

KENTUCKY

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LAW ENFORCEMENT

POLICE

Behind THE Scenes

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LAW ENFORCEMENT CONTENTS

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Governor

J. Michael Brown
Justice and Public Safety
Cabinet Secretary

John W. Bizzack
Commissioner

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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.



Secretary's Column Celebrating Everyday Heroes

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

“**T** rue heroism is remarkably sober, very undramatic. It is not the urge to surpass all others at whatever cost, but the urge to serve others at whatever cost,” said Arthur Ashe, the first black winner of a major men’s tennis singles championship.

I think it bears reminding that one need not die to be a hero. In fact, preserving life – both yours and someone else’s – is a hallmark of true heroism.

For law enforcement officers across Kentucky, heroism occurs each day they put on their uniform. In that moment, an officer automatically becomes a target. But in that same moment, he or she also becomes a source of comfort and security to others who know they can turn to them in their most trying times.

Fortunately, that’s how 2009 will be remembered by the law enforcement community – heroic for their service to others, not for lives lost in the line of duty. Perhaps the most convincing statistic demonstrating that fact is this: no sworn law enforcement officer in Kentucky died in the line of duty in 2009.

This achievement cannot simply be chalked up to a safe year for officers nationally. In fact, Kentucky law enforcement’s extraordinary year contrasts vividly with national trends in 2009, when the number of officers killed in the line of duty by gunfire increased 24 percent from 2008, according to preliminary statistics from the National Law Enforcement Memorial Foundation.

Kentucky’s success in protecting the lives of its officers is no coincidence. Ten years ago, the Peace Officers’ Professional Standards Act propelled the commonwealth to the top tier of states by requiring standardized, detailed and ongoing training for its officers.

A year without casualties underscores the quality of Kentucky’s law enforcement officers and their dedication to continued training. It also speaks to the progress police executives have made in implementing practices and policies to better assure the safety of our officers.

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.



Commissioner's Column Measuring Success

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

Policing is a challenging, unique field. The tolls it often exacts on the individual officer can be emotionally frustrating and psychologically debilitating. The work is complicated, dangerous and requires extraordinary skills and maturity along with an amalgamation of talents demanding physical and mental fitness.

In 1996, the Kentucky police community began a self-examination, leading to the 1998 legislation that changed police standards and the way agencies selected, hired and trained new officers. The Peace Officer Professional Standards Act, better known as POPS, created 17 consistent, measurable standards for Kentucky law enforcement officers. Training techniques changed to produce problem solvers – not just crime fighters. Attention focused on the paradoxes of police work, and families were included in some of the basic training to better prepare new officers and their parents, spouses and children for what was ahead. Emphasis was placed on policies and procedures, leadership skills and administrative functions along with improved physical standards, fitness, defensive tactics and investigative procedures.

The positive results began to surface within the first few years as all new officers across the state received the same basic training and in-depth instruction determined to be most necessary for police officers to function effectively in today’s — not yesterday’s — society.

A 2009 survey and study of the 10-year anniversary of the POPS legislation revealed that 97 percent of police executives, managers and supervisors believed the changes and new direction since 1998 have improved and advanced the Kentucky police community.

Chiefs, sheriffs and other law enforcement leaders across the state consistently report progress in their officers’ abilities to begin the work of problem solving and delivering effective service more quickly upon graduation than officers prior to 1998. A change in the attitude of officers has also been reported: an attitude of higher commitment and realistic balance between their private and career lives.

In the not too distant future, every officer regardless of rank, will have been selected, hired and trained under standards that are proven and are anticipated to continue the progressive evolution of Kentucky policing.

BASIC TRAINING AGENCY	OFFICERS TRAINED
DOCJT	3561
Kentucky State Police	449
Louisville Metro Police	668
Lexington Division of Police	333
Total officers graduating from Basic Training since POPS	5011
Total Kentucky officers	7330
Percent of current officers graduating from Basic Training since POPS	68.36

* Numbers as of Feb. 16, 2010

ANNUAL COMPETITION SHOOT MOVED TO MAY

The 19th annual Department of Criminal Justice Training's Competition Shoot is scheduled for May 8. The competition begins at DOCJT's Boonesborough range at 9 a.m.



Registration forms can be requested through Rob Ramsey at (859) 622-5946 or Robert.Ramsey@ky.gov.

716 METH LAB BUSTS IN 2009

Kentucky State Police found 716 meth labs in 2009, an all-time high. A 2005 state law sought to restrict access to a key ingredient needed to produce meth, but it has had limited effectiveness.

State police said meth makers have developed a quicker, low-tech process that has allowed production to move into urban areas. State police spent \$1.3 million in 2009 to remove the 716 reported meth labs.

KSP TROOPERS AND CVE OFFICERS RECOGNIZED FOR IMPAIRED DRIVING ENFORCEMENT

Seventeen Kentucky State Police troopers and two Commercial Vehicle Enforcement officers were recognized at the 2009 Governor's Impaired Driving Enforcement Awards ceremony. They joined 173 law enforcement officers from 170 agencies who received awards.



Awards were presented to Tpr. Steve Smallwood, Post 11, (right) for 202 arrests and CVE East Officer Mike Hamblin for 117 arrests.



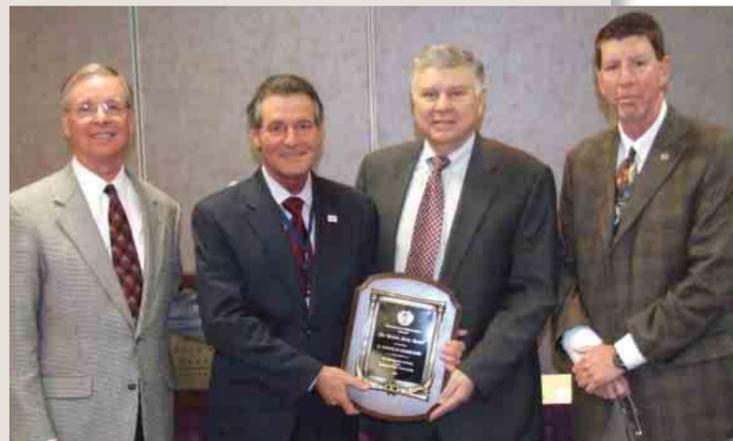
The 17 KSP troopers and two CVE officers who received Governor's Impaired Driving Enforcement Awards accounted for 1,293 arrests during 2009.

Kentucky State Police Sgt. Jackie Pickrell (left) and Tpr. Jennifer Sandlin (right) were recognized by the Kentucky Women's Law Enforcement Network for exceptional valor during a physical altercation on Jan. 2, 2009, during which a subject was fatally wounded.



HAMILTON EARNS SHEIN AWARD

Doug Hamilton was honored this fall by the Kentucky Law Enforcement Council with the 2009 Shein Award. The award, named for Dr. Melvin Shein of Louisville and given annually since 1973, is presented for distinguished service and contributions in law enforcement in the commonwealth.



From left to right: KLEC Director Larry Ball, Doug Hamilton, Gary Howard and KLEC Chair Keith Cain.

OBAMA NOMINATES FORMER WOODFORD CO. SHERIFF FOR U.S. MARSHAL

Former Woodford County Sheriff Loren "Squirrel" Carl, who served as Woodford County sheriff from 1986 to 1996, was nominated Feb. 4 by the president.

Carl was among five men nominated by Barack Obama. The others were nominated for judicial districts in Arkansas, Indiana, North Carolina and Virginia.



KSP RAFFLES CAMARO FOR FUND RAISER

The Kentucky State Police are rolling out a classic 60s muscle car updated for the 21st century for its Trooper Island fund-raising raffle this year: the 2010 Chevrolet Camaro 1LT Coupe.



Visit kentuckystatepolice.org for more details.

NEW CHIEFS In Kentucky

Jeremiah Blair

Coal Run Village Police Department

Jeremiah Blair was appointed chief of the Coal Run Village Police Department on Jan. 2, 2009.

Tony Rucker

Campbellsburg Police Department

Tony Rucker was appointed chief of the Campbellsburg Police Department on Oct. 1, 2009. Rucker has more than 31 years of law enforcement experience and retired from the Kentucky Department of Fish and Wildlife and Water Patrol after serving 30 years. He is also retired military from the U.S. Marine, serving 10 years active duty and 15 years active reserve. Rucker attended Jefferson Community College. His goals are to add more staff and also update the department's current equipment.

Adam Swindall

Jenkins Police Department

Adam Swindall was appointed chief of the Jenkins Police Department on Nov. 2, 2009. He has served his entire seven-year law enforcement career with Jenkins beginning as a patrolman and moving through the ranks to chief. Swindall attended Southeast Community College. Since taking office, he has hired the first female officer in the history of the department and has revised policy and procedures. His goals are to add more staff and become more involved in the community through community-oriented policing.

KLEMF SCHOLARSHIPS

KLEMF is accepting applications for educational scholarships through June 30, 2010.



For details or to obtain an application, visit www.KLEMF.org or call (859) 622-8081.

U.S. ATTORNEYS APPOINTED

President Barack Obama appointed two U.S. attorneys to serve in Kentucky. David Hale was nominated for the Western District of Kentucky, and Kerry Harvey for the Eastern District of Kentucky, according to the White House press secretary's office.



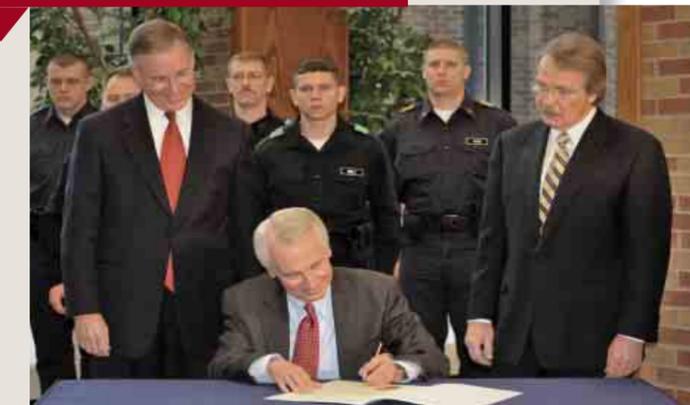
Capt. Nathan Kent, commander of Kentucky State Police Post 1 in Mayfield, received the Lovey Raburn Award on Dec. 17, 2009 from Four Rivers Behavioral Health for his dedication and contributions in the areas of mental health.

GRANT AIMS TO BOLSTER N. KY. POLICE RECORDS NETWORK

A records management system that links several northern Kentucky law enforcement agencies and makes it easier for them to share information will get \$30,000 in federal funds for upgrades and further software development.

Several northern Kentucky law enforcement agencies are participating in the NKDI project.

POPS PROCLAMATION



Gov. Steve Beshear, joined by Larry Ball, Kentucky Law Enforcement Council executive director (left) and DOCJT Commissioner John Bizzack (right), signs proclamation making January 7 Peace Officer Professional Standards Day. The proclamation honors the POPS-related advancements in Kentucky law enforcement and celebrates 2009 as a year with no fallen law enforcement officers.

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 Attorney General's Office

Janet M. Bonham
James A. Cox
Nicolette M. Henderson
Kelly S. Hensley
Keith R. Howard
David Reed Wilbers

Burnside Police Department

Craig R. Whitaker

Cincinnati/Northern Kentucky Airport Police Department

Anthony J. Steimle

Clark County Sheriff's Office

Brian O. Caudill
Robert E. Webb

Cold Spring Police Department

Michael W. Welch

Covington Police Department

David L. Boggs Jr.
Bryan N. Wells

Henderson Police Department

Clark S. Nash

Kentucky Dept. of Parks - Ranger Division

Phillip C. Noble

Paducah Police Department

Joseph A. Hayes

Richmond Police Department

Norman L. Craig II
Jason T. Curry
Mitchell W. Maupin
Gary R. Shaffer
Jason B. Spalding
Devin L. Thomas

Somerset Police Department

Billy G. Bolin
Larry C. Patterson Jr.

Western Kentucky University Police Department

Johnny W. Vance Jr.

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James A. Cox
Nicolette M. Henderson
Kelly S. Hensley

Keith R. Howard
David Reed Wilbers

Berea Police Department

Kennith D. Fields

Bluegrass Airport Police Department

Paul F. Pungratz

Boone County Sheriff's Office

Bradley J. Ezell

Carrollton Police Department

Timothy Gividen
Jamie L. Kinman

Cincinnati/Northern Kentucky Airport Police Department

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Clark County Sheriff's Office

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Covington Police Department

David L. Boggs Jr.

Insurance Fraud - Kentucky Public Protection/Regulation

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Paris Police Department

James P. Primm

Richmond Police Department

Susan D. Rhodus

Somerset Police Department

Greg W. Martin
Larry C. Patterson Jr.

Villa Hills Police Department

Melvin J. Wright

LAW ENFORCEMENT OFFICER INVESTIGATOR Alexandria Police Department

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Robert E. Webb

Frankfort Police Department

Michael W. Johnson

Paducah Police Department

Matthew L. Smith

Richmond Police Department

J. Matthew Boyle
Matthew G. Morris
Robert Mott
Benton N. Spaulding
Rodney O. Tudor

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Larry C. Patterson Jr.

LAW ENFORCEMENT SUPERVISOR Covington Police Department

Kevin C. Stivers

Henderson Police Department

Clark S. Nash

Richmond Police Department

Dusty J. Allen
Teresa J. Culton
Roy A. Johnson
Fred D. Waldrop

LAW ENFORCEMENT MANAGER Cincinnati/Northern Kentucky Airport Police Department

Anthony J. Steimle

Danville Police Department

Troy G. Davidson

Kentucky Alcoholic Beverage Control

William J. Crain

LAW ENFORCEMENT EXECUTIVE Kentucky Alcoholic Beverage Control

William J. Crain

LAW ENFORCEMENT CHIEF EXECUTIVE Danville Police Department

M. Jay Newell

Kenton County Police Department

Edward M. Butler

Shepherdsville Police Department

Douglas E. Puckett Jr.

BASIC TELECOMMUNICATOR Covington Police Department

Lori G. Auton
Jason T. Carter
Kimberly L. Dornheggen
Sandra Judd
Jamie R. Kelley

Janet L. New
Angelia K. Wallace

Jessamine County 911

Jennifer A. Miller

KSP Post 11, London

John D. Moreland

KSP Post 6, Dry Ridge

Christopher D. Mills

Mayfield Police Department

Angela M. Lozoya

University of Kentucky Police Department

Brandon J. Combs

INTERMEDIATE TELECOMMUNICATOR Campbellsville 911 Communications

Gregory S. Chelf

Jeffersontown Police Department

Amanda K. Schank

KSP Post 7, Richmond

Darrell G. Melton II

University of Louisville Police Department

Melissa L. Rowe

ADVANCED TELECOMMUNICATOR KSP Post 7, Richmond

Darrell G. Melton II

Monticello/Wayne County 911

Frankie Ann Barrier

CRIME SCENE PROCESSING OFFICER Alexandria Police Department

Gary R. Frodge

LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR Anchorage Police Department

