both "an exculpatory value that was

apparent before the evidence was destroyed and ... [is] of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means." If potentially useful evidence is not available, there is no due process violation unless the government acted in bad faith. Negligence, even gross negligence, on the part of the government does not constitute bad faith. Once bad faith is shown, the defendant must also demonstrate he cannot obtain comparable evidence by other reasonable, available means."

The officer testified that he failed to preserve the videotape because it lacked an audio track and was therefore "flawed," and that he "recirculated it intentionally." He further acknowledged that "it was probably a bad decision on my part," but that "right or wrong," he thought the tape had no evidentiary value, so it could be erased.

Since the district court found no credible evidence that the officer acted in bad faith. This factual decision is reviewed for clear error. The Court concluded "We can find none." Although erasure of the tape may have been negligent, or even grossly negligent, as the district court found it was not in bad faith. Therefore, the tape's erasure did not violate Branch's right to due process.

### A constitutional duty

The Supreme Court imposes on the prosecutor "a duty to learn of any favorable evidence known to the others acting on the government's behalf in the case, including the police." Although the prosecutor is the state's official representative in the prosecution of the case, the police also play an active role in the prosecution. Because the prosecutor's office generally lacks its own investigative machinery, prosecutors often are entirely dependent on the police to turn over the fruits of their investigation.

As a result of this interdependence, the police play a different, but no less significant role in the state's search for truth in criminal trials. Although the prosecutor undoubtedly plays a special role in the search for truth, the police are bound by the government's constitutional obligation to "ensure that a miscarriage of justice does not occur." J

## STRANGE STORIES FROM THE BEAT

### Robber or not, must see your ID

A guy walked into a little corner store with a shotgun and demanded all the cash from the cash drawer. After the cashier put the cash in a bag, the robber saw a bottle of Scotch behind the counter. He told the cashier to put it in the bag, but the cashier refused and said, "I don't believe you are over 21." The robber said he was, but the clerk still refused. The robber gave the clerk his driver's license. The clerk looked it over and agreed that the man was in fact older than 21 and put the Scotch in the bag. The robber then ran from the store with his loot. The cashier promptly called the police and gave the name and address of the robber.



### »» Firemen's Revenge



### Civil War Buff Fires Cannonball into Neighbor's Home

A Pennsylvania Civil War buff faces a felony charge for accidentally firing a 2-pound cannonball through the wall of his neighbor's home. The 54-year-old man was charged with reckless endangerment, criminal mischief, disorderly conduct and discharging a firearm into an occupied structure. The cannonball, about two inches in diameter, hit the neighbor's home about 400 yards away, smashing through a window and a wall before landing in a closet.



### Wise Guy

A motorist was unknowingly caught in an automated speed trap that measured his speed using radar and photographed his car. He later received in the mail a ticket for \$40 and a photo of his car. Instead of payment, he sent the police department a photograph of \$40. Several days later, he received a letter from the police with a picture of handcuffs. He immediately mailed in his \$40.

### Left License Plate at Scene

Two men tried to pull the front off a cash machine by running a chain from the machine to the bumper of their pickup truck. Instead of pulling the front panel off the machine, though, they pulled the bumper off their truck. Scared, they left the scene and drove home, leaving the chain still attached to the machine... with their bumper still attached to the chain...with their vehicle's license plate still attached to the bumper.



»» IF YOU HAVE ANY

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



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