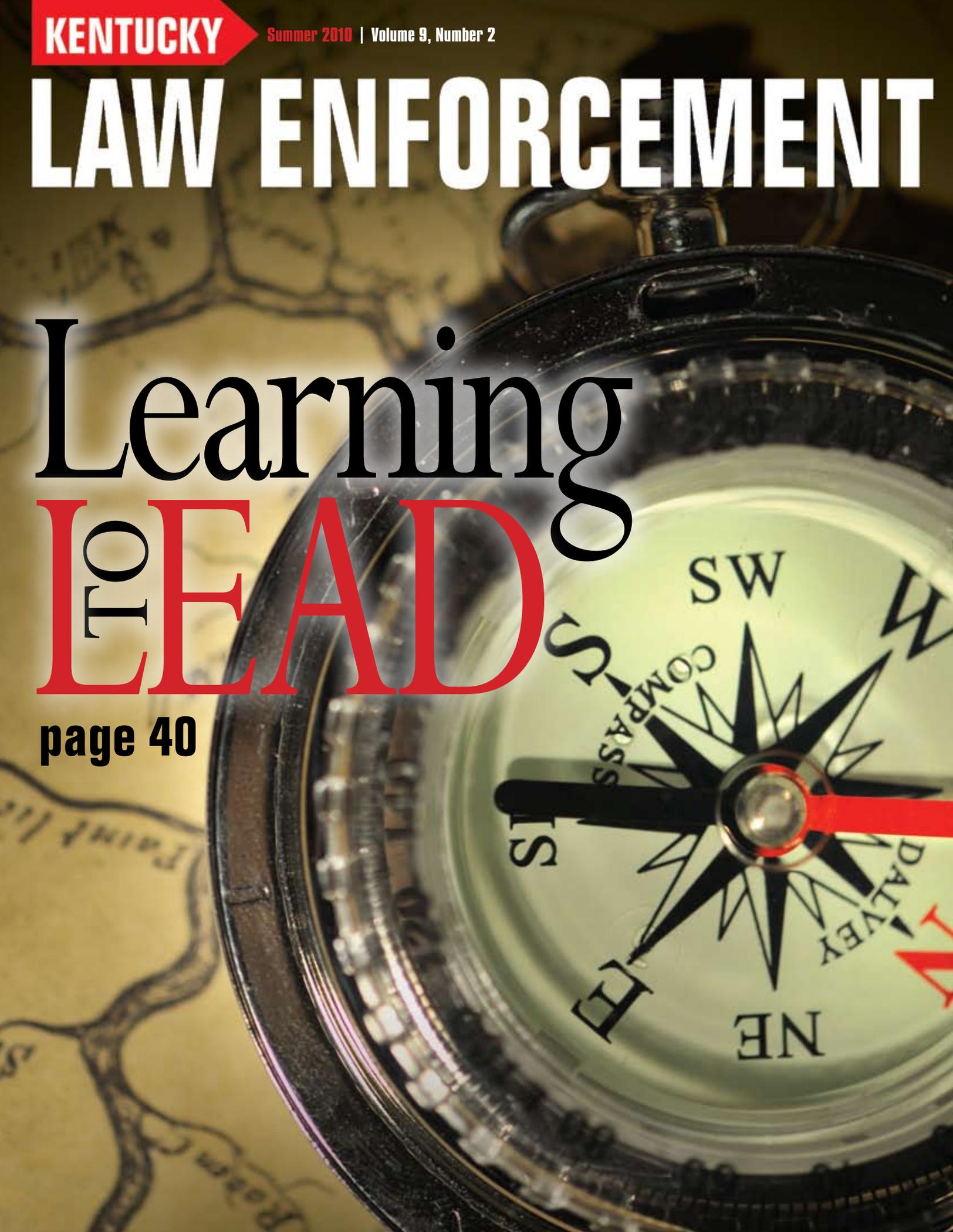


# LAW ENFORCEMENT

# Learning TO LEAD

page 40



# LAW ENFORCEMENT

# CONTENTS

**Steve Beshear**  
Governor

**J. Michael Brown**  
Justice and Public Safety  
Cabinet Secretary

**John W. Bizzack**  
Commissioner

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PAGE NUMBERS

4 6 8 12 19 20 28 34 40 48 56 60 64 66 68 72 74 76 78 79

**COLUMNS**

**4** Justice and Public Safety Cabinet Secretary J. Michael Brown

**5** Dept. of Criminal Justice Training Commissioner John W. Bizzack

**BEREA: STRIVING FOR A STANDARD**

**THE DECIDING FACTOR: PROFILE OF JUDGE JAMES KELLER**

**NEW LEGISLATION 2010**

**BRIEFS**



## KENTUCKY'S LEADERS

SETTING THE EXAMPLE

/Kelly Foreman, Public Information Officer

They each serve different ranks, different agencies and different roles within those agencies. But three Kentucky officers stand out through their exceptional leadership, their drive to attain the highest levels and the description offered about them by both superior and subordinate officers. They are leaders by example. "I would think that it inspires people, leading by example," said Chairman/Northern Kentucky Airport Police Sgt. Tony Smith. "It's huge. You can't be wrong by doing that. But your example better be right, and it better be positive." Smith, along with Bowling Green Police Capt. Penny Bowles and Frankfort Police Lt. Chuck Mann are three among a select group of Kentucky officers who are graduates of all the Kentucky Leadership Institute's programs. They have invested themselves in the heart of leadership and duty for that example for their fellow officers and communities. For some, it took a little longer than others to lay in the value of leadership in policing. "I didn't want to necessarily go," said Adams of the Academy of Police Supervision. "It was a new role that all sergeants had to go through it for the department. I postponed it as long as I could. Then I got there and I wished I had gone earlier in the year after I learned what I did. "You learn through the classes... how to relate to people and what types of communication to use with different people," Mann continued, noting that he considers himself a situational leader. "Then that just usually builds a better relationship overall. I have seen supervisors who don't know how to communicate and then the rest of the staff just deteriorate. It was good training." Stule, who serves the department's investigations unit, also was required to attend APS as part of his training, but was interested in what the program had to offer when he attended in 2006. "I saw APS as a really good foundation," Stule said. "I really got a taste for it. But there is always room for improvement. Then I looked at the Criminal Justice Executive Development program and, of course, it just continued on from there. There are good courses for development and great leadership. I just can't say enough good things about the Department of Criminal Justice Training and their leadership development programs." The skills Bowles said she learned in CJED were invaluable to developing her administrative leadership. "You talk about budgets, you talk about professional writing, you talk about policies," Bowles said. "You just start thinking about different things as a sergeant and really start trying to figure out who you are. It helps you develop your people." After completing both APS and CJED earlier in her career than she planned, Bowles was given the opportunity to attend the School of Strategic Leadership, she said. Prior to the class, she had completed half of the requirements to earn her master's degree and SH helped her complete her education. "It is amazing," Bowles said of the program. "You always learn so much from the people who are in your class because they are at such different levels, from different organizations and different parts of the state. The discussions you have -- you get great ideas and learn how other people are doing things. If you are not afforded those opportunities, you just do what you have always done." "SH really taught me how other people think," Bowles continued. "Not just the po- >>>

## FEATURE LEADERSHIP

Exploring the role of leadership in Kentucky law enforcement

**THE LEADERSHIP INSTITUTE: TEACHING TO LEAD**

**WHAT'S YOUR STYLE?**

**COMING SOON: INTOXILYZER 8000**

**THE THIN YELLOW (HIGHWAY) LINE**

**WELL-WRITTEN POLICIES**

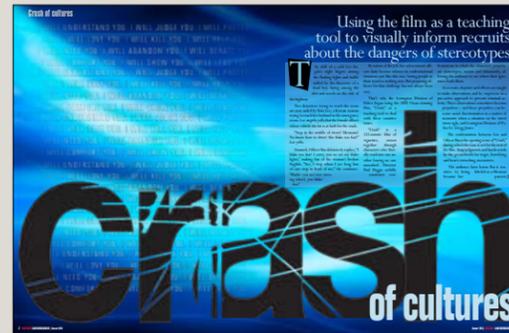
## IN THE SPOTLIGHT

**76** Sheriff Jon Hayden  
**77** Chief Michael Ormerod

**THE PROCESS OF LEADERSHIP**



**FEATURE KENTUCKY LAW ENFORCEMENT MEMORIAL CEREMONY**  
2009 commemorated as year with no line-of-duty deaths



**FEATURE CRASH OF CULTURES**  
Using the film as a teaching tool to visually inform recruits about the dangers of stereotypes

**SEARCHING AND SEIZING DIGITAL EVIDENCE**



**FEATURING LEGAL MYTHS**  
Factualizing common myths about Kentucky laws

**STRANGE STORIES FROM THE BEAT**

**BOOK REVIEW: SKIES OF FRIENDLY FIRE**

**BRINGING THEM HOME**



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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 Justice and Public Safety Grants

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

Millions of dollars in supplemental justice and public safety grants recently were made available through the federal American Recovery and Reinvestment Act. They are now making their way to state and local governments, law enforcement agencies and not-for-profit agencies across the commonwealth.

Last year, the Justice and Public Safety Cabinet announced special application cycles to receive requests and proposals for more than \$17 million in stimulus funds for supplemental Justice Assistance grants, Victims of Crime Act grants and Victims Against Women Act grants.

The cabinet's Grants Management Branch received hundreds of applications for projects that support new and continuing public safety and justice programs. After a rigorous screening and award process, the projects that were selected are now starting to feel the impact of those funds.

The largest, \$1,955,516, went to the Department of Corrections for surveillance cameras to prevent criminal activity and promote safety in Kentucky's prisons. The Kentucky State Police was awarded \$425,000 for its Drug Investigations Technical Enhancement project and the KSP forensic lab received more than \$318,000 for a GSR Analysis Scanning Electron Microscope.

Not all awards came with a high price tag. Many were for smaller, but equally important projects, such as \$4,250 to the Simpsonville Police Department for enhanced patrol and tactical gear. The Kentucky Crime Prevention Coalition received \$24,500 for drug disposal collection boxes, which is a project that will benefit all 120 counties in the commonwealth.

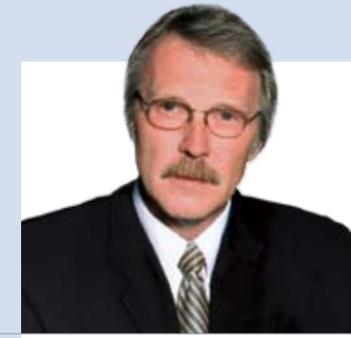
Stimulus funds also were awarded through supplemental Victims of Crime Acts grants to support victims' service programs, including Court Appointed Special Advocates, domestic violence shelters, children's advocacy centers and rape crisis centers. One-third of the total funding available for these programs was awarded to projects that address child abuse.

Recipients of these vital services represent some of the commonwealth's most vulnerable citizens – victims of violent crime – who rely on these organizations to help them navigate the criminal justice system and begin the healing process. And most recently, Gov. Steve Beshear and Congressman John Yarmuth announced \$1.6 million in stimulus funds for 22 programs to support victims of domestic violence, dating violence, stalking and sexual assault via the Violence Against Women Act.

Recipients include domestic violence shelters, law enforcement, prosecution, statewide coalitions providing training and technical assistance to diverse recipients and other complementary service providers.

Among the projects funded is an electronic communications system to review and approve domestic violence and emergency protection orders. The electronic communications system, to be piloted in Jefferson County, cost \$170,000.

For a complete list of projects funded by the ARRA, visit <http://www.justice.ky.gov/departments/gmb>.



## Commissioner's Column Leadership from the Bottom Up

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

It has been said that leadership is one of the most observed but least understood phenomena in the world. The distinguishing talent possessed by real leaders who make a difference is their ability to envision. These real leaders are capable of seeing the entire organization, the complex environment and the interaction of the two as a single entity. Further, they are able to project this view into the future and describe and create a favorable future for the organization. They articulate this vision to others and provide them with a sense of meaning, thus inspiring trust in others – partly because of their steadfastness to their vision.

Those who are in positions at the top today, but who do not bring out the best and most productive traits in the social character, will not be effective leaders. Leadership at the top is not enough. Interdependent teams are needed at different levels to demonstrate leadership in all organizations, whether societal, corporate or public service. To accomplish this goal, leadership must be demystified and it must be emphasized and clearly understood that leadership is a behavior – not just a position.

One common way to understand how highly successful leaders demonstrate leadership is to examine past models or study a present day role model. Select someone whom you admire greatly and has shown that he or she is an effective leader. This can be someone with whom you work, or someone who works elsewhere but you often see in action. Make sure your role model is contemporary. Churchill, Patton, Gandhi, Truman and a host of other historically-proclaimed leaders undoubtedly demonstrated splendid leadership skills, but their world is not your world. These distant leaders, or others that might come to mind, serve to exemplify traits you might admire, but the role model you work with or see in action first hand will be less absolute. When you identify leadership and how it works within your own sphere or frame of reference, the demystification process sets in. The magic aura dims and you see quickly that each person must do his or her own learning on this topic.

Leadership is a learned behavior. A principle of learning is activity – the leader learns quickly through activity. Once you have observed, read or studied about leadership, you must apply what you have learned. Positive experiences that result from your applications will encourage you to continue and develop. Negative results may hinder your enthusiasm, or they may make you more determined to get it right – that's entirely up to you. The ability to learn leadership is not limited; some people simply have a greater potential than others.

Effective leaders may not have a term for it, but rest assured they practice a style, which does not mandate change in everything and everybody but themselves.

The premise is simple. A leader's life overlaps with the lives of his or her followers, but effective leaders allow their followers' lives to influence them as well. The most appropriate leadership style boils down to allowing oneself to change – thus changing others. One does this by accepting people as they are, but leading them by creating the vision of accomplishment from the bottom up.

## KSP POST 10 TROOPER ISLAND GYPSY TOUR IN JULY

The 2010 Post 10 Trooper Island Motorcycle Ride will be July 24. This year's "Gypsy Tour" will take riders on a scenic journey across four states and the smokey mountains in four hours. The ride will stop halfway in Johnson City, Tenn., and finish at the world famous Wheels Through Time Museum, in Maggie Valley, N.C. The cost is \$30 per bike and riders will receive a shirt, door prize ticket and a chance to win a 2010 Camaro.

  For more information or to pre-register, contact TFC Walt Meachum at (606) 573-3131 or [walt.meachum@ky.gov](mailto:walt.meachum@ky.gov).



Excellence in Highway Safety Awards were presented to (left to right): CVE Officer Michael Simpson, CVE Inspector William Williams, CVE Officer Glenn Perry, Tpr. Rick Ellis, Tpr. Steve Smallwood and Tpr. Dean Patterson.

## AHIDTA RECEIVES NATIONAL AWARDS

On April 8, R. Gil Kerlikowske, director of the Office of the National Drug Control Policy, bestowed awards to two task force initiatives of the Appalachia High Intensity Drug Trafficking Area. AHIDTA's FBI-led, Southeastern Kentucky OCDETF/Public Corruption Task Force in London was the recipient of the Outstanding Cooperative Effort involving a task force investigation with emphasis on disrupting/dismantling drug trafficking organizations. In late October 2009, their collaborative effort involving the KSP, DEA, FBI, Operation UNITE, U.S. Attorney's Office, Kentucky Attorney General's Office and AHIDTA, along with countless local law enforcement agencies and prosecutors, resulted in the state's largest round-up in law enforcement history with the arrests of 518 Kentucky residents from 34 Kentucky counties. This investigation led to 71 federal indictments with 31 federal convictions and \$1.2 million in asset seizures. AHIDTA's Kentucky Eradication Task Force also was recognized for the fourth year by receiving the Outstanding Marijuana Eradication Effort award.



/Photo by Elizabeth Thomas

## ANNUAL COMPETITION SHOOT RESCHEDULED

The 19th Annual DOCJT Competition Shoot, originally scheduled for May 8 was postponed because of flooding. The competition shoot has been rescheduled for Saturday, Sept. 25, 2010.

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

## U. S. ATTORNEY RETIRES



Jim Zerhusen retired from the United States Attorney's Office on March 26, after an illustrious 30-year career. Zerhusen describes his career as satisfying and said working for the interests of the United States in Kentucky provided great motivation in his career.

During his tenure, Zerhusen prosecuted the first drug case in the Eastern District of Kentucky, as well as the first child pornography case in eastern Kentucky. He also helped develop the marijuana prosecution program, Up In Smoke.

## ADOPT-A-COP NEW TO KENTUCKY

Evarts Police Officer Geary Ferguson, recently became the coordinator for Kentucky's Adopt-A-Cop prayer protection program. The program's goal is to assign law enforcement officers to a family, group, church or individual who will pray daily for them and send a note of encouragement, support and a thank you for their service to the community.

 Anyone interested in participating in this program should contact Ferguson at [traumacop688@yahoo.com](mailto:traumacop688@yahoo.com), or visit <http://www.adopt-a-cop.org/homeabout.html>.

## NEW CHIEFS In Kentucky

### Erik Saylor

Loyall Police Department  
Erik Saylor was appointed chief of the Loyall Police Department on March 10.

### Jim Griffin

Mortons Gap Police Department  
Jim Griffin was appointed chief of the Mortons Gap Police Department on Feb. 17. Griffin has more than 43 years of law enforcement experience. He began his law enforcement career at the Macon Police Department, Macon, Ga. Griffin's goals are to institute a community neighborhood watch program to make Mortons Gap a safe place to work and raise children. He also would like to implement a bicycle safety program and a bicycle registration program.

### Michael Franks

Cumberland Police Department  
Michael Franks was appointed chief of the Cumberland Police Department on Feb. 23. Franks began his law enforcement career in 2000 at the Cumberland Police Department. He has served the Letcher County Sheriff's Office and as chief of Benham Police Department. Franks has an associate's degree from community and technical college and graduated from Department of Criminal Justice Training Basic Training Class No. 316. His primary goal is to create a positive image of the department to the public and add more staff.

### Snapper Seaton

Clinton Police Department  
Snapper Seaton was appointed chief of the Clinton Police Department on Feb. 16.

### Marty Elliott

Boyle County sheriff  
Marty Elliott was appointed sheriff of Boyle County on Jan. 1. He has more than 16 years of law enforcement experience. Elliott graduated from DOCJT Basic Training Class No. 233. He has a bachelor's degree in counseling and is currently finishing up his master's degree in education. His long-term goals are to increase the manpower of the department and establish a detective division.

### Tim Wilson

Russell Police Department  
Tim Wilson was appointed chief of the Russell Police Department on Nov. 11, 2009. Wilson began his law enforcement career in 1982 at the Raceland Police Department and in 1986, joined the Russell Police Department. He moved through the ranks to become chief. Wilson's goal is to hire more officers.

### Kevin Sutton

Paris Police Department  
Kevin Sutton was appointed chief of the Paris Police Department on Feb. 1. He began his law enforcement career at the Eastern Kentucky University Police Department. He served as an officer with the Norfolk and Western Railway, but most of his law enforcement career was spent with the Lexington Division of Police, serving more than 30 years before retiring in 2009. Sutton graduated from Eastern Kentucky University in 1976, with a bachelor's degree in police administration and political science and is an FBI National Academy Session No. 157 graduate. His goals are to create a sense of unity within the department and the community.

## MEDAL OF VALOR Awarded



Kentucky State Police Capt. John McMahan (left) received the Kentucky Medal for Valor on Feb. 12 from Gov. Steve Beshear (right) and Maj. Gen. Edward Tonini, of the Kentucky National Guard (center). McMahan, who also serves as a second lieutenant with the 617th Military Police Company in Prestonsburg, Ky., was recognized for his actions on Jan. 27, when, enroute to a military drill, he rendered aid to a woman trapped in an overturned vehicle in Lotts Creek in Perry County. A 17-year state police veteran, McMahan is the 47th Ky. National Guardsman to receive the award.

## KLEMF SCHOLARSHIPS

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

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

## BETTS RECEIVES OUTSTANDING GRADUATE STUDENT AWARD



University of Louisville Southern Police Institute Associate Director Cindy Shain congratulates Justice Administration graduate student and Louisville Metro Police Training Officer Kenneth Betts after being awarded the 2010 Outstanding Graduate Student of the Year Award for his academic achievement and overall leadership and service within the University of Louisville and the Louisville Metro community.

# MEMORIAL SERVICE KENTUCKY PEACE OFFICERS



/Photo by Elizabeth Thomas



/Photo by Elizabeth Thomas



/Photo by Elizabeth Thomas

A chilled and constant wind flapped beneath the rich, blue fabric of the commonwealth's flags as they were carefully removed from the Kentucky Law Enforcement Memorial, revealing the names of our state's fallen officers etched in the shining steel.

The names of 26 historical Kentucky officers were solemnly read aloud as family members and comrades from agencies the officers served received carefully-folded flags in their memories.

The wife of Kentucky's most recent loss in the line of duty wiped tears from her eyes as Gov. Steve Beshear spoke of the fallen officer's honor and sacrifice. The smell of gunpowder lingered in the air from the 21-gun salute as Taps played softly into the silence. >>





For the eleventh year, the officers in Kentucky who have lost their lives defending ours were honored and remembered in a ceremony at the Department of Criminal Justice Training in Richmond, Ky.

This year's ceremony held a special significance as the state's law enforcement community celebrated that for the first time in recent memory, there were no line-of-duty deaths in 2009. The historical names added to the memorial range from 1882 and 1969, but were not added to the national memorial until recently.