Mark A. Hoskins

Attorney General's Office

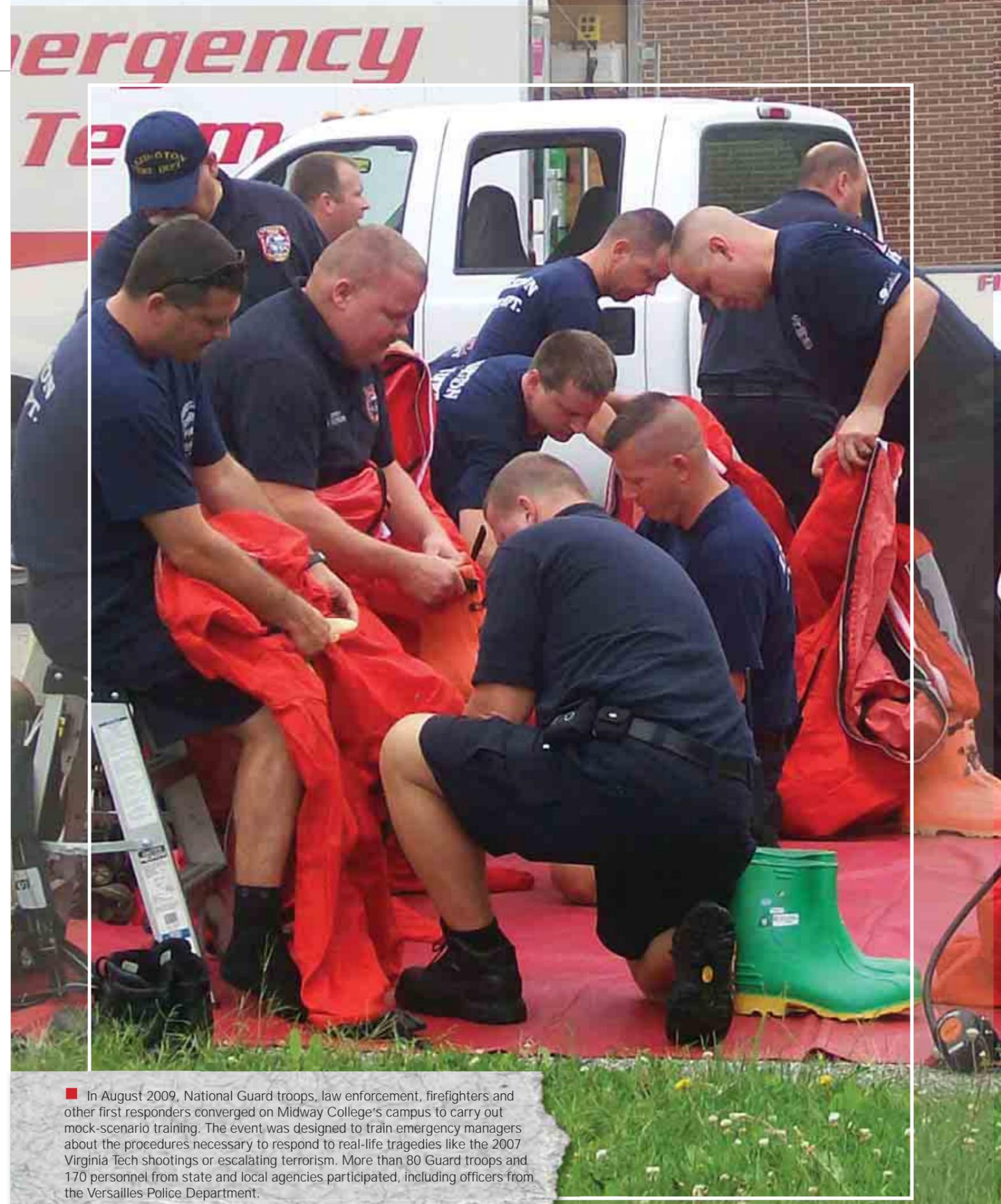
Thomas F. Bell
Kelly S. Hensley

Frankfort Police Department

Jerald A. Crawford

Madisonville Police Department

William D. Hopper

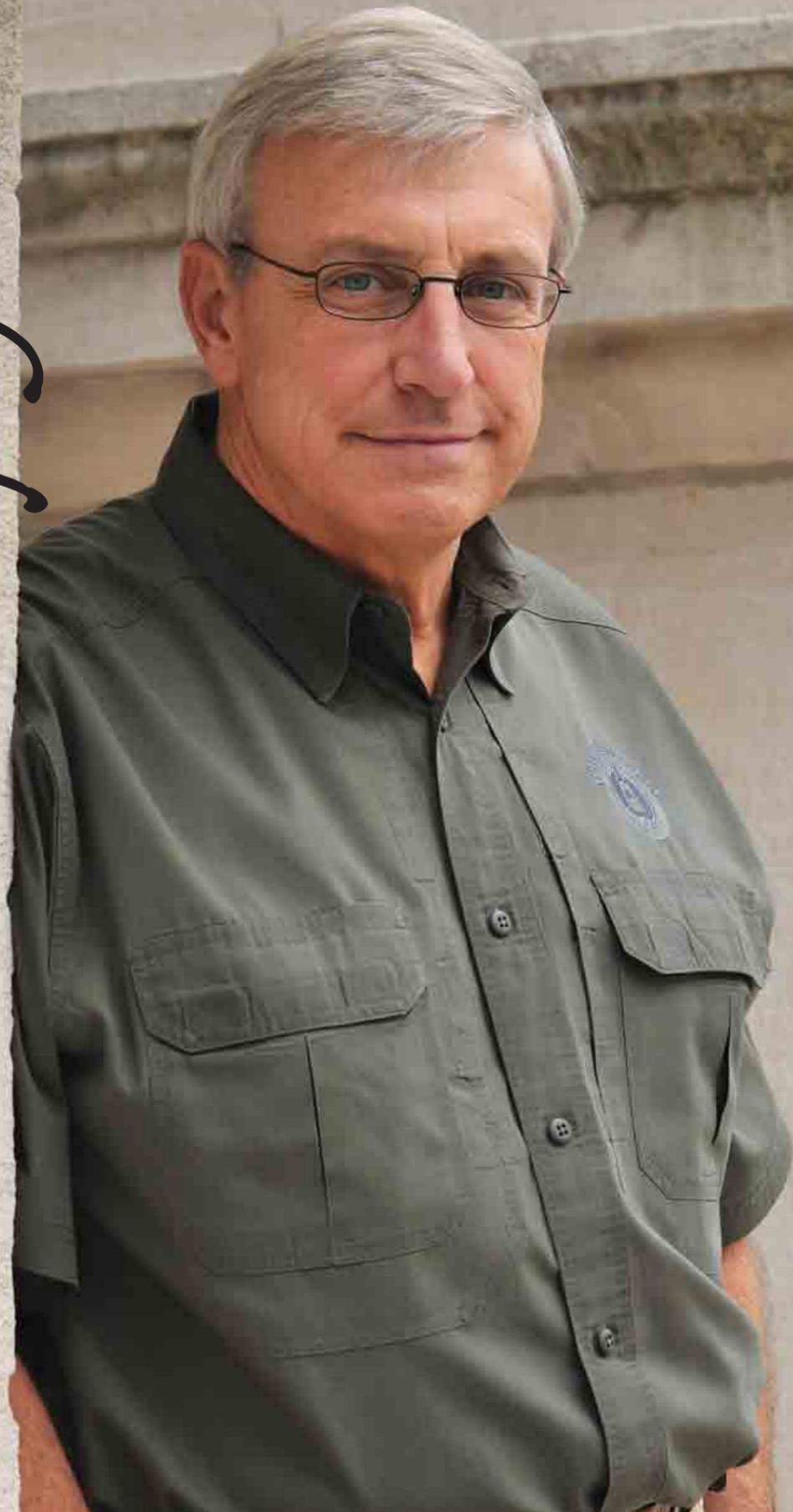


■ In August 2009, National Guard troops, law enforcement, firefighters and other first responders converged on Midway College's campus to carry out mock-scenario training. The event was designed to train emergency managers about the procedures necessary to respond to real-life tragedies like the 2007 Virginia Tech shootings or escalating terrorism. More than 80 Guard troops and 170 personnel from state and local agencies participated, including officers from the Versailles Police Department.

KENTUCKY'S VOICE

in the fight

/Kelly Foreman, Public Information Officer



Profile of WARCo Task Force Director and KNOA Executive Director Tommy Loving

Kentucky was in danger of watching years of work fighting the drug war collapse around them because of federal bureaucratic bickering and obstinance. Former President George W. Bush signed an omnibus appropriations bill in late 2007, which cut \$350 million in funding from the federal Byrne Memorial Justice Assistance Grant program – a program funding the work of 14 Kentucky drug task forces. The cuts would have crippled drug eradication efforts around the state and the nation.

As director of the Bowling Green-Warren County Drug Task Force, Tommy Loving understood the gravity of the situation. Serving also as the executive director of the Kentucky Narcotics Officers' Association, Loving became Kentucky's voice in the fight to maintain Byrne-JAG funding and forge ahead with the war. As a result of his work, combined with that of other state leaders, the funding was re-secured, and today Loving said the task forces are operating on sound financial ground.

While the Byrne-JAG battle may be won for now, Loving still fights daily against drug perpetrators in his own Warren County community, and for the needs of his agency and all of Kentucky's narcotics officers through the KNOA.

How long have you been the director of the Bowling Green-Warren County Drug Task Force?

Since 1997. I spent most of my career with the state police – about 27 years. I started when I was 18; I truly did. I went to work in 1970 as a dispatcher. As soon as I was 21, I took the test. Actually, at that time you could take it 30 days before your 21st birthday. I happened to just hit right on that line, so I went in and completed the academy, and I was still 21.

Tell me about getting this task force up and running.

My father had a rental business here. He's deceased now, but at the time, he was probably 83 or 84 years old and he said, 'You know, I really need you to come in and take the business over. I'm getting too old.' And when I crunched the numbers, it was pretty much a financial decision. I had almost 27 years with the state police, so I retired to go to the rental store.

I wasn't really ready to retire, but it seemed like it was probably the right thing to do at the time. What I found out is that fathers and sons probably shouldn't work together. After I had been over there about two and a half months, Warren County Judge Executive Michael Buchanon called and wanted to talk to me about starting a drug >>

>> task force. I knew this was in the works when I was still at the state police. So I went down and talked to him. He talked to me about how it was going to be set up. He, the post commander,

Chief Gary Raymer from Bowling Green Police Department, Horace Johnson from West

U



Kentucky University Police and the Warren County sheriff

all had gotten together and sort

of devised the structure and basics of how it would work. He laid that out for me and said, 'If you take this job, first I want to tell you a few things I want.'

He said, 'I want every drug dealer that you can find prosecuted and sent to prison. The ones you can't send to prison, I want you to make their lives so miserable they leave Warren County. Probably one of the most important things is I don't ever want to know who you are investigating or who you are about to arrest.'

And I said, 'Judge, you're kind of talking my language. Let me see how I can dance my father around, and I will come down for six months and get it up and running for you. In about three months, why don't you tell me if you're happy with me and I'll tell you what I think, and we'll reassess it.' So we opened the doors Jan. 1. At the time, we had two detectives from BCPD, one from the state police, one from the sheriff's office, and then a little later,

we got one from the university police.

It was started on a six-month grant. So, after about three months I had to start putting a budget together and went in and had a meeting with the judge. The quick version is, I said, 'Judge, you know how much trouble you had getting me to take this job?' (He had just stayed after me to even come talk to him about it and I had put him off.) I said, 'You're going to have just as much trouble getting rid of me, and by the way, we've got to have more money.' That was 12 and a half years ago. I've been here ever since.

This task force operates as the farthest west HIDTA agency. What does that mean for you?

In 2004, we became a HIDTA task force and that has just been a tremendous benefit. It pays our officer overtime, furnishes confidential funds and furnishes a lot of specialized training that is not available in Kentucky. We are able to use their intelligence center, which not only coordinates activities here and throughout the HIDTA agencies, but also all the other 28 HIDTAs across the country. It has direct access to the Drug Enforcement Agency computer systems – it just brings a lot to the table in drug enforcement.

What drugs do your detectives deal with most frequently?

We cover the whole gamut of drugs here. Eastern Kentucky is really inundated with pills. We have a pill problem, but certainly not to the extent they do. We have a significant meth problem here. Crack cocaine is very much alive and well, as are powder cocaine and marijuana. We do buy some hallucinogens, ecstasy and the occasional LSD still, believe it or not. I think being a campus community probably brings some of the ecstasy, LSD and hallucinogen stuff here that you might not see in towns that don't have a university.

Is your coverage area strictly Warren County?

Yes, just Warren County. We have had other surrounding counties early on want to join in, but that was the way the judge, city and county set up the task force, and I am very happy with that. When we are able to just concentrate on one community, we can be a lot more effective in our territory. When I was with the state police, each post area consisted of anywhere from eight to 11 counties in different places I worked. Here you can be a lot more effective taking care of just one.

Do you lend assistance to other surrounding counties?

We do. And some of our investigations branch out into other counties, and when they do, our state police can take those into the counties. But we also work frequently with the Barren County Task Force and South Central that covers Simpson and Logan counties. They are like me – old, retired state police guys. We have great relationships with all the task forces across the state.

Why is it important to have task forces like yours operating in areas of the state?

I think the type of task force we have is probably the ideal task force. Back in the late 80s and early 90s, Bowling Green Police always had a drug unit, the state police had a drug unit – we would be out and find out later that we were probably buying dope from the state people. It's a wonder we didn't try to do reverses on one another and didn't know it because we weren't talking to them and they weren't talking to us. Now, anybody in Warren County involved in drug enforcement has someone assigned to this task force. With that, we get great communication. We all play together well in the sandbox. It's not that way in every community, people tell me.

Why is it important to have a specialized agency to target narcotics activity beyond the level of regular patrol duties within a police or sheriff's agency?

I think drugs are, conservatively, behind 80 percent of the crime. So, I think the more enforcement you can take at strictly the trafficking level to decrease the supply, hopefully you will see that reflected on the other end in related crimes – burglaries and thefts in particular – but also assaults and murders. Don't quote me with certainty here, but I know the bulk of the murders in Bowling Green in the past several years have been drug related. Not that we've had a lot. The fact that we have fairly low numbers may speak not just to what we do, but also to what all the law enforcement here in Warren County does.

How long have you been a part of the Kentucky Narcotics Officers' Association?

Since the start. We started talking about it in 2002, but it was 2004 when we actually kicked it off. I was vice president for two years and then president, and I have served as the executive director for two years now.

What does it mean to be executive director of the KNOA?

I draw the same salary the president does, which is zero. Backing up a little, in 2002, Jim Rogers, who was then the director of the Regional Organized Crime Information Center, invited me to go to a

national narcotic officers meeting in Washington D. C. and he said, 'We'll pay for it if you'll go along.' So I said, 'OK.'

I went up and saw what the national association did and their pitch to us was they really needed a chapter in Kentucky. I came back and we slowly worked on that. A lot of what our association does is educate legislators both in our state and in Washington. We make an annual trip to the national meeting, and while we are there, we go visit all our congressmen and senators. On narcotic issues, we also try to be fairly aggressive in educating our state senators and representatives.

I had been in that role as vice president and president and the board felt like they wanted some continuity in that the legislators are used to seeing my face in Frankfort and in Washington. It is a one-year term as president the way our bylaws are written, so I agreed to stay on as executive director.

We draft a lot of letters in response to national narcotics problems that need a Kentucky face on them in Washington. I work almost daily with the president on issues we as an association are working on. I do a lot of the conference planning, but I guess primarily I function as the 'right hand' to the president at this point.

Why do you think it is important to have a narcotics association chapter here in Kentucky?

I think here in Kentucky, we are a major player. During the Bush administration, they did the best they could to kill the Byrne-JAG program. And I'm not going to let Obama off the hook, either. I think with that, if we hadn't had the national voice of every state coming together and educating the Congress about just what impact it would have if that funding was lost, we would have lost drug task forces across the country. When I say drug task forces, this grant also furnishes money to the drug units for Lexington Metro, Louisville Metro and the state police, so we all would have lost out.

I think that is one of our major accomplishments – we kept that money flowing to fund drug enforcement across the country. It was a battle that really lasted about five years. We certainly have received adequate funding for right now. We have some concerns that it will at least stay at this level or grow a little under the Obama administration, but we're very happy with the financial support this administration has given us. We do have some policy concerns now with the crack cocaine sentencing law, what they call the disparity in it. The only disparity I see is that powder cocaine should have the same sentence as crack. If they want to equalize anything, >>>

I want to go a different direction, but that is probably the biggest policy issue we have right now. But, as I've told a lot of people, without that funding, we wouldn't even be alive to fight the battle.

In reference to the Byrne-JAG funding, for awhile you were a very strong-willed educator. Did that help get some of that funding re-secured? Probably about three or four years ago, the Bush administration was pretty successful in getting us cut back by about a third in funding. We were able to go at that time to Senator Bret Guthrie and senators Robert Stivers and Richie Sanders. Richie was on Appropriations and Revenue in the Senate and we were able to plead our case to them. Senator Guthrie, now Congressman Guthrie, opened the doors and got us in and we told them the plight we had. At that time, they were instrumental in getting \$2 million in the state budget to supplement drug task forces. Without that, we would have had a really big crunch there. That was some of the lobbying efforts that the association did in Frankfort financially. We are really glad that now, if we want to go up there with some policy issues we can and not always have our hand out saying, 'We have to have money.' Because, financially, we are doing OK with the federal funding. And that is what we told them all along. We said, 'We hope this is a temporary measure. We don't want to have to come up here and beg for money all the time because we have some other things going on, too.'

It seems as if you would have your hands full leading this task force and serving the KNOA, but you have put so much passion into those educational efforts. Why is taking on that additional leadership role in lobbying so important for you and to officers around the state?

We all worked hard at that and we keep the e-mails flowing, sending any information out we get from the national level or sources within the state. I don't know, I just see how important having a drug task force is in the fact that I see how much more effective these guys are from all the other agencies across the hall working together than we were in my day of the state police having one guy working narcotics and Bowling Green had one guy working. Now with all of us working together, we make several major cases a year. We send probably 10 percent of our cases for federal prosecution. We have gotten rid of a lot of significant drug dealers in this community. If we can do that, anybody can do it if you work hard enough at it.

To cut the flow off, to see a unit like this disbanded, is just crazy. So I think that is probably what gave me the drive to spur it on. I see what can be done.

Is there very much information sharing that has been useful through creating the KNOA? Why is that important?

There has. I think intelligence is one of the most critical things we can get in drug investigations. There are a lot of dots to try and connect out there. There are a lot of inner workings that, a lot of times, we overlook without being able to talk to people. When you can put a face with a name and say, 'Yeah, I met him at the conference,' and call him up, there is somewhat of an instant bond. A lot of us cops, we tend to be a little paranoid and hold things close to the chest. But if you know somebody and you build a little relationship, then the information flows more freely.

What do you think are the basics that are most important to help get a drug task force established in a community?

I think the big key is that your law enforcement agencies have to get along and trust one another. We do as a community here and that is city, state and federal. That is the key to it.

Next, they have to get the funding. Which, even though things are better, there is not new funding out there for drug task forces. On the national stage, if we can get the Byrne-JAG money increased on the yearly allotment, then there will be new money to go out and start new drug task forces.

You recently were honored as a hometown hero. Tell me about that.

I was surprised by that. I'm not sure that it was deserved. I think the catalyst of that was the state police drug enforcement office gave me an award and had the media out for that. They had given me an award for the support we have been able to give them in lots of different ways in training opportunities and equipment we are able to purchase and share with them. We do that not only with the state police drug enforcement, but since we have been here, we have purchased all the K-9s for Bowling Green Police out of asset forfeitures. We have been able to send officers to specialized training out of state when they don't have it in their budget. If we have adequate asset forfeiture, we do that for all the agencies – sheriff, city and state police.

They were very gracious to do that. I'm still not sure it was deserved. I like doing this. Like I told the judge, they're going to have a hard time getting rid of me. At some point, you need to know when to retire from the police business. I already did once. I was 46 then. I hope I have enough sense to know when to really go home, but right now it is certainly not in my immediate future. J

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INSIDE

EXCITEMENT

DEE

Understanding excited delirium and best practices for law enforcement response

/Abbie Darst, Program Coordinator

On Sept. 5, 2006, Louisville Metro police responded to a downtown disturbance call just after 1 a.m. When officers arrived on scene, ex-Marine Larry Noles, 52, was standing naked in the middle of the street. Exhibiting extremely aggressive behavior, Noles was damaging cars and not responding to officer efforts to subdue him. One officer on the scene fired two TASER darts carrying 50,000 volts into Noles' chest. Noles began moving toward the officers and was tased two more times before falling to the ground, unconscious. He was taken to the nearest hospital where he was pronounced dead.

Later, Noles attorney said on the night of his death Noles was off medication and suffered from Bipolar disorder. It was the

Jefferson County medical examiner's controversial determination that the TASER did not cause Noles death; instead, he died of excited delirium scenario.

Across the country, officers and medical professionals are searching for answers about this highly-controversial diagnosis. Some police critics have insisted that excited delirium is nothing more than a convenient concept manufactured by law enforcement to cover up brutality and exonerate authorities when a suspect dies in custody. Even Noles' estate attorney said in an interview that excited delirium is known in most circles as death by police.

However, in October 2009, a special investigative task force of the American College of Emergency Physicians formally declared that the violent and sometimes lethal >>



phenomenon known as excited delirium is a real condition and should be taken seriously.

So what exactly is excited delirium?

The term excited delirium first was used in 1849 by Luther Bell to describe psychiatric patients who developed an onset of continuous agitation and mania in the presence of fever, and suddenly died. According to Theresa Di Maio, author of "Excited Delirium Syndrome: Cause of Death and Prevention," delirium is a mental state characterized by an acute circumstance of disorientation, disorganized thought process and disturbances in speech. When that mental state involves violent behavior, it is called excited delirium. In that state, when there is a sudden death and the autopsy fails to reveal a cause, it is ruled excited delirium syndrome.

The ACEP group recently affirmed that excited delirium, or ED, is a unique syndrome that can be recognized in the field by a distinctive group of clinical and behavioral characteristics. Individuals exhibiting these common ED characteristics are hyperaggressive with bizarre behavior, impervious to pain, combative and have abnormally high body temperatures, usually around 105 degrees Fahrenheit. Officers are likely to find them tirelessly resistant, sweating, breathing rapidly, agitated, unusually strong and inappropriately clothed or nude. The ACEP report also explained that remorse, normal fear, understanding of surroundings and rational thoughts for safety are absent in these individuals.

Individuals suffering from ED pose a daunting challenge to law enforcement officers. The ACEP report acknowledged that "officers are in the difficult and sometimes impossible position of having to recognize the encounter as a medical emergency while attempting to control an irrational and physically resistive person and mind the safety of all involved.

"Given the irrational and potentially violent, dangerous and lethal behavior of an ED subject, any law enforcement officer interaction ... risks significant injury or death to either the officer or the ED subject," the report continued.

Unfortunately, those cases in which an individual's confrontation with an officer has resulted in death have brought about intense media coverage and officer and agency scrutiny.

"In forensic pathology ... when dealing with what I would refer to as excited delirium scenario - to raise that as a possibility, what we have to have is a good, thorough investigation by law enforcement and a good avenue of communication between the forensic pathologist and the law enforcement investigators," said Dr. Tracey Corey, Kentucky's chief medical examiner.

An extremely detailed timeline and witness statements are two vital pieces of information that medical examiners must have from law enforcement in a potential ED scenario case, Corey explained, because it allows the medical examiner to determine exactly what happened in the situation.

"If there is an in-car camera, we want to review that film, because what you will find is that most of the cases where they are initially reported by the media as 'TASER related,' they're not really TASER related," Corey said. "The person continued to function long after the TASER was deployed. So it really was not involved.

"But for us to be able to make that determination, we have to work closely with law enforcement and law enforcement has to be willing to provide us with a lot of information," Corey added.

However, law enforcement officers should realize that the psycho-physiological meltdown of ED is not always fatal, and that given the proper collaboration between responding officers and EMS personnel, the condition might be treated before an untimely, unexpected death occurs.

Since an estimated 250 ED subjects die in the United States each year - an estimated 8 to 14 percent of those who experience the syndrome - in order for collaboration between officers and EMS to take place, officers first must be able to assess the signs and symptoms of excited delirium very quickly in an altercation or confrontation.

Published accounts show that typical ED >>>

WHAT'S THE DIFFERENCE?

The term excited delirium is a descriptive phrase for an individual exhibiting the disorder and may result in death and may not. Excited delirium syndrome is only attached when the individual dies and there is no pathology or injury to explain the death. However, many medical examiners prefer to use the terminology excited delirium scenario as opposed to syndrome.

Kentucky's Chief Medical Examiner Tracey Corey described a syndrome as a consolation of physical findings and symptoms, and in the case of excited delirium, it is more of a presentation because scene information and a historical timeline have to be taken into account in addition to the physical findings.

