

LAW ENFORCEMENT

TACTICAL TEAMS:

More than SWAT

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LAW ENFORCEMENT

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Governor

J. Michael Brown
Justice and Public Safety
Cabinet Secretary

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

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Cover featuring Richmond Police Det. Aaron Stidham, photography by Elizabeth Thomas



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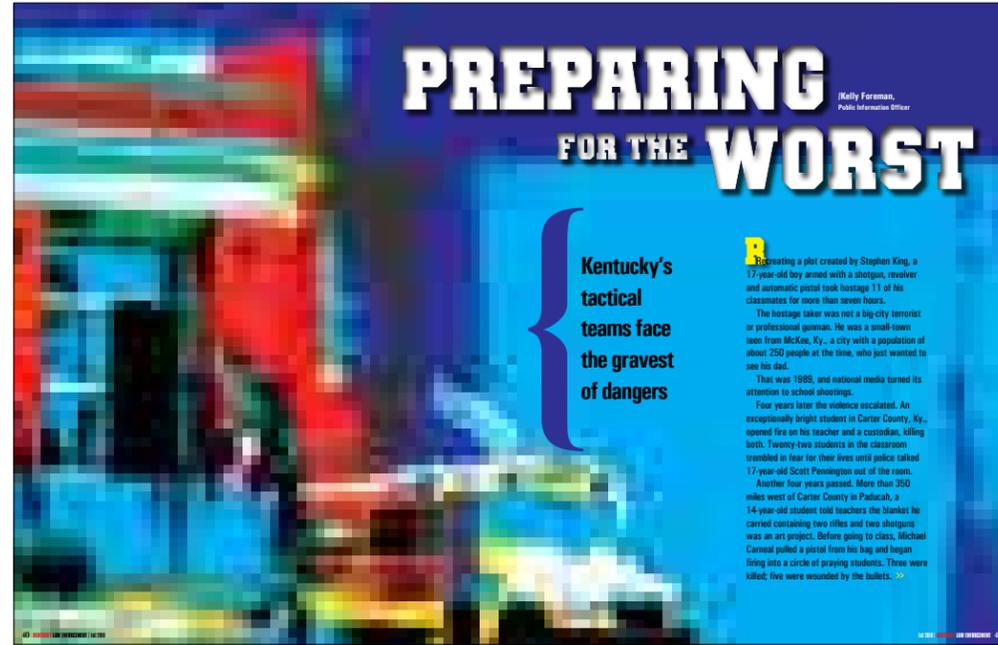
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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital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



Secretary's Column

Maintaining Commitment to the Public

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

As the economic recession lingers, states across the country are battling significant budget shortfalls. Kentucky is no exception. Governor Steve Beshear has been forced to cut Kentucky's budget eight times since taking office in 2007, including a \$1.5 billion revenue shortfall for the 2010-2012 biennial budget.

Gov. Beshear has worked hard to ensure that the state agencies that are most directly responsible for ensuring public safety — Kentucky State Police, adult correctional institutions and Department of Criminal Justice Training — have largely been spared from budget cuts.

Even without significant cuts, these agencies have done their part to use taxpayer dollars more wisely by streamlining their organizations and improving efficiency. Over the past two and a half years, they have merged departments; developed initiatives to reduce driving where possible; eliminated unnecessary supplies; and limited travel. In addition, the administration has worked with the General Assembly to develop common sense approaches to incarceration so that public safety is enhanced.

However, the two-year budget passed by lawmakers requires further cuts, including that the state achieve \$131 million in expenditure reductions in FY 11 and \$169 million in FY 12, on top of 3.5 percent cuts and 4.5 percent cuts for most state agencies, respectively.

To help achieve that, in July, the administration presented a plan to the State Personnel Board to furlough all state government workers a total of six days in Fiscal Year 2011, including three designated days adjacent to state holidays and three non-discretionary days.

All executive branch employees and agencies, regardless of function, position or salary, will be furloughed the same number of days. This includes merit and non-merit employees, full-time and part-time employees, contract workers, cabinet secretaries, the governor and his staff. Though this was not an easy decision to make, it will prevent approximately 413 state employees from being laid off.

However, the governor recognizes agencies that have 24-7 operations, such as state prisons, state police and juvenile justice facilities, can't shut down on any given day, so the administration is allowing those agencies greater flexibility in carrying out the furloughs. While it will be a challenge, these agencies are used to managing schedules to accommodate vacations, sick days and holidays without compromising their mission of public safety, and that will continue to be the focus when implementing the furloughs.

In addition to furloughing employees, the administration will reduce the number of non-merit system employees in order to achieve further savings.

In spite of budget restraints, Kentucky's law enforcement and corrections community — our troopers, correctional officers, instructors and juvenile justice workers — will remain on the job and maintain their responsibility and commitment to the public. The public safety of all Kentucky families remains one of Gov. Beshear's highest priorities. 🍄



Commissioner's Column

A Secret You Should Know

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

In a stirring presentation to workers and their families, Clement Watt, an early 20th century industrialist, presented what he called "A secret you should know." His secret was simple. Once his employees adopted its practice, Watt's factories became remarkably stable work places during and beyond the Great Depression.

The secret Watt revealed lies within the concept that all people, from the executive suite to the assembly line and from the family to the classroom, should work as though they are training their replacements.