/Photo by ElizabethThomas



/Photo by ElizabethThomas



## KENTUCKY LAW ENFORCEMENT MEMORIAL HISTORICAL ADDITIONS

**City Marshal James B. Day**  
Menifee County Sheriff's Office  
End of Watch: June 24, 1882

**Officer Calvin Smith**  
Paducah Police Department  
End of Watch: October 3, 1893

**Deputy Joseph Patterson**  
Monroe County Sheriff's Office  
End of Watch: May 21, 1897

**Corporal Fred Richterkessing**  
Louisville Police Department  
End of Watch: April 1, 1901

**Town Marshal James Cockrill**  
Breathitt County Sheriff's Office  
End of Watch: July 22, 1902

**Deputy James Williams**  
Marion County Sheriff's Office  
End of Watch: March 19, 1903

**Officer John Dolan**  
Louisville Police Department  
End of Watch: December 20, 1904

**Deputy Oland Collins**  
Bell County Sheriff's Office  
End of Watch: October 3, 1911

**Deputy Sam Collins**  
Bell County Sheriff's Office  
End of Watch: October 3, 1911

**Deputy Neil Christian**  
Bell County Sheriff's Office  
End of Watch: July 6, 1912

**Deputy Edward Neece**  
Bell County Sheriff's Office  
End of Watch: November 7, 1912

**Constable W. W. Tartt**  
Graves County Sheriff's Office  
End of Watch: February 8, 1915

**Officer William Romain**  
Paducah Police Department  
End of Watch: August 12, 1917

**Deputy Jailer Albert Roberts**  
Breathitt County Sheriff's Office  
End of Watch: December 10, 1921

**Chief James C. Pope**  
Harlan Police Department  
End of Watch: November 28, 1922

**Deputy Nathan P. Meredith**  
Edmonson County Sheriff's Office  
End of Watch: July 19, 1925

**Deputy Philip M. Daniel**  
Bell County Sheriff's Office  
End of Watch: June 17, 1927

**Constable James A. Boling**  
Ohio County Sheriff's Office  
End of Watch: September 8, 1928

**Deputy Frank Bowman**  
Bell County Sheriff's Office  
End of Watch: August 6, 1932

**Sheriff Peter L. Little**  
Menifee County Sheriff's Office  
End of Watch: August 19, 1934

**Sheriff Johnie C. Morris**  
Jackson County Sheriff's Office  
End of Watch: September 23, 1934

**Deputy Wilson Deaton**  
Breathitt County Sheriff's Office  
End of Watch: March 16, 1940

**Sheriff Ralph W. Haycraft**  
Grayson County Sheriff's Office  
End of Watch: March 4, 1942

**Officer Julius R. Cummins**  
Kentucky Department of Corrections  
End of Watch: July 21, 1949

**Sheriff Dona Arnett**  
Magoffin County Sheriff's Office  
End of Watch: September 27, 1959

**Investigator William L. Jones**  
Kentucky Department of Alcoholic Beverage Control  
End of Watch: May 13, 1969 ■



# THE DECIDING FACTOR

Profile of Judge James E. Keller

/Abbie Darst, Program Coordinator

*Coming from a coal mining community in Harlan, Ky., Judge James Keller describes his career as one from a storybook. Choosing to attend college at Eastern Kentucky University in order to play football, Keller said he may not have gone to college, like so many of his classmates, if it was not for the sport. But, that same passion he had for football propelled him in his schooling, through law school and throughout his more than 40-year career as a lawyer, Fayette County Circuit Court judge and Kentucky Supreme Court justice.*

*"I'm just tickled to death with the career I've had and am proud of it," Keller said.*

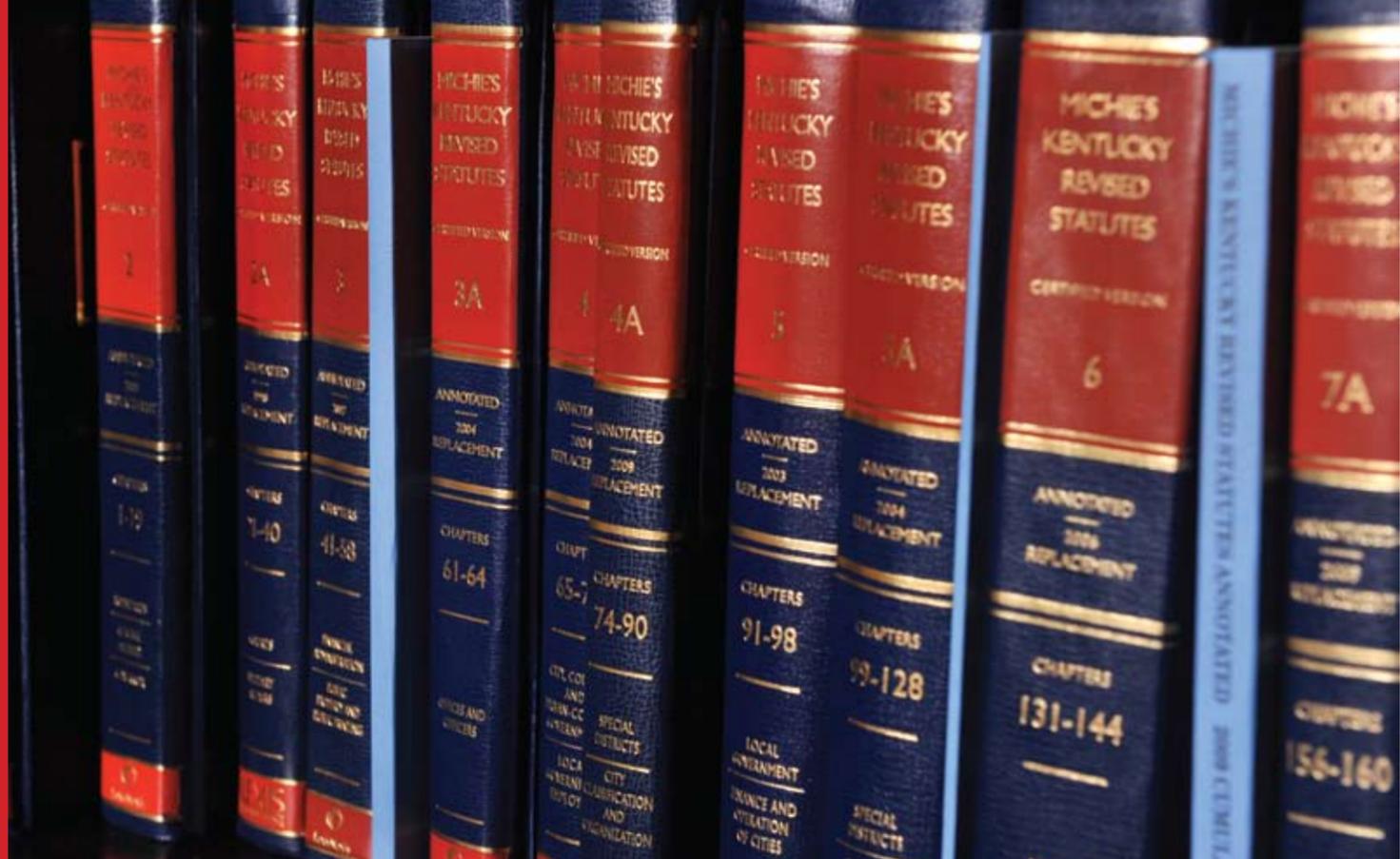
*In his vast experience, Keller has not only seen dramatic changes in law enforcement throughout his career, but has also had the opportunity to establish numerous programs and legislative initiatives to better Kentucky and better serve its citizens.*

**You have had an extensive career as an attorney, circuit court judge and Kentucky Supreme Court justice. In your career experience, what is your perspective on, or impression of, police executive leadership around the state?**

We have been fortunate in Lexington to have, in my opinion, an excellent police department. There have been periods of time when there have been certain individuals on the police department who have not been what you would hope for, but that happens in any profession. But, for the most part, we have had outstanding police officers. During my career and observing the police officers up close, the level of professionalism and competency has really gone up.

One of the obvious things you see as a judge are the cases before you they want to dismiss because of police failure to follow correct procedure on confessions, searches – those type areas. When I first started practicing, and then when I was on the bench for a period of time, I'd see evidence suppressed, confessions suppressed, and the case would have to be thrown out. Somebody who had confessed to a crime or officers had evidence that he or she had committed a crime would go free. That does not happen like it used to. I think that is one example of >>

/Photo by Elizabeth Thomas



>> how our police profession has really benefited from higher standards.

The Department of Criminal Justice Training holds a big part of the responsibility for that. When officers come in, they train them and instill in them professionalism. It is very seldom that you see someone act like they are professional unless they believe they are professional. I think that is true of police officers, lawyers, judges or whomever.

**What have other judges expressed to you about this issue throughout your career?**

I think what I have said is shared by most of the judges. There is no judge that gets any satisfaction out of throwing a case out of court and watching somebody walk out that door, when the evidence shows he or she is guilty. So we, as judges, have talked about that.

Louisville and Lexington would do a lot of training of their officers, but your small counties and cities could not afford that type of training. So, DOCJT has come in and filled in that gap. It makes its training available to everyone now – just excellent training. What they do, and what I’ve seen done on a smaller scale and I have been part of it here in Lexington, is they would ask us to come up and talk to the trainees about search and seizure, confessions and Miranda rights. But that is happening at DOCJT for all of the state’s law enforcement now.

It truly makes a difference. You just don’t see the cases thrown out any more like you used to.

**From your perspective as a former judge and justice, how do you think policing in general has changed in regards to case preparation, testimony, reports and officer demeanor in the courtroom?**

**CASE PREPARATION**

Used to, you would see some officers come to court and they would be out in the hall trying to read the report before they went in there. I have seen that happen. I’m not saying that was the general thing, but you see less and less of that. We’ve been fortunate that we have had some outstanding commonwealth’s attorneys here. They would demand that officers be prepared and have their cases prepared because they are the ones who help the commonwealth’s attorney get their cases prepared. I’ve seen officers come to court, and they are prepared.

On one side, I saw things happen in trials where maybe a trial was lost or somebody was found not guilty because the officer had not brought to the attention of the prosecuting attorney certain evidence or had not gone out and done more investigation. On the other side, I’ve seen people cleared after the officers did additional investigation. So, it’s a two-sided coin. You do not want to see somebody who is guilty be let go because the officer has not done a

full investigation. You also do not want to see somebody in the system who should not be there, if he is there because the officer has not done a full investigation. It is just as bad either way.

I can remember some specific cases in the past, where the same things would not happen today, and I think that is a compliment to the police profession.

**TESTIMONY**

It is important that officers be able to communicate their investigation and findings to the jury. I mean, if an officer is the best investigator in the world, but cannot get up there and talk to those 12 jurors, that really will affect the outcome of the case. For some of the old police officers, it probably would astound them that they would be trained on how to testify. No one is telling them what to say, they are telling them how to say it and to be more effective in their delivery, because it makes a difference. What has happened over the years is that with video trials now, officers will come in and critique their peers on their testimony, or they can look at it and tell them what they did. You don’t see an officer get up there and slump. They sit up there and guess who they talk to – they talk to the jury. They are respectful and polite to the prosecutor and the defense attorney. They convey to the jury their evidence, why they should accept it and why they should convict.

It is a lot better than it used to be, and that is just through training. No one was ever born with a knack for testifying. It is a skill that you have to develop, and some officers are really good at conveying to the jury exactly what their investigation reveals in a case. Often, a case comes down to the credibility or weight to be given to an officer’s testimony. If that officer gets up there and makes a very bad impression on the jury, then the prosecutor is sitting there watching his case go in the tank. Jurors are just like anybody else. They get opinions about people testifying.

A criminal trial is just like any other trial in a lot of areas. The more complicated the prosecution’s case, the better it is for the defendant. If there is confusion or uncertainty, the defendant is going to win – he’s supposed to if it is beyond a reasonable doubt. So, it is very important that the prosecution be able to make their case as simple as possible and present it as clearly as possible. And now officers are trained to make that type of presentation. They are able to break it down and make it very clear and easy for the jury to understand, and that makes all

the difference in the world

**OFFICER Demeanor IN THE COURT ROOM**

Officers are a very important part of our community and people respect them. If they come into the courtroom and their demeanor is professional and their dress is professional, people will give more reliability and credibility to their testimony – that is human nature.

I’ve been at DOCJT and made a presentation to a class, and I think it is really a feather in Kentucky’s hat that we have this type of educational facility in this state because it has made a tremendous difference. I mean, you see it – you see it in sheriffs’ departments; you see it not only in the big counties, but particularly in the small counties.

I reviewed records and trials when I was on the Kentucky Supreme Court and I would see that not all cases come from the big counties. Many of them come from the small counties. I began seeing officers crossing Ts and dotting Is – that didn’t happen before. And guess what, they have been through the basic training and they’ve been trained on how to do this. They wouldn’t be where they are if they had not gone through that training. It has made a huge difference in this state for the better.

**You started your career as a private-practice attorney and after nearly 30 years as a judge/justice you have returned to private practice. How have those 30 years changed your perspective on practicing law as opposed to when you began your career?**

Well, I say I’m semiretired. Sometimes that is not true because it is very seldom I miss a day coming to the office, and I have no intention to ever, ever retire. But, I had been a judicial officer long enough that it was time for me to step down and let someone take my place. One of my friends, Justice Mary Noble, had served with me on the circuit bench. I knew she would make an outstanding Supreme Court justice, and she is there in my place. I was ready to leave – nothing precipitated it. I was not sick, I was not mad at anything. You just know when it is time.

So, I retired and I came here. I do mostly mediation. I do consulting work with attorneys, on cases. I testify sometimes as an expert witness in cases regarding, say, attorney malpractice or legal malpractice. I will consult with them on appeals and I will do some cases, and what I mean by that is I will be involved in the actual litigation of the trial,

◀ Inside the library of Gess Mattingly & Atchison law firm, where Judge James Keller joined in 2005 after retiring as an associate justice on the Kentucky Supreme Court and having previously served for 22 years as Circuit Judge for Fayette County.

>>

>> but very few. We have a couple of young associates here I will get involved with and give them some advice in cases. I do not do all the grunt work I used to when I was an attorney.

My experience on the bench gives me different insight into matters and I think that is the reason I consult – a lot of attorneys will retain me to consult with because I do have a different insight and I know how the courts work. I try to bundle cases and I know some things that interest jurors when they are involved in cases. I am really thankful for my experience. I really enjoyed being a judge. I brought that experience with me back to this practice.

One of the nice things is one of my friends who is a law professor at the University of Kentucky was named acting dean at UK. She called and told me she had too much on her plate as acting dean and wanted me to teach her family law class for a semes-

*Officers are a very important part of our community and people respect them. If they come into the courtroom and their demeanor is professional and their dress is professional, people will give more reliability and credibility to their testimony.*

ter. I taught family law for a semester, and I enjoyed that. The students really worked me, though. I was putting all kinds of time in preparing for that class. I was teaching a three-hour class, and each week I was putting in anywhere from 24 to 36 hours preparing for it. I wanted to make sure I was telling these young law students everything I thought they should know, and when I got to writing it down, I found out there was a lot I thought they should know.

#### Of what accomplishments are you most proud?

There are a few, but one of the top things is the Parents' Education Clinic. I always handled all my own family law. Those are probably the most important cases that come through because we affect people's lives and kids' lives forever. People want to be good parents and sometimes it is through ignorance, not stupidity, they make mistakes. Particularly when they get divorced, because there is animosity between them, they will do things out of ignorance that adversely affect the children. I got to thinking about this – there ought to be something that we can do to help.

I remember when I first proposed the Parents' Education Clinic I was having a hard time getting any traction with it. They were talking about offering it as a voluntary program, but I was not going to let go of it because I knew something really needed to be done. I got together a committee, called the Parent's Education Committee, and we developed a clinic. Basically, parents could not get a divorce if they had kids unless they went to this clinic. It was cheap. I think we started out at \$5; it may be \$10 now.

We had a lady named Lesley Glass who is just super, She is a psychologist involved in counseling people in custody cases. She really helped. I had a couple of friends who wrote the script. We received a grant from the Knight Foundation to do a video. I wanted a video because I wanted it to be consistent, and I wanted it to be good.

I think the clinic has made a world of difference. I tracked data to see how it had made a difference. One of the things I tracked was the number of motions that came regarding visitation or time sharing with the children. I took a six-month period before we had the parents' education clinic and looked at those dockets to see how many times we had people coming back complaining about each other on visitation. Then I took an equal six-month period later and did a comparison. The drop off was tremendous. People knew what not to do a lot of times. I felt like it was valid. I talked to a researcher at UK and he took the data that we accumulated and he said, 'It is better than what you think.' I'm very proud of that.

The Parents' Education Clinic involved several counties in the state and was used by several other states as well.

Next, following that is what we call Kids' Time.

I knew kids were having problems in divorce cases, too. One of the toughest interviews I ever had was when a counselor at one of the schools wanted to know if she could bring down a bunch of kids whose parents were involved in custody cases and just have them ask me some questions. Man, that was tough. You would be surprised at how much insight they have and how many fears they have about certain things. You have to be careful about what you say because you do not want to do any harm to them emotionally. I was getting more information than I was giving out.

But kids going through divorces don't think anybody else's parents are getting a divorce. They feel like it is only their parents getting a divorce, and that is emotional to them. They do not know that it is OK to continue to love both parents. They are with one parent and do not know that it is OK to continue to love the other parent. I knew there were a lot of these things out there that kids were uncertain about and fearful of, so we wanted to try to address that through Kids' Time.

Another thing that I will take some credit for as a judge actually involved a legislative matter. It is what we call de facto custodian. I was asked to talk to the group Parents Without Partners. Natalie Wilson, a family lawyer, and I went to talk to them. We found out that it was not so much a divorce situation, but instead kids were being left with grandparents for a period of time. The mother or father would get involved with maybe drugs or in the criminal system or whatever, and deposit the child with grandparents and go and not come back for maybe 30 days. You would be surprised how many times it happened for six months or a year – even 12 years – and then come back and say, 'I want my kid back.' It is their child and they have parental preference.

When we left, Natalie and I talked about that a little bit and how awful it was. They said they would call the officials, and they would say, 'There is nothing we can do because it is the parent's child.'

Then, a few weeks after that, I was asked to make a presentation to a group of foster care parents. Here was another group that is more affected

by it than the first group. A lot of these foster parents are family members taking care of grandchildren who have been dropped off by the parents. It is just a heartbreaking situation. I tried to think how this could be handled. I drafted some proposed legislation to address this. I called it de facto custodian. If a child is left with a grandparent for a certain period of time, and that grandparent becomes the primary caregiver for that period of time, then that grandparent, or whoever it is, becomes the de facto custodian – they actually become the parent. That gave them equal rights with the parent. That did not say they got custody of the child, but they could go to court and say choose between us, based on one thing – the best interest of the child.

Before, if you went there and this statute did not exist, the parent had superior rights. You had to show the parent was unfit. And who wants to go in and show that their daughter or son is an unfit person? And it is hard to prove a lot of times. I talked to Sen. Mike Maloney, who was state senator at that time and always had an interest in this type of legislation and he introduced it and guided its passage through the legislature. De facto custodian became part of the Kentucky law. I am really proud of that because it has made a big difference in a lot of kids' lives. >>

► Judge Keller, along with Justice Mary Noble, were recognized for creating Fayette County's first drug court.



>> I had some people helping me on it. I did not do this myself. Anything I have done has been through group efforts.

Another thing is drug court. Justice Noble and I worked together to form a drug court. We went up to Hazelton, Minn., to the No. 1 drug treatment place, I think, in the nation if not the world, to see how they train their people. We ended up starting a drug court here in Fayette County and, since, it has spread all over the state. It really has been salvation for a lot of young people that are hooked on drugs that come through the court system.

You get such satisfaction when you are a drug court judge doing these reviews and you have this young lady come back that was a criminal defendant. She went through the drug-court program, has been clean and was able to get her kids back. That happens with drug court.

Another program is the Mediation of Kentucky program. I presided in a trial where after the jury was out, I found that the attorneys had not even talked about a settlement in the case, which is not good because our job is to resolve these cases. You cannot try them all, so you are supposed to explore settlement in all these cases, in my opinion, to see if you can resolve them without going to court. Sometimes you cannot, but a great majority of the time you can. They had not even discussed it. I was frustrated with that.

The case could have been settled for \$7,200 – the jury came back and gave \$225,000. Within a few days of the jury coming back, a UK law professor called and said he was thinking about trying to start a mediation program in Fayette County and wanted to know if I would be interested in helping. I told him he had called the right person at the right time because I just had a really bad experience where mediation would have resolved it.

We ended up starting a mediation center. We had a mediation trainer out of Atlanta come and train 22 mediators. That has really disposed a lot of cases. I do mediation and I was a settlement judge for the other judges when I was on the bench.

Those are a few of the programs that I have been involved in, and am proud of, because they have made a difference for the better.

**What has been the most challenging aspect of your career? Is there anything you would do dif-**

**ferently if you had your whole career to do over again?**

I have had some difficult cases, but I think if you are going to be a judge, complicated, difficult cases are just part of it. I would hate to be a judge that never had any complicated, difficult cases because those are interesting and give you the chance to make the difference. I had a case that involved the death penalty. I am neither for nor against it, but that is a very stressful situation. We need to be very, very careful when we use it. In the very few cases it is deserved, we need to make sure that those are the cases that it is proposed.

Would I go back and change anything? When I was on the Supreme Court of Kentucky there was

*... our police profession has really benefited from higher standards. The Department of Criminal Justice Training holds a big part of the responsibility for that. When officers come in, they train them and instill in them professionalism.*

one case that I would go back and change my vote on. It was not a huge case, and I would change my vote not because I wasn't following what the law would have been, but looking back I thought maybe I would vote differently because maybe we should have tried to change that law. It was a 6-1 decision and it still would have been 5-2. I told that justice that was in the one, I believe if I had to do it over again I would vote with you.

Gov. A.B. "Happy" Chandler used to say that everything he did he intended to do and he'd do it again. Well, I'm not quite that confident. There are some things I would do different in life, but nothing that bothers me. 🍷

# NEW LEGISLATION 2010

The 2010 Regular Session of the Kentucky General Assembly adjourned on April 15. The following bills of interest to law enforcement were passed during the session. Unless otherwise noted, all of the following bills will become effective on July 15, 2010.

## Senate Bill 17

This bill amends KRS 510.060 (Rape in the 3rd Degree), KRS 510.090 (Sodomy in the 3rd Degree), and KRS 510.120 (Sexual Abuse in the 2nd Degree) to prohibit certain persons employed by the Department of Corrections, Department of Juvenile Justice, or a detention facility from having sexual intercourse, deviate sexual intercourse, or engaging in sexual abuse with persons incarcerated, supervised, evaluated or treated by those agencies.

## Senate Bill 107

This bill defines "Salvia" or salvia divinorum and creates new misdemeanor offenses for trafficking, possession and cultivation of salvia, amends statutes to prohibit trafficking in salvia, and amends KRS 218A.050 to make salvia a schedule I controlled substance. The bill was passed as an emergency and took effect upon Gov. Steve Beshear's signature.

## House Bill 1

Also known as the "Amanda Ross Domestic Violence Prevention Act," this bill authorizes a domestic violence order petitioner to request that the courts obtain a respondent's criminal history and history of emergency protective orders or domestic violence orders. Under this bill, the court may restrain a respondent from going to or within a certain distance of specifically described places and from approaching within 500 feet of the petitioner. Upon a finding that a "substantial violation" of a domestic violence order has been committed, a petitioner can request and the court can order a respondent to wear a global positioning monitoring system or similar device in lieu of imprisonment.

The bill further creates a new offense for removing, tampering, destroying or failure to wear the device that is designated as a Class D felony. A Class A misdemeanor is created for domestic violence shelter trespass. Other provisions of the bill authorize the use of GPS for individuals on pretrial release, pretrial diversion, probation or conditional discharge and requires the Justice and Public Safety Cabinet to provide training on domestic violence for all certified peace officers at least once every two years.

## House Bill 79

This bill amends KRS 189.286 to remove mileage restrictions for use of golf carts on public roadways by governing bodies of local governments who have approved their use on roadways.

## House Bill 265

This bill defines and creates new misdemeanor offenses for manufacture, possession and trafficking in synthetic cannabinoid agonists or piperazines. Further, synthetic cannabinoid agonists or piperazines are classified as a schedule I controlled substance. Additionally, KRS 189A.010 was amended to prohibit operating a motor vehicle while the presence of synthetic cannabinoid agonists or piperazines or certain other designated substances that may be detected in the blood. The bill was passed as an emergency and took effect upon Gov. Beshear's signature on April 13.

## House Bill 285

This bill amended KRS 15.334 to require the Kentucky Law Enforcement Council to approve mandatory training on pediatric abusive head trauma for all peace officers to be presented in law enforcement basic training and professional development training.

## House Bill 415

This bill creates a new statute in KRS Chapter 189 that defines "personal communication device" and prohibits a person from writing, sending or reading text messages, instant messages or electronic mail using a personal communication device while operating a motor vehicle. It further creates a new statute in KRS Chapter 189 to prohibit a person under age 18 from operating a motor vehicle, motorcycle or moped while using a personal communication device. Law enforcement officers are authorized to issue courtesy warnings to those violating these two new laws until January 1, 2011. Thereafter, a person will be fined \$25 for the first offense and \$50 for each subsequent offense.

## House Resolution 25

House Resolution 25 was passed by the General Assembly to encourage cities of at least 25,000 citizens to include dementia training for police officers, emergency medical technicians and firefighters; counties and sheriffs to include dementia training for emergency medical service providers and deputy sheriffs; and for the Kentucky State Police to provide similar training to its troopers. 🍷

# Using the film as a teaching tool to visually inform recruits about the dangers of stereotypes

**T**he chill of a cold Los Angeles night lingers among the flashing lights and traffic stalled by the discovery of a dead boy, laying among the dirt and weeds on the side of the highway.

Two detectives trying to reach the scene are rear ended by Kim Lee, a Korean woman trying to reach her husband in the emergency room. Lee angrily yells that the female officer whose vehicle she hit is at fault for the crash.