>> subjects experiencing an episode exhibit signs of acute drug intoxication and often have a history of mental illness such as paranoia. These subjects struggle with law enforcement; do not respond to physical control measures, use of pepper spray or electronic control devices; and suffer a sudden death. In most cases, autopsy fails to reveal a definite cause of death from trauma or natural disease.

Cases show a majority of lethal ED subjects die shortly after a violent struggle. Many already have sustained traumatic injuries before the arrival of law enforcement and still struggle intensely with officers, the ACEP report stated.

"Expecting an ED encounter to be resolved without a potentially fatal struggle may be asking the near impossible of responding officers," the ACEP task force report said. "Almost everything taught to law enforcement officers about control of subjects relies on a suspect to either be rational, appropriate or to comply with painful stimuli. ... Tools and tactics (such as pepper spray, impact batons, joint lock maneuvers, punches and kicks and [TASERS]) that are traditionally effective in controlling resisting subjects are likely to be less effective on ED subjects."

In situations where officers realize they are dealing with an ED individual, they should immediately call for EMS and try to contain the individual. Officers should try to take the individual into custody quickly, safely and efficiently, if necessary, and then immediately turn the care of the individual over to EMS personnel when they arrive.

Though there is no specific protocol for Kentucky officers in ED encounters, Dr. William Smock, a professor of emergency medicine at the University of Louisville's Department of Emergency Medicine, made several protocol suggestions during a presentation

about excited delirium in June 2009.

Officers should attempt to document the body temperature of the individual at the scene, because in fatal cases, a significantly elevated temperature is present. Once in EMS care, the individual should be cooled as quickly as possible through either intravenous fluids or spritzing with cool water and blown with a fan, to reduce the risk of death. Other suggestions include medication to produce a rapid calming effect, oxygen saturation and monitoring and cardiac monitoring.

"At this time there is insufficient data to determine whether fatal ED syndrome is preventable, or whether there is a point of no return after which a patient will die regardless of advanced life support intervention," the ACEP report concluded.

In recent years, hundreds of cases of unexpected, in-custody deaths have been documented and researched, leaving involved law enforcement officers and their agencies mired in media and legal scrutiny. Though research into excited delirium syndrome, its causes and possible prevention is still very much ongoing, officers now can be proactive in understanding signs and symptoms of ED and knowing what steps to take to ensure the best possible outcome.

"All of these cases are going to have to go to post mortem examination," Corey said. "So we're going to work with the coroner and the investigating law enforcement agency, but they have to bring a lot ... of detailed information to us so that we can put that in the context of the overall investigation, including what we find on toxicology, what we see grossly, that is with our naked eye at autopsy, [and] what our microscopic findings are. We are going to take a lot of things into account. These are complicated, complex cases." J



IS IT THE TASER?

Excerpts taken from July 20, 2009 Force Science News

The concept of excited delirium frequently appears in literature about TASERS. Patients with excited delirium usually are violent and aggressive. They may be difficult to subdue and need to be detained for their own safety and the safety of others. It is understandable that law enforcement officers would rather subdue these individuals with a TASER device than in a physical confrontation. The controversy comes when the use of a TASER is thought to cause the death instead of excited delirium syndrome, or that the stress-related chemicals released as a result of the use of a TASER aggravated the symptoms of ED.

A study headed by Dr. Jeffrey Ho, a deputy sheriff and emergency medicine specialist with the Hennepin County, Minn. Medical Center turns that premise upside down. At an international conference in Australia in June 2009, Ho reported that TASER application is one of the weakest stimulants of stress chemicals among sources that are commonly present during a police confrontation.

Ho and a team of researchers from four

states randomly assigned 60 law enforcement and civilian volunteers to one of five groups in which they:

- sprinted 164 yards, simulating flight from law enforcement officers
- hit and kicked a heavy bag for 45 seconds, simulating physical combat with officers
- took a 10-second hit with at TASER X26
- endured a K-9 training exercise attack for 30 seconds
- were sprayed in the face with OC spray

The test subjects were predominantly male with a median age of 35. There was no significant difference between the five groups in terms of stress-chemical levels prior to their assigned tasks.

The researchers discovered that the highest level of stress chemicals was generated by the heavy bag exercise, which simulated the struggle with officers. After that, in decreasing order, came the sprint group, the K-9 group, the TASER group and the OC group. In other

words, only the administration of OC was slightly less stress inducing to the subject than a TASER zap. In addition, tasing generated nearly 3.5 times less adrenaline than the simulated fighting.

"The comparison of use-of-force encounters demonstrated that the electrical control device was one of the least activating" of stress chemicals, Ho wrote in his study report. "These results ... suggest that fighting with law enforcement officers may be the most detrimental [to subjects] from a physiologic standpoint." J



Living Up to a Name

/Elizabeth Thomas, Public Information Officer

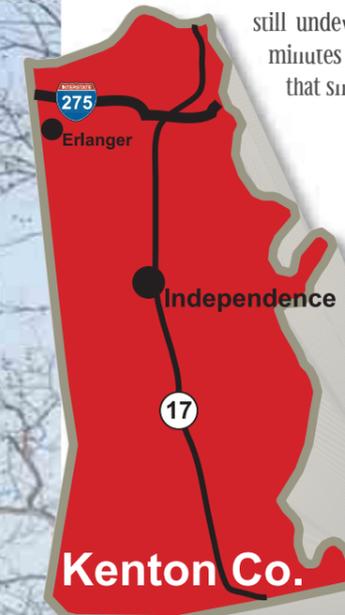
In Independence, Ky., the population has exploded from 10,000 to upwards of 26,000 in the past 10 years. A couple of years ago, home construction had peaked at 600 to 700 new homes per year, according to Independence Police Chief Shawn Butler.

With that exponential growth came new demands on the police department. The city limits span 26 square miles, which already is a logistical issue for the department's 30 officers. But now, there are not only thousands of new residents, but also new businesses, new developments and new traffic issues. In 2009, calls for service reached 27,000.

"It can take you 20 minutes to get to the other side of the city for a call," Butler said. "It requires much more manpower to cover such a large area."

A 4-mile stretch of KY-17, now a four-lane highway, reopened in 2008, alleviating much of the city's traffic congestion.

Bordered by Covington, Taylor Mill, Florence and Elsmere, Independence sits just outside Cincinnati and in the middle of northern Kentucky's most desirable property. Nestled amid still undeveloped farmland, Independence is mere minutes from big-town amenities, but maintains that small community feel. >>



Independence Police Department

- Population: 26,000
- Square Mileage: 26
- Calls for service in 2009: 27,000
- Number of officers: 35



/Photos submitted



“We get the benefit of being close, but still being away from it all,” Butler said. “It’s not uncommon for a farmer to stop by just to chat with the chief about something.”

For many of those farmers, it is what they are used to. It has not been all that long since the department became full time and gained more than just a chief. In less than 25 years, it has gone from a one-man department to a department of more than 30, with the ever-increasing need for more officers.

Butler noted that in 2001, Independence was among the departments whose officers were the lowest paid across the state. Now they are among the highest. However, the pay is not the only thing that attracts officers to Independence and keeps them there.

Independence is one of few towns that has the support of the community and their politicians, Butler said.

“Our officers are really removed from the politics,” he said.

In addition to the attractive pay and the community support, Independence officers are encouraged to attend as much training as possible and to further their education. All sergeants have completed the Criminal Justice Executive Development course at the Department of Criminal Justice Training, as well as the FBI National Academy. At the patrol level, officers are afforded many opportunities to gain certification in areas such as accident reconstruction, arson and criminal investigations.

“We’re pretty self-contained, there’s not much we can’t do in house,” Butler said.

Among their community-oriented policing efforts, the department hosts a popular citizens’ police academy, which has had a two-year waiting list in the past.

“It’s one of the strongest in the state,” Butler said.

In addition to its CPA, the department has an explorer program, school resource officers, volunteers in police service program (VIPS), Rape Aggression Defense course and a bike rodeo, as

well as classes on Internet safety and identity theft.

But with all its perks, Independence has its challenges, too. Like many cities, Independence has issues with prescription-drug abuse. However, according to Det. Mike Richmond, domestic violence ranks at the top on the list of department calls.

Butler, chief for 10 years, said they generally add one or two officers a year to accommodate the growing needs of the city. With the increasing size of the community and the growing needs of the police department came the need for a new building.

In 2004, the police department moved from a 1,000-square foot duplex to a 12,000-square foot citywide municipal building. The municipal building, as well as the fire department and a senior citizens’ center, sits on the edge of the city park, on land donated by a citizen.

Once a year that park is converted into festival

grounds and many of the department’s peace officers transform into event planners. From fundraising and vendor management to overseeing set up and tear down, Capt. Anthony Lucas leads the town’s festivities to celebrate its namesake, Independence Day.

What started 10 years ago as a small fireworks show has grown to a two-day festival complete with a 2-mile parade, carnival rides and vendors, and wraps up with a fireworks show with features that rival that of Thunder Over Louisville, Lucas said. The 30-minute display is watched from not only the festival grounds, but neighboring subdivisions and even from tailgaters in a cemetery, which is said to have the best view of the show.

Managing crowds upwards of 10,000 – 15,000 for the fireworks show – in an alcohol-free festival zone, the police department generally makes only one arrest per year during the festival. >>



◀ (Opposite and page 28) Independence Day festivities in Independence, Ky., include a parade, carnival rides and fireworks.

>> Officers begin on Wednesday watching the festival site's rides and booths around the clock. The festivities of the 2-square mile area start on Friday and end with Saturday night's fireworks. During the festival, the VIPS and explorers help the officers by manning the lost-and-found booth next to the command bus and covering the side streets on the parade route.

What logistics of the Independence Day Festival does the police department not manage? Scheduling the concerts. That's it.

Largely due to the event-planning efforts of the police department and the widespread support of its community, Independence lives up to its name and does so with a bang. J

▼ Chief Shawn Butler stands in front of the city's municipal building. Butler is proud of the relationship between the police department and city's managers.



/Photo by Elizabeth Thomas



SEARCHING AND SEIZING DIGITAL EVIDENCE

The Warrant Requirement

/David A. Tapp, Judge and Whitney W. Meagher, Staff Attorney



/Photo submitted

Digital evidence has become increasingly crucial in the apprehension and prosecution of criminal suspects. Digital data, and thus potential digital evidence, can be created and stored in traditional computers, cellular phones, GPS devices, personal digital assistants, digital cameras, digital media players, removable media, game consoles or practically any other device which contains a computer chip.

Unfortunately, traditional search and seizure law is not entirely compatible with this type of new evidence. The process of discovering, seizing and interpreting digital evidence differs from traditional law enforcement practices for seizing tangible items. This difference arises from the nature of the evidence itself. While police may seize a hard drive, thumb drive or other digital storage device, it is the digital contents of those devices that usually hold the evidence. Such digitally-stored information may be 1) property constituting evidence of the commission of an offense, 2) contraband or "fruits" of the crime, or 3) property used as a means of committing a crime. In more traditional searches, such evidence usually is immediately recognizable. Unlike the contents of a traditional file or document, however, digital evidence is not discernable without first recovering and then converting that information into a format which can be understood, such as written language, a picture or an audio recording. As a result of this distinction, search and seizure law involving digital technology has not evolved quickly enough.

As with all evidence, law enforcement may seize digital evidence either pursuant to a valid warrant or pursuant to a specifically established exception to the warrant requirement, as stated in *Katz v. U.S.*, 389 U.S., 347 (1967). Just like other evidence, it is best to seize digital evidence pursuant to a search warrant. Search warrants must be supported by sufficient evidence establishing that there is probable cause to believe a specific object is located within a specific location to be searched. Pursuant to the Fourth Amendment, when

“The process of discovering, seizing and interpreting digital evidence differs from traditional law enforcement practices for seizing tangible items.”



drafting a warrant, law enforcement officers must “particularly describ[e] the place to be searched and the... things to be seized.” Similarly, pursuant to Kentucky constitutional law, when drafting a warrant, law enforcement officers must describe places to be searched and things to be seized “as nearly as may be.” This article discusses how law enforcement officers must describe digital evidence and the place in which the digital evidence is located in order to seize it pursuant to a valid search warrant.

Digital Evidence Description

When drafting a warrant for the seizure of digital evidence, an officer must particularly describe the digital evidence to be seized. This involves determining the nature of the digital evidence desired. In order to determine the nature of the evidence, the officer must first determine whether he seeks to seize the actual digital hardware or the digital information stored within the hardware. A warrant application, which simply seeks to seize hardware and software may be insufficient to authorize the search and seizure of the stored data. If the digital hardware itself is the evidence sought, then the warrant should specifically describe the physical computer hardware including peripherals and storage media. However, if the information stored in the digital hardware or media is desired, then the warrant should describe the content of the relevant files rather than the specific hardware upon which it may be found. If seeking digital information, as opposed to hardware, the United States Department of Justice suggests that the warrant describe the nature of the evidence sought, and then “request to seize the evidence in whatever form the information may be stored.”

Description of Digital Evidence Location

When drafting a warrant for the seizure of digital evidence, an officer also must particularly describe the location of the digital evidence to be seized. According to *Steele v. U.S.*, 267 U.S. 498 (1925), generally, the description of the location of evidence is sufficiently particular if officers “can with reasonable effort ascertain and >>

>> identify the place intended.” With physical, tangible evidence, the meaning of this requirement is generally clear. Officers must describe the actual, physical location of items which they desire to seize. However, with respect to the location of digital evidence, it is less clear as to what is required.

Digital evidence can be classified into two categories: actual digital hardware and digital information stored in the hardware. If the digital hardware itself is the evidence sought, then the warrant should describe the physical address and location of the hardware. However, the law is not fully developed as to what is required if the information on the digital hardware is the evidence sought.

Some authorities suggest that, if the evidence sought is the information stored on the digital hardware, then the warrant should describe the physical address and location to be searched. Secondly, the warrant should describe the nature of the digital hardware upon which the evidence is expected to be stored. However, caution should be exercised by law enforcement in drafting these descriptions. If too narrowly tailored, the warrant may not authorize search of unanticipated storage devices. If, however, the descriptions are drafted too liberally, the warrant may be considered unconstitutionally overbroad, as in *Maryland v. Garrison*, 480 U.S. 79 (1987). However, at this time, the law – particularly within Kentucky – is relatively undeveloped as to what else, if anything, is required.

Often, it is impossible for officers to know exactly where information is stored inside digital hardware. Usually, an officer will need to access the information stored within the digital hardware before he or she is able to articulate the exact location of the information on the hardware. Thus, because an officer drafts a warrant before the search, seizure and operation of the hardware upon which evidence is contained, he or she is usually unable to describe exactly where on the hardware the evidence may be found.

However, although officers may not be able to articulate the exact location of evidence within digital hardware prior to a search of its contents, officers may be able to articulate a reasonable search protocol for evidence contained on the hardware prior to the search of the hardware.

Currently, it is not clear whether a search strategy or search protocol should be included in a warrant to seize digital information.

This issue has not been addressed in Kentucky jurisprudence. However, at least one federal court has held that the absence of a search strategy in a warrant for digital information does not render the warrant invalid. The court reasoned that before a cursory examination of the digital hardware upon which the information is contained, it would be impossible to know how to best search for the digital information.

At least one federal magistrate judge ruled to the contrary and refused to issue a warrant for digital information because the warrant did not list the search protocol to be used to obtain the digital information. In that case, the court reasoned that computer technology has so advanced as to allow law enforcement to conduct targeted searches for specific information contained in digital hardware.

Law enforcement officers will have more concrete guidelines for describing digital evidence once more courts have addressed these issues. However, as technology continues to advance and evolve, so to will the body of search and seizure law relevant to seizing digital evidence. Whenever possible, the law enforcement officers confronted with such an issue should, prior to any search or seizure, consult with the appropriate state or federal prosecutor regarding the best practices under our rapidly developing jurisprudence.

Further, when drafting a search warrant for digitally stored information, particular caution should be taken with respect to information that might be privileged or information that might require more exacting descriptions because of First Amendment concerns. J



“ Digital evidence can be classified into two categories: actual digital hardware and digital information stored in the hardware. ”

Book Review

/by Drexel Neal, DOCJT Staff Assistant



I Know You Are Lying:

Detecting Deception Through Statement Analysis

Several years ago, the National Internal Affairs Investigators' Association invited retired law man Mark McClish to talk about statement analysis during a seminar hosted by the Lexington Division of Police.

This approach, statement analysis, was brought home recently when I was asked to review several old cases being reviewed by my former agency's Cold Case Unit. Many of the subjects and witnesses were no longer available for re-interviews, and we only had typed or recorded statements and, in some cases, only interview notes.

These events led me to recall McClish and his presentation on statement analysis. Through a quick search on the Internet, I found he had authored a book on his area of expertise titled, "I Know You Are Lying."

McClish started his career in law enforcement with the Uniform Division of the United States Secret Service in 1983. In 1985, he switched to the United States Marshal's Service. The USSS and the USMS both have training academies at the Federal Law Enforcement Training Center in Glynco, Ga. After serving five years with USMS, Mark returned to FLETC as an inspector/instructor at the academy.

It was during this nine-year assignment that McClish began teaching interview techniques and researching word or response analysis. McClish prefers to call it statement analysis, which includes his research plus the research of many experts in the interviewing field. He is now a consultant, trainer, author and Web site host.

McClish has been consulted by many law enforcement agencies to

analyze statements in high-profile cases. In his book, he discusses his analyses of these statements, which are and have been highly publicized cases in the news. His analyses help examine how statement analysis works and shows who is being truthful and who is deceptive in the following cases:

- Oklahoma City Bombing
- O.J. Simpson Murder Trial
- Michael Jackson Sexual Molestation Allegations
- Dr. Martin Luther King Murder
- The Clinton and Lewinsky Scandal
- Lindberg Kidnapping
- The Dr. Sam Sheppard Case
- The JonBenet Ramsey Murder

In the book, McClish points out that statement analysis is the process developed to analyze a person's words to determine if he is truthful or deceptive. By following this process, the analysis will provide additional information by identifying exactly what the interviewee is saying. This can be done by systematically examining the interviewee's language and the manner in which he uses pronouns, verb tense and unique words, among other factors. Statement analysis looks at three basic areas — word definitions, rules of grammar and research and observation.

Statement analysis is not the same as non-verbal communication, where an attempt is made to detect deception through the monitoring of body language. One of the key aspects of statement analysis is that the investigator does not need to see, hear or know anything about the subject in order to determine if he is truthful. This makes the technique especially suited for investigators who are reviewing past statements or recorded conversations.

By applying the techniques of statement analysis, it can be determined if a person is being deceptive. Additional information can be obtained from a person's statement because during an interview or when giving a statement, a person's words will betray them. They word their statement based on all the knowledge they possess.

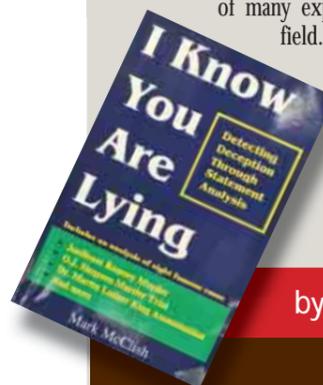
There usually are several ways the subject can phrase his statement. He may include knowledge he did not intend to share. The key to analyzing the statement is to listen to what they are telling us and to know what to look for in a statement.

"What a person does not want to tell us will influence what he tells," McClish said of why the technique works.

A deceptive person usually will circumvent guilty knowledge by using words to prevent the information he doesn't want the interviewer to discover.

The book identifies the things one should remember in preparing for the interview. Further details about how to obtain a statement and the crucial role of using open-ended questions are discussed. The more the subject talks, the more information you gain and the easier it becomes to determine if the subject is truthful.

"I Know You Are Lying" is a wealth of knowledge about investigative interviewing and statement analysis and should be a reference resource for recruits as well as investigators. J



by Mark McClish, The Marpa Group, Inc., 2001, 227p.



If you don't read the book, visit McClish's Web site at www.statementanalysis.com.