Watt explained this humbling strategy to his employees this way:

"Your primary responsibility here is to do your work with full awareness of what you are doing, engaged in the present moment of your experience. When you hammer a nail, feel each strike; when you turn the page of a ledger or a book, feel the fiber of paper between your fingers; when you speak, listen to the music of your utterance; when another speaks to you, listen with your whole being; when you take a step, feel the weight of your body press against the sole of your foot; when you think, watch your thoughts."

When you do these things with regularity, you will have achieved the great power that all ordinary people fear — autonomy. It is autonomy that will assure you'll not only excel at work, at school and in your home, but also at life.

To the ordinary mind, training one's replacement may seem a burden, and training one's imaginary replacement may seem an insanity. But, the truth is that this exercise will liberate you from the thoughts and attitudes that rule your every moment, and free you for the purest of new and different opportunities.

In leadership, few people closely examine the possibilities of this advice, even though training one's replacement is a practice essential to the functions of any enterprise. Instructing another successfully may be the only way to demonstrate a complete mastery of any skill or subject. The obvious benefit is that as the teacher, you learn twice.

Research confirms that those who train others develop a higher level of achievement for the work they instruct. They see new ways to overcome routine problems. They become more proficient as they explain every part of the work or job to be done.

Imagine for a moment an organization that is guided by the practice of all employees working as though they were training their own replacements. These employees would be required to prepare mentally for each task as they proceed through their workday, to rehearse in their minds the very words they would speak to their replacements if those people were standing by their side, eager to learn. By rehearsing such activities as they perform them, people keep themselves in the present moment, see and feel their every action with a renewed intensity, and watch with interest every task they perform.

People would soon rediscover the complexity of their work and their own mastery of it. New details about the work that previously seemed routine and automatic to skilled workers would surface, and those unaware that these secrets were being used would likely regard its users as authentic masters of their work.

When you lead and work as if you are training your replacement, you cannot help but prosper and succeed. 🍄



TROOPERS RECEIVE MEDALS OF VALOR

Kentucky State Police Commissioner Rodney Brewer (left) and Justice and Public Safety Cabinet Secretary J. Michael Brown (right) presented Tpr. Timothy Mullins (second from left), of KSP Post 13 in Hazard, and retired Tpr. Richard Miller (second from right), of Hazard, with the Governor's Medal of Valor in Louisville on May 5. They received the award for their actions in June of 2006 while responding to an explosion that completely destroyed a two-story house in Perry County.



GOV. BESHEAR PRESENTS MURRAY P.D. WITH HIGHWAY SAFETY AWARD

Gov. Steve Beshear presented \$22,075 to the Murray Police Department in late July for programs to curb impaired driving, speeding and other dangerous driving practices. The grant will also help to educate the public on the necessity of child safety seats and seatbelt use.

"We are firmly committed to improving the safety in Kentucky communities by providing law enforcement with these necessary resources," Beshear said. "We must attack the problem before we risk losing more lives on Kentucky's highways."

JEFFERSON COUNTY DEPUTY RUNS 40 MILES FOR SPECIAL OLYMPICS

Jose Wilkie, a Jefferson County sheriff's deputy, ran a 40-mile trek to Frankfort as part of the Torch Run for the Special Olympics' summer games at Eastern Kentucky University in Richmond.

An ultra-marathon runner, 40 miles could be considered light work for Wilkie. He has completed 14, 100-mile marathons in one year.

Wilkie, who has been involved with the Special Olympics for the past four years, said he jumped at the chance to be the first law enforcement officer in the 24-year history of the Torch Run to carry the torch the entire distance from Louisville to Frankfort.

Wilkie said the run was special because he was helping children.

TROOPER OF THE YEAR

Stamping Ground resident Kenneth B. Russell received the 2009 Trooper of the Year award and Richmond-resident Michael Simpson received the 2009 Jason Cammack Commercial Vehicle Enforcement Officer of the Year on May 5.



A 27-year veteran of the Kentucky State Police, Russell is assigned to KSP Post 12 in Frankfort. In 2009, Russell issued a total of 1,923 citations, including 1,668 for speed violations. He opened 23 criminal cases resulting in 81 arrests. Sixteen of the arrests were fugitives from justice he encountered during traffic stops. He also recovered 12 stolen vehicles.



A six-year veteran of the KSP Commercial Vehicle Enforcement Division, Simpson serves as a CVE Officer I in Region 3 based in Georgetown. In 2009, Simpson carried out 2,020 vehicle safety inspections and wrote 1,905 commercial citations. His vehicle out-of-service rate was 59.7 percent and his driver out-of-service rate was 8.8 percent.

OFFICE OF THE ATTORNEY GENERAL INVESTIGATOR RECEIVES PRESTIGIOUS AWARD

Nikki Henderson, an investigator in the Kentucky Attorney General's Office of Medicaid Fraud and Abuse Control, is the recipient of the 2010 "Champion for the Aging" Award presented by ElderServe, Inc.

Before being hired by the Office of the Attorney General in 2006, Henderson worked in the Division of Aging Services at the Cabinet for Health and Families. She is a retired sergeant from the Louisville Metro Police Department, where she worked to create the Jefferson County Police Crimes Against Seniors Unit and has been the Issue Specialist for Elder Abuse in Kentucky for the American Association of Retired Person. Henderson also received the first annual "Kentucky Aging Network 2005 Advocate of the Year Award" and received the "Kentucky Women's Law Enforcement Network's Lifetime Achievement Award" in 2008.