“Stop in the middle of street! Mexicans! No know how to drive! She blake too fast!” Lee yells.

Stunned, Officer Ria defensively replies, “I blake too fast? I sorry, you no see my blake lights,” making fun of the woman’s broken English. “See, I stop when I see long line of cars stop in front of me,” she continues. “Maybe you see over steering wheel, you blake too.”

By nature of the job, law enforcement officers daily become referees in confrontational situations just like this one. Seeing people at their worst is nothing new. But preparing officers for that challenge has not always been easy.

That’s why the Lexington Division of Police began using the 2005 Oscar-winning film, “Crash,” as a teaching tool to deal with these sensitive issues.

“Crash” is a 122-minute film of vignettes, woven together through characters who literally crash into one another leaving no one unscathed. Director Paul Haggis artfully constructs confrontations

in which the characters perpetuate stereotypes, racism and inhumanity, allowing the audience to see where their ignorance leads them.

As recruits, deputies and officers are taught to make observations and be suspicious in a pro-active approach to prevent criminal activity. These observations sometimes become prejudices – and those prejudices can become racial discrimination in a matter of moments when a situation on the street turns ugly, said Lexington Division of Police Lt. Gregg Jones.

The confrontation between Lee and Officer Ria is the opening scene of “Crash,” during which the tone is set for the rest of the film. Snap judgments and harsh words lay the groundwork for tragic, horrifying and heart-wrenching encounters.

The audience later learns Ria is sensitive to being labeled as a Mexican because her parents are >>

# Crash of cultures



/Photo by Lorey Sebastian

◀ Gun store owner (Jack McGee), Security Guard (Jayden Lund), Farhad (Shaun Toub) and Dorri (Bahar Soomekh) argue in an early scene of *Crash*. A misunderstanding arose between Farhad and the store owner because of language barriers. ▼ Peter (Larenz Tate) and Anthony (Chris “Ludacris” Bridges) try to pawn off the Lincoln Navigator they stole from a wealthy white couple and ultimately used to run over a Korean pedestrian.

>> from Puerto Rico and El Salvador. “Neither one of those is Mexico,” she says. Lee’s racist remarks only make a bad situation worse.

Following the opening crash, the audience is flashed back to the previous day, where the 36 hours leading up to the wreck begin to unfold. The following are a few representative examples of scenes used by Jones to illustrate bias-based policing during a recent presentation of the film.

## Intolerance

A Persian man, Farhad (Shaun Toub) and his daughter are in a gun store, talking with the store’s owner about the purchase of a .32 caliber handgun. Farhad fears for his family’s safety and wants the gun to protect them, despite his daughter’s concerns about his use of the weapon. The owner asks Farhad what type of ammunition he wants.

Understanding little English, Farhad asks his daughter, in a language foreign to the store owner, “What did he say, ammunition?”

The two innocently begin a conversation about what kind of bullets he needs when they are interrupted by the store owner, who angrily spouts off with, “Yo, Osama, plan a jihad on your own time. What do you want?”

The insult infuriates Farhad and the two begin yelling at each other while the store

owner calls for security. Farhad tells the store owner he is ignorant.

“I’m ignorant?” the store owner yells. “You’re liberating my country and I’m flying 747s into your mud huts and incinerating your friends – get the f\*\*\* out of my store!”

The store owner apparently didn’t know (or didn’t care) that Farhad was Persian and not responsible for the 9-11 attacks. All he cared to see was a Middle Eastern man speaking a foreign language in his store, trying to buy a gun. He drew assumptions that Farhad was going to use the gun for terrorist activities and was angered that Farhad was speaking a language he couldn’t understand. His anger about the terrorism that has occurred on American soil and his fear that the gun was going to be used to harm more people incited his impatience for Farhad.

Farhad was angered by the store owner’s discrimination because that inequity, hatred and fear of his appearance was the very reason Farhad was buying the gun in the first place.

## Bigotry

Anthony (Chris “Ludacris” Bridges) and Peter Waters (Larenz Tate) emerge from a restaurant where Anthony feels he has been discriminated against.

“Did you see any white people in there

waiting an hour and 32 minutes for a plate of spaghetti?” he asks Peter.

Anthony and Peter begin walking down the sidewalk as Anthony continues to complain that the waitress’ purportedly-poor service was a result of their color.

“We’re black, and black people don’t tip,” Anthony says. “So she wasn’t going to waste her time. Now somebody like that, nothing you can do to change their mind.”

“Well, how much did you leave?” Peter asks.

“You expect me to pay for that kind of service?” Anthony replies.

Peter laughs, realizing Anthony personified the very stereotype he complained about by not tipping the waitress. The two continue walking toward a well-dressed white couple, Jean Cabot (Sandra Bullock) and her husband, Rick (Brendan Fraser). Jean notices the men and snuggles closer to her husband – a subtle action that offends Anthony.

“Did you see what that woman just did? ... She got colder as soon as she saw us,” Anthony tells Peter.

The two continue to discuss that Jean’s reaction is unnecessary, given that they are in a safe, well-lit, “white” part of town.

“Yet this white woman sees two black

guys who look like UCLA students strolling down the sidewalk and her reaction is blind fear? I mean look at us, dog, do we look like gang bangers? No. Do we look threatening? No. Fact, if anybody should be scared around here, it’s us. We are the only two black faces surrounded by a sea of over-caffeinated white people, patrolled by the trigger-happy LAPD. So, you tell me, why aren’t we scared?” Anthony asks.

“Cuz we got guns?” Peter replies.

“You could be right,” Anthony says, as the two pull guns from their coat pockets and proceed to hi-jack the Cabot’s Lincoln Navigator.

A second time, Anthony perpetuates the stereotypes that anger him. He can’t understand Jean’s reluctance to continue walking toward him, but immediately confirms her fear by holding a gun to her head to steal her vehicle.

In a new scene, the director takes the audience to the Cabot’s home, where Jean is

still reeling from the theft and becomes more irritated when she realizes the man her husband hired to change the locks on their home is Hispanic.

“I would like the locks changed again in the morning,” Jean tells Rick. “And you know what, you might mention that we’d appreciate it if next time they didn’t send a gang member.”

“A gang member, what, you mean that kid in there?” Rick replies.

“Yes. The guy in there with the shaved head, the pants around his [butt], the prison tattoos,” she says.

“Those are not prison tattoos,” Rick says.

“Oh really? And he is not going to sell our key to one of his gang-banger friends the moment he is out our door?” Jean asks.

Rick continues trying to calm her down to no avail.

“I just had a gun pointed in my face.” Jean continues. “And it was my fault because I

knew it was going to happen. But if a white woman sees two black men walking toward her and she turns and walks in the other direction, she’s a racist. Right? Well I got scared and I didn’t say anything and 10 seconds later I had a gun in my face. Now I am telling you, your amigo in there is going to sell our key to one of his homeys and this time it would be really great if you acted like you actually gave a [crap].”

The result of being attacked and thrown to the ground while her car was stolen caused Jean to take more stock in her prejudices. It is clear from her Hispanic maid that under normal circumstances, Jean would not respond to the locksmith, Daniel (Michael Pena) with such antagonism. She is ignorant to the fact that Daniel is a sensitive, family man with a 5-year-old little girl waiting for him at home. She doesn’t know that when Daniel gets home, he will find that little girl hiding under her bed because she is scared of bullets coming through her window. Or that Daniel moved his family into a good neighborhood >>



/Photo by Lorey Sebastian



/Photo by Lorey Sebastian

◀ Cameron Thayer (Terrence Howard), Officer Ryan (Matt Dillon) and Christine Thayer (Thandie Newton) have a confrontation after Ryan pulls them over in a traffic stop. Ryan ultimately molests Christine Thayer during this confrontation. ▼ Christine Thayer and Officer Ryan are brought back together when Thayer crashes her Jeep and Ryan is the only person who can save her from the impending flames.

>> to protect them from the kind of people with whom Jean assumes he associates himself.

Because Jean is yelling loudly, Daniel hears the things she says about him, but does not respond. He simply finishes his job and silently lays the Cabot's new keys on the kitchen island next to where Jean is still seething. Little does she know that Daniel is the only character in the movie who when provoked, simply walks away from those who abuse him because of his heritage.

Rick Cabot deals with the night's events differently. In his living room, while talking with his staff, the Los Angeles district attorney is concerned that news of the car jacking will affect his upcoming political campaign. Without regard for the other ethnicities in the room, Rick begins thinking out loud about how to neutralize the situation.

"Why do these guys have to be black?" he yells. "Why? No matter how we spin this thing, I'm either going to lose the black vote or I'm going to lose the law and order vote. What we need is a picture of me pinning a medal on a black man. Bruce, the firefighter, the one who saved the campers up in Northridge, what's his name?"

"He's Iraqi," Bruce replies.

"He's Iraqi. Well he looks black," Rick says.

"He's dark skinned, sir, but he's Iraqi. His

name is Saddam Kahum," says Bruce.

"Saddam. His name is Saddam," Rich says. "Oh that's real good, Bruce, I'm going to pin a medal on an Iraqi named Saddam. Give yourself a raise, will ya?"

Rick is still angry that his wife has accused him of not caring, and sets out to prove to the voting public that he does care by attempting to "pin a medal" on a black man. Not only does his logic not make sense, but he shows no concern for the black woman in the room who works closely with him. He also shows he cares nothing for a person's ethnicity when he still wants to pin the medal on the firefighter, simply because "he looks black." He further shows his prejudices when he becomes angered that the black-looking man he wants to pin's name is actually Saddam.

Rick's prejudices are blatantly obvious, even while he attempts to hide them. In contrast, Jean's attempts to hide her prejudices is what she believes ultimately leads to her attack by black men like those Rick wants to portray as heroes to protect his campaign. The prejudices spin the couple in circles and get them nowhere.

## Injustice

A new set of characters are introduced in the next scene where Los Angeles Police Officer John Ryan (Matt Dillon) is on the phone with a customer service representative for his fa-

ther's HMO plan. Ryan complains that his elderly father is in pain, he can't sleep and the doctors covered by his HMO aren't helping to his satisfaction. When he doesn't get the response from the representative he wants, he asks to speak to her supervisor.

"I am my supervisor," she replies.

"Yeah, what is your name?" Ryan asks.

"Shaniqua Johnson."

"Shaniqua, big [freaking] surprise that is," Ryan replies, only to have the phone hung up in his ear.

Angry that the woman (whom he assumes is black based on her name) won't help his father, Ryan gets back in his police cruiser with rookie officer Tom Hansen (Ryan Philipe) and hears a call about the Cabots' stolen Navigator. About that time, Ryan observes a black SUV drive past him and begins to follow the vehicle. Hansen objects that it can't be the right car, but noticing a black driver and his wife participating in sexual activities while driving, Ryan proceeds to pull over the vehicle.

The well-to-do couple is laughing about the stop when Ryan asks for Cameron Thayer's (Terrence Howard) license and registration. After Thayer's wife, Christine (Thandie Newton), tells the officer Cameron is a Buddhist and doesn't drink, Ryan still insists Cameron step out of the car and perform

field sobriety tests.

Angry, Christine opens her door, insisting again that her husband doesn't drink.

"Ma'am, I'm only going to tell you one time to stay in the vehicle," Ryan tells her.

"Ma'am," Christine responds, taking offense to Ryan's choice of words. "Don't you ma'am me. Who the hell do you think you're talking to?"

To Ryan, the term "ma'am" is a common, polite way to address a woman whose name you do not know. But to Christine, the same word carries negative, racial connotations.

Cameron tries to calm his wife and explain his position to the officer, but the anger Ryan carried into the situation from his confronta-

tion with the black HMO representative and Christine's disrespect pushes him to force them both against the vehicle to be patted down. Christine continues to yell, telling the officer and his partner she and Cameron have done nothing wrong. Ryan forcibly pushes Christine against the car and she responds by calling him a "pig."

The name-calling further angers Ryan, who while patting down Christine abuses his power by molesting her in front of her husband. Matter-of-factly, Ryan explains during the molestation that he can choose to let the couple go with a warning or arrest them both for reckless driving and lewd conduct.

Feeling trapped by Ryan's authority, Cameron chooses to do nothing and asks the offi-

cers to let the couple go with a warning while Christine cries silently. Later, when the couple argues about the incident at home, Christine questions Cameron's manhood and his "blackness" because he chose not to respond aggressively to the gun-toting officers.

"Maybe I should have let them arrest your [butt]," Cameron tells Christine. "I mean, sooner or later you've got to find out what it is really like to be black."

"Like you know," she says. "The closest you ever came to being black, Cameron, was watching 'The Cosby Show.'"

"Yeah, well at least I wasn't watching it with the rest of the equestrian team," he fires back. >>>



/Photo by Lorey Sebastian



“Yeah, you’re right Cameron, I’ve got a lot to learn,” Christine says. “Cuz I haven’t quite learned how to shuck and jive. Let me hear it again? ‘Thank you mister po-lice man. You sho is mighty kind to us po’ black folk. You be sho to let me know next time you want to [molest] my wife.’”

## Redemption

Officer Ryan is distraught about his father’s pain and discomfort and he is angry that he has no control over fixing it. His racial biases come out first against the HMO representative and then again against the Thayers. Because of his power as an officer, he is able to take advantage of the Thayers – trapping them by the authority he holds over them, just as the HMO rep has done to him. But his anger and prejudices blind him from seeing the irony of what he is doing.

He doesn’t think about the repercussions his illegal and disgusting assault on Christine might have – until he faces her again the following day.

Arriving on the scene of another highway crash, Ryan runs toward the mangled vehicles. The front end is on fire in one. In another, gas is leaking down the highway toward the flames from the Jeep, now lying on its top.

Surveying the wreckage, Ryan realizes someone still is inside the Jeep and begins working to free her. Unable to open the car door, Ryan crawls in through a broken window, and as the woman turns her head, the two recognize each other. Christine begins crying harder, thrashing violently.

“No, get away from me!” she screams, still suspended by her seat belt. “Stay away from me! Not you. Not you!”

Realizing how close the vehicle is to exploding, Ryan tells her he is only trying to help, but she doesn’t care.

“Not you, somebody else. Anybody else,” she cries.

“I’m not going to [freaking] hurt you,” Ryan yells, trying to get her attention. “OK? I am not going to touch you. But there is nobody else here yet and that’s gasoline there. We need to get you out of here right away.”

Needing his help, Christine stops yelling and allows Ryan to reach across her to cut the stuck seat belt. But the gasoline finally reaches the fire in the other car and the blaze races back toward Christine’s Jeep. Ryan’s fellow officers begin pulling at his legs to remove him from the car, leaving Christine still trapped inside. But this time, Ryan fights free and dives back inside the car to grab her, instructing the other officers to pull them both from the vehicle now engulfed in flames. He saves her, just before the vehicle explodes.

A little redemption is earned for Ryan’s character, who shows that when Christine’s life is at risk, it doesn’t matter that she is black. It doesn’t matter that she hates him, curses him or fights him. It matters only that his job is to protect, serve and uphold the sanctity of human life. And when he is tested in the direst of circumstances, that moral ground prevails.

## Recognition

Luckily, Ryan was able to help Christine even after their initial encounter, but only because Christine had little choice in the matter. After watching the movie and talking about some of these issues, Lt. Jones asked the recruits, “What happens if you demonstrate biases? What are your chances of helping?”

Jones hopes that using the film will help the recruits answer this and other questions about sensitive situations they may encounter.

Jones had taught biased-based policing courses to recruits for some time before introducing “Crash.” But since including the film, Jones said he has seen great benefit come from using the scenarios in the film to allow recruits to express opinions and cultivate discussion from matters that are not personal.

“Officers will be exposed to a variety of ethnicities, races and complicated and tense situations like those that are depicted in the movie,” he said. “The ability to talk through these scenes may bring some recognition out that, yes, we do have some biases to some extent. Many or all of us do. We may not recognize those within ourselves. That is probably the premier advantage of this movie, to bring about dialogue.”



### MOVIE DETAILS

A Lions Gate Films production  
Released May 2005  
122 minutes  
Directed by Paul Haggis

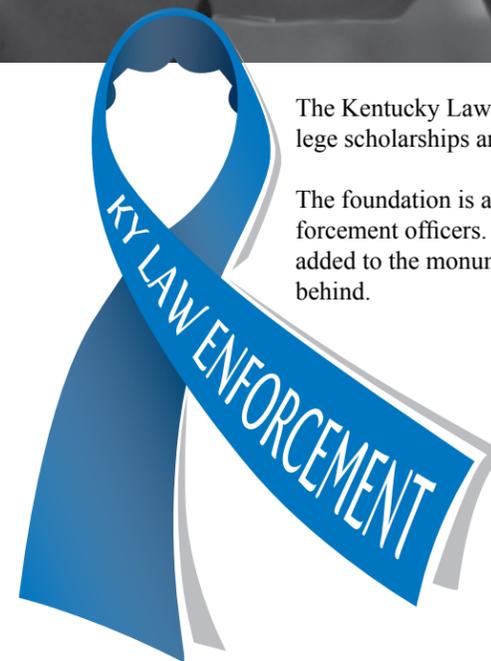
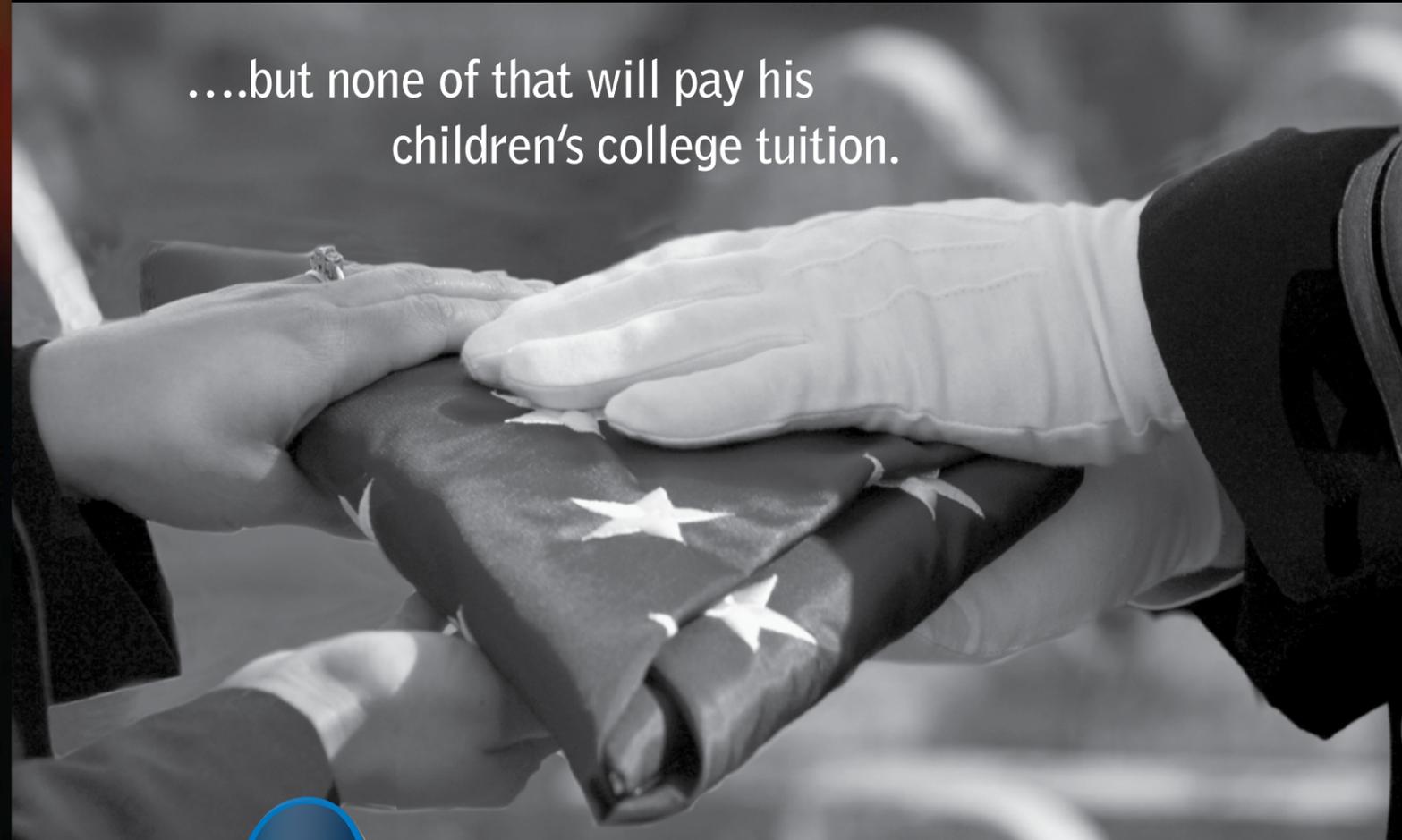
Winner of three Oscars for Best Motion Picture of the Year, Best Writing and Best Achievement in Editing

### LEADING CHARACTERS

Sandra Bullock – Jean Cabot  
Don Cheadle – Officer Graham Waters  
Matt Dillon – Officer John Ryan  
Jennifer Esposito – Officer Ria  
Brendan Fraser – Rick Cabot  
Terrence Howard – Cameron Thayer  
Chris “Ludacris” Bridges – Anthony  
Thandie Newton – Christine Thayer  
Ryan Phillippe – Officer Tom Hansen  
Larenz Tate – Peter Waters  
Michael Pena – Daniel  
Loretta Devine – Shaniqua Johnson  
Shaun Toub – Farhad

A posthumous medal; a folded flag;  
his name etched on a timeless memorial:  
all fitting tributes to a fallen law enforcement officer.

...but none of that will pay his  
children’s college tuition.



The Kentucky Law Enforcement Memorial Foundation provides financial assistance, including 25 college scholarships annually, to the surviving families of Kentucky officers killed in the line of duty.

The foundation is also the caretaker for the only memorial in Kentucky honoring all fallen law enforcement officers. Each year, unfortunately, new names – those who made the ultimate sacrifice – are added to the monument. Please help us honor their sacrifice and provide assistance to the families left behind.

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When registering your vehicles, ask for the Fallen Officers’ Trust license plate. \$10 of the proceeds go directly to the foundation to help the families of those who have served to protect Kentuckians



# Striving For a Standard

/Article and photos by Elizabeth Thomas, Public Information Officer

**O**n a spring day, along the sidewalks through Berea, you'll find runners and walkers in abundance enjoying the much-anticipated warmth of the new season. Among those runners, you are sure to see Berea Police Chief David Gregory taking in the fresh air along Highway 595, which is one of his running routes.

Physical fitness is just one area of leadership Gregory finds important to his role as chief. "If I can't do something I'm asking the recruits to do, I shouldn't be chief," Gregory said.

Gregory was appointed chief September 1, 2009, exactly 11 years from the date he was hired as a patrolman. Originally from Muhlenberg County, Gregory began his law enforcement career with Berea, rising through the ranks rather quickly from patrolman to detective and on up through sergeant and lieutenant. As he moved through those ranks, Gregory also completed Department of Criminal Justice Training's Academy of Police Supervision and the Criminal Justice Executive Development course, as well as the FBI National Academy. He completed his Bachelor of Science in Police Administration and was the first at the department to be certified in accident reconstruction.

For a town of about 14,000, Berea keeps its 30 full-time officers busy. The town is home to historic Berea College with a student population of 1,500 adding to the already congested traffic situation downtown. Though most Berea College students are not allowed to have vehicles on campus, the main thoroughfares intersect near the college's main buildings, causing delays near crosswalks.

Add to that, Berea is known as the Folk Arts and Crafts Capital of Kentucky, one of the many reasons the town draws thousands of tourists each year to sites such as the Log House Craft Gallery, Boone Tav- >>



## Berea Police Department

- Population: 14,440
- Square Mileage: 9.3
- Calls for service in 2009: 16,288
- Number of officers: 30



ern Hotel, Old Town Berea, the Chestnut Street antiques district and the Kentucky Artisan Center. Many locals also have dubbed it the “small-town festival and parade capital of the world.” From the crafts festivals that take place throughout the year to the Spoonbread Festival to the annual Christmas parade, there is always something to do in Berea, keeping its police officers on their toes directing and managing the traffic congestion.