Sheriff Chuck Dills

Grant County Sheriff

Sheriff Chuck Dills' law enforcement career began in 1988 when he started as a patrolman and later became a captain for the Dry Ridge Police Department. Six years later, Dills decided to pursue a career with the Grant County Sheriff's Office. He served as a deputy sheriff and nine years as chief deputy. In 2006, Dills was elected sheriff of Grant County. He and his wife, Sarah, have three children, Blake, Brennen and Bianca. They attend Williamstown United Methodist Church and enjoy spending time outdoors.

"Our goal is to continue to grow to meet the community needs. ...we try to stay on the cutting edge of technology."

of people, up to 80,000. We work the major events in the county, including the Grant County Fair and the Grant County Relay for Life. We have deputies who work special details at large events outside the county at the Kentucky Speedway. All these events work with careful planning and good communication among deputies.

How are your department and/or deputies involved in the community?

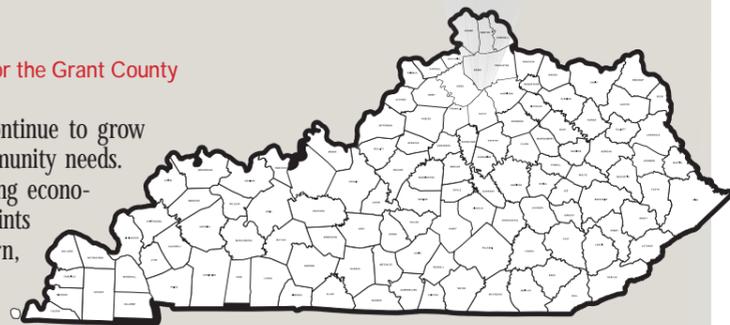
The Grant County Sheriff's Office is involved in community events ranging from the Grant County Shop-with-a-Cop program to employing a school resource officer in Grant County High School. Deputies take time out of their schedules to visit with church youth groups where they talk about their jobs, and Grant County has hosted a national K-9 certification for approximately seven years now. We currently have two deputies assigned to the United States Marshal's Fugitive Task Force to assist in the apprehension of fugitives in our area.

What is a morale booster for your agency?

We continue to upgrade our office with the latest technology and equipment to assist our deputies and make their jobs easier. We also have increased our specialized units, like the K-9 unit and the drug task force, for deputies wanting to specialize in certain areas.

What lies ahead for the Grant County Sheriff's Office?

Our goal is to continue to grow to meet the community needs. With the struggling economy, budget constraints are always a concern, but we try to stay on the cutting edge of technology. J



What was your role in merging two of the city's police departments into the sheriff's office?

The Grant County Sheriff's Office approached all four cities in Grant County in 1999 looking for ways to streamline services. We saw a need to save money and end the duplication of services. This process took more than a year. It was difficult to get everyone on the same page, and ultimately only the cities of Dry Ridge and Crittenden agreed to the merger.

The merger with the city of Dry Ridge lasted six years until a newly-elected mayor decided to end the merger. Their reasoning for pulling out of the merger was to save money and increase service. Crittenden is still being protected by the sheriff's office.

How does your department handle security for big events in your county or surrounding counties?

Our office has 15 deputies who all are trained to handle crowds and large groups



Chief Ralph Miller Jr.

Shively Police Department

Ralph Miller Jr. began his career with the Shively Police Department in 1983 as an explorer. He was hired as an officer with the department in 1987. Miller rose through the ranks from officer to lieutenant over his first nine years with the agency. He was appointed as the chief of police on July 1, 1996.

A second generation law enforcement official, Miller attended the University of Louisville and the Department of Criminal Justice Training in Richmond. He is married and a proud father.

"The first thing a new chief should understand is that you will never make everyone happy. Always do what is best for your agency as a whole and not just a few."

You have served the Shively Police Department your entire law enforcement career. What significant/historic occurrence bears sharing with your peers?

The professionalism that has been sought for law enforcement throughout the past 20 years, especially in the past 10 years in this state, is remarkable. The strides that have been made through the implementation of the Peace Officer Professional Standards have clearly improved the image and training of the law enforcement community.

What do you think every chief should know before taking office?

The first thing a new chief should understand is that you will never make everyone happy. Always do what is best for your agency as a whole and not just a few. The chief is not always going to be everyone's friend, but you are not their enemy either. You just have to be able to separate the responsibility of being the boss from being a friend. Learn to lead by example. As Albert Einstein once said, "What is right is not always popular, and what is popular is not always right."

What's the greatest change in the past five years as opposed to the past 20 years in law enforcement?

Technology has changed the way we do our jobs in law enforcement. When I began my career, we had paper and pens to write reports, citations and manual typewriters for letters. The mobile data computers with access to printers, air cards, e-crash, e-citations, e-warrants and video cameras have moved our profession forward in the ever-changing world. An officer can access information in seconds that in the past would take days to locate.

What morale boosters have you identified for your agency?

Equipment and personnel are some of the things that have brought the most morale changes to our agency. The officer's vehicle is their office on wheels and when you are able to equip the vehicle with all of the latest equipment. For the most part, they appreciate that you are trying to make their jobs easier and more efficient.

A few years ago we were undergoing quite a bit of turnover with retirements, injuries and transfers. I could see the overall effect it was having on our personnel. The effects on our agency were tough at the time, but it made us appreciate the addition of new personnel even more, and it definitely raised the morale.

How does your department handle security/people for big events that take place in your city or surrounding counties?

Our agency deals with an annual festival in our jurisdiction that requires manpower changes and the assistance of the Jefferson County Sheriff's Office. Even though the main focus for our personnel during this three-day period is the Shively City Park, we never compromise the staffing on the street. All personnel are required to work off days, and no vacations are granted during this period. In the past we have assisted the Louisville Police Department on Derby events such as Thunder Over Louisville, Oaks and Derby Day for traffic control.

What lies ahead for the department?

The future is bright for the Shively Police Department. I began my career with this agency a long time ago when things were different. But I have strived to make positive changes for the entire agency, which in turn have benefited the city as well. The agency has progressed over the past several years and we are now in our third accreditation through the Kentucky Association of Chiefs of Police. I have the utmost faith that the strong values and professionalism that have been established will continue on with the next generation at the Shively Police Department. J



THE Behind SCENES

POLICE

Exploring the role of law enforcement in Kentucky's special events

From the thundering hooves at Churchill Downs to the booming fireworks of Thunder Over Louisville or the screaming crowds and rocking music at Ichthus, Kentucky is home to several of the nation's largest celebrations. These celebrations would be logistically impossible to pull off without the expertise of law enforcement officers across the commonwealth and the duties they perform through traffic and security details before, during and after each major event.

Whether in a town of less than 6,000 people or more than a quarter of a million people, Kentucky's cities,

big and small alike, celebrate heritage, tradition and sport.

Louisville, Kentucky's largest metropolitan city, plays host to hundreds of special events each year, both large and small. Because of the large volume of events, the Louisville Metro Police Department houses its own Special Events Unit. The unit, composed of five lieutenants and a commander, planned 112 special events in 2009, said Curtis Flaherty, the unit's senior planner. Overall, the city may receive 600 special-event applications, not all of which require a police presence, he added.

Since 1875, Louisville has come alive around Derby time. The Kentucky Derby is one of the United States' oldest Thoroughbred horse races and probably stands as one of Kentucky's most recognizable special events worldwide. Held the first Saturday of May each year, approximately 150,000 people attend the Derby from the grand stands to the infield. Derby Day alone requires 450 LMPD officers, along

with 200 personnel from the Kentucky National Guard, Kentucky State Police and Jefferson County Sheriff's Office to keep traffic running smoothly and ensure the security of the facilities and attendees.

However, in Louisville, Derby festivities begin weeks before Derby Day. There are numerous events that take place surrounding the Derby, which require a significant police presence and involvement including the Pegasus Parade, the state's largest parade; West Broadway cruising; the Steamboat race and the Derby marathon. But none of these events compares to the size and intensity of Thunder Over Louisville.

"Thunder is the biggest event by far in the commonwealth," Flaherty said. "It is a huge undertaking for the police department."

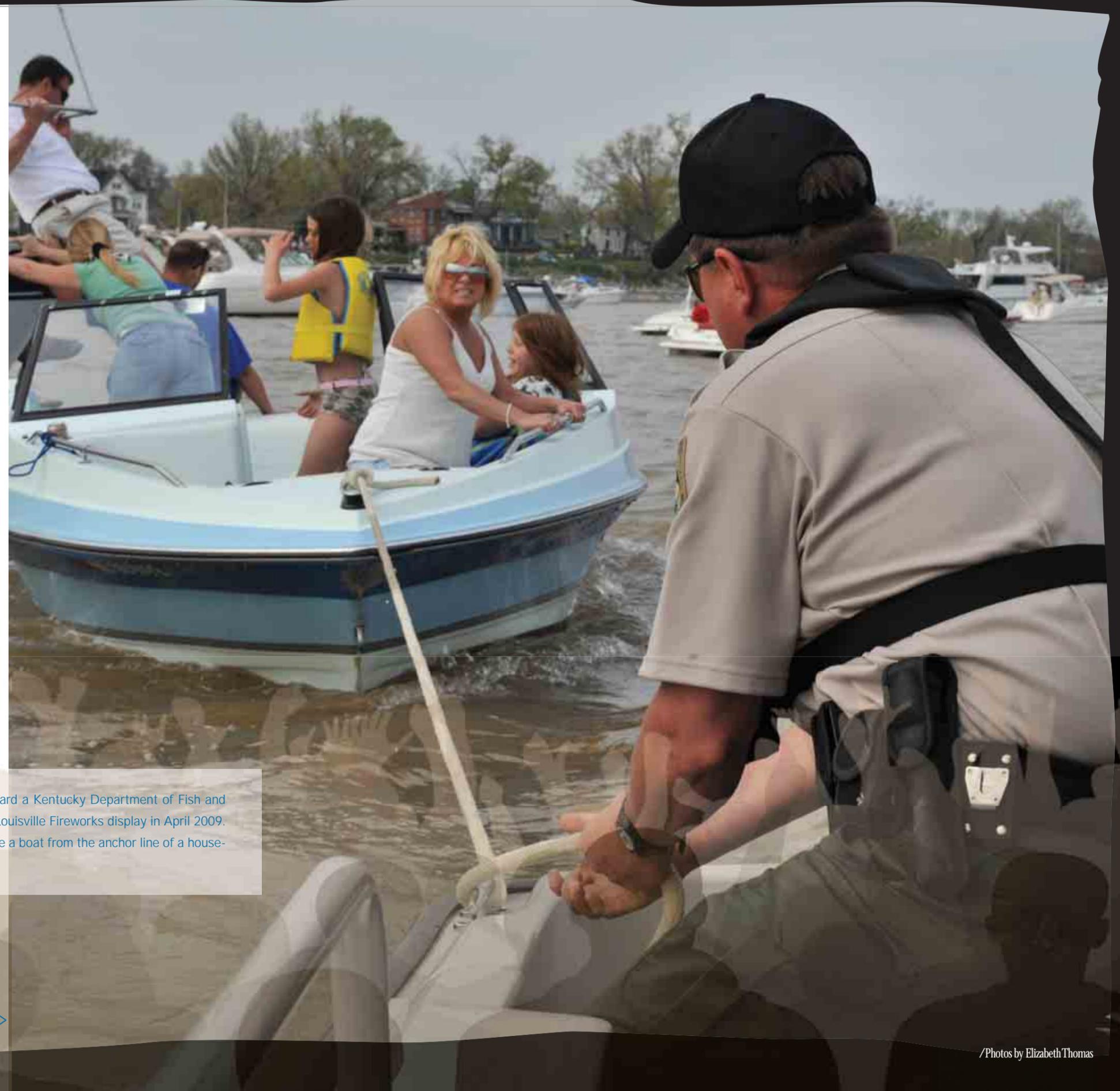
With more than 700,000 attendees flooding Louisville's river front, Thunder is the only event that requires the manpower of every single LMPD officer. LMPD has approximately 1,170 sworn officers and 900 of them combine with the assistance of civilian traffic personnel, the National Guard, KSP and the sheriff's office to provide approximately 1,300 personnel for the Thunder Over Louisville security and

traffic details. The remaining LMPD officers not on the grounds of Thunder are used to continue patrolling the rest of the city's streets.

"There are no vacations for Thunder – everybody works," Flaherty said. "A lot of people forget about Thunder and how big it really is because it gets overshadowed by the other Derby festivities."

In reality, Thunder is even more than just the fireworks show on Saturday night. Officers are onsite the night before locking down the area, ensuring that early partiers do not show up the night before, leaving the police department to deal with intoxicated people in the morning when the official Thunder crowd begins to move in. Occasionally officers will work an overnight detail to ensure the area is secure, Flaherty said.

"The fact is, for most of these events, the most important thing is people >>



“want to feel safe, they want to see a uniformed presence out there,” Flaherty said. “That’s the main objective. If [people] see a strong uniform presence, that is going to deter people from doing a lot of things right there. That’s our main goal – to secure the area.”

For Thunder and Derby, that uniformed presence does not just come from Louisville Metro police. In addition to KSP and the Jefferson County Sheriff’s Office, the department uses assistance from the Secret Service if a high profile dignitary attends the events, the FBI for intelligence gathering, the Bureau of Alcohol, Tobacco, Firearms and Explosives executes pre-event searches with canines and LMPD bomb personnel and Alcoholic Beverage Control conducts two details at Derby and one during Thunder.

In addition, the Kentucky Department of Fish and Wildlife Resources assists the LMPD River Patrol and Coast Guard law enforcement on the Ohio River for Thunder. These Kentucky officers also work alongside Indiana Department of National Resources officers to maintain control on the river and enforce the sky box, which is a designated area for the air show in which there cannot be any vessels.

On a day when the river is good and the weather is warm, there could be close to 1,000 boats on the river for Thunder festivities, requiring boat officers to do a little of everything from towing boats and taking people to safety to writing tickets for intoxicated individuals or equipment violations, KDFWR Capt. Myra Minton said.

“It varies from year to year because you never know what the river’s going to do and you never know how many people are going to come out,” Minton said. “Some years we don’t have the boat traffic that we have other years ... but there’s no way to predict that in the planning stages because we plan months in advance for Thunder, having meetings and deciding how

many boats each agency is going to contribute.”

Even apart from Thunder, with more than 100 events to plan for each year, Louisville Metro’s Special Events Unit definitely stays busy. The unit, housed under the Special Operations Division, is tasked with planning the law-enforcement side of each special event in Louisville. The unit, which does not have specific staff assigned to it beyond the commander and five lieutenants, requests personnel from each division in the department for each major detail. From there, it is the lieutenant’s job to assign the recruited personnel to posts for the detail and develop an operations plan using the incident command system.

In addition, the same lieutenant who plans the detail serves as the operational chief or incident commander.

“Because we plan the detail, we have the most operational knowledge of it – it just makes sense,” Flaherty said. “The planning and operational aspects make this job interesting. While planning a detail, you know that you’re going to be the one to run it, so you have a lot invested in each detail.”

▲ Capt. Myra Minton patrols the Ohio River aboard a Kentucky Department of Fish and Wildlife Resources boat during the Thunder Over Louisville Fireworks display in April 2009.

▶ KDFWR (Ret.) Maj. David Casey helps untangle a boat from the anchor line of a houseboat on the Ohio River before the fireworks show.

Unique Atmosphere

Louisville isn’t the only place in Kentucky where the festivities draw thousands from across the country. For more than 40 years, tens of thousands of young people have flooded Wilmore for the Ichthus Music Festival, the oldest Christian music festival in the nation. For a town of only 5,900 residents, dealing with





◀ Wilmore Police Chief Steven Boven and Asst. Chief Bill Craig chat with a 2009 Ichthus attendee at the Grits concert. Since Ichthus is a Christian-music festival geared toward youth, Wilmore doesn't deal with many of the same issues that other cities have surrounding special events. ▼ Chief Boven scans the crowd from backstage during the Grits concert.

crowds averaging 30,000 and the immense traffic and weather issues that come with the three-day event is an enormous responsibility for the 11-man Wilmore Police Department.

vacation from working the streets every day and serving warrants and going after people."

In years past, dealing with the crowds inside the festival was not the hard part.

"Everyone here minds their manners, considering where we're at," said National Guard Master Sgt. Richard Smith, who heads up the National Guard detail at Ichthus. "We're just here to put out a presence."

Instead, dealing with torrential rain, extreme mud and major traffic backups has created headaches for Wilmore police and Ichthus personnel. In 2004, after an incredibly heavy downpour the day before the festival began, the entire 111 acres of the outdoor campground turned into mud, entrenching vehicles trying to enter the festival and eventually leading to a 12-mile backup on Highway 68 all the way into Lexington.

"[Chief Steve Boven] has helped guide us through emergency situations like the one we had six festivals ago. Steve was up all night with me dealing with ways to alleviate [the traffic issues] and figure out what we were going to do the next day," Ichthus Executive Director Jeff James said. "Now we know weather can

Though the Ichthus Festival is mostly staffed by Wilmore police officers, like in Louisville, other agencies do lend assistance for traffic management, crowd control and overall grounds surveillance and security. Several months before the June festival, Wilmore Police Chief Steven Boven will contact the Kentucky National Guard to coordinate volunteer guardsmen for the event. He will also contact the Department of Transportation to line up message boards and radar trailers and will send letters to any law enforcement agencies in the area to put them on alert of when the festival will take place in case back-up is needed.



Carlton Gay, a Jessamine County sheriff's deputy who volunteers his time at the festival each year, helps Wilmore fill in the gaps on the festival grounds, lending a helping hand to the Wilmore officers on duty on any given shift.

happen at any given time, so when we get in severe situations, we call our core group together and project where we're going with it and set times and conditions for when we'll go into Plan B or C.

"It's no different than working the streets – it's all about law enforcement and making sure no one is drinking ... there are no fights and helping people who get lost. We usually stay pretty busy, especially Friday and Saturday," Gay said. "But this is kind of a

"Those are things that are now just standard knowledge because we've done it together," he said. "We started in the fire, so having the sun is not a problem anymore."

For members of the Ichthus staff, it is this in-depth knowledge of the event's history, ability to make level- >

headed decisions in the midst of seeming chaos and the capability to do it in a very personal, encouraging way that makes the Wilmore Police Department such a vital part of the Ichthus experience, James said.

Most people think of law enforcement as only system oriented and that just does not happen here, James said.

"It's more of a relationship," he said. "It's more than respect, it's a sort of trust. [Steve Boven] ... drug me through the worst of it on his own strength.

"I depend on Steve to handle all of the relationships in the strata and structure needed to pull this off," he added. "I'm sure there's some anxiety that goes on when you're integrating one person from all these different agencies. I'm sure that configuration doesn't happen in very many places ever, and it coexists well here."

For Boven though, planning for Ichthus is more than just a job or a duty, it is an enjoyable experience.

"People wave, they are nice, you don't have fights – you don't have the difficulties that a lot of larger events will have, so as far as policing it is a pleasure, it's a real joy," he said. "I wouldn't trade places with any other police chief around ... it is a great place to be – in Wilmore and Ichthus."

Reason to Celebrate

Apart from national, annual venues, Kentucky's special events often center around holidays and local celebrations. Across the country people take advantage of one of the only holidays in the summertime and celebrate Independence Day, and Kentucky is

no different.

Lexington hosts an annual downtown July fourth music and fireworks celebration that draws thousands. Among the energetic crowds gathered for the Main Street parade, boisterous concerts from headliners such as Hank Williams Jr. and the booming fireworks

▼ Lexington Division of Police motorcycle and bicycle officers patrol the sidewalks as they follow the Red, White and Boom July 4th parade down Main Street. ► A Lexington motorcycle officer stops a vehicle driving in the pedestrians-only area of Main Street following the parade.