KLEMF AWARDS 25 SCHOLARSHIPS

A total of \$28,000 in scholarships was awarded to 25 students across Kentucky by the Kentucky Law Enforcement Memorial Foundation. The Gerald F. Healy Kentucky Law Enforcement Memorial Foundation scholarships were awarded to law enforcement officers' dependents and survivors of officers killed in the line of duty. Officers' dependents were awarded \$1,000 toward the fall 2010 semester and officers' survivors received \$2,000.

FALL 2010 SEMESTER GERALD F. HEALY SCHOLARSHIP RECIPIENTS ARE:

Alex Albert Lee Allen of Viper, Hazard Community and Technical College

Tyler S. Bailey of Hazard, University of Kentucky

Andrew James-Carl Bee of Elizabethtown, Bellarmine University

Laura Allison Bland of Goshen, University of Kentucky

Michelle Ann Butler of Villa Hills, Eastern Kentucky University

Brittany Renee Crowder of Florence, Northern Kentucky University

Johnna Callie Edrington of London, Eastern Kentucky University

Joshua Edward Elam of London, University of Kentucky

Nolan Robert Fernandez of Lexington, Wabash Valley College (Mt. Carmel, Ill.)

Robert Matthew Gilvin of DeMossville, Georgetown College

Ross Taylor Hall of Bardstown, Transylvania University

Anthony Joseph Kramer of Erlanger, University of Louisville

Nicole Lee Mardis of Bardstown, University of Louisville

Robertta Dee Mardis of Lexington, University of Kentucky

Judith Elizabeth Maurer of Williamstown, Gateway Community and Technical College

Chelsea Lynn Peters of McKee, Eastern Kentucky University

Donald Kaleb Petrella of Ashland, University of Louisville

Brinda Norine Porter of Campbellsburg, Bellarmine University

Kaitlyn DeAnn Russo of Lexington, Coastal Carolina University (Myrtle Beach, S.C.)

Brittany Michelle Sennett of Lexington, Western Kentucky University

Amber Dawn Sexton of Clearfield, Morehead State University

Heather Lynne Szurlinski of Florence, Northern Kentucky University

Natalie Marie Thompson of Louisville, University of Louisville

Aleana Tyler Yocum of Louisville, Eastern Kentucky University

Alecia Jean York of Elizabethtown, University of Louisville

NATIONAL AND STATE SRO OF THE YEAR



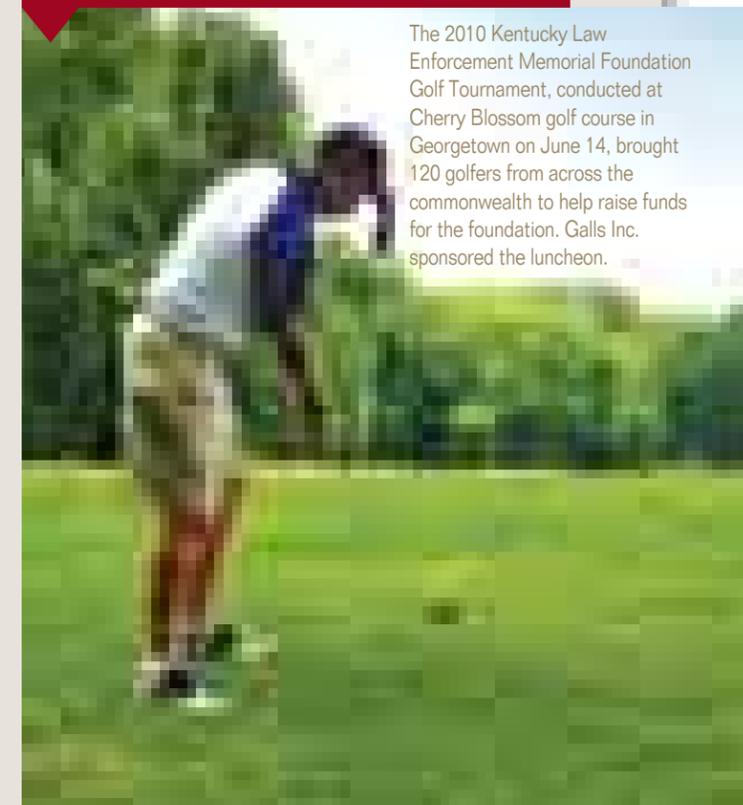
James Harris

Berea Police Department Officer James "Doty" Harris was awarded the 2010 National Association of School Resource Officers School Resource Officer of the Year Award on August 2. Officer Harris is an SRO at Madison Southern High School and was awarded the Kentucky SRO of the Year Award in 2009. Harris has served as

a Berea Police Officer for more than 30 years and has been in the role of school resource officer since 2005. Harris is described as dedicated to ensuring the safety and well-being of the students and faculty at MSHS.

Deputy Glenn Woodard of the Warren County Sheriff's Office was named the 2010 Kentucky State School Resource Officer of the Year by the Kentucky Association of School Resource Officers. Woodard, who serves as the school resource officer for Warren Central High School, was recognized June 15 at the Kentucky Association of School Resource Officers Conference in Erlanger.