“It’s a tough balancing act – managing the special events and still protecting and serving the citizens of Berea,” Gregory said. “We care about these events because we know they bring people to Berea.”

Gregory noted that the Christmas parade is logistically the most difficult of the parades because of the large amount of visitors and onlookers, as well as the amount of traffic that has to be redirected. The Berea Police Department is responsible for approving all the parade routes throughout the year.

“One of my goals as chief is to have one parade route for all the parades,” he said.

Berea’s special events and tourism are only part of the traffic congestion in town. Between 2006 and 2008, Berea saw a sharp increase in building permits with many new residents moving into town. In 2009, a portion of the new bypass, which will eventually encircle the town, opened in hopes of eliminating many of the traffic issues downtown.

With an influx in population, also came the increase in crime. Of the 16,288 calls for service in 2009, property crime – theft, burglaries, larceny and motor-vehicle theft – ranked at the top. In an effort to deter crime, the department began placing a dummy cruiser in those high-accident, high-crime areas. The unoccupied car is parked strategically and its location is alternated regularly.

The chief aims to help the community prevent and deter crime. Since he has been chief, Gregory writes a monthly newspaper column with crime prevention tips – ranging from senior citizen crime concerns to property theft prevention.

“I’ve gotten a lot of feedback from the community that they really enjoy this,” Gregory said.

Encompassing more than nine square miles, Berea is also home to two high schools, two middle schools and three elementary schools, with plans to develop another middle school. The department boasts Kentucky’s 2009 School Resource Officer of the Year, Officer James Harris, who is assigned to Madison Southern. A 30-year police officer, Harris is great with kids, Gregory said, and is available and present at many of the football and basketball games among other school events. Harris has even been nominated by a state representative for the national school resource officer of the year, the Floyd Ledbetter Award.

Former Berea Chief Ray Brandenburg serves as an SRO for Berea Community High School.

Featured recently in the Women of Madison County Magazine, Det. LeeAnn Boyle has led the

department’s charge on crimes against children. Boyle represents Berea as one of 15 agencies who are part of the Kentucky State Police Internet Crimes Against Children Task Force. She also is part of Growing Up Safe, Special Assault Response Team and the Madison County Child Fatality Review Board.

The department also has an officer assigned to the Central Kentucky Drug Task Force to help curb some of the area’s drug problem.

Though crime is not non-existent in Berea or Richmond, the World Health Organization has ranked Madison County as seventh in the nation as a Safe Community, and is the only county in Kentucky to have the honor. The county ranks 180th worldwide. Gregory plans to keep it that way or make it even better.

“In my strategic plan, I want the department to develop a safety officer position to handle tickets, funeral patrol, specialty traffic issues and >>



▲ Molded hands, like these in Old Town Berea, stand all over town to represent the artisan community of Berea.

◀ Officer Aaron Hall drives through Berea’s highest crime neighborhood.

▶ Chief David Gregory sits outside the coffee shop at College Square on the town’s Main Street.

>> motorist issues on the interstate,” Gregory said. He added that his intention with this and the recent addition of a third investigator was to free other officers to do more foot patrol, adding more police visibility for citizens and tourists.

“A lot of our officers do case management. The third investigator allows them to leave the investigative work to the investigators and get out in the community,” Gregory said.

Public Information Officer Capt. Ken Clark agreed.

“We’re not working harder, we’re working smarter,” Clark said.

Clark was born in Berea and has lived in the town his entire life.

“I never wanted to be a police officer anywhere else,” he said. “This is where my home is.”

Many of the officers at Berea have the same story.

“We have a small department where everybody knows everybody and their families. We have a home atmosphere here,” Gregory said.

Gregory emphasized an important philosophy of the department – to treat the officers as he would want his own family treated.

“I grew up here, knew the area and knew the citizens. It seemed like the right choice for me,” said patrol officer Aaron Hall, whose twin brother, Adam, also works for the department.

“The great thing about this department is that we always have backup and we’re always well-equipped,” added Hall as he drove through what Berea calls the ‘green zone,’ an area riddled with juvenile crime and vandalism.

Gregory is making strides with community-oriented policing. In addition to the chief’s monthly newspaper column, the department has created a Facebook page, giving citizens a forum to ask questions and communicate with the department. Also in the works is a Web site, allowing citizens to access their police and accident reports. Among other community-policing efforts, the department is looking at more efficient ways to alert the public of intersection closings and traffic issues.

Berea also partners with DOCJT, Richmond P.D. and the Madison County Sheriff’s Office to of-



fer the Madison County Citizens’ Police Academy.

Berea Police Department even makes off-duty efforts in community involvement. On April 10, the department hosted a 10k run/5k walk to raise support for Kentucky’s Special Olympics, held annually in Richmond. Several officers competed with town firefighters in a chili cook-off to raise money for Special Olympics. All 30 officers showed up for the dinner. From promotions to foot pursuit, Gregory is also placing high priority on policy changes. Due to the death of one of his friends from high school, who also was an officer, Gregory hopes to add policy on line-of-duty deaths with the help of the Concerns of Police Survivors organization.

The KACP-accredited department has implemented requirements to give all officers the career opportunities Gregory had. All sergeants must attend APS and once officers are promoted to lieutenant, they attend CJED. Police training officers are encouraged to attend DOCJT’s situational leadership course.

Providing these opportunities not only benefits the officers, but it also benefits the community they serve.

“We value service. We work closely with the citizens, the chamber of commerce, the city council and the tourism department to stretch the resources of the department so that we can improve the quality of life for the citizens of Berea,” Gregory said.

Because of the demographics of the town and the college, the department emphasizes cultural awareness and sensitivity, striving to treat people with dignity and respect.

“The citizens of Berea,” Gregory said, “make this a great place to work and police.”

▲ A Berea fire engine leads the annual Christmas parade down Highway 25 and onto Highway 595. The Christmas parade presents many logistical issues for the Berea Police Department.

# LEADERSHIP

# OF

# THE PROCESSES

/Abbie Darst, Program Coordinator

The first day on the job for a brand new law enforcement officer is full of excitement, nervousness and aspiration. Learning the ropes from those in command positions, young officers may stop and think about where this new journey will lead them – almost unable to imagine one day sitting in the chief’s seat leading the entire department.

But at many departments across the state, young patrolmen’s journeys did lead to the chief’s office after years of training, learning and leading as they made their way through the ranks of the departments in which they began their law enforcement careers.

## IN THE BEGINNING

In 1989, Columbia Police Department Chief Mark Harris actually began his law enforcement career in the county’s dispatch center, but he always thought he wanted to do police work, he said.

“When I would send officers on calls, it made [me] want to go to those calls too,” he recalled.

So, later that same year, he applied to the Columbia Police Department and started as a patrol officer – kicking off a 20-year career in law enforcement.

In January 1982 when Robert Ratliff first walked through the doors of the Ashland Police Department, he knew he was there to stay.

“When I was hired, I intended to stay, but I had no idea where that would lead,” said Ratliff, who is now chief. “We had a fairly new chief at the time ... and chief wasn’t really a goal, but captain was. Captain was what I had my sights set to get and things fell into place.”

For new officers, the enthusiasm at the beginning of their career often propels them to be the best officer they can be, tackling every challenge head on.

“When I initially came on board, like most new police officers, there wasn’t anything I was not interested in getting involved in,” Winchester Police Chief Kevin Palmer said. “I wanted to catch all the bad guys, solve all the crimes, catch all the speeders and stop all the drunks.”

It’s been 13 years since Palmer began his career in Winchester as that gung-ho young >>



◀ Columbia Police Chief Mark Harris stands in front of Sgt. Jason Cross, Officer Josh Brockman and Officer Kevin Atwood. Harris has served the Columbia Police Department for more than 20 years, beginning his career there. Chief since 2003, Harris said, "I want everyone here to want to move up."

/Photo by Elizabeth Thomas



patrolman who believed he could accomplish anything. When he was promoted to sergeant, he took the same attitude with him, which had good and bad points to it, he said.

"The promotion to patrol sergeant was probably the biggest culture shock because now you are expected to supervise guys just like you – and that is huge," he said. "Some make that transition well. ... Some people, when promoted to baseline supervisor, never make that leap. They are still out there doing the patrolman's job.

"If a sergeant and a patrolman arrive at a call, the sergeant shouldn't be searching the vehicle and patting people down, he needs to be supervising and making sure things are done right and everyone is safe." Palmer added. "It is hard sometimes to be hands off, and I experienced that."

But retaining a certain level of enthusiasm for the job is what propels many of officers up the ladder.

"I still enjoy what I do and always have," Ratliff said of his law enforcement career. "I think that can probably be attributed to steady change – I had no time for burnout. Not spending a long period of time in any one position helped me maintain that interest. I've just been happy, and as long as I'm happy doing the job, I plan to stay."

### 'HUGE SHOES TO FILL'

Ratliff's 28-year career took him from patrolman through detective, patrol sergeant, administrative sergeant, lieutenant, captain and assistant chief. In that time, he worked under two other chiefs who he said served as mentors for him on his journey.

"Both chiefs helped point me in the right direction and helped me get necessary training and education, like the opportunity to attend the FBI National Academy," he said. "I think that was a major turning point, making the transition from supervisor into management and eventually administration. But they played a big role in molding me into what I needed to be to move up and take on the

responsibility of chief."

Ratliff is the second successive chief at the Ashland Police Department to spend his entire career at the department, moving through the ranks to chief. Former Chief Tom Kelly served the Ashland Police Department for 43 years, longer than any other officer had served in law enforcement in the state of Kentucky at the time he retired in April 2006.

Upon Kelly's retirement, Ratliff began to climb that last rung on the department's ladder. He immediately took on the role as acting chief – but it was only after 13 months of a nationwide search and interview process that Ratliff officially landed the chief position.

"That was good and bad," Ratliff said of the extensive process. "It drug it out a lot, but at least when all was said and done, [I] had the satisfaction to know that I was put through the process with candidates from all over the country and came out on top."

After moving from patrolman to patrol sergeant, then to training captain, Winchester's Palmer similarly followed in the footsteps of a chief who had headed the department for 20 years.

"They were huge shoes to fill because the longer a person stays in the job, obviously, the more comfortable they can get," Palmer said. "I tell people that as the new police chief, I don't have the credibility of a man who has been chief for 20 years, so I have to work harder. I have to do it better; know it better."

One way Palmer immediately decided to counteract the experience difference was to collect as much input and information from his personnel as possible.

"The first thing I did after the promotion was sit down privately with every employee in the building and just listen," he recalled. "I learned more in those 50 interviews than I ever knew about our department because you don't know every shift, every person and every personality. It helped me set goals for the department."

Setting goals is something that each of these chiefs knew was important. After spending many years in their departments and moving through the ranks, the overall image and level of professionalism of the agency was high on their priority lists. And one major way to boost and maintain that professional image, they said, is through accreditation.

For Palmer, he began the accreditation process for the Winchester Police Department while he was still the training captain, a process that had been attempted and failed four times prior by others, he said.

"The good thing about that was I didn't have to sell accreditation as chief – I was captain and it was an 'us' mentality," Palmer said. "This is where 'we' are going. 'We' need to do this.

"We see every day the benefits of getting accredited," he added. "Before, as a department, Winchester had a good name in central Kentucky, but we operated in the gray a lot. Now we do it like accreditation standards say. And that's matched to what professionals across the country say is the way to do it, and that makes me sleep better knowing we are operating on an acceptable level."

In Ashland, Ratliff began the process of accreditation immediately after taking over as the agency's acting chief.

"It had been kicked around a lot, but never done," Ratliff said of obtaining accreditation. "That's why as soon as I was in the position to make the decision to do it, we did. Though I was in the position of acting chief at the time, whoever would come in would have had to make the decision to not do that."

Likewise, when Columbia's Harris took over as chief in April 2003, he wanted to emulate the professionalism he saw in his predecessor, he said. Achieving accreditation is Harris' long-term goal for the agency. As the agency prepares to move into a new facility, it is a goal he anticipates obtaining in the near future. >>



## LIFE-LONG COMMITMENT

Though Harris has served the Columbia Police Department for more than 20 years, he has lived in Columbia his entire life – growing up in the town, going to high school there and even attending Lindsay Wilson College.

“I know the people in the community and they know me,” he said. “My feeling ... when I applied for chief was as long as they hired someone from within the department, we were all OK with that. ... If you hire someone here, the community kind of knows what they are getting. They are familiar with their work, the person’s attitude and demeanor.”

There seems to be a certain level of not just comfort, but also responsibility that comes with serving in the same community that one has called home his whole life.

“I was born and raised in Ashland,” Ratliff said. “It’s where I grew up, where I raised my family – I have a vested interest in the community. ... That was one of the big factors when they were looking to fill the (chief) position – it says a lot when you have those contacts in place. You know the people, the people know you and it is easier than coming in fresh and getting started because all that is already there.”

That commitment to their communities also transpires to their officers, with a desire to see other officers in the department move through the ranks and aspire for leadership positions.

“The same thing that my chiefs did for me, I try to do for my guys now in providing that guidance; pointing them in the right direction and providing the necessary training,” Ratliff said.

“Every supervisor promoted since [the Department of Criminal Justice Training] came up with the sergeant’s academy goes to the Academy of Police Supervision,” Ratliff added. “Since I moved up, the training has been geared toward your position, not just fulfilling the 40-hour mandate. We try to send [officers] to training that will ben-

efit them, the department, the city and the people who live here.”

Likewise, Harris feels that internal mobility is the key to long-term happiness within a department.

“Every day is a highlight – I enjoy my job and I enjoy this community,” Harris said. “I enjoy just coming to work every day. I’ve enjoyed my promotion to chief and I’m glad to serve these guys and try to help them and bring them along.

“If someone has worked here their whole career, they have dreams and aspirations of moving up through the ranks,” he said. “You will keep officers working here as long as you keep hiring within. If every time a chief’s position came open they hired outside the department, it wouldn’t give guys much incentive to stick around.”

And to continue the process of leadership, agencies need the experience, expertise and community knowledge of officers who have served the department for many years.

“I always try to encourage our officers to start the promotion process as soon as possible – as soon as they are eligible, they should throw their names in the hat,” Ratliff said. “It may take several years to get it, but start the process, maintain a positive attitude, don’t let yourself reach that point of burnout and look for new things to do to keep things fresh.”

“I want everyone down here to want to move up,” Harris said. “I hope it’s a problem later that when it is time to move up, it’s tough to choose because all the guys are qualified and want it.”

Harris’ influence already has begun to shape future leadership.

Columbia Sgt. Jason Cross said of Harris, “It’s all about knowing your people and their needs and he really does a good job of taking care of those needs and making sure you are taken care of at home. That’s what I like about him, and I’ll do the same if I’m fortunate enough to get that position.” 🍌

▶ Ashland Police Chief Rob Ratliff leads the line with Ashland police officers Maj. Todd Kelley, Lt. Bill Hensley, Sgt. Scott Sexton and Officer Dustin Allgood. Ratliff’s near 30-year law enforcement career began as a patrol officer with the Ashland Police Department. Ratliff followed Chief Tom Kelly, who also served his entire career with Ashland.



/Photo by Jim Robertson

▶ Winchester Police Chief Kevin Palmer leads his department represented by Capt. James Hall and Capt. Jim Miller, flanking his shoulders, and behind them Sgt. Dwayne Green and Patrolman Dennis Briscoe. Palmer began his 13-year law enforcement career at the Winchester Police Department. Green and Miller have each served Winchester for more than 20 years.



/Photo by Elizabeth Thomas

# LEADERSHIP

## KENTUCKY'S LEADERS

### SETTING THE EXAMPLE

/Kelly Foreman, Public Information Officer

**T**hey each serve different ranks, different agencies and different roles within those agencies.

But three Kentucky officers stand united through their exceptional leadership, their drive to attain the highest levels and the description offered about them by both superior and subordinate officers.

They are leaders by example.

"I would think that it inspires people, leading by example," said Cincinnati/Northern Kentucky Airport Police Sgt. Tony Stimle. "It's huge. You can't be wrong by doing that. But your example better be right, and it better be positive."

Stimle along with Bowling Green Police Capt. Penny Bowles and Frankfort Police Lt. Chuck Adams are three among a select group of Kentucky officers who are graduates of all the Kentucky Leadership Institute's programs. They have invested themselves in the heart of leadership and daily live that example for their fellow officers and communities.

For some, it took a little longer than others to buy in to the value of leadership in policing.

"I didn't want to necessarily go," said Adams of the Academy of Police Supervision. "It was a new rule that all sergeants had to go through it for the department. I postponed it as long as I could. Then I got there and I wished I had gone earlier in the year after I learned what I did."

"You learn through the classes ... how to relate to people and what types of communication to use with different people," Adams continued, noting that he considers himself a situational leader. "Then that just usually builds a better relationship overall. I have seen supervisors who don't know how to communicate and then the rest of the shift just deteriorates. It was good training."

Stimle, who serves the department's investigations unit, also was required to attend APS as part of his training, but was interested in what the program had to offer when he attended in 2006.

"I saw APS as a really good foundation," Stimle said. "I really got a taste for it. But there is always room for improvement. Then I looked at [the Criminal Justice Executive Development] program and, of course, it just continued on from there. They are good courses for development and great leadership. I just can't say enough good things about the Department of Criminal Justice Training and their leadership development programs."

The skills Bowles said she learned in CJED were invaluable to developing her administrative leadership.

"You talk about budgets, you talk about professional writing, you talk about policies," Bowles said. "You just start thinking about different things as a sergeant and really start trying to figure out who you are. It helps you develop your people."

After completing both APS and CJED earlier in her career than she planned, Bowles was given the opportunity to attend the School of Strategic Leadership, she said. Prior to the class, she had completed half of the requirements to earn her master's degree and SSL helped her complete her education.

"It is amazing," Bowles said of the programs. "You always learn so much from the people who are in your class because they are at such different levels, from different organizations and different parts of the state. The discussions you have – you get great ideas and learn how other people are doing things. If you are not afforded those opportunities, you just do what you have always done."

"SSL really taught me how other people think," Bowles continued. "Not just the po- >>



# TAKE THE LEAD

◀ Cincinnati/Northern Kentucky Airport Sgt. Tony Stimle said the Academy of Police Supervision gave him a taste of leadership that led to graduating from every level of the Department of Criminal Justice Training Leadership Institute.

## >> FROM THE CLASSROOM TO THE STREET

lice. It taught me more about how the community can view you, how their basis of police perceptions are formed. If you are not exposed to that, you just really have that ‘us versus them’ mentality.”

Through the SSL program, Bowles was able to graduate from Eastern Kentucky University with her masters in criminal justice in December 2007.

“I don’t know where I would be,” Bowles said. “I don’t know what kind of leader I would be or what kind of person I would be because those classes just make you want more. I told [Leadership Development Instructor Ken Morris], ‘OK, what’s level four? We have already done all three, now it has been a couple years, I need something else!’”

Adams serves the Frankfort Police Department as an assistant shift commander. As he took his education back to his department and his shift, he said he quickly saw a change in himself.

“I was more conscientious about how I reacted or related to the officers,” Adams said. “Something I remember specifically is a roll call that stands out in my head where I yelled at the shift when it wasn’t really the right thing to do. I think I remember it because I regret it. Because I learned to think things through first and to make sure I’m directing my correction to the right people in the right direction and in the right manner.”

While completing the programs – particularly SSL – was extremely challenging, Stimle agreed he also could see the changes that were brought about in his leadership abilities.

“It promotes critical thinking,” he said. “You start thinking about the future of not only law enforcement in the agency, but also in the community. That was the biggest thing. Just understanding a lot of things that go on in your community and how you can help in ways that make your job easier and the jobs of the people who work with you a lot easier. It really makes a difference.”

Frankfort Police Lt. Rob Richardson fondly remembers Adams’ early days at the department when he trained Adams as a rookie.

“His whole career, I have seen him change from a person who, as a patrol officer was very capable, but his leadership skills have grown,” Richardson said. “I think it is a tribute to APS, CJED and SSL. He is more sure of himself and he leads by example.”

Adams puts himself in his fellow officers’ shoes and cares about them as people, Richardson said.

“Although he has not been a lieutenant long, to progress as quickly as he has with 10 years at the department is a credit to his hard work and leadership skills,” he continued. “It is obvious you don’t get to that position without the support of your peers as well as your subordinates.”

Cincinnati/Northern Kentucky Airport Police Lt. Scott Schwartz said Stimle also has earned the support of his peers through the relationships he has built with them.

“We are close back here,” Schwartz said. “We count on each other to get the job done. Tony likes to be involved, to mentor the guys and kind of bring them along then push them out on their own. He gives them the guidance they need before he lets them go on their own to start working. He maintains communication with them – they are always communicating.”

Stimle, who considers himself a transformational leader, knows his officers’ personal issues and work issues, too, Schwartz said.

“It all goes back to situational leadership,” Stimle said. “You know their capabilities; if they are willing or able. The biggest thing is people have to trust you as a supervisor and as a leader. They have to trust you, and when you ask them about their family – which I think is important – when you ask about them personally, you have to mean it. I like this department, but I’m here for the people.” >>

► Bowling Green Police Capt. Penny Bowles said graduating from the Criminal Justice Executive Development course helped her learn more about herself and developing her people.

>> In Bowling Green, Bowles supervises two sergeants, who jokingly have come to call her Mom because of their family-like relationship. Each day, Bowles makes a concerted effort to develop the officers she supervises, strengthening them with leadership devotionals when appropriate and pushing them outside their comfort zone to perform at the levels she is confident they can reach.

“I really like to stretch them a little bit,” Bowles said of her ‘sons.’ “They are good at what they do. It is not that they don’t want to learn the other stuff, it is just not comfortable for them. So, I am really pushing them. The best part about being a leader is to get them ready to take your job. They are both testing for captain this year.”

As training captain for the agency, Bowles is responsible not only for developing her immediate staff, but also for training officers agencywide.

## THE BIGGER PICTURE

“We touch every single person at least one time per year in in-house [training],” Bowles said. “What we do here hopefully will save somebody’s life, so that is the ultimate in leadership. If you can reach somebody and teach somebody something that is going to better them and better their jobs, nothing else beats that.”

Bowles, who also considers herself a transformational leader, said she thinks beginning leadership training early in an officer’s career is crucial. For that reason, she takes from the training she has received through the Kentucky Leadership Institute and applies it in her own department.

“You are a leader in the community whether you are working on the street or you are the chief of police,” she said. “We know the difference of the ranks, but the general public sees a uniform. We are their leaders, especially in crisis situations.

“The mistake I think a lot of other agencies make – and ours was the same – is that until you were promoted and went through a test [you didn’t have leadership training]. Magically one day they say, ‘Now you are a sergeant,’” Bowles continued. “Now, all of a

sudden you are supposed to have all this great knowledge and yesterday you were a patrolman. The previous chief [believed in] and this chief is trying to develop those leadership principles from the very first day on patrol.”

The officers Bowles reaches in training see these principles daily in her work.

“The big thing with Penny is she is the kind to lead by example,” said Bowling Green Master Police Officer Jamie Pearce. “She is not afraid to get out and show you how to do something before you do it. She’s not the kind to tell you to do something she wouldn’t do. She is a very straight-forward leader. She will tell you when you are doing something wrong, and if you’re doing it right, she will commend you on it. She takes pride in herself and she takes her job seriously.”

Going through the Kentucky Leadership Institute programs helps leaders start thinking about changes they can make in themselves, in their departments and in their communities.

“They motivate you to want to come home and conquer the world,” Bowles said.