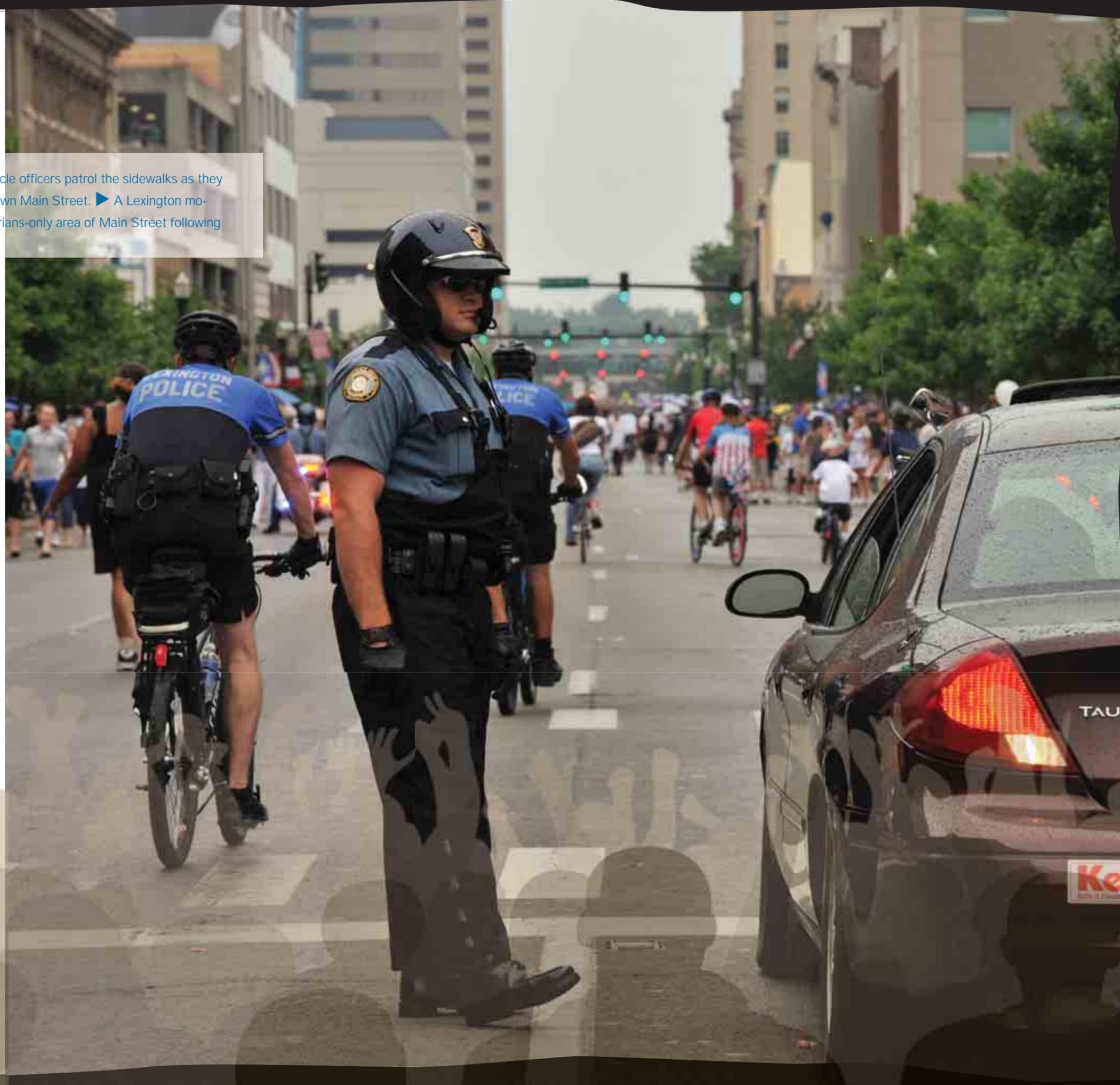
show that rounds out the day's festivities, Lexington Division of Police officers stay busy from early morning to well after midnight.

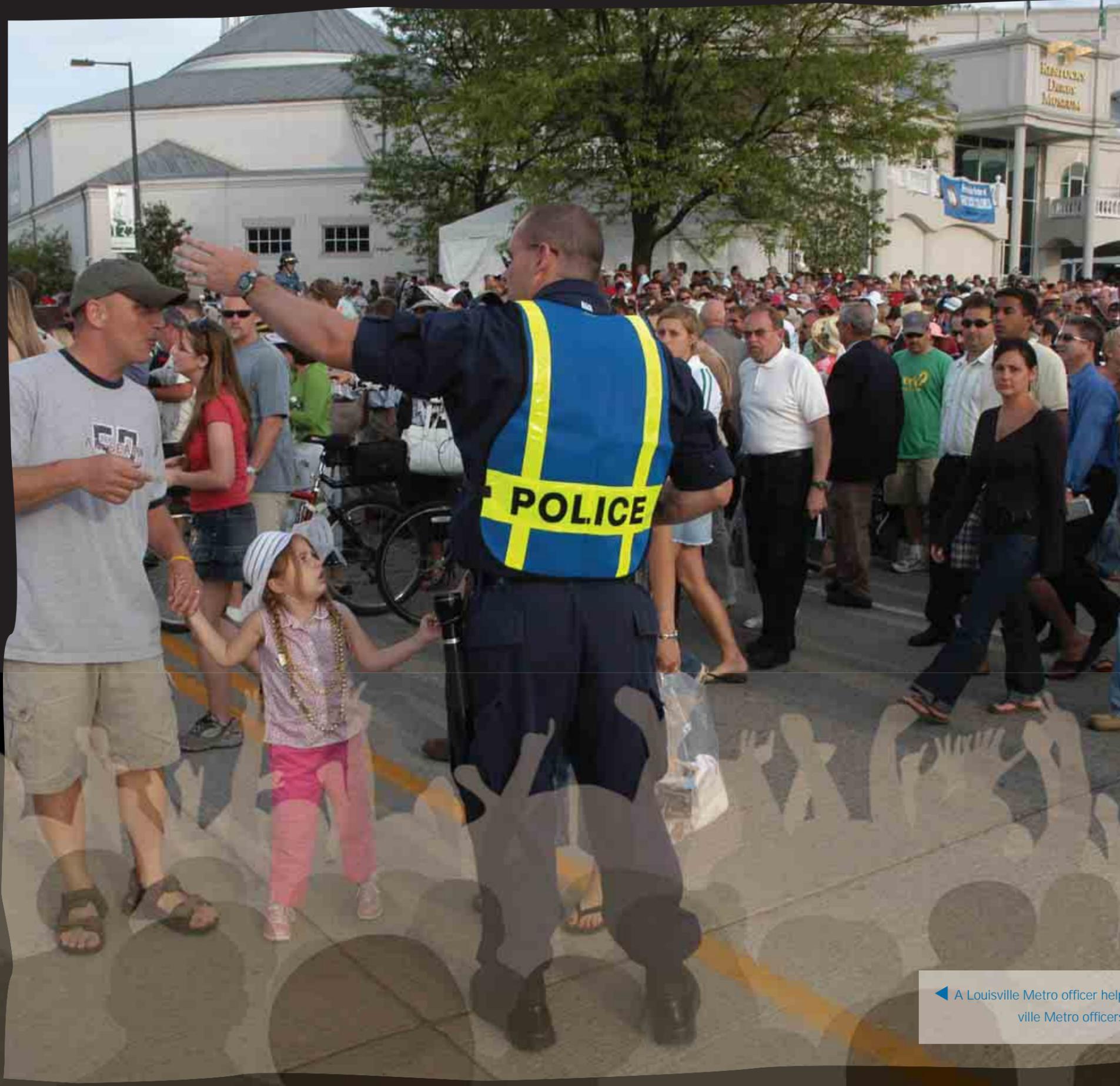
"This is the biggest day for the division throughout the year," Lexington Chief Ronnie Bastin reminded second-shift officers during last summer's Red, White and Boom roll call. "We want everybody to have fun and be safe and that's what our job is – to keep everybody safe."

The Cox Street concerts pose a challenge for the division's officers. In anticipation and preparation for a worst-case scenario, officers place their riot gear down by the concert location.

"It can get out of control, and it can happen very quickly," Operational Support Section Commander James Newton said about concert crowds.

However, traffic control and management is, perhaps, one of the biggest challenges for Lexington police during Red, White and Boom. >>





◀ A Louisville Metro officer helps guide Derby-goers in need of directions. ▶ Louisville Metro officers scan the infield crowd at the 2009 Kentucky Derby.



/Photos submitted

∨
 The Bluegrass 10,000 foot race first thing in the morning requires streets to be blocked off to accommodate the race route. In the afternoon, officers shut down Main Street and block off its feeder streets for the parade, street festival and multiple outdoor entertainment venues. Officers patrol these festivities on foot, bicycles and even golf carts, which gives them the ability to interact with event participants in a positive, face-to-face manner.

“This is one of the few days that people love to see us and want to come up to [officers] and introduce their kids,” Bastin said to officers preparing for the evening’s events, encouraging them to have fun and enjoy the different atmosphere and public interaction.

Big events, small towns

The City of Independence, by way of its name, has also culminated an enormous Independence Day celebration for the community and surrounding area. However, the Independence Police Department’s role in the festivities is all encompassing. The department handles every aspect of the two-day event. In addition to handling parking and traffic management issues and security and patrol details to ensure participant safety, the department’s staff coordinates all the vendors and rides that set up in the outdoor carnival-style venue. Over the past 10 years, the Independence Day festivities have grown as quickly as the town, and the department’s responsibilities and excitement about the event have exploded.

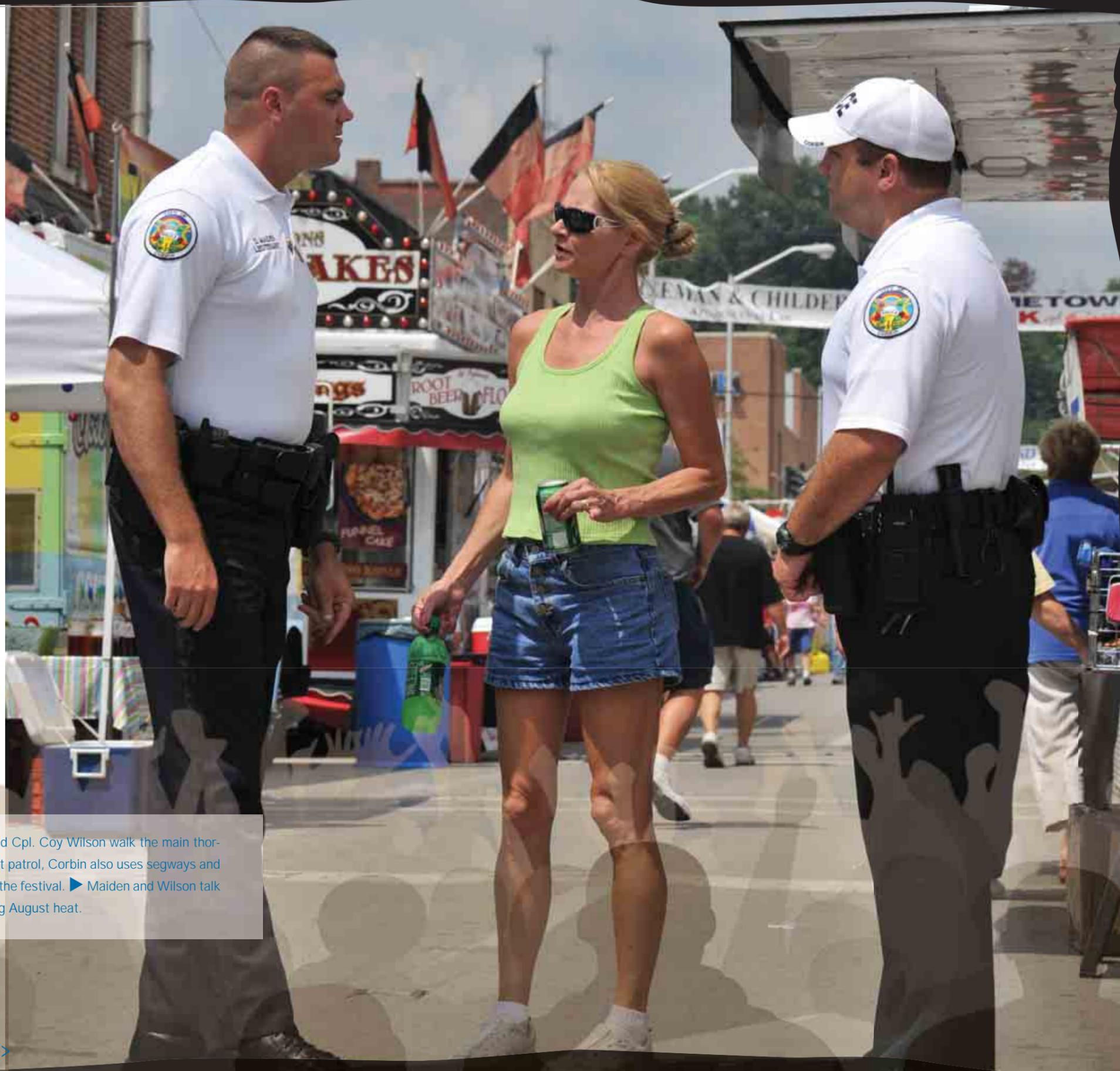
For a department of approximately 30 officers, in order to pull off such a massive event, every single officer is required to work during the holiday weekend, making it difficult for officers to enjoy the holiday and event festivities with their families. For this reason, the department broke down the city into zones and assigned officers into those zones on a one-hour rotation. As officers rotate to the various zones, they inevitably end up in the middle of the main section of food, fun and festivities, allowing them time to interact with their families who are attending the celebration, Independence Capt. Anthony Lucas said.

Large events in small towns often leave officers at smaller departments big on overtime and short on family time, Corbin Police Chief David Campbell said. Corbin’s annual Nibroc festival (Corbin spelled backward) is a three-to-four day event that requires all the department’s 24 officers to work sometimes 16-hour shifts. During Nibroc, the downtown thoroughfare is flooded with nearly 15,000 people each night, almost double the town’s population of 7,700.

“With the combination of heat, noise and volume of people . . . it is a burden on us, it’s a strain,” Campbell said about the mid-August event.

“It stretches us a lot,” added Corbin Lt. David Maiden. “A lot of officers are working on thin. Most will work 16-hour shifts for three or four days. You usually handle the first and second day pretty good, but Friday and Saturday night they’re working all day and then going [downtown] until around midnight. Then you come home and get your uniform ready and if you come in at eight in the morning, you might get six hours of sleep.”

In addition to long shifts and personnel shortages, there are several other challenges for small departments during town festivals. Redirecting traffic >>



away from downtown streets for several days can be very difficult, Campbell said. With numerous streets blocked off and detoured, officers are needed to direct traffic because the traffic lights can't handle the reflow of traffic. The timing on the lights can cause major traffic backups without officer intervention.

In addition, during the festival Campbell said the department sees an increase in residential crime.

"[Perpetrators] know that everyone is downtown and they know the majority of the police are downtown, so there's not going to be a lot of people looking out for their neighbor's property," Maiden said. "And you have so many strange people that [residents] don't know walking down the street, so people aren't as suspicious."

Inside the festival, the department's biggest challenge is answering calls from one end of the festival strip to the other. Officers use donated utility all-terrain vehicles and a department-owned Segway to more efficiently and effectively move through the congested downtown festival's vendor haven.

"Usually when a call comes out, you're always at the other end to where the fight is at and you're sprinting back up there with a duty belt and gear, and after walking all night, it will wear you out," Maiden said about foot patrol during the festival.

Week after week

At the end of the festival, Corbin's police officers can take solace in knowing that the Nibroc festival will not plague them again for another year. However, some of Kentucky's special events take place once or twice a week over the span of several months.

Kentucky is home to sports fans that are nothing short of obsessed with their home teams and that fervor can be seen most vividly in Lexington's Big Blue

Nation. Managing traffic and security for University of Kentucky football and men's basketball, in particular, can be quite a task for Lexington-area police agencies.

With an average of seven home games spread throughout the season, Kentucky football games bring crowds in excess of 70,000 to UK's Commonwealth Stadium. Each UK football game detail is a multi-agency coordinated event. The UK Police Department uses all 54 of its personnel for each game, in addition to approximately 100 Lexington Division of Police officers, 10 KSP troopers, 13 Fayette County sheriff's deputies and 45 private security officers, UK interim-Chief Joe Monroe said.

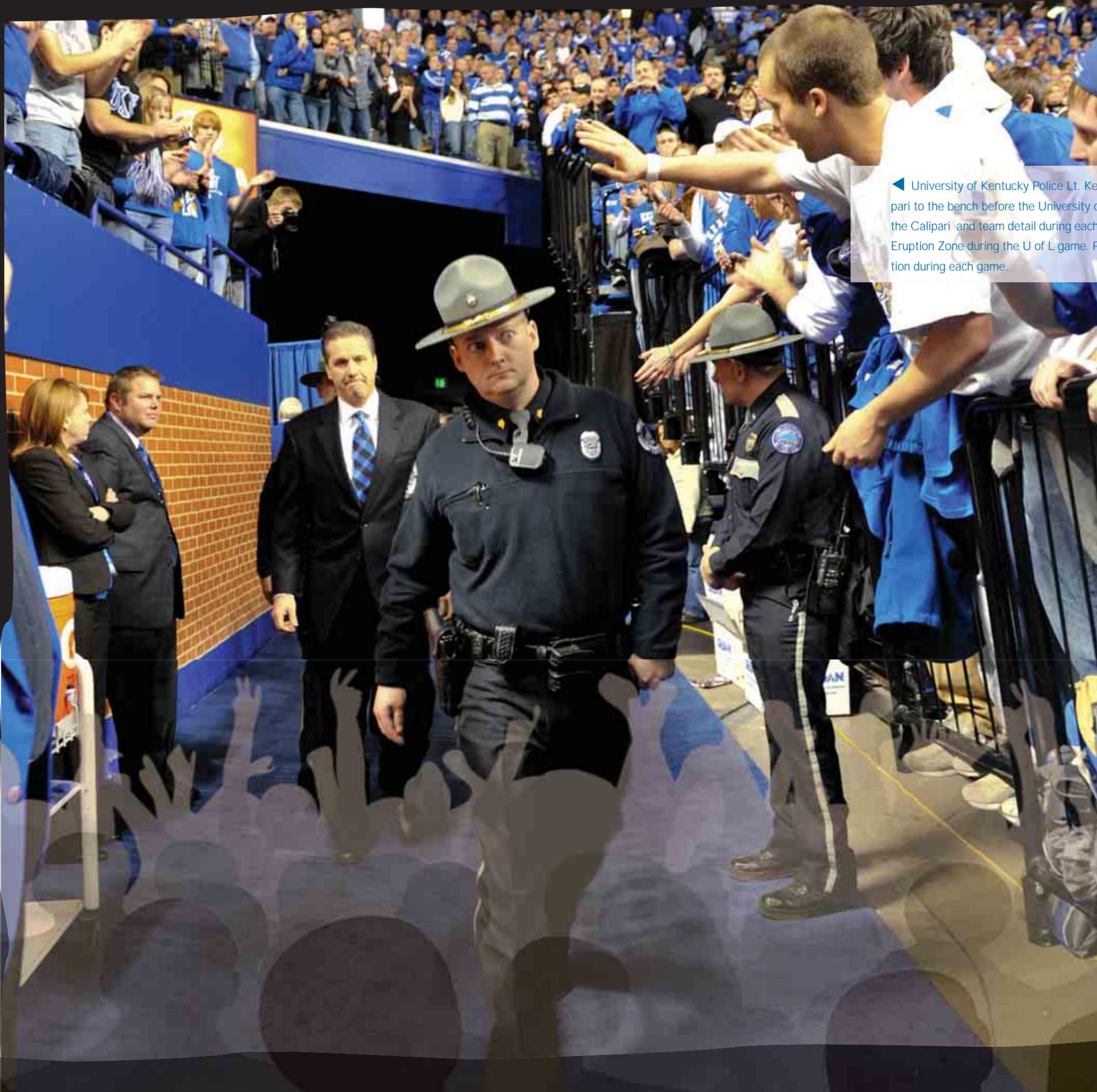
Lexington police officers are responsible for coordinating all traffic into and out of the stadium and patrolling the outer perimeter of the stadium, while UK police officers are responsible for security inside the stadium and in the inner perimeter.

"It's real important when you're planning these events that everyone's included from the initial point," Monroe said about planning for football details. "What that does is it fosters good relationships and commu-

nication ... and everyone understands what's going on."