KLEMF GOLF TOURNAMENT



The 2010 Kentucky Law Enforcement Memorial Foundation Golf Tournament, conducted at Cherry Blossom golf course in Georgetown on June 14, brought 120 golfers from across the commonwealth to help raise funds for the foundation. Galls Inc. sponsored the luncheon.



UP for the

CHALLENGE

After practicing law for more than 40 years, Fayette County Attorney Larry Roberts hasn't lost one ounce of zeal for the job. His passion and charisma are evident in not only the career path he has led, but also in the way he encourages and pushes approximately 100 young lawyers working under him in the county attorney's office to be the best attorneys they can be.

Roberts, a 1969 graduate of the University of Kentucky College of Law, spent the bulk of his career doing what he enjoys most — trying cases in court. He has served as a public defender and state prosecutor, has practiced in the private sector, and formed his own firm, Roberts and Smith, in 1989.

His no-nonsense attitude and determination to be the best there is have afforded him numerous opportunities throughout his career. >>

PROFILE OF **LARRY ROBERTS**,
FAYETTE COUNTY ATTORNEY

/Abbie Darst, Program Coordinator



After practicing law for 40 years, what keeps it exciting? What about practicing law makes you love it enough to keep doing it for so long?

Probably, it is the competition. I like the fray and trying to solve problems. So, if I can be involved in a little tiny case of somebody putting graffiti on a wall, catching them and proving that case, then that's intriguing to me. Or, if it is a convoluted murder case and my client is charged with murder, I want to make the prosecution prove it. If I can show lots of areas of question that a jury might grasp hold of, maybe I can create a reasonable doubt. Although law practice is not a game, it is a competition. It is getting ready for a big event. Teaching people how to prepare cases is intriguing to me. And that means working with the police as well as the prosecutors or defense lawyers.

For instance, when young lawyers come in, they have heard that you should be prepared — I ask them, 'What does that mean to you?' Well, they have not been to the scene where the car was stopped for the DUI. Why haven't they? Well, nobody does that. You read the report. But, if you are going to go to trial with this case, then why wouldn't you want to go look at the scene or take photographs of the area that might be relevant to something that might come up in the case? Talk to all of the witnesses and bring them into the office and have the witnesses there to talk amongst themselves so that the stories are all straight when you go to court.

What has been the most challenging aspect of your career?

Doing a job as well as I can do it and not sloughing off. In any job, you can do it 75 percent, and I never have. I have tried to make these people here, these young lawyers, understand that if they have a trial on Monday and they are not ready, they had better not be going to that UK basketball game on Saturday — they had better be working. Not that I am trying to be punitive, but I want them to be prepared. If it means going to the jail or going to find a witness in Cincinnati or whatever it is, then you have

“There are so many issues with regard to not just training someone to do investigations, but also to understand legal complications that come up with everything from driving, to how you handle prisoners, to just avoiding law suits.”

to do that. It is easy not to do it. You can cut corners in anything. So, preparation is a huge thing to me no matter what you do. It is very time consuming, it is a drain on family or your spare time — you want to play golf or whatever — but if you are going to do it right, then there is a way to do it right.

What accomplishments are you most proud?

I am still alive.

I have enjoyed everything about my career. I like trying cases and I like trying them on both sides of the aisle — defending and prosecuting. I enjoy it. I like a fight, basically. I like civil work as well as criminal. I guess the bottom line would be I do not remember, necessarily, any particular victories or defeats, but I know that helping people has been very gratifying. Even a loss in a criminal case, you can help a defendant. Overall, as a lawyer, I have enjoyed making a difference in people's lives.

You have had an extensive career as a commonwealth's attorney, county attorney and in private practice. In your career experience, how has your perspective of police-executive leadership changed?

I graduated from law school in 1969, and I have seen tremendous changes from the standpoint of training.

There are so many issues with regard to not just training someone to do investigations, but also to understand legal complications that come up with everything from driving, to how you handle prisoners, to just avoiding law suits. Specialties have occurred in so many different areas from polygraph, to scientific investigation, to domestic violence. Our officers have a total understanding of dealing with domestic violence now because they are trained specifically in that area. That is a tremendous leap from 25 years ago. The laws have changed to help the officers in so many different ways.

Now, officers have detailed reports and supplemental reports called 235s. Most statements are taken on a tape recorder — statements of witnesses as well as defendants. This has been stressed for years to block the reasonable-doubt argument by a defense lawyer of "Why didn't you tape this statement?" So we teach them to tape the statements whether it is a DUI arrest or a murder. Some still don't for various reasons, but as a general rule, officers have become much more professional with regard to report writing.

There are a group of people who really want to go after individual criminals, and that is always a niche or a small group in every police department, I think. Those guys are very good. They are seasoned.

Now, the young officers coming in are scared to death in their first appearances. We work with them, along with our prosecutors to explain in a preliminary hearing what they need to do, how to say it, where to stand and where to look. We tell them not to read their reports. We do all this because they are scared, like the first speech they made in high school. But they had training on it. And with the training they get, it is not just throwing them to the wolves.

I go in all the time to watch officers when we are having preliminary hearings, and I am amazed about it. I write letters to the chief about it because some of them do very, very well. They have very detailed reports — I'm seeing it better and better.