The training helps officers think about looking ahead, how they can implement needed changes and get others to follow them – all while considering how the community affects the agency and the agency affects the community.

“Law enforcement plays such a big part in the community that it needs to have people who are going to know how to act and guide a police department,” Adams said.

Stimle agreed.

“I think it is important because we are all in this together,” he said. “We are driving toward a goal and that goal is the overall mission and vision of the police department.”

Communicating that goal and working toward reaching the goals of the individual >>



# LEAD THE WAY

◀ Frankfort Police Lt. Chuck Adams said after returning to the agency from the Leadership Institute, he saw a change in himself and how conscientious he was about dealing with the officers he supervises.

>> officer helps Stimle to develop officers who work toward the goal of guiding the department, he said.

“Leadership isn’t something that is tucked away somewhere,” he said. “It’s out there. Everybody sees it. One of the biggest things I

have learned is to empower people, to give them the tools they need then let them do their job. Let them make a decision. Because eventually, somebody is going to be sitting in my seat. If I don’t develop them now or ensure they are capable of doing it, they are not going to be very effective.”

# LEAD NOW



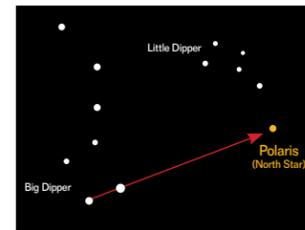
**BABY BOOMERS**  
born 1946-1964

**GENERATION X**  
born 1965-1977

**MILLENNIALS**  
born 1978-2000

## A NEW GENERATION: Understanding different is not bad

Law enforcement leaders must be multilingual.



We’re not talking about Spanish, French or German. We’re talking about speaking the same language as the Generation X and Millennial officers filling out the ranks.

The senior command offices in most Kentucky agencies still are mostly full of leaders born during the Baby Boom generation. Leading those with a different outlook on the world can become a challenge to a leader who does not embrace those differences.

Keeping an open mind in understanding the needs, desires and drive of a younger generation is key, said David Pope, Department of Criminal Justice Training Leadership Development training instructor.

“Young people today have had technology from the moment they could say a sentence,” Pope said.

“They are results oriented. They ask questions. And the question they ask most is, ‘Why?’ That can be a challenge if you are a little older in a leadership position. It is not an act of disrespect. It is the generation.”

Dr. Aaron Thompson, Ph.D., interim vice president for Academic Affairs at the Kentucky Council on Postsecondary Education, agreed that the Millennial generation especially has a more-global understanding of technology than the generations before them.

“The other thing is that they come in with this idea that they can do multiple things and do multiple things well,” he said. “The challenge, I think, is to have the Baby Boomers and the Generation Xers not be afraid to take advantage of the knowledge the Millennials have. The real leadership challenge is knowing how to use that knowledge to advance policing.”

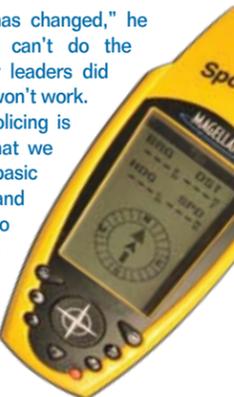
“Not just in how well they can do computer crimes,” Thompson continued. “They can do all that. But how can the senior leaders use that knowledge to help the Millennials feel like what they

are doing has a deeper meaning? Because Millennials want to know that this has a significant affect on something bigger. It is not just to protect and serve. They really want to know what it is doing to protect and serve.”

When an officer asks why, Pope challenged leaders to listen, evaluate and respond in a way the officer can understand.

“They want something much stronger, and if we don’t give it to them, they will disconnect and move on,” Thompson said. “It is important not to say, ‘These guys are so different than I am, I am going to have to bring them to the way I think.’”

“The world has changed,” he continued. “You can’t do the same thing your leaders did 20 years ago. It won’t work. We think that policing is so stagnant – that we have to see basic philosophies and that if we stick to them, everything will be fine. It won’t be. Let me tell you – you not only have a new generation coming to work that you are dealing with, you have a new generation that you are policing.”



# The Kentucky Leadership Institute

/Kelly Foreman, Public Information Officer

**T**he hunger for more is what drives the Department of Criminal Justice Training's Leadership Institute. From occasional courses and training to the most elite of national programs, the institute's staff strives each day to satisfy that hunger for one reason:

Kentucky's officers deserve it, said DOCJT Leadership Institute Branch Manager J.R. Brown.

"The expectations have been raised," Brown said.

Leadership training at DOCJT began long before the Institute was established. Nearly 40 years ago, law enforcement officers were being trained about command decisions through what now has evolved into the Police Executive Command Course. But during the past 12 years, new programs have continually been developed, initiated and revised to meet the growing demands of Kentucky's ranks.

"My dream, when we started this, was to have the rest of the nation say, 'What are they doing in Kentucky that is so much different?'" said Ken Morris, Leadership Development training instructor. "We are just about to realize it. We are the best in the nation in teaching leadership to police officers. No other place comes close."

## BUILDING A FOUNDATION

In the spring of 2002, Brown said DOCJT Commissioner John Bizzack approached him about creating a section within the

agency to oversee some of the leadership programs already in progress. Bizzack also wanted to create a sergeants academy, Brown said. So, after careful planning and input from a variety of subject-matter experts, the first Academy of Police Supervision class was conducted in 2003.

"To me, the whole concept of the leadership institute, the Leadership Development Section, is very specific in nature," Brown said. "It is the core of everything. APS is the core, by far. It evolved into something I think way beyond what the commissioner or any of the directors ever thought it would be. And once it kicked off, it has created a lot of other things along the way."

It is a program designed to meet the needs of first-line supervisors – those who arguably are the most crucial leaders within any given department.

"Years ago when I started, I literally was promoted, given the keys to an office and told, 'Here you go,'" said Mark Filburn, Kentucky League of Cities law enforcement specialist and former officer. "There was no training, nothing. Now, with the leadership courses, you can go through the sergeant's supervisory course, so you are getting something right off the bat for probably the most important leadership position.

"I think that was much needed," Filburn continued. "There was a big void there. DOCJT did a great job of realizing that was a critical area and addressing it."

Dr. Gary Cordner, professor of criminal justice at Pennsylvania's Kutz-

town University, is one of nine researchers studying law enforcement nationally through the National Institute of Justice. As part of the research platform, Cordner and his team surveyed students in three consecutive APS classes with impressive results.

"We asked people completing the course, 'How much did you learn about A, B, C and D, how well did the training you completed prepare you to do X, Y and Z?'" Cordner said. "The results were very positive and certainly looked good in comparison to the other places we are studying.

"My own opinion would be, and I'm not completely objective in this, but the situational leadership that Ken [Morris] and [Leadership Development Training Section Supervisor Rich Hanzes] and the others teach is an integral component. It is exactly the right approach to leadership for sergeants."

## AN EVER-GROWING PROGRAM

Criminal Justice Executive Development is second only to PECC in the longest running of DOCJT's leadership programs. The five-week, 204-hour course was begun in 1996. It began under a federal grant program and has developed into a complex study to teach law enforcement executives how to write and communicate effectively. >>

TEACHING TO LEAD

# THE PROGRAMS

## ACADEMY OF POLICE SUPERVISION

Three-week (120-hour) training program for newly promoted sergeants or officers on their agency's promotion list. Classes focus on the role of the supervisor, leadership, resolving conflict, managing diversity, monitoring officer performance, professional image, legal issues for supervisors, ethics, interpersonal communication, decision making, problem solving, managing critical incidents, public speaking, emotional survival, budgeting, media relations and more.

## CRIMINAL JUSTICE EXECUTIVE DEVELOPMENT

Designed for mid- to senior-level criminal justice professionals, CJED students study leadership, ethics, executive writing and public speaking. The leadership portion includes the study of applied situational leadership, reading assignments from selected books and articles, individual and group presentations, guest speakers and completion of a group research project.

## POLICE EXECUTIVE COMMAND COURSE

Geared toward training sheriffs, chiefs and state-agency directors, PECC is a week-long course about current issues. In addition to being a means for Kentucky law enforcement leaders to be well versed on the issues of the day, PECC is a forum for discussing local law enforcement issues and needs. Instructors are drawn from a pool of nationally renowned experts in leadership topics.

## SCHOOL OF STRATEGIC LEADERSHIP

In association with Eastern Kentucky University, SSL provides leadership education at the graduate level for law enforcement executives. The program offers an opportunity for advanced leadership training taught by ECU professors designed to enhance the law enforcement executive's ability to develop into a community leader.

## CURRENT LEADERSHIP ISSUES FOR MID-LEVEL EXECUTIVES

CLIME provides mid-level executives with information and skills, which enable them to better address the challenges confronting their respective agencies and communities. CLIME participants become better equipped to move up to positions of greater responsibility within their organization. Instructors from across the commonwealth who are experts in their fields teach this course. ■

“What it really does is advance the skills that they get in APS and we take it to a higher level,” Hanzes said. “We keep raising the bar. The whole emphasis is to develop mid-level leaders, to prepare them.”

The program has graduated more than 220 officers in its tenure.

“They are a very close-knit group,” Hanzes said. “They get to know each other during that five weeks. They stay in the dorm, they have a roommate, they do group projects; so they get to live together, so to speak.”

Graduates of CJED can continue learning through the Current Leadership Issues for Mid-level Executives course. It is a course that, together with PECC, has been developed under the guidance of Leadership Development Training Instructor Walt Tangel. The only former chief among the institute's instructors, Tangel works with Kentucky's executives to address today's practical measures, he said.

“The CLIME course, our mid-level management, that is what I call our home-grown crop,” Brown said. “They have been to APS, they have been to CJED. A lot of them went on to the FBI National Academy, the Southern Policing Institute and other national training. They are coming into CLIME, and we have to really raise the level to make sure we give them quality, updated material because that's what they're looking for.”

CLIME was born out of a desire from mid- to senior-level officers to have the opportunity to discuss contemporary, hot-button issues like were addressed with chiefs and sheriffs in PECC, Tangel said. Keeping the two separate provides officers a good environment for networking in addition to the training.

While all the institute's courses play significant roles in educating the commonwealth's leaders, the pinnacle of the program is the School of Strategic Leadership.

SSL reaches outside the branch to include Eastern Kentucky University educators in a program designed to teach leadership issues at the graduate level. The 5-year-old program soon will undergo reconstruction to design a path better fitting of the growing needs of its students.

“Those agencies that are really progressive agencies, they are doing good things; they are

the leaders,” Hanzes said. “And we are always pleased to see newer agencies come on board. Our best sellers of the programs are the students who attend the programs.”

Hanzes said he frequently briefs other law enforcement outside Kentucky about the programs and he is astounded to hear the responses. Most can't believe the programs available – but mostly they can't believe they are offered to law enforcement at no cost to them.

Additionally, agencies such as the Kentucky State Police and Lexington Division of Police recently have begun sending officers to participate in DOCJT leadership training. Lexington Police Chief Ronnie Bastin said he encourages leadership training as part of development for upward-moving officers.

“One of the courses I recommend to folks is SSL,” Bastin said. “For mid- to upper-level management, it is a very good course. I found it to be very modern in its thinking and very progressive. It raises their skill-set level. And when they come back, we are able to give them a piece of work, they are able to complete it, and the product is good.”

“We are looking at everything we can do as an agency to support leadership development,” Bastin continued. “I think we have done a good job of producing managers in law enforcement, but we have not done a good job of producing leaders.”

## WHY LEADERSHIP?

As Morris mentioned earlier, nobody does leadership quite like Kentucky. But they should.

“Generally, when an agency excels, it is because of the leadership of that agency,” said Bryan Cole, Leadership Development training instructor. “Likewise, when agencies become dysfunctional and lose the support of the communities they serve, it is because of a failure of leadership.”

In the same vein, Morris and Hanzes argue that without leadership, the most well-trained and most exceptional officer on the street is lost.

“I think it works because of the people that we have in the leadership development section and DOCJT,” Hanzes said. “We use legal

instructors in APS and CJED, we start to add a little education, I use professors – it's the people who really want to do it, who want to be there, and who understand the importance of what they are doing who make a difference.

“We do a great job putting out a product in basic training,” Hanzes continued. “But we could put out the best product there ever was, and if they go back to their agencies and they're not led properly, then we are probably wasting our time.”

There are a number of people who are involved in one way or another with making all that is leadership at DOCJT come together, Brown said.

“I have a really broad perspective of the Kentucky Leadership Institute – I don't believe it just contains those particular people assigned to this particular branch,” he said. “In the Investigations Section, John Schwartz and Jimmy Carr have worked together; they have a new course called Leading the Investigative Unit. That was a void. It's there. The core leadership is still here, but that is after specific skills, specific issues.”

“Patrick Miller in Instructional Design leads the training unit,” Brown continued. “Again, it fills a void. We are going to do the core leadership, but then there are some skills, specific needs, filled by others. Mr. [Oakie] Greer in Patrol, I have challenged him to come up with a new class for next year for patrol supervisors and commanders for critical incidents. Mrs. Betty Godsey in telecommunications has done advanced courses in leadership. A lot of that is an offshoot of all this. ... It has kind of branched out.”

All the people involved have helped the program continue to grow and evolve into something to help improve understanding and cooperation among agencies, Brown said. But, he said, it is not about “us. It is about the communities.

“When you go around the agencies and you talk to them, you'll find out they are changing their methods,” Brown said. “I think they are becoming more professional. They want to do the right thing, they want to do the best they can do. That is reflecting in the communities in terms of being community leaders, too.”



DEPARTMENT OF CRIMINAL JUSTICE TRAINING





**GAIL CARTER**, Leadership Development Administrative Specialist, has spent eight years with DOCJT and has more than 20 years experience in the administrative field.

*"Gail's role is to keep the wheels on this fast moving train that we call the leadership development section." - R. Hanzes.*

**KEN MORRIS**, Leadership Development Instructor, has spent 12 years with DOCJT and is a retired U.S. Marine Corps Chief Warrant Officer Five with more than 30 years service. He retired as the director of USMC CID and Assistant to the military advisor to the director of Naval Criminal Investigative Service.

**DAVID F. POPE**, Leadership Development Instructor, has served DOCJT for seven years. He is a Kentucky Air National Guard retired state command chief with 24 years service. He also served three years active duty with the U.S. Army and is a retired major from the Jefferson County Police Department with 30 years service.

**BRYAN COLE**, the newest addition to the Leadership Institute team, has served the Department of Criminal Justice Training since December 2008.

**J.R. BROWN**, Leadership Institute Branch Manager, has spent 16 years with DOCJT and is a retired Bowling Green Police captain with 20 years service as a sworn officer.

**WALTER A. TANGEL**, Leadership Institute Training Instructor, has served the Department of Criminal Justice Training for nearly six years. He is responsible for developing and instructing leadership training programs for police chiefs, sheriffs and law enforcement command staff.

**RICHARD D. HANZES**, Leadership Development Section Supervisor, has spent 14 years with DOCJT and is a retired U.S. Army major with more than 20 years of service.





# >> Training, Experience and Education

## 1 WALTER A. TANGEL

- 20 years service as an officer of the Jefferson County Police Department (1975-1995)

- Eight years as Gallatin (Tenn.) Police Chief (1995-2003)

- Federal grant program manager with the International Association of Chiefs of Police (2003-2004) – Oversaw two federally funded research grants dealing with changes confronting policing since September 11, 2001, and promoting diversity in law enforcement recruiting and hiring practices

- Kentucky Law Enforcement Council police instructor certified since 1992

- Training experience is local, national and international

- Presented training programs on leadership, management and democratic policing methods across Kentucky, the U.S., Hungary and Switzerland

- Bachelor of Science in Police Administration, University of Louisville

- Southern Police Institute's 93rd Administrative Officers' Course graduate

- FBI Law Enforcement Executive Development Seminar graduate, 36th Session

- Decorated U.S. Army veteran (1966-1972)

- Earned a commission through Officer Candidate School at Ft. Still, Okla.

## 2 BRYAN COLE

- Retired from state service with 27 years, 19 in the field of Juvenile Justice, eight years as a Kentucky State Park Ranger, four years sergeant in the Kentucky State Park Ranger Division

- Retired Army major with 24 years total service

- EKU ROTC instructor and Officer Candidate School instructor

- Civilian Education

- M.S. degree from The University of Louisville in Justice Administration

- M.A. degree from Western Kentucky University in Education

- Bachelor of Arts from

Kentucky Wesleyan College in Criminal Justice

- Civil Affairs Officer Advanced Course

- Psychological Operations Officers Qualification Course

- Combined Arms Services Staff School

- Armor Officers Advanced Course

- Field Training Officer, police bike patrol officer, Domestic Violence instructor, PPCT instructor

- Teaches a grant writing course for DOCJT

- Currently working toward doctorate in Executive Leadership at Lincoln Memorial University

## 3 GAIL CARTER

- Graduate Madison County High School

- Certificate of Management Fundamentals

- Several training programs related to administrative functions to include various types of computer programs and functions as well as management concepts

- Three years service in the Kentucky Army National Guard

- 1989 – 1996: Secretary/financial accountant at St. Mark Catholic Church

- 1996 – 1999: Office manager at Re-Max real estate office

- 1999 – 2002: Administrative secretary, Madison County Board of Education

- 2002 – 2005: Administrative Specialist II, Police Corps staff, DOCJT

- 2005 – present: Administrative Specialist III, Leadership Development, DOCJT.

- Performs all administrative functions in support of the Leadership Institute Branch

## 4 KEN MORRIS

- Masters of Science Human Relations, Golden Gate University, San Francisco, Calif.

- Graduate studies Criminal Justice Organizational Leadership, Eastern Kentucky University

- Bachelor of Science in Criminal Justice, Eastern Kentucky University

- Executive Leadership, U.S. Naval Academy

- FBI National Academy, Quantico, Va.

- DEA Narcotic Commander's Course, Quantico, Va.

- U.S. Army Military Police Supervisors Course

- U.S. Army Criminal Investigation Division Basic Agents Course

- Department of Defense Polygraph Institute

- Naval Criminal Investigative Service advanced investigations

- U.S. Army Certified Terrorism Instructor

- Terrorism Awareness and countering-terrorism (crisis management) certification

- Ethics Institute Law Enforcement Administration, Plano, Texas

- Managing Diversity certified instructor, Institute for Law Enforcement Administration

- Ethics certified instructor, Josephson Institute of Ethics & National Institute of Ethics.

- Managing Police Agencies, University of Louisville

- Instructor certification in basic and advanced Situational Leadership training, Center for Leadership Studies, Escondido, Calif.

- Social Intelligence certified instructor

## 5 DAVID F. POPE

- Bachelor of Science Police Administration, Eastern Kentucky University

- Master of Science Criminal Justice Loss Prevention, Eastern Kentucky University

- Graduate FBI National Academy, Quantico, Va.

- Certified instructor, Social Intelligence Skills, Eastern Kentucky University

- Certified instructor, Situational Leadership, The Core, Escondido, Calif.

- Certified instructor, Franklin Covey, Seven Habits of Highly Effective People, Louisville, Ky.

- Leadership Symposium, Phoenix, Ariz.

- Human Resources Management, Arlington, Va.

- National Diversity Conference, Houston, Texas

- Command Executive Course, Washington, D.C.

- Police Supervision Implementing Change, Southern Police Institute, Louisville, Ky.

## 6 RICHARD D. HANZES

- Bachelor of Science in law enforcement administration, Youngstown State University

- Masters of Public Administration with emphasis in criminal justice, Jacksonville State University

- Military Police Officer basic and advanced courses

- Personnel Officer advanced course

- U.S. Army Airborne School

- Combined Arms Services and Staff School

- U.S. Army Command and General Staff College

- Certified Public Manager, Kentucky State University and Kentucky Governmental Services Center

- 33rd Command/Management College of the Institute of Law Enforcement Administration, Dallas, Texas

- Basic and Advanced Situational Leadership training, Center for Leadership Studies, Escondido, Calif.

- LEAD course graduate, University of Virginia Darden Business School

- Kentucky Law Enforcement Council certified instructor in leadership, supervision, investigations, firearms and patrol operations.

- National instructor certifications in leadership, Center for Leadership Studies and in ethics, National Institute of Ethics, Chicago, Ill. and Josephson Institute of Ethics, Los Angeles, Calif.

## 7 J.R. BROWN

- Bachelor of Science in Law Enforcement, Eastern Kentucky University

- Masters of Public Service – Administration, Western Kentucky University

- 80th Administrative Officers Course, Southern Police Institute, University of Louisville

- 41st Class of Kentucky Police Basic Training

- Madisonville Police Department 1974-1977

- Bowling Green Police Department 1977-1994

- Kentucky Army National Guard, 1971-1977, Unit Training NCO

- DOCJT Assignments include Basic Training instructor, In-Service

- instructor, Compliance Section investigator, Leadership Section supervisor, Leadership Institute Branch manager, Acting AIT Branch manager

- Kentucky Certified Public Manager, Governmental Services Center

TRANSACTIONAL

## A comparative look at transactional, transformational and situational leadership styles

# WHAT'S YOUR STYLE?

TRANSFORMATIONAL

## HOW DO YOU LEAD? / Kelly Foreman, Public Information Officer

**A**re you a leader simply because you hold rank? Are you a leader because you are employed as an officer of the law? Are you a leader if you can inspire others to follow you?

Many times, law enforcement officers are put into roles of leadership because an opening becomes available to move up the chain of command or accept a higher pay grade. With those promotions can come an entirely new set of responsibilities – including supervising officers who are looking for a leader, not just a manager.

So, how do you lead? What's more, how do you develop an effective leadership style? When it comes to law enforcement leadership training in Kentucky, luckily, you have help.

“What we want to do is cause you to self reflect and become a better person,” said Leadership Development Training Instructor Ken Morris of the leadership training offered by the Department of Criminal Justice Training. “Because if you cannot be a good person, (despite) all the education, all the training, all the books, all the posters – you're not going to be a leader. You have to be a good person. You have to care about others.”

A plethora of leadership styles have been established, researched, argued and taught over the years. But in the DOCJT's Kentucky Leadership Institute, the three primary styles of leadership discussed are transactional, transformational and situational, Morris said.

### TRANSACTIONAL LEADERSHIP

Transactional leaders reach their followers on a very basic level, Morris said.

“Transactional analysis is almost quid pro quo,” he said. “In the working environment, if you do this, you get this. It's an old motivational theory. Transactional analysis works. There are certain people who want to come to work and do something and get a new computer. But the trouble with transactional analysis is, it's like a

cup of coffee. That computer gets old. And now I'm looking for something else.”

Followers of a transactional leader are motivated by the leaders' “promises, praise and rewards; or they are corrected by negative feedback, reproof, threats and disciplinary actions,” said Joanne Ciulla in her book, *Ethics, the Heart of Leadership*. “In contingent rewarding behavior, leaders either make assignments or consult with followers about what is to be done in exchange for implicit or explicit rewards and the desired allocation of resources.”

Transactional leadership often is thought of as the old style of law enforcement leadership – the style that determines the importance level of an officer by where he or she falls on the chain of command.

“Transactional leadership rests on the values found in the means of an act,” Ciulla said. “These are called modal values and include responsibility, fairness, honesty and promise-keeping, among others.”

The most common among leadership styles, the leader and follower reach an agreement on a course of action that satisfies the immediate purposes of both parties, Ciulla said. Dr. Bernard M. Bass, an extensively-published author on both transactional and transformational styles of leadership, wrote that transactional leadership is at the root of popular organizational theories and common management practices.

“These theories and practices imply that organizations consist of agreements between managers and subordinates to fulfill specific obligations for mutual advantage; they further imply that leaders should make these agreements even more specific in order to increase subordinates' satisfaction and performance,” Ciulla said.

“Bass argues, however, that any satisfaction or performance gains from transactional leadership are apt to be small,” she continued.

While effective, it is a style not without its problems.