Officers arrive four to five hours prior to kickoff to secure the stadium and ensure there are no issues with tailgating participants. Outside the stadium, officers work to change traffic light patterns to expedite >>

▲ Corbin Police Department Lt. David Maiden and Cpl. Coy Wilson walk the main thoroughfare of the annual Nibroc Festival. Besides foot patrol, Corbin also uses segways and ATVs to move about the crowds more easily during the festival. ► Maiden and Wilson talk with a Nibroc attendee while patrolling in sweltering August heat.



◀ University of Kentucky Police Lt. Kevin Dolen escorts UK Men's Basketball Coach John Calipari to the bench before the University of Louisville game. Dolen is one of two officers assigned to the Calipari and team detail during each game. ▼ Sgt. Bob Pearl scans the crowd of Rupp Arena's Eruption Zone during the U of L game. Pearl is one of several officers assigned to the student section during each game.

traffic toward the stadium pre game and away from the stadium after the game, Lexington Sgt. Dean Marcum said.

The same protocol is tailored down for Kentucky basketball games at Rupp Arena. About 20,000 people flood downtown Lexington for the more than 20 home scrimmages and games in an average season.

Though the crowds are smaller, traffic management outside the arena and security inside still are very important.

Lexington uses approximately 24 officers spread between about seven intersections to effectively manage traffic issues surrounding Rupp Arena on game days.

"The people that come to UK basketball have been doing it for years so they know how the traffic flows in and out, and they are used to how we do it," Marcum said. "They expect for us to do it a certain way and they know how to get out. It usually flows pretty well;

seldom do we have any issues with basketball."

Likewise, UK officers inside Rupp are positioned around the arena to most effectively provide security for the facility and crowd participants. Three to four officers are positioned directly in front of the rowdy student section known as the Eruption Zone. Two officers are assigned to Coach John Calipari and the team's security detail. In addition, numerous officers are situated at various locations across the arena to address any issues that may arise. In all, UK uses about 35 officers for each Kentucky home basketball game, Monroe said.

All across the commonwealth events of all shapes, size and celebration cause law enforcement officers to change their normal course of action. No matter the cause for the event or the size of the town hosting it, Kentucky's special events have developed an identity all their own. As people flood these different regions in celebration, participation and enthusiasm, their main expectation is a safe, secure, well-managed experience. Kentucky's law enforcement officers across the state ensure through preparation, coordination and long hours that event attendees go home safe and satisfied – and that's the bottom line of success for any law enforcement agency. J



Challenges of WEG 2010

Abbie Darst, Program Coordinator

In September, an estimated 600,000 people from across the world will flood Kentucky for what will be the second largest sporting event in North America this year. More than 800 of the world's best equestrian athletes and 900 horses from more than 60 countries will descend on the Kentucky Horse Park for the 2010 Alltech FEI World Equestrian Games.

For nearly five years, the WEG has worked with Kentucky to execute this country's first-ever games that are technically, commercially and artistically successful, providing spectators and athletes alike with an extraordinary experience throughout the competition.

Likewise, the commonwealth's law enforcement personnel have been gearing up to ensure that this influx of international competitors and spectators remain safe, secure and well-managed during the long 16-day event.

"This is a world-wide, world-class event that everyone will be attracted to," said Capt. Mike Crawford, Kentucky State Police Post 12 commander. "With the clientele that it will bring and the visibility to the area

we just want to make sure we provide the best protection and best representation."

Given the Kentucky Horse Park venue, the games fall squarely in both the Lexington Division of Police and the Kentucky State Police's jurisdictions. However, these two agencies, along with the FBI, are not only sharing the reigns of this exceptional event, they are taking an entirely regional approach to the public safety aspect of the games – incorporating all local, state and federal agencies that can and want to be involved.

"Our focus has been on regional planning, so then that allows for the availability of regional response if anyone has an issue," said Lexington Police Dep. Chief David Boggs. "Our planning model works off of unified command, which is how all major events are run. Unified command runs off of the concept that everybody has a seat at the table. And whether or not you have a serious incident occur, all the resources have been thought through [and] planned for and all the right players are already present, so that no matter what resources you need, they are available to be deployed."

In many respects the challenges Kentucky's officers face

in public-safety planning for WEG are not dissimilar from any other special or major event they plan for throughout the year.

"What you'll find when you look at special events is they are all just an economy of scale," Boggs said. "It doesn't matter if it is a special event in a small town or the second largest sporting event in North America. ... They are all tied together. One event is larger in scale than another, but it poses the exact same problems. We have the exact same challenges and hurdles and we use the exact same resources and partners to overcome them."

But the sheer length of the games is one aspect that does set WEG apart from other events. Running for 16 days, it will be the longest single event Kentucky's law enforcement officers have covered, with the Kentucky State Fair as its closest match, running 10 days, annually.

"The financial aspect for each agency ... and the manpower is also affected because we have to pull people out of normal patrol duties to come in here for 16 days," Boyce Wells cited as one of the issues facing

law enforcement with WEG. Wells serves as the KSP Special Services Branch commander.

In an effort to alleviate some of the financial burden, Gov. Steve Beshear in his 2010 budget address originally proposed providing \$2.6 million toward WEG mostly to help security efforts inside and outside the horse park.

But for an event of this magnitude, manpower, resources and agency involvement do not just stop at the gates of the horse park. Various communities across the central-Kentucky area will be hosting events in conjunction with WEG, Boggs said.

"The traffic impact is huge – very significant," Boggs said. "But for an event this size, what crawls up high is involving everyone who should be involved, especially those you might not think about, like public health ... because with an event of this scale that becomes critically important. They do play a critical role and those roles have to be combined."

"Anytime you introduce a lot of people into an area for a limited time, you pick up ancillary things," Boggs continued. "All human services are impacted when you inundate an area for an extended amount of time. A day is not so much, but when people come and stay for two or three weeks, there are other impacts, so all of that is being worked on, or at least talked about."

In addition to the time and population influx issues, 2010 will mark the first time in WEG's 20-year history that the games will be conducted outside of Europe. In the largest trans-Atlantic movement of horses since World War II, Wells said, hundreds of horses and participants will begin arriving several weeks prior to the start of the games. With

them, will come a plethora of cultural and language differences that will pose their own unique challenges to not only law enforcement, but all entities involved in the coordination of WEG.

"WEG itself is working with local folks trying to work up interpreters and being able to deal with communication issues, so yes that is something we will address," Crawford said.

"There is a WEG Foundation ... and they head those types of things up ... and so they get pulled in to make sure they are part of the planning process," Boggs added. "With communication and language issues, they've got people working on that, so we don't have to deal with it directly as a public safety planning group, but we know it's being done. This is obviously much bigger than just the public safety piece."

As public safety, along with the other public and private entities involved in the WEG 2010 coordination, continue their planning, they are sure to leave no stone unturned in preparing for everything from traffic and crowd control to crisis and emergency management.

"We take our horses in Kentucky serious, but the Europeans – that's their life blood," Wells said. "It's a major event for us. There is no way around that. You dot your I's and cross your T's about 10 times."

"The No. 1 goal for law enforcement is the safety of all the people there – crowds, participants and horses," Wells added. "It's the general safety of everyone, so they can come in, have a great time and not have to worry about any kind of issue. That's law enforcement." J

BY THE NUMBERS

30 number of officers assigned to Independence Day Festival (100 percent of force)

72,000 estimated attendees at a UK home football game

450 number of officers assigned to Kentucky Oaks and Kentucky Derby*

10-15,000 estimated attendees at Independence Day Festival in Independence

30,000 estimated attendees at Ichthus music festival in Wilmore annually

11 Wilmore officers assigned to Ichthus with additional help from Jessamine County as available

2 officers assigned to John Calipari during a home UK basketball game

1,300 number of Kentucky officers assigned to Thunder Over Louisville (+ additional Indiana officers)**

59 officers assigned to a typical UK home basketball game

* approximately 200 personnel from National Guard, KSP and Sheriff's Office

** Louisville Metro (including river patrol) + Kentucky Department of Fish & Wildlife Resources, US Coast Guard, Kentucky State Police, National Guard, Sheriff's deputies, 100 civilian traffic personnel and 200 others

Special Events Special Training

EQUAL

/Abbie Darst, Program Coordinator

Across Kentucky, law enforcement agencies face head-on the challenges that come with special events, festivals and celebrations in their communities. While many of the duties required for officers during these events mimic those performed in their everyday jobs, there is, undoubtedly, a unique aspect to preparing for and pulling off the security and public safety side of a large event in any community.

Many courses have been developed to help agencies better prepare and plan for the various issues, challenges and security needs that come along with special events. One course offered by the Rural Domestic Preparedness Consortium is specifically designed to educate small and rural community public safety personnel

about security concerns and considerations involved with event planning. Since security planning is a critical part of successful event preparation, according to the course provider, the goal of the planning and management course is to introduce basic principles and skills associated with organizing security for events in small communities and rural areas.

The course, titled MGT 335: Event Security Planning for Public Safety Professionals, reinforces the importance and magnitude of security planning required to execute a safe and effective event, regardless of the size. During the 16-hour course, instructors emphasize how advance security considerations should be built into overall planning and management of events. The importance of bringing together public safety and security personnel from vari-

ous agencies also is stressed, which will reinforce the benefits of cross-discipline collaboration in developing security plans for any type of event, according to the course provider.

The University of Kentucky Police Department has been geared toward advanced event planning and threat-prevention training for years. Led by interim-Chief Joe Monroe who has been involved with the National Center for Spectator Sports Safety and Security for more than 30 years and serves as a consultant for the Department of Homeland Security, UKPD officers stay abreast of the latest event-security training.

"The big thing is making sure you have training and your officers have the equipment that they need," Monroe said.

UK officers complete approximately 200



▲ Kentucky State Troopers took part in riot and crowd control training at the KSP Academy in Frankfort on Oct. 16. The course was led by instructors from the Toronto (Canada) Police Service.

/Photo submitted

hours of training in a given year. Through free federal courses offered by the Center for Domestic Preparedness in Anniston, Ala. and New Mexico Tech's Energetic Materials Research and Testing Center, all UK police officers are given the opportunity to become knowledgeable in assessing threats, responding to emergency situations and dealing with terrorist activity at major event venues.

"We've been teaching our officers this stuff for years," Monroe said. "Lexington and the Kentucky State Police are coming on board with it this year because of the [2010 FEI World Equestrian Games] and that's good because then all of us will be on the same page."

Apart from training on general event security planning, departments often train in regard to specific upcoming events. In August

2009, the entire Lexington Division of Police completed training to improve relations with visitors to the region specifically to prepare officers for visitors expected for the World Equestrian Games this fall. Expecting an influx of approximately 600,000 people from across the world for the games, training geared specifically toward interacting with tourists will play a vital role for the division's officers.

Many agencies around Kentucky recognize the benefits of both agency collaboration and event security training. However, special events always hold the possibility that there will be an extreme security breach. This summer, officers from the Versailles Police Department, along with more than 200 personnel from state and local agencies and National Guard troops, participated in an exercise designed to train of-

icers on the procedures necessary to respond to real-life tragedies. Though set up to mimic a Virginia Tech-like scenario, Versailles Officer Pat Melton said the training was useful for any type of setting or scenario.

"The training at Midway College could be any Kentucky college campus that has security personnel but no certified police department," he said. "The events could take place anytime, anywhere and we are prepared to handle that."

"With the World Equestrian Games approaching, several teams came together and worked seamlessly during this training," Melton continued. "If I'm a bad guy and I do my research, I'll stay out of [this area] because the officers are prepared. So our training is a great way to send the message that we aren't a target because we are so prepared." J

Upcoming dates for MGT 335 Event Security Planning for Public Safety Professionals:

MARCH 18-19 in Hollywood, Fla.

APRIL 14-15 in Fayetteville, Ark.

MAY 12-13 in Alexandria, Ky.



To register or request a course delivery in your area, visit www.ruraltraining.org or call (877) 855-RDPC.

The Center for Domestic Preparedness offers several courses specifically for individuals who, on a full-time, part-time or voluntary basis, work for agencies at the local, municipal and state levels with responsibilities as sworn law enforcement officers.



For a list of available courses and training dates, visit <http://cdp.dhs.gov/recommend/ie.html>.

Symposium to Save Lives

Symposium Geared Toward
Diagnosing Ways to Increase
Medical Provider Safety,
Deal with Addiction Issues

/Dale Morton, Communications Director, Operation UNITE

The tragic drug-related murder of a southeastern Kentucky physician late last year sparked increased statewide concerns about provider and patient safety. Dr. Dennis Sandlin's death also launched an effort to determine ways medical professionals can interact with law enforcement to confront addiction's relentless assault on lives and families.

"Currently, there is a huge disconnect between law enforcement and the medical providers," said Dan Smoot, law enforcement director for Operation UNITE (Unlawful Narcotics Investigations, Treatment and Education). "By bringing doctors, pharmacists, nurses, dentists, hospitals and pain clinic operators together, one of the hopes of law enforcement is to identify opportunities and to see what each can provide the other."

To this end, UNITE partnered with the University of Kentucky Center on Drug and Alcohol Research, Kentucky Office of Drug Control Policy and the Kentucky Medical Association to host a day-long symposium for medical professionals in Hazard.

"The forum explored responses to this critical issue, especially related to prescription drug addiction and safety in the workplace," said Karen Engle, director of UNITE. "We assembled a panel of state and national experts and utilized responses obtained from a series of four regional forums held in conjunction with Kentucky Lt. Gov. Daniel Mongiardo – a physician from the area where Dr. Dennis Sandlin practiced."

Symposium discussions focused on current drug trends using Kentucky All-Schedule Prescription Electronic Reporting (KASPER) system data and issues facing practitioners (such as aggressive patients and safety concerns posed by addicts) hopefully will lead to a diagnosis for both immediate and long-term strategies, Engle noted.

"Law enforcement hopes to learn what medical professionals need, then provide assistance as they seek to implement these changes," Smoot said. "Some options may already be readily available to physicians while other solutions could require changes to the law. Through enhanced education and further discussion we hope to learn from and engage these vital service providers."

It was a cold, December day when Sandlin was killed at the Leatherwood-Blackey Health Center in southern Perry County near the Letcher County line.

Sandlin was seeing patients as usual when Knott County resident John C. Combs reportedly sought prescription painkillers. After being told he would have to take a drug test, Combs left the clinic, but returned about two hours later and allegedly gunned down the highly-respected family practitioner.

Combs pleaded not guilty after being indicted on charges of murder, tampering with physical evidence and terroristic threatening.

Sandlin's daughter, Danielle Sandlin, is taking an active role in rallying the medical and law enforcement communities.

"This is not a witch hunt out there for those who abuse drugs," stressed Danielle Sandlin. "My father was a big advocate of helping people seek treatment."

Addiction-related crime is not unique to any particular segment of society, but Dr. Sandlin's death serves as a stark reminder that no one is immune.

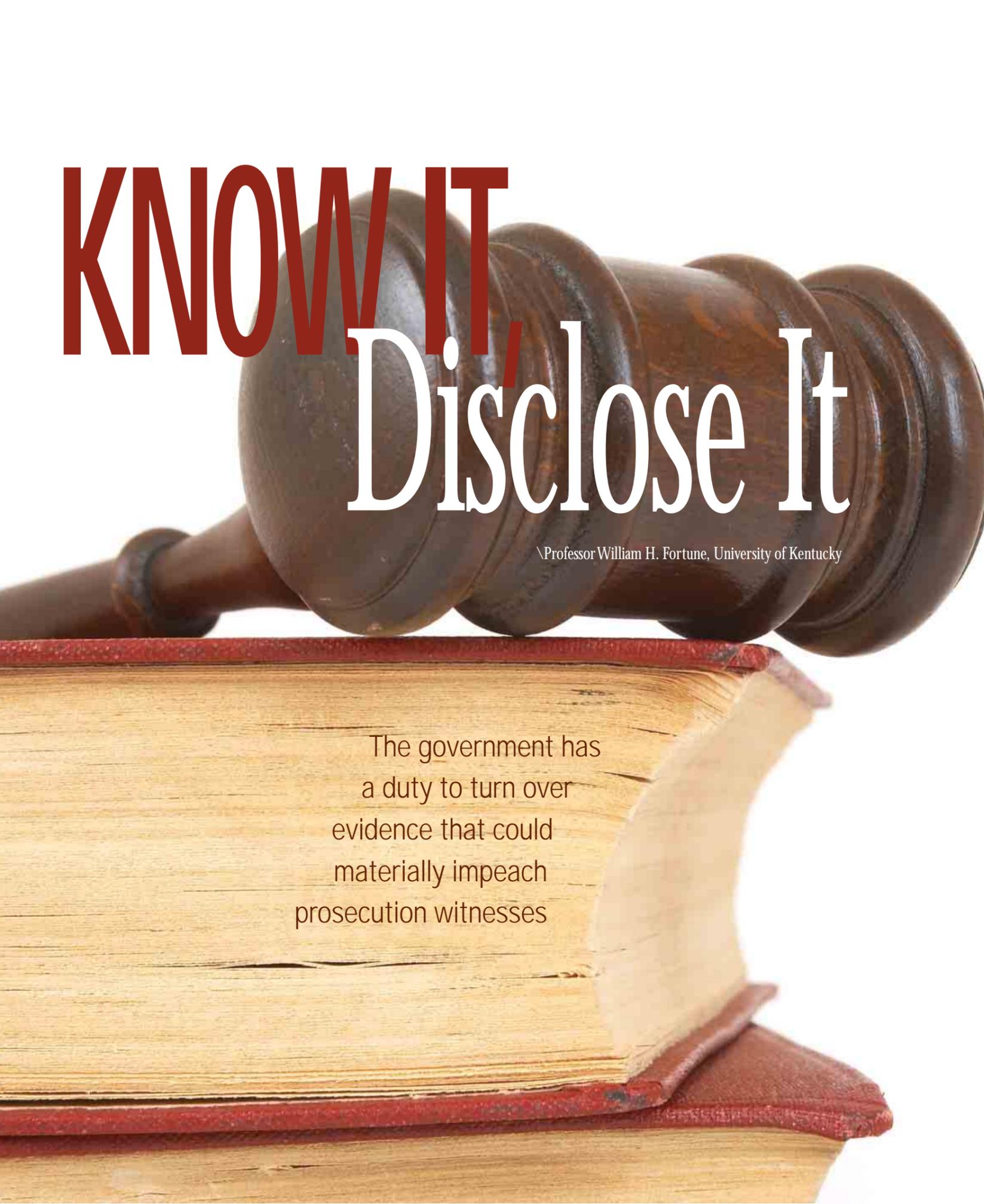
There's a fine line in determining the proper limits on access and availability to drugs, Mongiardo said.

"It's a very complex issue ... a double-edged sword – properly treating (patients) without medicating those who don't need it versus not short-changing those who do need prescription medications," Mongiardo said. "Personal responsibility has to be there as well. There's blame to be laid on a lot of different areas."

Ideas leading up to the symposium included the potential use of CourtNet so physicians have a more complete understanding of their patients, greater utilization of KASPER to determine prior prescription history, giving physicians more freedom to diagnose and treat patients as they deem appropriate, centralizing information on treatment options and creating stronger penalties for people who pose threats to providers. J



For more information about the symposium or about Operation UNITE visit their Web site at www.operationunite.org.



KNOW IT, Disclose It

\Professor William H. Fortune, University of Kentucky

The government has a duty to turn over evidence that could materially impeach prosecution witnesses

“Giglio makes it clear that the government’s disclosure obligation extends to evidence of credibility. ... the government’s disclosure obligation does not require a finding that the prosecutor knew of the exculpatory evidence.”

Every trained police officer knows that material, exculpatory evidence – evidence that might cast doubt on the defendant’s guilt – must be turned over to defense counsel in a timely manner. This is the rule of Brady v. Maryland, 373 U.S. 87 (1963), and exculpatory evidence is commonly referred to as “Brady material.” The test of materiality is found in U.S. v. Bagley, 473 U.S. 667 (1985): a “reasonable probability” of a different result if defense counsel had been given the exculpatory evidence at or prior to trial.