Do you ever go to the local police department and train officers on these skills?

We train all the time. Recently, we had the Lexington Division of Police recruit class in here for an hour and a half. I want them to see this place and know where they are and not have them feel like they are going to a new world. We introduced them to the prosecutors and talked to them a little bit about the things we are looking for. One of my assistants — Lee Turpin — has already spent an hour and half talking to them about domestic violence. I go to talk about my pet >>



topic — how to destroy a reasonable-doubt argument. It is like playing chess. You have to think how a defense lawyer thinks. We have Brian Mattone, my first assistant, who talks about case writing and presentations. We have people go and talk about search and seizure. That is what we do with the recruits. We also do this all the time with other officers in the trainings they have scheduled throughout the year.

How did serving as an adjunct professor for the University of Kentucky School of Law influence your law career?

I like trial work. And when I was in law school, Bob Lawson was the law professor that we had in evidence, and he later became the dean. When we were seniors, I asked if he would teach a group of 15 to 20 of us how to try a case because there was not anything that taught you how to do that. He taught the class for a whole semester, at night on his own time.

Then, I went into private practice for a couple years as a legal aid. Then, I became the assistant commonwealth attorney just shortly thereafter, and Lawson was part of the reason I was hired to be an adjunct professor. We basically took that concept to teach law students how to go into a courtroom and try a case. We had them stand up and do opening statements and cross examinations, and we taught them the difference between prosecution and defense. Students were assigned to go into court with a public defender's office or with the prosecutor's office and try cases.

I thoroughly enjoyed that and today, guys that are 50 years old still talk about being in that class.

I remember my first day of getting sworn in. The judge asked me if I was ready to try a case and I said, 'Sure,' thinking it would be next month. Instead, he introduced me to John Jones and told me he was my client, and we were going to try the case that afternoon — a felony. So, I at least knew where to stand because of what Lawson taught. That is what we try to do with this course.

What does it mean for Fayette County that the county attorney's office is now paperless?

Typically when we go to court, we have a number of files. Each case has a folder and I can look at the case. When the defendant comes in, I can say we are going to recommend to you such and such and I have the record in here, and so forth. Then the defense lawyer will argue what they need, and we will either plea bargain the case or we will set it for trial. We carry the files over to the courthouse, and after court is over, we bring the file back and if the case is dismissed or is a plea, we throw the file in the trash can. There are eight or 10 pages that are down the tube. And most misdemeanor cases are disposed of with guilty pleas so you do not have the paper anymore.

If a case is continued for, say, two weeks, then there is a docket out two weeks from now and that piece of paper has to get to the prosecutor who is going to handle it. Well, today, we do not know who that prosecutor will be in two weeks. So, if you do not know, then this stack of paper has to be put somewhere. Then somebody else has to be able to figure out where it is.

It is maddening when you have 55,000 cases a year. It is easy if you have a small business, but here, you have a large volume. Many, many times, over and over and over again, we — prosecutors — are trying to find the case. It is a huge waste of time.

I do not know economics specifically, but I know when I go buy copiers and toner for the office, they tell me it costs 11 cents per page to print. That is a lot of money. If you are the district court clerk, you are dealing with thousands of pages every day that are being copied. Every time we have a case, we have to go get this copied out of a file and get the police report and make a copy of it and then make a copy for the public defender or whomever.

We decided that it is possible to go paperless. My thought was, federal court has gone paperless. I went through that as a lawyer learning how to file something by computer. Though it about drove me crazy,

suddenly you do not have any paper. You can make a file in your office and have a manila file that you can put things in if you want to keep that to go to court. But, in federal court, all the pleadings and everything are done electronically and have been done that way the past six or seven years on a graduated scale. You cannot file a paper copy over there — they will not let you. The old dinosaurs like me had a hard time with it.

So, I thought, I'm getting killed here in my budgets with money being taken away from me. What can we do? Lee Turpin came up with some software people who said we could do it. They said it would take about \$50,000 to get laptops for everybody in the office. I went to the city and they gave me the \$50,000. It cost us about \$75,000 total. We had the wiring done and now I can pull it up here in the office or the courtroom and get into any that we have.

The tremendous advantage is not necessarily carrying less stuff into court, but it is the ability of the lawyers to know exactly what is going on in that case if they need to. It's pretty cool. We've had it going since about the end of February. It's now full time — everybody in the office is on board.

Are there any particular programs in which the county attorney's office is involved?

One program that we have is the federal prosecutor program. When I started here, this office had never had meetings of prosecutors. If you were a prosecutor, and you went to court, you had never had any training within the office to teach you what to do and how to handle a defense lawyer or a judge. How do you beat them? We started having meetings every Friday. All I was trying to do was broaden the horizons of the lawyers.

I talk to them before I hire them and ask where they want to be in five years and they usually do not know. Not one of them had ever been to federal court,

never stepped foot into federal court or seen a major malpractice trial. Well, I was astounded by that. If the most famous lawyer in the world was here trying a case they would not know it, which I cannot fathom. We started bringing in speakers on different days to teach them a little bit about what is on the outside of this little microcosm of trying DUI cases. We brought people from Afghanistan who went over there on missions and talked about people selling their babies. Why? Because I want them to get something out of this office and have them think about something other than just working 8 to 4.