“Transactional leadership ... is characterized as immobilizing, self-absorbing and even-

tually manipulative in that it seeks control over followers by catering to their lowest needs,” Ciulla notes.

### TRANSFORMATIONAL LEADERSHIP

Leadership expert James MacGregor Burns argues that transformational leadership generally is superior to transactional.

“Indeed, the latter, transactional, is hardly leadership at all,” Ciulla quotes Burns as saying. “For Burns, transforming leadership is motivating, uplifting and ultimately moral in that it raises the level of human conduct in ethical aspiration in both the leader and the led.”

In his research about political leaders, Burns first introduced the concept of transformational leadership in the late 1970s. Burns describes the transforming leader as one who, “looks for potential motives in followers, seeks to satisfy higher needs and engages the full person of the follower.”

Transformational leaders are about more than basic needs and desires. They are more than just motivational, Morris said. A transformational leader with vision and passion for the job has a way of injecting their enthusiasm and energy into their followers.

“Motivation is like that cup of coffee,” he said. “You get a cup in the morning, you feel good, but it quickly wears off. Inspiration stays with you forever. I want to inspire our students. How do you inspire them? They have to connect their values with their goals.”

Morris suggests the transformational leader will inspire the officers he leads to search their values, determine what is important to them and connect those values with their goals to create deeper job satisfaction. The transformational concept rests largely on those values, moral assumptions and relationships.

“Transforming leadership is concerned with end-values, such as liberty, justice and equality,” Ciulla said. “Transforming leaders raise their followers up through various stages of morality >>

# SITUATIONAL



and need. They turn their followers into leaders and the leader becomes a moral agent.”

The transforming leader can be at risk of frustration or ultimately failure if they work within an agency with people who don't desire or need transformation. Changingminds.org also suggests that too much enthusiasm can be a bad thing in these situations, where followers can be worn out by the constant push for change.

“One of the traps of transformational leadership is that passion and confidence can easily be mistaken for truth and reality,” the Web site states. “While it is true that great things have been achieved through enthusiastic leadership, it is also true that many passionate people have led the charge right over the cliff into a bottomless chasm. Just because someone believes they are right, it does not mean they are right.”

## SITUATIONAL LEADERSHIP

The emphasis of situational leadership is on the follower, not the leader. This constantly-evolving process of leadership uses a model to help leaders determine the willingness and readiness levels of an officer to determine the amount of direction they need.

The foundation of situational leadership, however, is more emotional than the prior two forms discussed. Situational leaders constantly are challenged to be active listeners, to care about their followers and to lead with heart, said David Pope, DOCJT Leadership Development training instructor.

“Policing is kind of unique because from the day officers enter the academy to the day they retire, their training is almost entirely task specific,” Pope said. “In other words, technical skills. How to do a felony stop, how to properly handcuff, how to properly seize a computer – all technical skills. In situational leadership, we get into the relationship behavior of listening to your people and determining their readiness.”

You have to listen, because police officers, by nature, cannot show weakness, Pope said. So if given a task that they maybe haven't done since graduating from the academy, they may show

signs of insecurity which can mistakenly be interpreted as unwillingness.

The key to not making this mistake, Pope said, is to know your people.

“Listen to your people,” he said. “They will tell you everything you need to know.”

The fluidity of this style of leadership is crucial. Officers inherently are going to have different levels of proficiency with different tasks. If you are responsible for two officers – one who is superb and excels with little direction and one who is green but ambitious – two things are likely to happen if the leader is not mindful.

First, the green officer, given the proper leadership and development he needs, will grow to have a better understanding of his tasks and require less micro-management-type direction. If the leader does not adapt to the officer's new readiness level, continuing to micro-manage the officer who feels he is now capable on his own will become more of a hindrance.

Second, if the superb officer is left to her own devices because the leader is confident in her ability to perform the job, she can begin to feel disillusioned if not given confirmation or shown appreciation of her work. Also, if this officer is met with a task in which she is not confident and does not perform as well as usual, a non-adapting leader may question why she did not meet his expectations.

“One of my favorite things I like to tell a class is, as a leader, don't lower your standards, adjust your expectations for each individual follower,” Pope said. “We are not equal. We have different levels of proficiency for different tasks. Situational leadership depends quite a bit on the leader listening and understanding and knowing their people. Because once you know your people, you can detect very quickly when something is out of skew.”

Pope noted a time when a past supervisor of his told him and his co-workers to check their attitudes and problems at the door.

“You're here to do a job,” Pope said he was told. “But here's the message the leader just sent to me – ‘I don't care about you as a person. I don't care

if you have issues or problems.’ And part of leadership is understanding you are not a financial counselor, you're not a psychiatrist, you're not a psychologist, but your followers know whether you care or not.

“And your followers also know that they know you're not a financial counselor,” he continued. “They know you're not a psychologist. But all people want to be appreciated and all people want to feel that you care. If you care about your employees, they know it. They know what your limitations are and they are going to work for you much, much harder. Part of situational leadership is understanding the dynamics of all those things that come into play.”

Similarly, a different leader may tell his platoon that he “treats everybody the same,” Pope said. The meaning is that he doesn't play favorites among the officers. But what he actually says is that everyone should perform the same way.

“It's not going to happen,” he said. “Different people do different things. Some people are good at some things, better than others at other things, but yet they all meet the minimum standards of a police officer, and that's where you have to really get to know your people and apply the leadership style that fits their readiness level.”

Ultimately, a good leader will employ each of these styles as the case warrants. Even an adapting situational leader at times needs to correct with disciplinary action or inspire their followers.

“What we want to do is continue to develop leaders to take our jobs and to further their knowledge so that we just don't replicate,” Morris said. “We have to constantly renew our leadership within our organizations to adapt to a changing economy and society. ... The definition question in leadership studies is not really about the question, what is leadership, the question is, what is good leadership? By good, I mean morally good and effective.”

# Meeting the Challenges of Leadership

/Kelly Foreman, Public Information Officer

The challenges law enforcement leaders face today are many. Among the most visible of these are funding and staffing.

“The continuing challenge is to improve your organization in present and future economic times to continue to inspire followers with no more money, no more time and no more people,” said Ken Morris, Department of Criminal Justice Training Leadership Development training instructor. “But good leadership can overcome those.”

The staggering resources issue is one everybody can agree on, said Walt Tangel, DOCJT Leadership Development training instructor. But what leaders must grasp is the concept of handling that lack of resources while continuing to hold the trust and confidence of the community for support.

“The challenge we face is to maintain our integrity in a complex and changing world,” Tangel said. “To not cut corners. To enforce the law and to obey the law. We must always maintain our moral compass – something that can be easier said than done. I'm talking about the constitution; people have human rights. We have to make sure we are guardians of those rights for individuals and the government.”

Doing this requires good, dynamic leadership.

“You can't have dynamism unless you have a strong, critical process,” said Dr. Aaron Thompson, Ph.D., interim vice president for Academic Affairs at the Kentucky Council on Postsecondary Education. “Critical thinking, critical action, critical response – and what I mean by critical is not in the emergency sense, I mean critical in an evaluative way. The solution to that is to go through a constant leadership paradigm, where you are checking yourself to find out where you are.”

Dynamic leadership often is complicated by political processes and sometimes a history of stagnation. Leaders can easily get bogged down in a “this is the way we have always done it” attitude, Thompson said.

The paradigm Thompson argues every law enforcement leader should go through to prevent this is something he calls “A to the fourth power.” It involves awareness,

acknowledgment, acceptance and action.

“You have to be knowledgeable, have the right training and the right people around you who can respond to you to help build your awareness,” Thompson said. “How truly aware are you of your job? This is an intellectual state of leadership.”

Awareness leads to acknowledgment of the role, which is your social intellect as a leader.

“What you do has an affect on the people you serve,” Thompson said. “That leads to acceptance. I tell leaders you are what you eat. ... you have to realize all that you feed yourself and all that you do and all that you digest and understand will make you what you are.

“If you are someone who is caught in stagnation, you will become a stagnated leader,” he continued. “You have to be emotionally connected with your job and your personal life. The way you live your life personally directly affects the way you live your life professionally.”

It is important for leaders going through this paradigm to have an emotional connection. Thompson explained his theory that if you treat your family badly or don't connect with them, it is impossible to treat officers well because it builds on that level. Leaders must have empathy.

“Whatever you say or do, especially to those who are close with you, they kind of become that to themselves,” he said. “An assistant chief or senior commander will sooner or later start emulating what you are. And if you are good, and if you really disperse leadership and do all the things you need to do, then you are an emotionally-safe leader accepting who you are.”

Finally, you have to put your money where your mouth is, Thompson said.

“Number four leads to a process where you put it in place,” he said. “It becomes real. You put your leadership statement on a wall and everybody knows what you stand for. You start building long-term strategic plans. You start setting up a dynamic feedback process and get input from people, even though they may not agree with you. You set up a strong performance evaluation system to help people truly grow and not use it in a punitive way.

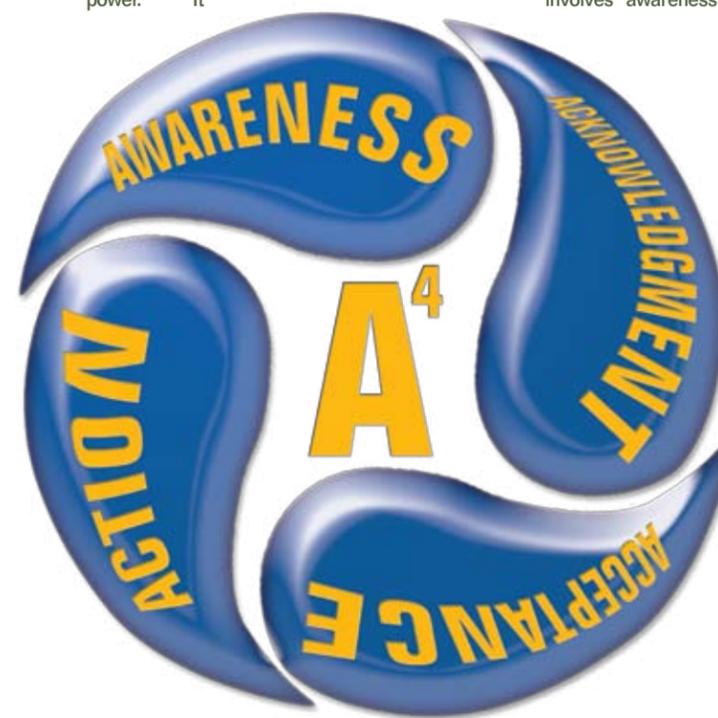
“All these are actionable items,” Thompson continued.

Once a leader reaches the action phase of the paradigm, it is not over. A good leader will take the feedback gained through the final stage and use it to begin the process over again while assessing that feedback, Thompson said.

Continuing to follow the paradigm and to continue evolving as a leader is the greatest challenge.

“Now you have grown,” he said. “So keep growing. You have become a dynamic leader as long as you keep in that loop. My argument is that you should never stop growing. People say all the time that most people do stop growing as a leader. With this process, if you use it, it keeps you forever growing. Don't stop as the action is over.

“What did I learn from this?” Thompson continued. “What else do I need to know? What else do I need to do? There is always new knowledge that is popping up. Are you on the cutting edge of that knowledge? If you do it right, it keeps on feeding in that manner.”





Officer safety a big risk on the road / Kelly Foreman, Public Information Officer

# THE THIN YELLOW (HIGHWAY) LINE

**N**o one doubts that a law enforcement officer's job is dangerous. From active shooters and standoffs to drug deals gone bad and combative subjects, there are plenty of images on the 5 o'clock news to remind us of the perils of the job.

Driving a cruiser is no different. As in-car technology and job demands increase, so do the cases of officer fatalities related to distracted driving. It is a problem with few solutions.

Sixty percent of deadly law enforcement collisions in 2008 involved police vehicles only, said Van Spencer, Vehicle Operations Training Section supervisor for the Department of Criminal Justice Training. In most cases, officers simply lost control. A closer look at the number of things going on inside the vehicle at the time the officer's watch ended could, however, provide some explanation.

and dispatches. Now, while you're talking, that's a different thing. If you are getting ready to handcuff somebody you don't grab them and say, 'I'm going to handcuff you,' while you're putting the handcuffs on. You tell them what you're going to do, and then you do it. You don't talk while you're doing it because it's much harder to do."

Some of these fatalities, he said, come with inexperience on the road — a problem that often is not the fault of the officer.

"The vast majority of your new officers are put on the street in uniform," Spencer said.

## PROJECT54

With increased concerns nationwide about technology-burdened

drivers, the hands-free communication movement has helped to decrease the impact on law enforcement and civilians alike distracted by cell phones.

"In an emergency situation or if you're pursuing somebody, we want updates on speed, traffic conditions, road conditions, weather and infractions the violator may be incurring along the way," Spencer said. "So, now we're taking you from normal vehicle operation above that into emergency vehicle operation. But now we want you to, the whole time you're doing that, talk to the radio."

The radio, lights and sirens are distractions beat cops have dealt with for years. Yet, with the increased popularity of Mobile Data Terminals, GPS systems, smart phones and other gadgets, today's police cruisers are full of distractions.

You learn to multi task," Spencer said. "You learn to listen. You learn to listen for your car number. You listen for emergency messages

A team of researchers at the University of New Hampshire has been working together with the New Hampshire Department of Safety for the past 11 years on an effort called Project54. The hands-free initiative is designed to find ways technology can help officers communicate more safely and effectively.

The federally-funded project led to the creation of software used to operate a cruiser's radio, lights and sirens via voice commands. The program also allows officers to speak license-plate numbers into Mobile Data Terminals, which in turn provides audible information about the requested vehicle.

Operation of the voice commands is as simple as pushing a button on the steering wheel.

"CATLab's Project54 system integrates >>

# Ford's Interceptor

(Excerpts from) **Changing of the Guard**  
 /JP Molnar, Law Officer Vol. 6 Issue 4  
 (April 1, 2010)

Ford established a police advisory board of officers and fleet managers, went on ride alongs with officers, learned what cops on the street liked and disliked about the Crown Vic and then incorporated those changes to create the all-new Interceptor. Ford looked at the types of collisions in which police vehicles were regularly involved, as well as the areas of the vehicle that receive the most wear and tear.

"This vehicle is pursuit-ready," said Carl Widmann, Ford's vehicle engineering manager. "It's no-nonsense through and through."

## ENGINE

With the Interceptor, Ford will offer two versions of its V-6 Eco-Boost engine package. The first is a normally aspirated 3.5-L V-6 that produces at least 263 hp and about 250 foot-pounds of torque. If the power isn't enough, the second choice is a twin-turbo EcoBoost 3.5-L V-6 that pumps out a healthy 365 hp and 350 foot-pounds of torque.

## ON THE INSIDE

The Interceptor benefits from interior ergonomics that are vastly improved over the Crown Vic. The dashboard area is well-integrated, and there's a small shelf above the front center console for mounting radar, camera gear or other equipment.

The seat design has also been modified with lower bolster cutouts to allow for duty gear.

Both front seats also feature anti-stab plates, and the inside of the passenger seat folds outward to reveal a first-aid kit.

Other features include a column-mounted shifter that's been rigorously tested, and the inclusion of Ford's revolutionary SYNC hands-free information system that allows officers to "talk" to their equipment. The system allows officers to voice activate lights and sirens, cameras and other equipment.

## SAFETY

Vehicle-related crashes are one of the top killers of law enforcement officers, and safety is a top priority with the Interceptor. It passes 75-mph, rear-impact collisions, which makes Ford the only manufacturer to openly provide such data and performance parameters. Side-impact and rollover protection is enhanced with Boron steel

B-pillars and reinforced beams that travel under the front seats laterally. Another innovation is the addition of pressure-based airbag sensors in the doors, which use pressure pulses from a side impact to deploy 30 percent faster than a traditional air bag system that uses acceleration-based sensors. Ford did extensive testing to ensure that the sonic waves created by gunshots or rounds impacting the doors would not set off the airbags. ■

Reprinted from April 2010 Law Officer Magazine (6:4) with permission of Elsevier Public Safety.

The Interceptor is considered a prototype at the moment, so no pricing or availability date — other than 2011 — has been given. For more information, visit [www.fordpoliceinterceptor.com](http://www.fordpoliceinterceptor.com).



electronic devices in cruisers into agency-wide communication networks ...," the group's Web site states.

"The police cruiser is a very busy place," said Andrew Kun, principal investigator and associate professor of electrical and computer engineering with Project 54. "There is a lot of equipment that can potentially be a source of distraction as you're driving. And also, of course, given that there is a lot of equipment that doesn't actually talk to one another, that means you cannot get the best services that you can actually get out of devices that are in fact connected and working together."

UNH researchers met with New Hampshire State Police to discuss issues where policing and technology could "come together to create a better world for cops," Kun said of the creation of Project54.

"We set out to create an integrated voice-controlled system," he said. "We created a user interface that allows you a single access point to all the devices in the car. The single access point provides a voice interface as well as, for that matter, a touch screen, keyboard and mouse interface, as well as using the original hardware interfaces that are provided by the manufacturers."

More than 1,000 law enforcement vehicles in New Hampshire, Maryland, California, Massachusetts and Maine now have been equipped with Project54 technology. An independent business, 54ward, has taken on the task of deploying the technology nationally, Kun said.

The software needed to operate the PC-based program costs a mere \$500 for an agency's use, regardless of the number of cars in which it would be distributed, Kun said. The other costs involved with implementing this technology, though, depend largely on the interested agency's current equipment setup.

With most equipment, translator boxes are necessary to help the software communicate with the devices, which can run about \$100 per device, he said. Other expenses involved would include installation of the systems and maintenance.

"Buying the software is inexpensive," Kun said. "However, figuring out what exactly that agency needs is an issue because as you

know, there are many, many vendors and various types of equipment and some of them are computer controllable, some of them are not."

Project54 researchers also have developed a hand-held version of the software for officers patrolling by foot, bicycle, motorcycle and horse.

"Using the handheld P54 software, officers can scan barcodes on licenses and registrations with the click of a button," the group's Web site states. "They also can access remote databases, take and share images and take advantage of the built-in GPS for navigation and other location-based services."

## JUST MAKES SENSE

While the implementation of such technology in Kentucky agencies may not be at the top of the to-do list in this slow economy, the goals of the project are centered around issues that always are top priorities — keeping officers safe and providing them with the best and most up-to-date information available.

"Getting additional data in the field is still an elusive goal," Kun said. "It is certainly better than it was, but there is still a lot to do."

Until technology like Project54 becomes available to the everyday officer on Kentucky's streets, Spencer stressed the best way for officers to stay safe, despite the distractions, is to practice their driving skills.

"That's the key," he said. "I know that sounds silly because these people are driving every day, but are they doing it reinforcing good habits or bad habits?"

The primary skill Spencer said officers need to practice is backing. Sixty-five percent of all non-injury police accidents occur while backing, he said.

"You spend such a minute time literally doing it, but cause such a great amount of damage while doing it," Spencer said of backing. "So, can those types of drills be held at individual departments? Sure they can. They're not emergency, they're extremely low speed. You are not only decreasing liability and possible injury, but you are also decreasing property damage."

Secondly, Spencer said departments seeking to protect their officers should develop clear policy on emergency driving.

"Usually when you are in an emergency situation, you are en route to help someone. If you can't get there, you can't help anybody," he said. "You need a policy saying when you can and can't use your emergency equipment, what type of calls dictate it — there is always going to be some discretion for the officer, but you need a guideline. Then obviously your pursuit. When can you, when can't you, how many cars should be involved, when is it called off, who calls it off. That has to be derived through policy."

While annual driving training is not required by statute, Spencer said it should be. Kentucky lawmakers passed legislation several

years ago that mandated every officer certified by the Peace Officer Professional Standards be firearms trained once a year. Yet, statistics show that more officers are killed annually in auto accidents and auto-related incidents than they are by firearms, Spencer said.

"It would just make sense not only for their officers, but for liability reasons for departments that they probably need driver's training once a year," he said.

Spencer recognizes the shortage in class availability, facilities and funding to accomplish such a goal, but said the complications do not diminish the need.

"Again, I think it reduces liability and reduces injury and it probably would pay for itself somewhere down the line," he said. ➔

▼ Students at Ballard High School in Louisville tried out the Kentucky Office of Highway Safety's distracted-driving simulator, which allows drivers to simulate the dangers of driving with one hand while texting with the other.

# Simulator Reveals Risks of Texting on the Road

/Kelly Foreman, Public Information Officer

Cell phones have long been criticized as a distraction on the road. But in the era of smart phones with e-mail and unlimited texting, the Kentucky Office of Highway Safety is working hard to help students and adults visualize the risk of driving and texting.

Using a distracted-driving "D2" simulator, KOHS is traveling around the state to high schools and businesses, allowing drivers to simulate driving scenarios with one hand and texting with the other.

"We use the risky situations scenario for the texting [demonstrations] because it throws things at the kids that are just real-life situations," said KOHS Program Coordinator James Gray. "Somebody pulling out in front of you, a deer crossing the road, a tractor going slow — it is a scenario where you really would want to be paying attention if you were just trying to navigate it without texting. So, if you throw in the texting factor, it causes a real-likely scenario for a crash. And they do crash a lot."

During a recent demonstration at Ballard High School in Louisville, 18-year-old senior Ryan Barber said, "I went three times and I crashed three times. I thought I was going to do a lot better, but I just didn't do well at all."

Ballard's youth service center coordinator, Yvonne Riggs, said she can tell from the look on the students' faces that they "get it."

"They are shocked that they can't really overcome texting and driving, and that's a good thing," Riggs said. "The last thing I want is for one of our students to not come back because they texted."

In 2009, Gray said there were approximately 53,000 cases recorded by the Kentucky State Police of incidents caused by distracted driving. He conceded not all of those distractions were texting, but it is a growing number. The goal of the program is to get into the schools and, using the D2 simulator, reach the students on a personal level to hopefully reduce that number in the future.

"When you have teenagers and adults, folks who have licenses, and they are put in real-life situations, then you throw distractions at them, they get to see what the consequences are," said Chuck Geveden, KOHS executive director. "Adults are a little more confident because they have a few more years of driving experience under their belt. They feel like they are not going to have any problems.

"But when you put a cell phone in their hand and run through the different scenarios, they realize they are not as attentive to the road as they should be," he said.

"The D2 simulator is available to our law enforcement folks around the state for any programs they would like us to come out and participate in," Geveden said. ■



# Well-Written POLICIES?

Not concerned about well-written policies and procedures? Consider the following Kentucky Court of Appeals case.

/Jerry Belcher, DOCJT Internal Policy Analyst

**O**n a September morning in 2008, a local Kentucky police department conducted a traffic checkpoint at an intersection in its jurisdiction. The purpose of the traffic checkpoint was to check vehicles for city stickers required by a local city ordinance. The ordinance required those working or living within the city limits to purchase and display the city sticker on the windshield of their vehicle. *The local police department had previously established a written traffic checkpoint policy.*

The defendant approached the traffic checkpoint at approximately 7:45 a.m. driving a vehicle with tinted windows. An officer approached the defendant's vehicle to inquire into the missing city sticker. When the defendant rolled down his window, the officer stated he could smell a strong scent of marijuana. During the officer's questioning concerning the city sticker, he noted that the defendant appeared to be under the influence of an intoxicant. The officer then asked the defendant if he had smoked any marijuana or if he had any marijuana in the vehicle. The defendant admitted to smoking marijuana an hour prior. The officer then asked the defendant to pull to the side of the road so he could further investigate the situation. The defendant was given field sobriety tests, which he failed. The officer and another officer then searched the vehicle and found a partially smoked marijuana cigarette, a bag of marijuana, hand scales and clear plastic bags. The defendant told the officers that when he approached the traffic checkpoint, he had thrown most of his marijuana out his window. The defendant was arrested for driving under the influence and trafficking in marijuana and was later indicted for: possession of drug paraphernalia second or subsequent offense; trafficking in marijuana, less than eight ounces, second or subsequent offense; and operating a motor vehicle with alcohol concentration of or above 0.08 or while under the influence of alcohol or other substance.