Giglio v. U.S., 405 U.S. 150 (1972), was decided in the years between Brady and Bagley. Chief Justice Warren Burger authored the unanimous opinion reversing Giglio’s conviction, holding that the government is under a duty to turn over evidence that could materially impeach prosecution witnesses, and that the duty applies even if the prosecutor is unaware of the impeaching evidence. What happened in Giglio is instructive; Anthony Di Paola, the first prosecutor, did not for-

malize his promise of immunity to the key government witness in a written agreement and did not tell other prosecutors about the promise. The result was that the witness testified there was no promise of immunity when, according to Di Paola, there had been such a promise. That the government’s trial counsel in good faith believed there had not been a promise of immunity made no difference to the Supreme Court.

In June, 1966, 19-year-old Robert Taliento found a job as a teller in a Brooklyn bank. An unsavory, and perhaps dangerous, acquaintance named John Giglio persuaded Taliento to cash forged Traveller’s Express money orders for him. On June 26, Giglio gave Taliento \$2,300 in forged money orders. Taliento cashed them and turned the money over to Giglio, who gave Taliento \$500 and more checks to cash. Two days later, Taliento gave Giglio \$2,100 and again received \$500. A week later, on July 4, Giglio told Taliento he “had a few more checks to cash.” Taliento asked Giglio to bring the money orders to the bank and the next day, July 5, Taliento

cashied \$3,000 worth of money orders brought in by Giglio.

By the July 5 transaction, bank authorities had discovered the forgeries and knew Taliento was cashing forged checks. On being confronted, Taliento immediately confessed and named Giglio as his accomplice. Taliento quickly decided to cooperate with law enforcement and the FBI set up a monitored meeting between the two. For reasons not clear, the agents interrupted the meeting and arrested Giglio before he said or did anything incriminating.

Without a confession or physical evidence (there’s no mention of handwriting evidence), the government’s case against Giglio rested on the potential testimony of Robert Taliento. The Assistant United States Attorney who presented the case to the September 1966 grand jury was Anthony DiPaola, who, in a later affidavit written in July, 1969, swore “it was agreed that if Robert Taliento would testify before the grand jury as a witness for the government he would not be indicted, and ... it was further understood that he, Robert Taliento, would sign a waiver >>

>> of immunity from prosecution before the grand jury, and that if he eventually testified at the trial of John Giglio he would not be prosecuted.”

On the basis of Taliento’s testimony, the grand jury indicted Giglio for interstate transportation of forged money orders. Two years later, the case came up for trial. By this time, Taliento had a convenient loss of memory, and there was a new prosecutor on the case. Carl Golden, the new prosecutor, asked Di Paolo about any agreement with Taliento and, according to Golden, Di Paolo said he had not indicted Taliento because he was young and had been overreached by Giglio, but that he was still subject to indictment if he would not cooperate. Two days later, Golden and Joseph Hooley, the U.S. Attorney, told Taliento and his father (who had said, “I’d rather have my boy alive than have him testify and be killed”) that Taliento would be indicted and prosecuted if he did not testify freely and consistently with his grand jury testimony.

Significantly, Hooley told Taliento that there was no promise of immunity if he cooperated and testified. In that instance, “he would be obliged to ‘rely on the good judgment and conscience of the government as to whether he would be prosecuted.’”

Consistent with his grand jury testimony and his statements to bank officials, Taliento testified that Giglio persuaded him to cash the forged money orders and that he did so in return for part of the money. The defense attorney asked him whether the government had agreed not to prosecute him if he testified against Giglio.

Q: Did anyone tell you at any time that if you implicated somebody else in this case that you would not be prosecuted?

A: I believe I could still be prosecuted

Q: To this date, have you been charged with any crime?

A: Not that I know of, unless they are still going to prosecute.

In summation the defense attorney attacked Taliento’s credibility, arguing that he had been caught with the goods and was trying to save himself. At one point he called Taliento

a “cornered rat.” The prosecutor responded by stating that Taliento “received no promise that he would not be indicted.”

Giglio was convicted and, nine months later, his lawyers moved for a new trial on the basis of Di Paolo’s affidavit setting out the June 1966 agreement – that Taliento would not be prosecuted if he testified to Giglio’s involvement. Without resolving the conflict between Di Paolo’s affidavit and what Golden claimed Di Paolo told him, the U.S. District Court denied the motion for the following reasons: 1.) Hooley, the U.S. Attorney, was the only person who could authorize immunity; 2.) Hooley and Golden did not know what Di Paolo might have said two years earlier; and 3.) when he testified, Taliento did not believe he had an immunity agreement because Hooley had told him he could still be prosecuted. There was no reason for Taliento to believe what Di Paolo had said two years before still applied; therefore he was testifying truthfully when he said, “I believe I could still be prosecuted.”

The Court of Appeals for the Second Circuit affirmed without opinion. On certiorari, the

U.S. Supreme Court unanimously reversed and remanded. Chief Justice Burger contrasted Di Paolo’s affidavit with Taliento’s answer, “I believe I could still be prosecuted.” The Court held that, “evidence of any understanding or agreement as to a future prosecution would be relevant to his credibility and the jury was entitled to know of it.” Because Giglio’s conviction rested on Taliento’s testimony, the failure to disclose Di Paolo’s promise could not be treated as harmless error.

Giglio makes it clear that the government’s disclosure obligation extends to evidence of credibility. Giglio also holds that the government’s disclosure obligation does not require a finding that the prosecutor knew of the exculpatory evidence.

[W]hether the nondisclosure was a result of negligence or design, it is the responsibility of the prosecutor. The prosecutor’s office is an entity and as such it is the spokesman for the government. A statement made by one attorney must be attributed, for these purposes, to the government. To the extent that this places a burden on the large prosecutorial offices, procedures and regulations can be established to carry that burden and to ensure communication of all relevant information

on each case to every lawyer who deals with it.

In Giglio the Court held that Di Paolo’s promise of immunity must be imputed to the government, notwithstanding the good faith of the trial attorneys. The question is – would the result have been different if the police had promised immunity and no one in the prosecutor’s office was aware of the promise? In a later case, Kyles v. Whitley, 514 U.S. 419, 438 (1995), the U.S. Supreme Court held that it makes no difference; that the Due Process Clause is violated whenever state actors involved in law enforcement fail to disclose material exculpatory evidence.

The question left unresolved is whether exculpatory evidence in the possession of non-law enforcement state actors is also subject to Brady. In two child abuse cases, the Kentucky Court reversed convictions for failure to disclose exculpatory reports of the Cabinet of Human Resources (Ballard v. Com., 743 S.W.2d 21 (Ky. 1988); Monce v. Com., 795 S.W.2d 375 (Ky. 1990)). Police and prosecutors should, therefore, assume the Kentucky Court would treat state and local government employees, including employees not involved in law enforcement, as state actors for purposes of the duty to disclose exculpatory information. J

KRE amended to conform to federal rules

In 2003, in response to the evolution of the law in this area, the Kentucky Supreme Court amended Kentucky Rule of Evidence (KRE) 608(b) to conform to the Federal Rules of Evidence.

One effect of this amendment was to expand the scope of what police and prosecutors must legally assume is exculpatory evidence. KRE 608(b) provides that, in the discretion of the court, a cross-examiner may attempt to impeach a witness’s credibility by asking the witness about specific instances of the witness’s conduct that tend to show the witness to be an untruthful person. The rule requires the cross-examiner to have a “factual basis for the inquiry.”

In addition, because officers are often critical witnesses for the prosecution, law enforcement agencies should expect to receive defense requests for information on law enforcement witnesses concerning their personnel and internal affairs records, looking for instances in which the officer was alleged to be untruthful. Even without an official finding by the agency or another court that the officer was untruthful, in anything from testimony, to a report, to answering questions from a commanding officer, the existence of an allegation might suffice to provide a “factual basis” to support cross-examination about the incident that was the subject of the allegation. In response to defense requests for personnel and internal affairs documents, prosecutors might attempt to limit discovery by asking the judge to conduct an in-camera review of any documents that might provide a factual basis for cross-examination of prosecution witnesses, and to redact the documents to provide defense counsel with only the minimum of information needed for cross-examination.

In the past, a notation on an officer’s record of an instance of untruthfulness would have little relevance to an officer’s credibility in court. With the development of the law in this area, as a result of Giglio and its progeny, however, a past instance of untruthfulness may make the difference between an officer as a strong and credible witness and an officer who is a detriment to a case. ■

DO WE HAVE TO

Shawn M. Herron, Staff Attorney, DOCJT Legal Staff

POLICE

HAVE A POLICY?

Policies, those decisions that define a long-term purpose and guide decisions regarding that purpose, and procedures, a particular course of action intended to achieve a specific result, are critical in assisting law enforcement officers to perform the functions of their positions legally and efficiently.

Procedures are not essential for every task, but should only be created when there is a specific reason to do so – when the task is, for example, lengthy, complex, has serious consequences if done incorrectly or is only done occasionally. A good rule as to when a procedure is needed is when different officers ask similar questions about a process or there are too many ways in which the process is being interpreted. (Although the terms policy and procedure have different meanings, they often are used interchangeably.)

Although policies and procedures are advisable in many areas of an agency's responsibilities, Kentucky law only legally requires the creation of a written policy or procedures in specific situations. This article does not specifically address where Kentucky law requires a specific action but does not mandate a written policy or procedure be developed.

For example, although law enforcement agencies are strongly encouraged (under KRS 15A.195) to have a policy against racial profiling, agencies with officers who receive Kentucky Law Enforcement Foundation Program funds are required to have a policy that bans the practice. That policy must meet or exceed the model policy developed by the Justice and Public Safety Cabinet and promulgated by the Kentucky Law Enforcement Council. Failure to

meet the requirement shall result in officers not receiving KLEFPF payments until an acceptable policy is submitted.

Next, law enforcement agencies that receive KLEFPF funds also are required under KRS 15.440 to have a written policy and procedure manual related to domestic violence that has been approved by the Justice and Public Safety Cabinet.

Another required policy and procedure is in KRS 39F.180. This statute requires every agency that might be called upon to notify, respond to or report, a search for a missing person develop a written standard operating procedure for handling and reporting of such. (This policy would include not only law enforcement agencies, but also telecommunications agencies.) This procedure would then be incorporated into the local emergency operations plan under the county emergency management agency. This procedure should also include the process to be followed in issuing a Golden Alert. It would be preferable that the procedure essentially be the same for every responding agency in a particular county, and should be coordinated with the local emergency management agency.

Although not specifically mandated as a written policy, every public agency is required, under KRS 61.875, to adopt rules and regulations in conformity with the Open Records Act. The Act describes, at a minimum, the principal office and its regular office hours, the title and contact information for the official custodian, the fees to be charged and the procedures to be followed in requesting public records. That information shall be displayed in a prominent location that is accessible to the public.

Forfeiture is also a matter upon which agencies must have written policies. In particular, KRS 218A.420 requires that every state and local law enforcement agency which seizes assets under this statute is required to either adopt the model policy published by the Department of Criminal Justice Training or adopt a policy in substantial compliance with that policy. Further, such agencies must also have at least one currently-employed officer who has attended required training on the process. Although KRS 500.090 – .093 also discusses forfeiture, the statute does not specifically mandate a written policy on the required process, but instead, simply lays out that process in the actual statute. Local agencies may elect to further develop that process into an actual procedure specific to their agency.

Some required policies are specific to particular law enforcement agencies. For example, postsecondary education institutions are required to have a policy that reflects their requirement to maintain a daily log of all crimes on campus that are reported to campus security or to local law enforcement agencies. In a related note, although not specifically required as a written policy, each institution is required to make appropriate reporting when it learns of an actual or threat of fire to the state fire marshal's office. This and other related information must be conveyed annually to the Kentucky Council on Postsecondary Education KRS 164.948 – .9495.

Note that there may be additional policies that are required by state and federal law that are not specifically for law enforcement agencies but for employees in general. J



AS ALWAYS should an agency have any question on these issues, please feel free to contact the Kentucky Department of Criminal Justice Training, Legal Section, at (859) 622-3801 or docjt.legal@ky.gov.

Legal Notes

/From the DOCJT Legal Section

Open Records

In recent years, agencies that hold records of emergency 911 calls from citizens and dispatch calls regularly have denied access to that information in Open Records requests. In a recent decision, the attorney general has concluded that such blanket denials are not within the law. Previous decisions had approved partial redactions from such material, such as specific information on injuries and medical conditions, and also had upheld the denial of a recording that involved specific threats. *Bowling v. Brandenburg*, 37 S.W.3d 785 (Ky. App. 2000), which often is cited to support such blanket denials of records, the Court upheld an earlier decision of the attorney general approving the denial. Under the facts of the specific case, the caller may have been put in actual danger by the release of the audio recording of the call. However, later decisions have clarified that *Bowling* does not authorize blanket denials, but that each denial of such records must specifically be justified, in detail. Most recently, in a matter involving the Whitley County 911 Dispatch, 09-ORD-164, the decision noted that there was no legal authority to exempt such recordings from Open Records, but that in each case, the agency that denies must specifically and in detail satisfy the burden of proof that the "privacy interests are superior to the public's interest in nondisclosure."



Further information on Open Records may be found on the department's Web site, at <http://docjt.ky.gov/legal/>.

GINA ADA

Recently, Congress has enacted several federal laws that may affect law enforcement agency personnel decisions. The Genetic Information Nondiscrimination Act of 2008, Pub.L. 110-233, prohibits an employer (or their insurance company) from denying or altering coverage to a healthy individual based upon a genetic predisposition to develop a disease in the future. The law also bans the use of this information in making employment decisions, such as hiring, firing, job placement or promotions.

In addition, the Americans with Disabilities Act of 2008, Pub.L. 110-325, extends protection under the original ADA by broadening the definition of a disability. (Court decisions had dramatically limited the definition of the term, thus limiting the legal rights of persons with disabilities.) The amended law (called the ADA AAA) requires that interpreting courts focus more on whether the entity has discriminated and less on whether the impairment fits the technical description of a disability.

For further information on any of the above issues, please contact your local legal advisor or the Legal Section. In the case of specific election law questions, please contact your county Board of Elections.

CONSANGUINITY AND AFFINITY

A question that often arises under domestic violence is how to calculate if two individuals are in the proper degree relationship under consanguinity (blood) or affinity (marriage). KRS 431.005 permits a warrantless arrest under the misdemeanor offense of fourth-degree assault, (KRS 508.030), for individuals who fall within the second degree of relationship, but does not explain, specifically, how that relationship is to be calculated.

There actually are two systems for how to calculate – the civil law system and the common/canon law system. Kentucky law does not specify which system should be used. However, in *Kirby v. Com.*, 132 S.W.3d 233 (Ky.App. 2004), the Kentucky Court of Appeals was called upon to decide the meaning of KRS 403.720, which mirrors KRS 431.005(2)(b)) and its use of the term "related by consanguinity or affinity within the second degree. In *Kirby*, the accused was convicted of manslaughter in the death of his first cousin. *Kirby* argued that certain penalties should not be applied to him, as he was a victim of domestic violence – the cousin allegedly had attacked and choked Kirby's mother previously. To decide the case, the Court was required to decide if Johnson (the deceased) and Kirby's mother were within the statutory definition of family members. The Court reviewed the two systems.

The civil law systems requires a computation – starting with the person in question and counting the steps up to the common ancestor that both parties share (such as a

shared grandparent) and then counting steps down to the other party. The number of total steps indicates the degree to which the two parties are related. In the common/canon law system, the starting point is the common ancestor and count down to each party – the degree would be the higher of the two. Since the actual statute was ambiguous and did not specify how it should be computed, the Court was required to resolve the matter in the defendant's favor. This forced the Court to select the common law method of computing the degree of relationship, and thus extends the protection under Kentucky law out as far as first cousins, as a rule. That applied the method to both statutes as the statutes logically would be expected to use the same computation, although the case did not mention KRS 431.005(2)(b).

One element of confusion is that degrees of relationship have nothing to do with degrees of cousinship – a first cousin is actually in the fourth degree of relationship under the civil law system. It would be necessary to count up two steps to the common ancestor and then count down two steps to the other party. But in the second degree relationship under the common law system, first cousins would share a common grandparent, the starting point. In that system, there would be two steps down from that common ancestor.

Finally, the spouse (in affinity) would hold the same degree as the primary relative, so a first cousin and the first cousin's spouse is the same degree of relationship.

ELECTIONS

After a year without elections, Kentucky once again will have a primary and general election in 2010. Law enforcement agencies with responsibilities to enforce the law on election day are advised to review the law with local election officials and prosecutors. Kentucky law, under KRS 117, regulates the process of elections, and dictates, for example, who is permitted to be in the voting room and the distance those engaging in electioneering must remain away from the polling location. KRS 119 establishes offenses for wrongful registration, interfering with voter registration and removing or destroying election materials, false voting and vote-buying and disobeying the lawful command of an election officer.

Facial Recognition System Unmasks Identity

/reprinted with permission from the NLECTC's Tech Beat, Winter 2010 issue

Pulled over for running a red light, the driver tells the officer who stopped him that his name is John Smith and he must have left his wallet at home. Does the officer a) let him go with a warning, b) take him into the station for fingerprinting and further attempts at establishing his identity, or c) take his picture?

If the officer is a Pinellas County, Fla., sheriff's deputy, then "c" is the correct answer. After plugging the easy-to-use digital camera into the car's laptop, the deputy can continue to keep an eye on the driver while the computer automatically downloads the image, opens the sheriff's office's facial recognition program, converts the image with a binary algorithm, runs a search of the county's database and produces a gallery of potential matches, all in less than 30 seconds.

It might turn out that the driver's name isn't John Smith after all.

Using initial funding provided through the U.S. Department of Justice's Office of Community Oriented Policing Services, Pinellas County has adapted a facial recognition system that has grown from a replacement for the county jail's mug shot database into a partnership system that encompasses 14 of the state's 67 counties and could well serve as a model for similar systems in other states. The software was developed by Viisage of Massachusetts.

Pinellas County Capt. Jim Main explained when the project started in 2001, the idea was to use a facial recognition algorithm with seven years' worth of jail system digital images to help positively identify individuals who might be giving fictitious names or who could not provide identification. From its inception, staff photographed everyone brought into the county jail at the sally port and compared their images to those already in the database.

"Shortly after we went live, the patrol deputies pointed out that if they pull someone over who is playing the 'name game' and doesn't have a driver's license, they have to decide if there is justification for bringing that person in for fingerprinting," Main said. "They thought it would be great to be able to take an image on the street and get results back."

Pinellas County began phasing that capability into patrol cars in 2004. By 2009, deputies made 496 arrests that could be directly attributed to identification made by the facial recognition technology and confirmed another 485 identities that did not require arrest, according to Sys-

tems Analyst Scott McCallum.

"The premise was to keep it short and simple for the deputy," Main said. "We didn't want them on the side of the street making extensive clicks and opening windows, so we worked with the vendor to completely automate the process. It's all pretty much hands-off. The deputy can keep an eye on the suspect while the computer does the work. However, if it brings up several potential matches, then the deputy does have to do some work to see if there is more information available, such as scars, marks and tattoos."

The system also benefits the county's correctional services, Main said, by ensuring the deputies know exactly who they are dealing with, not only with regard to identity, but also past history, including violent tendencies, chemical dependency issues and medical conditions.

These benefits began with the system that was developed using the original COPS grant, which went toward initial development. The county has since obtained additional funding to expand the system to 14 major metropolitan counties throughout Florida and recently initiated a pilot project with the Florida Department of Motor Vehicles. The partnerships enable Pinellas County to search the other counties' databases, and vice versa.

"The more images you get, the greater chance you have of making a match," Main said.