One of the people we brought into this office was U.S. Attorney Amul Thapar, and they asked him questions. About two weeks later, he called me and asked if I would consider forming a task force with him. He said it was going to be different than any one I had ever been on. It was on Internet predators, and since every case comes through our office first in Lexington, he wanted to have me, the commonwealth's attorney, and the police officers meet regularly. If we decide a case would be better to go to federal court because it gets more time and no probation or parole then we would funnel that off. He asked me to assign two people in this office to try those cases in federal court. I agreed immediately. I came back to the office and offered the opportunity to two staffers here. I explained that it meant they were going to have to devote double time because they would be doing something new but still had to do their jobs, and they said yes.

They did that. They were scrutinized by justice and screened just like an FBI agent or U.S. attorney. It took about three months per person. Then they were accepted and went off to school for two weeks down in Columbia, S.C. where every U.S. attorney goes to be trained. Suddenly, boom, they are in the grand jury, handling federal cases, talking to federal judges, dealing with defense lawyers, going to court and trying these cases. A year later, one of the women was hired to be an assistant U.S. attorney. So, we put another person in it. It is >>

“ We started bringing in speakers on different days to teach them a little bit about what is on the outside of this little microcosm of trying DUI cases. ”



Thirty years ago I was prosecuting a case about carrying a concealed deadly weapon. The officer got on the stand and the defense lawyer asked him, "Well, does the gun fire?"

And he said, "Well, yeah it fires."

And the lawyer said, "Well, did you test fire it?"

And he said, "No."

"Did you ever hear it fire," the lawyer asked.

He answered, "No."

"Well then how can you say it fires?" the defense lawyer asked.

"Well, I can just tell that it can," the officer said.

Well, that is a hole in the case. He did not think about having to prove that element. So the defense lawyer, thinking he is going to win this case, excuses the officer, and the officer gets down and goes back in the back in the jury room. All of a sudden we hear BANG. He comes out and says, "It fires." He shot it out the courthouse window right out on Main Street. And so we won, we got that conviction, but that is kind of sloppy. There are lots of examples of that in the past that we do not see much now.



on-going and it is huge as a recruiting tool. We are the only county attorney's office in the country doing that. That's because they let us — I am hoping that is going to continue.

Also, some of our prosecutors are going to other counties and trying felony cases. That is not being done by any other county attorney. I want that, and it takes time away from us to do it. But, we cover their work and they try felony cases in Bourbon, Scott and Woodford counties. Now, on their resumes they have circuit judges who have seen them try cases. That is big for a law firm to look at because you can go to any law firm in town and in the first five years, none of their people have tried any cases at all. They do not let them. That gives us a leg up on being recruited by the law firm as opposed to hiring somebody out of law school.

Is there anything you would do differently if you had your whole career to do over?

No. I would do it exactly the same way.

Most people when they practice law do not really have a choice of how they do it. They might want to be a trial lawyer. Well, how do you get to be a trial lawyer? You go to work for a firm, but no firm tries any cases and that gets to be frustrating. So, you might end up as a corporate lawyer. Or, you may want to be a corporate lawyer, but you go into the firm or you cannot get a job, so you start practice, and you do not get any corporate cases, you get divorce cases, so now you are a divorce lawyer.

I did not ever want to do anything like that. I wanted to be a trial lawyer. Even from law school I knew that you cannot just go out and get a job as a trial lawyer in a firm because you do not know anything. So, I decided to volunteer to be a public defender. When I would go to court, I would always go back into the hold over and talk to my clients. I knew them, I had met them in jail, but I would go into the hold over before or during court and talk to them because I knew when I was back there talking to them, other people would see that. When I left, they would ask who I was and they

would get my name, or ask me for my card, because I was spending time with somebody. Those people started calling me or their families started calling me. I started getting business on a small basis — \$100, \$200 cases. Pretty soon, I started getting felonies and bigger cases, and I got into court and started trying cases. When you stand up and argue with a judge or with a jury and they are looking out the jail window at you from the hold over, they would say, "Wow, look how he's fighting for you," and that is what people want. That blossomed into a pretty good practice. I enjoyed that.

Then, I got an offer to become a prosecutor in the commonwealth's attorney's office. It was a federal grant to hire a full-time prosecutor. In 1972 there were no full-time prosecutors in Kentucky — none. They hired me as the first one, as a kind of a test. I started as an assistant commonwealth's attorney. My boss got appointed to be the United States attorney, and the governor appointed me as commonwealth's attorney. I ran three terms for office then got a chance to go into private practice.

I did a lot of insurance defense work with the firm I went with and I had a couple of really big civil cases. After that, I decided to leave and went in by myself because I did not want to be a civil defense, accident kind of lawyer. I branched off to try to start doing more criminal and potentially more civil cases.

I did that for 25 years, and then I came here when this job opened. I love it here. It is fun. It is by far the hardest job I have ever had because there are 100 people here that I supervise, and keeping control of that and trying to make it professional is very difficult. And it has been an effort — it is kind of like a football coach coming into a big university. You have players that buy into him but do not know the system. You have players that do not buy into it and fight him. And then you have new recruits coming. I have that constantly. Trying to get to a level that I want, where we are very, very professional, is something for which I strive.