The defendant filed a motion to suppress the evidence obtained during the traffic checkpoint. The defendant argued that the traf-

fic checkpoint was in violation of the Fourth Amendment to the United States Constitution, and that *the traffic checkpoint was not conducted in compliance with the local police department's traffic checkpoint policy.*

The defendant's motion was denied and the case was ultimately appealed to the Kentucky Court of Appeals. The Court pointed out that for a checkpoint to be constitutional it must be conducted *using a systematic plan*, eliminating individual officer discretion regarding which vehicles to stop. The Court held that the policy met constitutional requirements and that, *"the checkpoint was conducted pursuant to the local police department's traffic checkpoint policy."* The case was subsequently upheld by the Court of Appeals. — (*Excerpts from Kentucky Court of Appeals Opinion, NO. 2009-CA-000328-MR.*)

The above case is one illustration of why written policies and procedures are so critical to a law enforcement agency. If that agency had not established a written policy on traffic checkpoints or, if the officers had failed to follow the procedures outlined in the policy, the case more than likely would have been dismissed.

Conversely, consider what may happen as a result of the lack of, or poorly written, policies and procedures. A police officer on routine patrol in Vineland, N. J. spotted a white Camaro, which was not speeding, in which a passenger was standing up through the car's rooftop and waving his arms. Prior to activating his overhead lights, the only violation observed by the officer was "allowing his passenger to ride on parts not intended for."

The Camaro did not stop. A pursuit ensued in which the Camaro reached speeds of 70 to 80 mph, disregarded numerous stop signs and a red light after which it broadsided a pickup truck, killing its two occupants. One occupant of the Camaro was killed. The driver of the Camaro was later determined to be intoxicated. No police car was physically involved in the actual accident.

A suit was filed against the city and ultimately reached the U.S. Third District Court of Appeals. The court ruled that "the substan-

tive due process rights of plaintiffs may have been violated when the police pursued a fleeing automobile allegedly in violation of statewide guidelines and because the city allegedly had a policy of not properly training its police officers regarding high-speed pursuits."

This case provided criteria for a successful defense against lawsuits arising out of police pursuits which can be stated as follows:

1. A police department must have a written policy setting forth the criteria under which it will allow its officers to engage in pursuits.
2. The policy must limit or restrict high-speed pursuits to very serious matters.
3. A police officer must not be permitted to engage in any pursuit who has not received judgmental training.
4. There must be supervisory accountability before, during and after a pursuit.
5. If 1 through 4 above are not in place, then the policy should be one of no pursuits under any circumstances.

— (*Excerpts from the Department of Criminal Justice Training, Leadership Institute Branch, Criminal Justice Executive Development Lesson Plan: "Critical Policies and Procedures".*)

The above cases clearly illustrate the need for law enforcement agencies to have in place well-written policies and procedures. Agencies who do not have written policies and procedures in place are flirting with disaster. Their lack leaves officers in the dark as to what procedures to follow in any given situation. The officers, in effect, have to "make it up as they go along." It can easily be seen what the results of this practice will ultimately result in. In nearly all lawsuits against law enforcement agencies, critical questions are raised about policies and procedures. Without effective and well-written policies and procedures that are followed by all affected personnel, agencies, supervisors and agency heads as well as the governing body are very likely to lose the lawsuit and be held liable for damages. 🍌

## Silly Policies a Detriment to Agencies

/Kelly Foreman, Public Information Officer

The intent of propriety is there – occasionally the completed thought just gets lost in law enforcement policy.

Like the small, Kentucky municipal agency that put into place policy stating officers were forbidden from removing city-owned equipment from the jurisdiction. In theory, the municipality wanted its major investments to stay put.

But what they didn't consider was that the officers' uniforms were city-owned. And since most of the officers lived outside the jurisdiction, getting them washed became a problem.

That is just one example of how well-intended policy can go wrong. In some cases bad policy may cause minor inconveniences. But in others, it can create serious problems for those governed by its purview.

"It can put the officer at risk of liability," said Shawn Herron, Department of Criminal Justice Training Legal Section staff attorney. "It can lead to an officer having frustration, confusion, hesitation – maybe even deadly hesitation – if they feel conflicted between policy and what they know is the right thing to do."

In some cases, Herron said the misstep can land officers in conflict with the law. For example, not following the necessary protocols for a missing persons investigation can, in some cases, lead to prosecution under a Class A misdemeanor.

"Using what I refer to as national canned policies without customizing them for the jurisdiction can also be extremely detrimental to the agency," Herron said. "National canned policies don't take into consideration issues related to the locality."

Kentucky League of Cities Law Enforcement Specialist Mark Filburn had similar sentiments. When he began working with KLC five years ago, many agencies did not have proper policies, he said.

"The reality that we saw across the state was that many departments did not have policies at all," he said. "Some of the ones that did have policies would get them from other agencies. And when you read the policy, literally there would be one or two other department names throughout it because they cut and pasted and didn't catch the wrong names."

"When you have a lawsuit, a critical issue they look at is policy," Filburn continued. "When you have things like that, it does not look good and it is not good for the lawsuit."

In the past five years, Filburn said he has seen a tremendous change in the quality and establishment of policies across the state. But there still are small agencies with chiefs who spend their days answering calls and their nights responding to messages from citizens with no time to create and vet policy. That is why KLC created model policies to help agencies get a leg up on the issues they must have covered, he said.

But Filburn also noted it is critical for policies to be living documents, constantly receiving maintenance and updates as case law and community needs change.

"If you are not yearly reviewing policies, then you are going to be missing out on critical aspects and training issues," he said.

Policy implemented as a reactive measure in response to a bad situation also can cause problems when all angles of the document are not considered. Bad situations only are made worse with policy that creates more problems, Herron said.

"Be realistic on your policies," Herron said. "Give them to the guys who are actually going to be doing it, let them vet it a little bit. They are the ones who can figure out pretty quickly if there is a problem or not."

Some other examples of once-written, poorly-executed Kentucky policies and their results:

- One large Kentucky agency ordered officers with visible tattoos to cover them while on the job to maintain a uniform and polished appearance. The problem: many officers were former military men and women with representative inking. "They walked around for several weeks looking like they'd all been in the wars (they all opted for bandages)," Herron said. "They looked really, really silly."
- Multiple Kentucky agencies using pre-written policies not tailored to their departments were found to have mandates regarding items such as helicopters or the use of straight jackets for mental health patients when the agencies employed neither item.
- A mid-sized Kentucky city implemented a city-wide policy stating that no one who was not a city employee could be transported in a city vehicle. They failed to take into consideration that the police department was required to transport arrested criminals in their cruisers. ■

# Coming Soon: Intoxilyzer 8000

In January, the Department of Criminal Justice Training began training breath test operators on the Intoxilyzer 8000. Until then, operators were certified on its predecessor, the Intoxilyzer 5000 Enhanced.

Though the appearance of the two user-friendly instruments is very different, there are many similarities. Both operate on the Infrared Absorption Principle, and operators will find the operating sequence the same. Both instruments have a breath tube that is warm to the touch, while the tube on the I8000 is easier to use.

Among other upgrades, the I8000 has the capability to scan the subject's driver's license and can be made mobile. The I8000 also has an internal printer that uses heat-sensitive paper

contained inside the instrument unlike the 5000EN, which uses evidence cards.

Due to budget restrictions, the new instruments will be phased into operation throughout the next few years.

Kentucky State Police's Central Laboratory Branch is responsible for the purchase, maintenance and distribution of the breath testing instruments while DOCJT is charged with training breath-test operators.

All operators will need to be trained on the I8000 as soon as possible. Operators must re-certify on the 5000EN online before attending the I8000 certification training. Thus, operators can be assured they will know how to operate whichever instrument they will have to use.

Recruits attending basic training at DOCJT also will need to attend the I8000 certification training in their respective areas.

Due to certification requirements, no last minute changes to schedules will be allowed. DOCJT must have each agency's assistance with assuring their operators are trained on both instruments to ensure that once the I8000 is in place in their area, there are certified operators on the instrument in that area.

The I8000 is manufactured by CMI, Inc. Contact the DOCJT Breath Test Section for information or assistance at (859) 622-2309.

## BREATH TEST RECERTIFICATION SCHEDULE

Please refer to the DOCJT Training Schedule for particular dates.

### 2010

Paducah.....August

### 2011

Richmond .....January

Owensboro .....April

Madisonville .....April/May

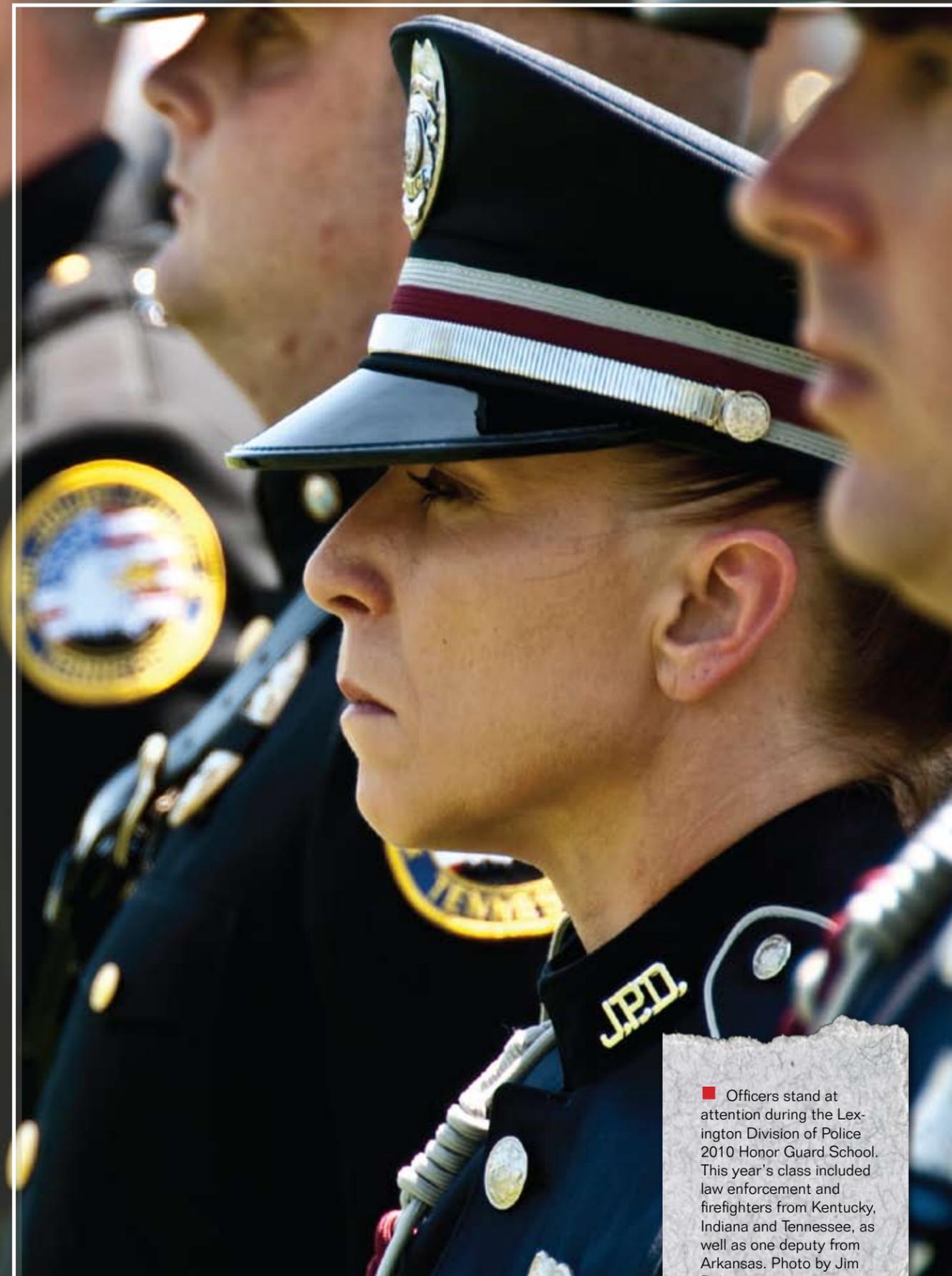
Elizabethtown...May

Boyd County .....June/July

Somerset.....September



/Photo by Elizabeth Thomas



■ Officers stand at attention during the Lexington Division of Police 2010 Honor Guard School. This year's class included law enforcement and firefighters from Kentucky, Indiana and Tennessee, as well as one deputy from Arkansas. Photo by Jim Robertson.

# SEARCHING AND SEIZING DIGITAL EVIDENCE

## The Consent Exception

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

This is the second article examining the rapidly developing area of Fourth Amendment law relating to the search and seizure of digital evidence. See the spring issue of the Kentucky Law Enforcement magazine for the first installment.

Recent jurisprudence confirms what experienced investigators already know: Criminals are using computers in new and imaginative ways to plan, execute and conceal illegal activities. While traditional Fourth Amendment concepts still govern police investigation involving such evidence, the uniqueness of digital data presents unusual constitutional and evidentiary hurdles to overcome. A valid consent to search, whether directed at a home computer, business, automobile or removable storage device, may provide officers with the key to surmounting these legal obstacles.

The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures.” For a search to be reasonable, it ordinarily must be conducted pursuant to a valid warrant based upon probable cause. However, there are some well-defined judicially-created exceptions to the warrant requirement. Valid consent is one of these judicially-created exceptions. *Lynn v. Comm.*, WL 4530901 (Ky. App. 2008).

In order for the seizure of evidence to be reasonable under the consent exception, (1) the evidence seized must be within the scope of the consent given; (2) the consent must have been given voluntarily; and (3) the consent must have been given by someone with actual or apparent authority over the property. This article focuses on the consent exception’s application to the search and seizure of digital evidence. While the discussion below focuses on home computers, the precepts contained herein apply equally to digital evidence stored elsewhere.

### Scope of Consent to Search

When a suspect gives an officer permission to search within his house, does the individual implicitly give the officer permission to search the contents

“When a suspect gives an officer permission to search, does the individual implicitly give the officer permission to search the contents of the digital devices found within the home?”

of the digital devices found within the home? The answer to that question depends upon whether the contents of the digital devices are within the scope of the suspect’s consent to the search. “The standard for measuring the scope of a suspect’s consent under the Fourth Amendment is that of ‘objective’ reasonableness – what would the typical reasonable person have understood by the exchange between the officer and the suspect?” *Hines v. Comm.*, WL 1699814 (Ky. App. 2004). Thus, a search of the contents of digital hardware is within the scope of consent if a reasonable person would have understood that the permission to search a suspect’s home included permission to search the contents of computers located within the home.

While many law enforcement agencies use standardized consent forms, computer- or digital evidence-specific forms may be more appropriate. The United States Department of Justice recommends that officers “use written consent forms that state explicitly that the scope of the consent includes consent to search computers and other electronic storage devices.” Officers may wish to consult with legal counsel regarding the development of such forms.

### Voluntary Consent to Search

Consent must be given voluntarily in order for it to be valid for purposes of the Fourth Amendment. To be voluntary, consent must be “unequivocally, specifically and intelligently given, uncontaminated by duress and coercion.” *United States v. Tillman*, 963 F.3d 137 (6th Cir. 1992). Whether consent is voluntary is determined from the totality of the circumstances, and relevant considerations include “the age, intelligence and education of the individual; whether the individual understands the right to refuse consent; whether the individual understands his or her constitutional rights; the length and nature of the detention [if any]; and the use of coercive or punishing conduct by the police.” *United States v. Jones*, 846 F.2d 358 (6th Cir. 1988). >>

tional rights; the length and nature of the detention [if any]; and the use of coercive or punishing conduct by the police.” *United States v. Jones*, 846 F.2d 358 (6th Cir. 1988). >>



>> Authority of Third Parties to Consent to Search

Sometimes a third party other than the suspect gives the officer permission to search the suspect's home and possessions. In this case, the third party's consent to the search is valid only if the third party had either actual or apparent authority to consent to the search. "The test for whether third-party consent is valid is whether a reasonable police officer faced with the prevailing facts reasonably believed that the consenting party had common authority over the premises to be searched." *Nourse v. Comm.*, 177 S.W.3d 691 (Ky. 2005). "Common authority rests on mutual use of the property by persons generally having joint access, or control for the most part, so that it is reasonable to recognize that any of the co-inhabitants has the right to permit the inspection in his own right and that the others have assumed the risk that one of their number might permit the common area to be searched." *United States v. Matlock*, 415 U.S. 164 (1974). Thus, it is not necessary that the third party have actual authority over the premises so long as the investigating officers have an objectively reasonable belief that the third party had authority over the premises. *United States v. Morgan*, 435 F.3d 660 (6th Cir. 2006).

No Kentucky state courts have addressed the issue of a third party's apparent authority to consent to the search of digital evidence belonging to a suspect. However, some federal courts have addressed the issue directly. These cases suggest that the location of the computer, the third party's use of the computer, the existence of separate user profiles on the computer, and the existence of password protection on the computer are all relevant factors in determining whether a third party had the apparent authority to consent to a search of a computer. *United States v. Trejo*, WL940036 (E.D. Mich. 2010); *Morgan*. In *Morgan*, the Sixth Circuit held that a suspect's spouse "had the apparent authority

to consent to [a] computer search given that it was located in a common area. She told the police she regularly used the computer, and neither she nor her spouse had individual user names or passwords for the computer." *Trejo* (citing *Morgan*).



“The U.S. Dept. of Justice recommends that officers use written consent forms that state that the scope of the consent includes computers and other electronic storage devices.”

Although the location of a computer within a common area of a home is indicative of third-party authority, it is not necessary that a computer be so located. Specifically, in *United States v. Andrus*, 483 F.3d 711 (10th Cir., Kan. 2007), the Tenth Circuit held that a father had apparent authority to consent to a search of his son's computer even though the computer was located within the son's bedroom. In that case, the father told investigating officers that he felt free to enter his son's room when the door was open, but he knocked on the door when it was closed. The court held that, despite the fact that the computer was located within the son's bedroom, the father had the apparent authority to consent to the search.

Although it is helpful if the third party commonly uses the computer, it appears that shared usage may not be necessary for a finding of apparent authority to consent to the search. In fact, *Andrus* suggests that the relevant factor is whether the computer "appeared available for use by other household members," and not whether the computer was actually used by others within the household. *Trejo* (citing *Andrus*).

Although separate user profiles on a computer are relevant to the inquiry of whether a third party had the apparent authority to consent to a search, "the mere presence of separate user profiles on a computer would [not], as a general matter, disturb an officer's otherwise reasonable belief that a third party had consent to search a computer or even a [suspect's] profile." *Trejo*. Instead, the existence of a password protecting a suspect's profile or computer files is determinative of whether a third party had apparent authority to consent to a search of those password-protected files. *Id.* (citing *Trulock v. Freeh*, 275

F.3d 391 (4th Cir., Va. 2001)).

A suspect's password protection of a computer or the files of a computer indicate that the suspect has a reasonable expectation of privacy in the password-protected computer or in those password-protected files. As a result, *Trejo* determined if an officer is aware of the existence of the password, and if the third party has no knowledge of the suspect's password, then the third party does not have the apparent authority to consent to the search of the password-

protected computer or files. Thus, any search conducted under those circumstances might be in violation of the suspect's Fourth Amendment rights.

It is possible, however, for an investigating officer to copy the contents of a computer's hard drive without even turning on a computer. Further, well-trained investigative officers may use software to search a computer's files, and such software may not detect a user password. Thus, it is possible for officers to access and

copy password-protected computer contents without the knowledge that such contents are password protected. "Courts have indicated that the use of such software, and especially the deliberate use of such software to avoid or bypass protection, may eliminate apparent authority [of third parties to consent to the search]." *Id.* Thus, officers should exercise caution when using such software on computer files when they are conducting a search with the consent of a third party. 📌



# BRINGING THEM HOME

The Uniformed Services Employment and Re-employment Rights Act protects our military service men and women returning to law enforcement in Kentucky

/Shawn Herron, J.D., DOJT Staff Attorney

The Uniformed Services Employment and Re-employment Rights Act of 1994, 38 U.S.C. §4301-4333, also known as USERRA, protects the rights of military service members in their civilian employment. USERRA is an update of an earlier law, the Veterans' Reemployment Rights (VRR) statute. With the number of Kentucky law enforcement officers and civilian employees of law enforcement agencies who are returning from military service obligations, it is critical that agencies understand and respect the rights of these employees. Legislative history indicates that Congress anticipated the extensive body of case law developed under the VRR would remain in full force and effect in interpreting USERRA. So, decisions under the previous law must also be considered when interpreting rights under USERRA.



Photo by Elizabeth Thomas

First, USERRA guarantees service members the right to be promptly re-employed, providing the employee fulfills certain conditions.

- The employee must provide notice that he or she specifically intends to take military leave.
- The cumulative leave cannot exceed five years, although there are exceptions to that provision if members are unable to be released after five years through no fault of their own. If so, the protection will extend until such time they are able to be released. Service during time of war is also exempt from this provision.
- If the military leave extends beyond 30 days, the employee must make a timely re-application for employment. If the employer so chooses, the employee may be required to document that the re-application is timely and the duration of the actual military leave.
- The employee's separation from military service must be under honorable conditions.

Across the United States, law enforcement officers are encountering problems when they return to employment. In the case of *Wallace v. City of San Diego*, 479 F.3d 616 (9th Cir. 2007), a Navy reservist employed by the San Diego (Calif.) Police Department won a major award when he proved that the agency leadership discriminated against him because of his military service. The discrimination included their refusal to promote him beyond the rank of sergeant, transferring him to undesirable assignments and inventing pretextual reasons to fire him.

In *Sandoval v. City of Chicago*, 560 F.3d 703 (7th Cir. 2009) an employment agency properly made arrangements for two deployed officers to take a scheduled sergeant's exam at an alternative location convenient to where they were stationed. Both took the test and were placed on the eligibility list, but protested when the officer with higher marks received the promotion. The deployed officers argued they would have done better (and been promoted sooner) had they been able to take the exam on base. The Court, however, agreed that the arrangements made by the city were satisfactory and met the intent of the statute.

In *Petty v. Metropolitan Government of Nashville-Davidson County*, 538 F.3d 431 (6th Cir. 2008), the employee in question was a police officer. He deployed to Iraq, but his tour ended when he was brought up on charges of bootlegging wine. He was permitted to resign and the military charges were dismissed. He disclosed the issue on his paperwork requesting reinstatement and he was held out of work for a month, without pay, while the agency investigated. It then allowed him to return to work, but at a lesser position, essentially desk duty, as the agency doubted the veracity of the explanation of his military charges. The Sixth Circuit ruled that it is irrelevant that the employer has a good faith doubt in the truthfulness of Petty's explanation as to what had actually occurred. Further, the Court indicated that Petty had an absolute right to reinstatement if he met the bare requirements of the statute. However,

it is permissible to require updated training, so long as the officer is not delayed in returning to work and has a reasonable opportunity to meet such requirements.

In *Steenken v. Campbell County*, a Kentucky case that was resolved at the U.S. District Court level, an officer was permitted to bring a claim asserting a hostile work environment related to his military service. Facing continuing ridicule, including the creation of posters bearing his photo, the officer resigned and filed suit. The Court agreed that although USERRA does not specifically prohibit an employer (and fellow employees) from harassing an employee for their military status, the Court agreed that the right to be free of such harassment was a benefit of employment. Further, the Court agreed there was sufficient evidence that a jury could find that the harassment was substantially motivated by his military affiliation and permitted the case to go forward.