Although the Florida system has expanded about as far as the licensing agreement will allow, other states and jurisdictions can purchase their own licenses from the same vendor and use them to establish their own compatible systems that use the same binary algorithm. Main said agencies in both South Carolina and West Virginia have expressed interest in setting up similar programs. When these other systems come online, they will be able to transmit images back and forth to Pinellas County and perform reciprocal searches for each other. Even without compatible interfaces between other agencies, Pinellas County provides mutual aid and performs searches of its system for outside requests. For example, a recent request from the South Carolina Fusion Center resulted in a positive ID for a man who had been using numerous driver's licenses with different aliases. J

Facial Recognition System Arrests

The Pinellas County Sheriff's Office facial recognition system has been responsible for hundreds of arrests annually, arrests that might not have been made without assistance from the system. Here are just a couple of examples:

■ On July 1, 2009, the Sheriff's Technical Operations Unit received a request from the Miami Police Department for help with identifying a bank robbery suspect. The suspect provided Miami police with a homeless shelter ID. Pinellas County ran the image and within minutes came up with a booking photo match for the suspect, who had been previously arrested in Orange County, Fla., in 2003, under a different name. That image led to a positive identification of the suspect, who was arrested in St. Louis the next day.

■ A deputy on patrol on Feb. 11, 2009, spotted a white Ford Explorer with an expired temporary tag. The deputy learned the registered owner's driver's license expired in 2007, and therefore pulled over the driver and two passengers for a routine traffic stop. The driver had no photo identification and claimed the vehicle belonged to a friend. The deputy used his facial recognition system and found no matches for the driver. The deputy then asked if either of the two passengers in the vehicle had a valid driver's license, and one provided a Guatemalan driver's license. The deputy then used facial recognition to attempt to identify the passenger and found three photos from previous arrests in Pinellas County under a different name. He located a record of an expired Florida driver's license for this subject and an active Pinellas County warrant for failure to appear for soliciting prostitution. The deputy took the suspect into custody. ■

P

Protecting Protectors

Exploring how OSHA
pertains to law enforcement
officers and agencies

/Ronald Dotson and Thomas Schneid,
Department of Safety, Security and Emergency Management, Eastern Kentucky University

The basic safety requirements, which virtually every employee in any private-sector company enjoys, and often takes for granted, are generally overlooked or disregarded when applied to police officers. Do the same safety regulations govern police officers as other public- and private-sector employees? Are there other laws and regulations governing the safety of police officers?

A very simplistic example is the basic necktie. In the private sector, neckties are customarily worn by management-level employees to reflect their rank and often are a job requirement. However, in the operations areas, neckties often are prohibited because

the tie can get entangled in equipment. As in the private sector, the necktie also can possess safety risks for officers because it can be used as a handle by combatants, hindering officers' ability to defend themselves.

It is pertinent to explore safety for the average police officer and seek to offer a potential method through which police officers and their departments can be educated and trained in the safety standards and requirements. There are no regulations addressing safety requirements for police officers within the Occupational Safety and Health Act. However, there are a number of standards and requirements under which police officers are afforded protection through their employment. Although some departments view safe-

ty requirements as a budgetary constraint or as a possible deterrent to job function, these laws and regulations were developed to safeguard police officers, and every employee in the jurisdictional scope of the OSH Act, from potential harm in the workplace.

OSHA and the Officer

On April 28, 1971, Congress enacted the Occupational Safety and Health Act of 1970 (hereinafter the OSH Act), which required every employer engaged in interstate commerce to provide employees "a place of employment ... free from recognized hazards that are causing, or are likely to cause, death or serious harm to employees."

Under the OSH Act, state and local governments, as well as the United States government, were considered exempt inasmuch as they were not considered to be employers under the statutory definition of the OSH Act. Kentucky, and a number of other states, opted out of the federal coverage under the OSH Act, deciding to petition for and adopt a state plan therein being able to provide safety and health regulation and enforcement on a state level. State-plan states were required to petition OSHA for approval and are required to provide regulation and enforcement equal to or more stringent than the federal level. There are 24 state-plan states, including Kentucky, and three states that have passed laws making their public agencies subject to OSHA and the individual state-plan regulations.

The administration of the OSH Act on a federal level, and in virtually all state-plan states, is a triad construction consisting of an administrative arm, a judicial arm and an education or research arm. OSHA is the most visible agency created under the OSH Act and possesses powers to investigate, inspect, issue citations and propose penalties.

OSHA requires state-plan states to assure safe and healthful working conditions and provide regulatory guidance and oversight. Individual state-plan states can include coverage for employees of public agencies and their political subdivisions. In Kentucky, police and fire departments are included in coverage under the state-plan requirements. Kentucky's state plan occupational safety and health administration is housed in the Kentucky Labor Cabinet. Kentucky has adopted most of the federal regulations promulgated by OSHA and has gone further in developing Kentucky-specific regulations. For example, Section 6 of 803 KAR 2:015 specifically addresses fire departments.

OSHA regulations are divided into basic categories namely, general industry and construction. The specific activity being performed governs which set of standards apply to the situation. Generally, police activities are encompassed under the general industry standards. Federal standards would be found

under Title 29 Code of Federal Regulations Part 1910 and adopted in Kentucky as 803 Kentucky Administrative Regulations 2:300 through 2:320.

Misunderstood by Police

OSHA requirements often are misunderstood by police administrators. The goal of these standards is to protect police officers, however, it appears that some police administrators view this protection as a burden or an intrusion into their area of authority. Additionally, many officers possess little or no knowledge of these regulations and are not familiar with the requirements or their use.

Although there are few standards which are specifically focused on the activity and duty of a police officer, there are several general industry standards, such as hazardous materials and blood-borne pathogens that directly impact policing activities. Additionally, police officers and administrators should understand that OSHA cannot develop standards for every potential risk thus, as identified in Section 5 (a) and 5 (b) of the OSH Act, there is a broad requirement to create and maintain a safe working environment. This requirement is known as the general duty clause. Specifically,

- (a) Each employer—
 1. shall furnish to each of his employees employment and a place of employment, which are free from recognized hazards that are causing, or likely to cause, death or serious physical harm to his employees;
 2. shall comply with occupational safety and health standards promulgated under this Act
- (b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

The general-duty clause is a catch-all clause

that allows OSHA to cite employers for violations when a standard has not been issued on the topic. Employers must use a combination of industry practice and a reasonable-person theory to identify hazards in their workplace and abate them.

For police departments, a specific hazard that would cause or likely cause death or serious physical injury should be identified and addressed if it is arguably considered a hazard because the industry possessed knowledge of the hazard, or if a reasonable person would have fear or concern of a hazard. In these cases, the department may also have a duty to address the hazard.

For law enforcement agencies, the general-duty clause creates a duty to provide and maintain a safe working environment. At first, this requirement may seem to be vague and possibly elusive because police officers respond to a wide variety of calls for service. However, the environment today demands that first responders be problem solvers and address the varying risks associated with every situation. To assist police officers and police administrators in this area, the following strategical, tactical and protective safety methodology may provide guidance in addressing safety situations for such a diverse job. STP is a systematic method of grouping activities, which may impact the safety of police officers.

STP – Strategical, Tactical and Protective Safety

Safety for police officers can be organized in three basic categories: strategical, tactical and protective safety. The value to categorizing in this manner helps administrators and ranking officers cover all the bases. The loss of an officer impacts the bottom line of the department as well as officers' morale.

Strategical safety involves planning and research, and it includes areas that are supportive to police activities that impact individual officer safety. This includes organizational planning such as special event planning, beat >>

organization and dispatch priorities. The category also includes the organization of special units, education and training on new products and technology (other than tactical tools), hiring processes, policies that deal with overtime, wellness programs and workplace-violence prevention.

Tactical safety involves the manner in which officers perform apprehension, search and rescue along with all of the tools used to accomplish the force aspect of the job. Specifically these are defensive tactics, firearms training, tactical-team and tactical-strategy training, training on the use of defensive and apprehension tools such as cuffs, batons and sprays.

Protective safety includes all items that would be classified as personal protection to the officer. This includes the uniform, gloves, boots, vests and other personal protective equipment. It also includes items such as cultural-awareness training. The important items in this category covered by OSHA are blood-borne pathogens protection, respiratory protection and exposures to chemicals.

Strategical Safety

Strategical safety is vitally important for overall safety management. Good examples are policies that establish minimum coverage for patrol, beat plans or special event planning. These management and planning policies may be overlooked in view of safety by the outsider, but having back-up available and positioned for timely response is one of the foremost concerns in the area of strategic planning. Special event planning brings in some of the hazards that fall under the general-duty clause. For example, weather is not specifically addressed by OSHA in a separate standard but is a hazard that must be dealt with. Proper planning for hot or cold weather in the form of uniforms, hydration, first aid training and scheduled breaks or relief, must be dealt with to limit exposure and injury.

A wellness program can impact safety, workers' compensation expenditure, health-insurance expenditures, morale and quality of response. Different levels of programs ex-

ist from informative health fairs to on-duty workout programs in department- or city-owned facilities. Many studies have centered on wellness program effectiveness and the affects of healthier subjects on injury rates and injury-recovery rates. These basically point to healthy officers getting hurt less and recovering more quickly from an injury. This translates to lower worker compensation expenditures and to lower individual health insurance usage, which will lead to lower premiums or decrease the rate of premium increase.

Strategical safety also encompasses a planning element for managing workers' compensation. Many cities will employ an administrator to oversee the entire city's management of insurance or at least workers' compensation. STP, as a system, can help this person understand more of the complexities of safety with first responders and specifically with police officers. Policies that can be good management practices for typical workers may not be good policies for police officers. Officers are exposed to many different hazards and sometimes these occur on the same shift. Officers go from moments of rest to all-out activity. This tends to create a different environment for injury. Officers may not realize they are injured until hours after the incident or shift. Policies that mandate emergency-room visits or doctor verification of reported injuries prior to the end of a shift only serve to increase expenditure. Policies of this manner are really aimed at discouraging reports and are not effective.

Additionally, facility design and emergency planning for the facility falls under strategic safety. Subpart E of the OSHA Regulations, 29 CFR Part 1910, is an area that requires either demonstrated compliance with the National Fire Protection Association 101-2000 standard on life-safety code or specific compliance with the OSHA standard, which is derived from the life-safety code. Usually a city relies on its code-enforcement personnel during construction and their fire department's fire marshal. While not specifically covered in OSHA regulations, facility design issues that center around booking rooms and

holding areas are of considerable concern. Along with the design considerations, specific policy and procedure must be developed and trained upon. Facility design plays an important role in the safety of police officers during booking procedures. Do fingerprint tables and counters form fatal funnels or enclosures that would give a combative subject an advantage? Is the booking and detention area segregated from the other sections of the station where civilians may be located or role call meetings may be taking place?

Facility fire-prevention planning and emergency-response planning also should include consideration for floor coverings, coatings and wall coatings. Training and design considerations should address any ignition source, such as lighters or outlets and the build-up of combustibles, such as garbage cans, near the detention or booking-room area. The subject has probably been searched on scene prior to transport and once again after arrival at the facility. Where are the subject's personal belongings and how are they kept separate from the subject while booking? An officer's first concern is to separate the subject from potential weapons. However, it is more frequent that a subject will attempt to smoke or perform some other activity that is an indirect threat. Smoking or intentionally lighting fires is a concern. Other concerns include how many times the subject should be searched prior to entering the booking area, and whether the subject briefly can be left alone. Partitions or corridors that limit smoke and direct access to emergency exits from the security door or cage should be present. The NFPA life-safety code has relevant chapters addressing correctional and detention occupancies.

Tactical Safety

Tactical safety is the hands-on, interesting area for police officers. This area encompasses firearms, batons, sprays, special tactics and other tools and training that are needed to perform the force aspect of the job. This is the first area that would come to mind for most officers, administrators and outsiders alike. Officers worry more about safety from com-

bative subjects than any other hazard.

Defensive tactics encompass a host of styles, techniques and tools used to protect the officer. The tactics that are taught and the experience between officers on shift together make a real difference in personal protection. Issues of preference can always be argued, but, the important point is that a variety of skills are necessary. The officer's confidence level helps determine the level of force used, and possibly minimizes overall force and injury. Expenditures on tactical training are necessary and cost effective for officer safety.

While pressure point control tactics is the leading defensive tactics system in the nation, mainly due to scientific research backing its technique, other systems should be explored as well to give the officer a wide variety of techniques. This must be cross managed with the repetition of core techniques to ensure proficiency. Each system may have tactics that can be useful in varying situations.

One topic that can be easily overlooked is the knowledge of product testing and liability. It is vital to stay current on warnings and failings of new products.

Protective Safety

The concept of protective safety encompasses the actual written OSHA standards that apply to policing and any initiative that involves the direct physical safety of an officer. The list includes:

Hazard Category	Federal Regulation	Activity Example
Occupational noise exposure	29 CFR 1910.95	firearms range firing
Hazardous materials	29 CFR 1910.120	meth lab response
Personal protective equipment	29 CFR 1910.132-138	eye protection face protection respiratory protection head protection hand protection foot protection electrical protection
Toxic and hazardous substances	29 CFR 1910.1000	air contaminants such as lead or silica at indoor firearms ranges
Toxic and hazardous substances	29 CFR 1910.1030	blood-borne pathogens

There are other standards that may apply or have practical considerations toward police safety. Temporary labor camps are addressed in 29 CFR 1910.142. This could become relevant in a natural disaster or homeland-security response that takes officers out of close proximity to their homes or jurisdiction. Many training divisions have switched from lead bullets to ceramic or disintegrating bullets while practicing on ranges, especially indoor or covered areas. This attempt to limit exposure to lead may expose instructors to silica.

One area that many agencies need to address is detecting chemicals and protecting officers from them after arriving on the scene of a hazardous-materials incident. These incidents include tractor-trailer accidents where law enforcement is typically first to arrive. It also is a burden for a fire chief in command of a hazardous-materials incident to properly include officers who do not have the training or equipment to protect themselves, such as self-contained breathing apparatuses and chemical-protective suits. Product technology is such today that departments can successfully deploy detection devices and protective equipment that is cost effective and meets tactical considerations.

Another good example in the area of protective safety is wearing protective vests. The general-duty clause of the OSH Act applies to this issue. OSHA does not have a standard

requiring a protective vest for officers or anyone else exposed to danger. But, the hazard is recognized by the industry. Any reasonable person would have fear or concern of serious physical injury or death presented by the hazard of gunfire, punches or sharp objects.

Perhaps the expense of purchasing vests department-wide discouraged smaller departments from buying and issuing them. But OSHA does not afford this protection to employers. Expense that is not considered a threat to the continuation of the business would not be an excuse for failing to protect employees. The expense is a departmental issue because the vest is not a personal item that would be reasonably expected to be used outside of the performance of police duties for an officer.

OSHA made a determination on who should pay for personal protective equipment. In a nutshell, only equipment that could have a personal use outside of work could fall on employees for payment. A recognized practice in the public sector as well as in private industry is to give employees supplements to ease the burden of purchasing such personal protective equipment.

STP is a model for safety planning for police officers and police administrators. It is intended to supplement strategic planning initiatives in order that safety sufficiently be addressed in a field where safety risks can be diverse. No matter what method departments use in performing strategic planning, safety will and should impact all aspects of this process. It generally is considered that strategic planning possesses the key variables that affect a specific strategy; environment, resources, organization and management preferences. Each element will impact safety initiatives. Regardless of the values specifically identified by the department or agency, safety should be an impacting factor. A potential loss experience can be avoided through the planning process. Using and/or organizing safety in light of the STP model can assist law enforcement agencies in reducing potential risks. J



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STRANGE STORIES FROM THE BEAT

»» Door-to-Door Pot Seller Picks Wrong Home

A 19-year-old Brownsville, Texas man was jailed on a drug charge after he allegedly went door-to-door trying to sell marijuana. His scheme went awry when he knocked on a police officer's apartment door. The officer said he would be right back and went to get his badge and handcuffs.

»» Man Busted at Airport, Lizards in Pants

A German man who stuffed 44 small lizards into his underwear before trying to board a flight has been sentenced to prison in New Zealand for plundering the country's protected species. He was caught by wildlife officials about an overseas flight with 44 geckos and skinks in a hand-sewn package concealed in his underwear.



Suspect «« 'Coughs Up' During Police Questioning

Pictures of a two-carat diamond ring, worth about \$20,000, were sent to Joplin, Mo.-area jewelers, after it was reported stolen. One jeweler recognized the ring when a man and woman came to his store a few hours after the theft and said they wanted to sell it. Police said the man swallowed the ring when officers arrived but, while being questioned, he began to cough uncontrollably. Eventually the ring emerged.



W would-be Seattle Ninja Impaled on Fence

A Seattle, Wash. man who thought he was a ninja was impaled on a metal fence when he tried to leap over it. An officer who was looking for an assault victim nearby heard the man screaming for help. Officers thought the man might have been involved in the reported assault, but he insisted he was just a ninja trying to clear a 4- to 5-foot-tall fence.

Woman «« Charged in McNuggets Attack

An Ohio woman punched through a McDonald's drive-thru window because she couldn't get Chicken McNuggets. The 24 year old pleaded not guilty to a vandalism charge. Police were called to the restaurant where she allegedly became upset because chicken nuggets were not available.



»» **IF YOU HAVE ANY**

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



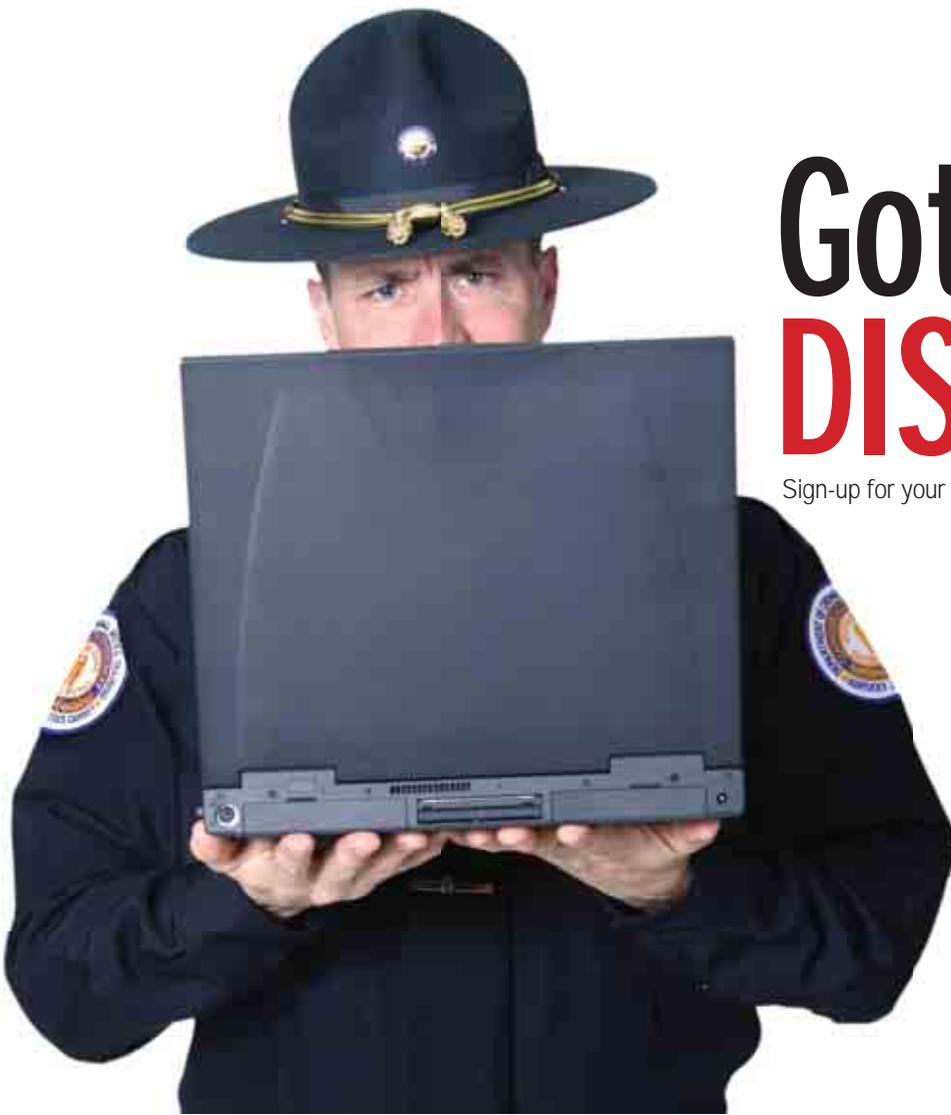
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