KSP Officer Rides to Raise Money for Young Cancer Patient

Kentucky State Police Commercial Vehicle Officer Larry Farris rode for a cause this year at the Can-Am Police Fire Games in Dublin, Ohio, where he rode under the KSP colors to benefit a cancer stricken boy from Maysville, Ky. Farris is an avid rider and regularly competes in racing competitions, logging around 6,000 miles a year.

He competed in four events at the 2010 Can-Am Games conducted August 15 through 27, including the time trial, criterium, sprint and road race. Farris said these games were extra special to him because he rode for Maysville 4-year-old Luke Teegarden.

"Luke is undergoing chemotherapy for cancer diagnosed as Burkitt's Lymphoma," Farris said. "I am attempting to raise funds from friends and local businesses so that extra proceeds will go to Luke's family for his medical care."

Farris typically rides for about two hours after work each day and will ride for six or seven hours on weekends, he said. To be competitive on an amateur level, Farris said he needs to put in about 300 miles each week and does different types of training.

KSP employees and friends can make monetary donations or send letters of encouragement to Teegarden through the KSP to benefit the Luke Teegarden Medical Fund by sending a check to the Public Affairs Branch. The check should be made out to Kentucky State Police and in the memo line

write, 'Luke Teegarden Medical Fund.' (Mail to KSP Public Affairs, 919 Versailles Road, Frankfort, Ky. 40601)

"Even if somebody donates \$5 it would be a help," Farris said. "[Luke Teegarden's] medical bills have got to be just astronomical."

After the games, Officer Farris and KSP representatives will make a presentation of funds to the Teegarden family.

The Can-Am Police Fire Games were established to promote physical fitness and camaraderie among and between law enforcement and fire service personnel and agencies. The games are conducted in the United States once every four years.

 You can find more information about the games at <http://www.canampolicefiregames.org/>.



▲ LUKE TEEGARDEN, MAYSVILLE, KY. CANCER PATIENT.

◀ OFFICER LARRY FARRIS ON HIS BIKE.

KSP Wins Gold in National Honor Guard Competition



▲ THE KENTUCKY STATE POLICE HONOR GUARD HAVE THEIR FLAG FOLDING TECHNIQUE REVIEWED BY A MEMBER OF THE 3RD U.S. INFANTRY REGIMENT, ALSO KNOWN AS THE OLD GUARD, AS THEY COMPETE IN THE 2010 FOP NATIONAL HONOR GUARD COMPETITION. MEMBERS OF THE OLD GUARD SERVED AS JUDGES FOR THE THREE PHASE COMPETITION HELD DURING NATIONAL POLICE WEEK IN WASHINGTON, DC IN MAY.



▲ MEMBERS OF THE KSP HONOR GUARD WHO PARTICIPATED IN THE COMPETITION INCLUDE: LT. BLAKE SLONE, SGT. SCOTT HOPKINS, TPR. MANUEL J. CRUZ, TPR. JASON BUNCH, TPR. BRYAN E. JOHNSON, TPR. JOE LUCAS, TPR. COREY NOKES, AND TPR. MARK TREADWAY. THE REMAINING MEMBERS OF THE TEAM, WHO SERVED AS ALTERNATES AND SUPPORT FOR THE COMPETING TEAM MEMBERS INCLUDED: TPR. SCOTT KING, TPR. SETH LEE, TPR. CHRIS MASTERS, TPR. CAMILEO D. THREATT, AND TPR. DWAIN BARNETT.

The Kentucky State Police Honor Guard earned a gold medal for a first place finish in the Fraternal Order of Police National Honor Guard Competition held in Washington, D.C. on May 14. The event is held each year during National Police Week to test the skills of law enforcement honor guard units that perform ceremonial and patriotic tributes for the public.

Facing units from eight agencies throughout the U.S. and one from Canada, the KSP team placed first in each of the competition's three phases: uniform inspection, posting of colors and specialized demonstration.

For the demonstration phase, the KSP Honor Guard folded a Kentucky flag over a specially-detailed coffin honoring fallen KSP troopers. The donated coffin was painted gray and black with the KSP emblem and listed the names of troopers who have given their life in service to the commonwealth. While a U.S. flag is traditionally folded from one end, the KSP Honor Guard folded the commonwealth flag from both ends to reveal the state seal at the final fold.

The competition was judged by members of the famous 3rd U.S. Infantry Regiment, known for their precision and attention to detail. Nicknamed "The Old Guard," the unit provides high-visibility ceremonial services in Washington such as state funerals, presidential escorts and salutes and sentinel duties at the Tomb of the Unknowns at Arlington National Cemetery.

"This was the first time our honor guard competed in this prestigious event," said KSP Commissioner Rodney Brewer. "To achieve this level of success under such circumstances is highly commendable and

I congratulate all those involved in the effort. It reflects well on the state and gives Kentucky positive exposure on a national level."

According to event officials, KSP's victory was the first time that a team has won the event on their first visit to the competition. It was also the first time a team has won each of the three phases on their first try.

Due to their winning efforts, the KSP Honor Guard also participated in the 29th Annual National Peace Officer's Memorial Service on May 15th at the U.S. Capitol. Tpr. Jason Bunch, of KSP Post 10 in Harlan, was selected to be on stage during the service, which included remarks by President Obama. During the wreath-laying ceremony that followed, the KSP unit escorted police officers who were wounded in the March 2010 shooting incident at the Pentagon.