Many cases that do not include law enforcement plaintiffs are still relevant, however. In *Monroe v. Standard Oil*, 452 U.S. 549 (1981), the Court agreed that an employer was not obligated to permit military service members to change their schedule or give them the opportunity to make up days missed due to those obligations, nor were they obligated to pay them for that missed time. They could, however, certainly allow them to switch shifts with other employees, if they so desired.

Kentucky law, under KRS 61.394, provides to state government employees the right to be paid their regular salary for up to 21 calendar days per year (based upon the federal fiscal year) of military leave. Unused leave may be carried over for up to two years. The provisions of KRS 61.394 are extended to local government employees under KRS 61.396.

Finally, the provisions of USERRA also apply to members of a National Disaster Medical Team, Disaster Mortuary Operational Response Team, Veterinary Medical Assistance Team, National Pharmacy Response Team and National Nurse Response Team, as well as members of the Public Health Service Commissioned Corps. The president may extend the protections of the "uniformed services" to others, as well, during a time of national emergency. Such employees are classified under 42 U.S.C. §300hh-11(e) as intermittent federal employees who are members of a uniformed service for purposes of USERRA.



In many of these cases, the Department of Justice, Civil Rights Division represents officers should a lawsuit be necessary. Service members encountering problems may seek guidance and assistance from the Judge Advocates General assigned to their military branch, or seek aid from the U.S. Department of Labor, Office of Employment and Training (<http://oet.ky.gov/des/veteran/userra.asp>). Employers with questions may also seek assistance from the same agencies. Another resource for both military service members and their employers is the Employer Support for the Guard and Reserve, [www.esgr.org](http://www.esgr.org).

/Compiled by the DOCJT Legal Staff

# LEGAL MYTHS



**MYTH: Undercover officers must tell the truth if they are asked if they are law enforcement.**

FACT: Just the opposite is true. In *Illinois v. Perkins*, 496 U.S. 292 (1990), the Court ruled that officers working undercover and incarcerated with other inmates did not have to reveal their status as an officer. Further, any information a person shares with an officer who isn't identified, even if given in response to interrogation, is admissible, since they would be considered no different than any other person with whom a subject shared incriminating information.

**MYTH: Every missing child will result in an Amber Alert.**

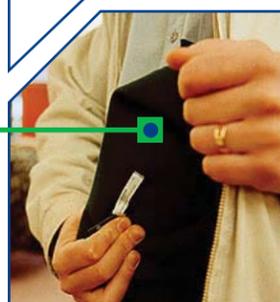
FACT: In Kentucky, Amber Alerts may only be issued if certain specific criteria are met. Those criteria require law enforcement to confirm that a child has been abducted, the circumstances surrounding the abduction, that there is an indication that the child is at immediate risk of bodily harm and there is sufficient information concerning the child, the abductor and any vehicle involved. If the case does not satisfy those criteria, an Amber Alert will not be issued, even if the child is missing.

**MYTH: A subject must actually leave the store to be arrested for shoplifting.**

FACT: KRS 433.234 states that "willful concealment of unpurchased merchandise" is prima facie evidence of the intent to shoplift. In other words, deliberately placing an item under a coat, in a pocket or in a bag is enough to charge with theft by shoplifting.

**MYTH: A person can't be stopped unless the police have probable cause.**

FACT: Probable cause is required to make an arrest, but people may be stopped on reasonable suspicion under *Terry v. Ohio*, 392 U.S. 1 (1968) and cases that follow. A *Terry* stop requires the officer to have reasonable suspicion that, to paraphrase Sherlock Holmes, the crime is afoot. A variation of this belief is the misconception that a person can't be handcuffed unless they are under arrest, which is also incorrect.



**MYTH: Officers have to warn before they shoot.**

FACT: No, they don't. And in fact, tactically, that might be an inappropriate thing to do. In fact, officers might be guilty of Wanton Endangerment if they fire a weapon without appropriate justification just to warn someone. (KRS 508.060 and .070)

**MYTH: A person can't be convicted on just circumstantial evidence.**

FACT: Circumstantial evidence is perfectly valid evidence, although the prosecution must still meet the cumulative burden of proof "beyond a reasonable doubt."

**MYTH: You must wait at least 24 hours before a report can be made about a missing adult.**

FACT: Kentucky law places no such restriction, and in fact, the opposite is true. A missing person report may be made at any time, and in fact, certain criteria, such as Alzheimer's, dementia or mental handicap, may require that an immediate report be made by law enforcement to emergency management. (KRS 39F.180).

**MYTH: If the police don't read a suspect his or her Miranda rights immediately, the arrest will be illegal, or anything they say will be dismissed.**

FACT: Miranda warnings (or "rights"), pursuant to *Miranda v. Arizona*, 384 U.S. 436 (1966) are only required to be read to an adult subject when they are both in custody (most commonly by being arrested) and they are being interrogated. If the subject is not going to be interrogated, then it is not necessary to provide those rights. Conversely, if a subject is being interrogated, but is not legally in custody, again, *Miranda* rights are not required. Juveniles, however, under Kentucky law, must be given their constitutional rights (i.e. *Miranda*) immediately upon being taken into custody. (KRS 610.200)

**MYTH: It is illegal to make a U-turn.**

FACT: There is no general prohibition of U-turns in Kentucky, except on "limited access facilities" — in other words, expressways. (KRS 177.300) In fact, Kentucky law specifically permits it on most roadways, so long as it can be done safely and without interfering with other traffic. (KRS 189.330)

**MYTH: Officers must stop at the city, county or state line during a pursuit.**

FACT: Just the opposite. In Kentucky, officers in pursuit may cross intra-state jurisdictional boundaries. (KRS 431.045.) In addition, Kentucky officers may pursue a subject into another state, but their actions in that state will not be governed under Kentucky law, but by the laws of that state.

**MYTH: It is illegal to drive barefoot.**

FACT: There is no legal requirement to wear shoes while driving, although it certainly might be safer and more practical to do so.

**MYTH: A person must provide identification upon request when asked to do so by law enforcement.**

FACT: Although there are such requirements in a few states for specific circumstances, there is no such requirement in Kentucky for someone who is not driving a vehicle. (If they are driving, of course, the driver is required under KRS 186.620 to produce an operator's license.) They are not permitted to lie about their identity, under KRS 523.110, but they can simply refuse to identify themselves without any legal penalty.

**MYTH: A person can't be charged with trespassing on publicly-owned property.**

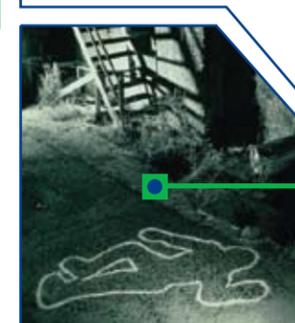
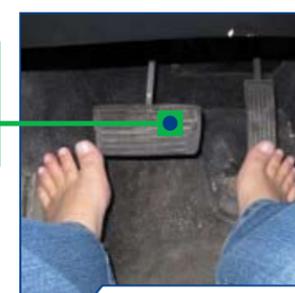
FACT: Even publicly-owned, open places, such as parks, often have closed times, and certainly public buildings, such as schools, city hall and even the police station all have portions of the building not open to public use, either all the time or at certain times. Entry into those areas would be trespassing, and even burglary, depending upon the circumstances. In situations such as public parks, the appropriate charge may be a violation of a local ordinance, however.

**MYTH: An arrested subject has a constitutional right to a phone call.**

FACT: Even discounting the simple fact that telephones didn't exist when the U.S. or Kentucky Constitution was ratified, there is no legal requirement that an arrested subject be permitted to call anyone. Most jails do provide telephones, of course, but they often charge a fee or require a collect call for their use, so that the subject may contact an attorney or a family member. However, it is not actually required.

**MYTH: Any violation of the chain of custody will cause a case to be lost.**

FACT: Although the ideal is to have a perfect chain of custody, if the chain of custody is flawed, it goes to the weight of the evidence, not the admissibility. The jury will be instructed that it may take under consideration any demonstrated flaws in the chain of custody of the evidence that may be used to decide upon the validity (the weight) of that evidence.



**MYTH: A person has to talk to the police — failure to do so is obstruction of justice.**

FACT: There is no legal requirement that anyone talk to law enforcement when officers come knocking. It is, however, unlawful to make a false report of an incident (KRS 519.040), which would include, among other things, knowingly giving false information to a law enforcement officer to implicate another. It is also unlawful to make a material false written statement (Unsworn Falsification to Authorities, KRS 523.100) with the intent to mislead a public servant, including law enforcement. It is never, however, illegal to simply not talk to a law enforcement officer.

**MYTH: Switchblades are illegal.**

FACT: Although switchblades (knives which have a blade that springs open at the press of a button) are regulated under federal law and cannot be sent through interstate commerce under the federal Switchblade Act (15 U.S.C. §1241-1245), except under specified conditions, they are not actually illegal in Kentucky. They are, however, likely not going to be considered an "ordinary pocketknife" and as such will be regulated as would any other deadly weapon. (This also means that a holder of a concealed weapons license may lawfully carry a switchblade while in Kentucky in the same way they might carry a firearm.)

**MYTH: If a citizen shoots someone on their front porch, they should drag them inside before calling the police.**

FACT: Under Kentucky law, a porch with a roof is now considered part of the dwelling for deadly force purposes. (KRS 503.010) However, if the person is trying to get inside the dwelling, even if through a window, for example, deadly force arguably would be justified, even if they are still physically outside. Either way, however, moving the body would be tampering with physical evidence (KRS 524.100) and would just be making a bad situation worse.

**MYTH: The prosecutor must have a dead body to prosecute someone for homicide.**

FACT: This misconception likely stems from the term "corpus delicti" or "body of crime." However, that phrase actually means the body of evidence that constitute the proof of a particular crime. Although certainly more difficult to prosecute a homicide without an actual body, it is legally possible, so long as other evidence, such as a credible witness or physical evidence, supports that the crime actually occurred and that the victim is, in fact, deceased.



"I would say one of my top priorities would be to make McCracken County as uncomfortable as possible for criminals to operate within."

**Sheriff Jon Hayden**  
McCracken County Sheriff

Jon Hayden has more than 20 years of law enforcement experience. Hayden graduated from the Department of Criminal Justice Training Basic Training Class No. 200. He has more than 1,600 hours of law enforcement training. Hayden served the Princeton Police Department as a patrolman before coming to McCracken County. He has served as a deputy sheriff with McCracken County Sheriff's Office since 1993. Prior to being elected sheriff, he was in charge of the department's drug enforcement unit as a captain. He and his wife have been married for 25 years, and they have one son.

**How do you define leadership?**

I look back in history and think about people who played a vital role in shaping our constitution

and our country. True leaders base their decisions and actions on the betterment of the organization, society and/or people they lead, not on how to better themselves personally or to just please the most people.

In my role as an elected official and the one in charge of the county's law enforcement agency, I feel it is my responsibility to lead the department in a positive and proactive manner into the future, laying a foundation that can be built upon for years to come.

**What do you see as your major accomplishments as sheriff of McCracken County?**

I felt it was important to raise the level of professionalism and the quality of service we provide to the citizens of Paducah and McCracken County. What more could any law enforcement agency ask for than to have the complete confidence and support of the public you serve?

We also have become a much more proactive department instead of a reactive one. This agency has become more involved with community organizations than ever before and has put more emphasis on investigations, patrol and drug enforcement.

**How do you deal with the urban influences in a rural area and serve as the head of one of the largest sheriff's agencies in the commonwealth?**

Our jurisdiction encompasses about 250 square miles and we serve a population of about 65,000 people. On just about any given day, our popula-

tion doubles taking into account the number of people who come here to work and shop. The overwhelming majority of the residents do live outside the city limits of Paducah. We also have a major interstate (Interstate 24) that runs through the middle of our county and have two of this region's largest hospitals.

For obvious reasons, counties with larger population numbers such as ours compared to others in our region, have more law enforcement issues. Therefore we provide seven-day-a-week, 24-hour coverage that requires numerous deputies to be on shift. In addition to this coverage, we have a dedicated general investigative unit with five detectives and an active full-time drug enforcement unit. McCracken County has five judges for which we provide courtroom security. Last year, our call volume exceeded 32,000 calls for service.

**Why is increasing the level of professionalism for your department so important to you?**

It is important because it plays such an integral part in every aspect of what we do and who we are. It is an ingredient that you must have to be an effective and trusted law enforcement agency.

**What lies ahead for the McCracken County Sheriff's Office?**

I hope to continue keeping up with new and advanced technology.

We also will continue looking for new, fresh and innovative ways to enhance our service and job performance to the residents we serve. I would say one of my top priorities would be to make McCracken County as uncomfortable as possible for criminals to operate within.



"My first priority was to develop a clearly-defined mission statement and build a team that would take ownership."

**Chief Michael Ormerod**  
Prestonsburg Police Department

Michael L. Ormerod has more than 26 years of law enforcement experience and more than 1,600 hours of law enforcement training. Ormerod joined the Prestonsburg Police Department in 1982 as an auxiliary officer and became a full-time officer in October 1983. In 2001, he was appointed director of public safety and in 2003, also assumed the duties of chief. He has served on the Kentucky Law Enforcement Council Instructor Certification Committee since 2008. He and his wife, Della, have been married for 38 years and have one daughter, Angela Kristen, who is a research analyst with the University of Kentucky.

**Since becoming chief, what goals have you set for the department?**

My first priority was to develop a clearly-defined mission statement and build a team that would take ownership. It's important for each officer to feel he is a member of the team and has an important role in defining the personality of the department. Next was to identify each officer's strengths and build on those. My philosophy is training should be geared to an individual's abilities. We have been able to offer training that not only benefits the agency, but is enjoyable to officers because it is something they are interested in. It is easy to motivate someone to do something they already want to do. Another important goal was to give the officers what they need to do their job. We have MDTs, in-car video, TASERS, patrol rifles and back-up weapons. Our vests are updated every five years, and our home fleet is on a rotation that maintains vehicles at under 100,000 miles. We have nearly completed the migration to a new digital radio system.

**How do you define leadership?**

Leadership is many different things. First of all, I consider it a privilege. To me it's understanding people. I have officers ranging in age from their early 20s to 60 and understanding generational diversity is very important in understanding them. I believe, as leaders, we must identify each individual's abilities, look ahead five or 10 years to where we think a person should be and provide the training and tools for them to be leaders. A man once told me when you start thinking you're important to stick your thumb in a bucket of water, pull it out, and see how big the hole is you left. Leadership is leaving a department better than you found it.

**What inspired you to create the Officer Down Memorial Page for Prestonsburg P. D.?**

Law enforcement officers are special people who deserve more recognition than they will ever receive. They should be recognized by any available means. The Kentucky Law Enforcement Memorial is special to all of us, and I want to thank all who have made it possible. All officers who have given their lives deserve their place on the Officer Down pages. Our page is there so our officer can take his rightful place among the many others who gave their lives to protect others.

**How does your department give back to the community?**

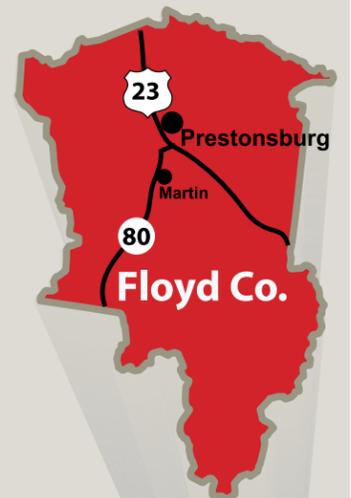
Each year our officers donate their time to make Christmas special for 18 families. For the past 10 years we have taken two kids from each elementary school in Floyd County and given them and their families a memorable Christmas. Including siblings, we average about 50 to 60 kids in the program. The children receive clothing including coats and shoes, a \$100 shopping trip for themselves plus \$50 for their family, a pizza party complete with

Santa and Mrs. Claus and a food basket with a complete Christmas dinner. The department raises money from businesses and individuals and all proceeds go to the children. The cost of the program averages \$12,000 to \$13,000.

Another program is our annual scholarship. Each year we award a \$500 scholarship to a graduating senior from Prestonsburg High School. We also have provided scholarships to graduates who are children of city employees.

**What lies ahead for the Prestonsburg P.D.?**

We are currently training an officer to investigate Internet crimes. Once he completes training we hope to join the state task force on Internet crimes against children and conduct local investigations on Internet predators.



## Book Review

/by Shawn Herron, DOCJT Staff Attorney



# Skies of Friendly Fire

Applying the concept of practical drift in an incomprehensible tragedy

What relevance to law enforcement would a book on organizational behavior and systems theory, developed from a doctoral dissertation based upon the 1994 shoot down of two Army Black Hawk helicopters by two Air Force F-15 fighter pilots in northern Iraq have?

In his book, "Friendly Fire," Scott Snook applies the concept of a "normal accident" to a seemingly incomprehensible tragedy. Snook focused his research into the shoot down from the point of view of the F-15 pilots, the Airborne Warning and Control System crew overhead and the task force that was overseeing the situation in northern Iraq at the time. As a result, Snook developed the theory of "practical drift," which occurs when local adaptations are made to formal processes and procedures as a result of conflicting demands. These adaptations may take the form of shortcuts that make sense to the individual taking the shortcut, but which may be taken without knowledge of other, critical factors.

So how is this relevant to law enforcement? Practical drift occurs when a globally designed procedure is (or is perceived to be) locally impractical. It is exacerbated when no one complains about the deviation from the formal, written procedure. As a result, the "locally efficient behavior becomes accepted practice." As an example, an officer may simply stop filling out a form, because the officer fails

to appreciate the need for the form. It is aggravated when no one notices the officer's failure to complete the form, which only reinforces that the officer's decision to stop doing it is the correct decision. Unfortunately, the information collected by that form might be critical to providing necessary statistics to qualify for a grant, ultimately costing the agency much needed money.

Although Snook's analysis is dense, technical and highly detailed, when read for its application of practical drift to a specific incident, its importance becomes obvious. Snook emphasizes the need to move away from blame and into understanding and explaining when such tragedies occur because focusing on the human need to put the blame on an individual, which often results in a finding of human error, is counterproductive. Once that conclusion is reached, however, it is too easy to ignore all of the other circumstances that came together – and to ignore the need to untangle the webs of causality that led to that human error. Snook continues his analysis beyond the individual, however, to group lessons, and he reiterates that many lessons learned during an incident fall to other priorities when the time comes to actually implement those lessons.

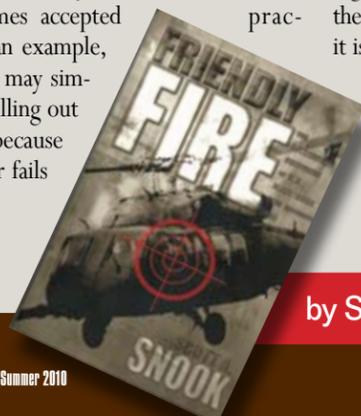
At what point does a system that is breaking actually become broken, and when do the humans involved in that system realize it is occurring? Human nature being what it is, the ability to see warning signals is weak, and only after the fact is it possible to see those signals as indicators of breakdown.

There had been numerous near misses before, but "the emphasis ... was on the 'miss' and not on the 'near,' and nothing was done; nothing was learned," Snook explained.

The organization as a whole did not learn from the incidents that had occurred before, which directly contributed to the tragedy that triggered the book.

Finally, Snook noted that following the shoot down, the first reaction was to address the tragedy as a criminal matter, rather than a mishap, and then to "heap stacks of new rules on top of the old ones." Both reactions tend to impede, rather than promote, the organizational learning necessary to prevent such incidents.

Snook ends his book by coming back to the theory he crafted – practical drift – the "slow, steady uncoupling of local practice from written procedure." As he stated, "local adaptation can lead to global disconnects." Specifically, the drift that Snook identifies takes place across levels and across time, so if only one level is studied, or if multiple levels are studied at a single point in time, the drift will be missed. Instead, it is critical to widen the field of vision across multiple levels. Just as in the incident outlined, a rookie will look for answers from veteran officers, and those veterans will relate shortcuts and workarounds as appropriate actions. Working to identify such shortcuts, and addressing the problems that led to such workarounds, can prevent such incidents in the future. 🐛



by Scott A. Snook, Princeton University Press, Princeton, N.J., 2000

## STRANGE STORIES FROM THE BEAT

### » Busty Suspect Makes it Rain

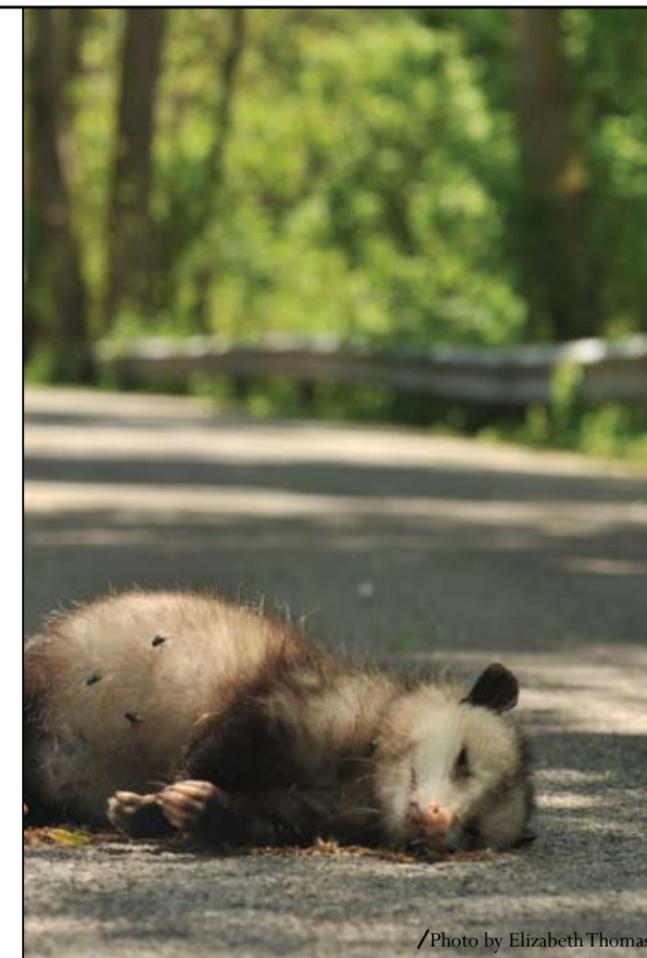
An alleged member of a fraud ring targeting Spokane, Washington area banks was already in custody when a corrections deputy unfastened the suspect's bra, releasing a hoard of cash the alleged thief had managed to conceal.



When the counting was complete, officers had recovered just shy of \$26,000. According to authorities the 6-foot, 400-pound suspect apparently had the room to conceal the stolen cash.

### » Woman Accused of Sending Text About Drugs To Agent

An Oklahoma woman has been arrested for allegedly sending a text message about illegal drugs to a drug task force agent. The agent sent a message asking for an address and determined that the suspect lived there. Officers said she thought she sent the message to a friend.



/Photo by Elizabeth Thomas

### Drunken Man Gives Mouth-to-Mouth to Roadkill

A Punxsutawney, Pa., man was found giving mouth-to-mouth "resuscitation" to a long-dead opossum along a major highway. Several witnesses saw the extremely intoxicated man kneeling before the roadkill and gesturing as though he were conducting a séance, while another saw the mouth-to-mouth attempt.

### Women Try to Bring Corpse onto Plane

Police arrested two women at a British airport after they reportedly tried to bring a corpse onto a flight. The women placed the man into a wheelchair and covered his face with sunglasses in a bid to get him aboard a flight to Berlin, after hiring a taxi to take them to the airport. The two women – his widow and step-daughter – said they thought he was asleep.

### Man Fleeing Cops Jumps Fence into Prison

Police say a motorist fleeing officers in Cleveland, Ohio abandoned his car and jumped a fence – landing in what turned out to be the state women's prison yard.



» IF YOU HAVE ANY

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



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