Members of the KSP Honor Guard who participated in the competition include: Lt. Blake Slone, Post 7 Richmond; Sgt. Scott Hopkins, Drivers Testing; Tpr. Manuel J. Cruz, Post 4 Elizabethtown; Tpr. Jason Bunch, Post 10 Harlan; Tpr. Bryan E. Johnson, Post 10 Harlan; Tpr. Joe Lucas, Post 7 Richmond; Tpr. Corey Nokes, Post 4 Elizabethtown and Tpr. Mark Treadway, Post 12 Frankfort. The remaining members of the team, who served as alternates and support for the competing team members included: Tpr. Scott King, Post 7 Richmond; Tpr. Seth Lee, Post 4 Elizabethtown; Tpr. Chris Masters, Post 12 Frankfort; Tpr. Camileo D. Threatt, Post 2 Madisonville and Tpr. Dwaine Barnett, Executive Security. 🍌

A message from Kentucky State Police Commissioner Rodney Brewer about the KSP Honor Guard:

During my travels throughout the United States and the world, I have long believed that the Kentucky State Police Honor Guard is among the best I've ever seen. That belief was solidified on May 14, 2010, when they placed first in the Fraternal Order of Police National Honor Guard competition in Washington D.C.

Even more incredible is the fact that the KSP Honor Guard achieved this accomplishment as first time competitors; a first in this event. Judged by the 3rd United States Infantry Regiment known as the 'Old Guard', the teams were graded in three categories: inspection, posting of colors and exhibition. Amazingly, the KSP team was number one in each category, which turned out to be another first in the competitions' records books.

Taking home the gold medal was made possible by a lot of people. Aside from the timeless efforts and commitment by our Honor Guard, many others contributed to their success. Numerous Post personnel unselfishly filled the gaps in schedules and took on extra job duties. Vehicles and equipment were made ready by support and administrative personnel. Relatives of the team gave up valuable family time during the weeks of tedious drill and practice that have transpired over the past several months. Several private businesses donated a state of the art trailer with graphics and a casket for flag folding exercises. Winning first place truly was a team effort.

Although I am not in the habit of resting on our laurels, it certainly is nice to bask in the knowledge that our Honor Guard is the best in the nation. Kudos to the best police honor guard in the United States! 🍌



▲ MEMBERS OF THE KENTUCKY STATE POLICE HONOR GUARD DISPLAY THEIR FIRST-PLACE NATIONAL HONOR GUARD COMPETITION AWARDS (LEFT TO RIGHT): TPR. JOE LUCAS, POST 7 RICHMOND; TPR. BRYAN JOHNSON, POST 10, HARLAN; TPR. JASON BUNCH, POST 10 HARLAN; LT. BLAKE SLONE, POST 7 RICHMOND; TPR. COREY NOKES, POST 4 ELIZABETHTOWN; TPR. MANUEL J. CRUZ, POST 4 ELIZABETHTOWN; SGT. SCOTT HOPKINS, DRIVERS TESTING AND TPR. MARK TREADWAY, POST 12 FRANKFORT.

LOOK BENEATH THE SURFACE

Recognizing and addressing human trafficking in Kentucky

/Abbie Darst, Program Coordinator

Fear, coercion, abuse, neglect and greed. Slavery, bondage — basic rights stripped away.

Since the 1865 passage of the 13th Amendment to the United States Constitution, slavery and involuntary servitude have been illegal in America. But 145 years later, approximately 17,000 people each year still are coerced into forms of modern-day slavery, known as human trafficking.

Kentucky is no exception.

At its core, human trafficking refers to the exploitation of an individual for labor or commercial sex through the use of force, fraud or coercion. Victims can present themselves as defendants charged with prostitution or document fraud, or victims of domestic violence or rape. They may be

imprisoned within massage parlors, factories, agricultural work, domestic servitude and servile marriages — held captive through threats, confiscation of their travel documents and even forced drug addiction.

Victims can be men, women or children, foreign born or U.S. citizens. Their

traffickers may be members of organized crime, small business owners or even private citizens who lack any criminal history.

“Human trafficking is growing — it is a world-wide phenomenon,” said Jeanette Westbrook, co-chair for the Louisville Human Trafficking Task Force. >>

After drug dealing, human trafficking is tied with the illegal arms industry as the second largest criminal industry in the world today, and it is the fastest growing, according to Kentucky Rescue and Restore, an organization dedicated to serving victims and raising awareness of human trafficking.

Human trafficking has captured national and international attention, but more recently, Kentucky advocates have begun to take notice of the issue. There are five human trafficking task forces spread throughout the state that bring together local crisis organizations and law enforcement to help address and combat human trafficking in the commonwealth.

NO SMALL PROBLEM

Each year, approximately 600,000 to 800,000 victims are trafficked across international borders worldwide and between 14,500 and 17,500 of those victims are trafficked into the United States, according to the U.S. Department of the State. However, precise numbers are nearly impossible to pin down because often victims of human trafficking do not self identify and agencies do not always accurately identify cases. Moreover, the severity and destructive nature of the crime cannot be adequately measured by numbers alone, because trafficking victims can suffer repeated violations over weeks, months or even years, Attorney Gretchen Hunt pointed out in a recent article, "Human Trafficking: A Primer for Kentucky Lawyers." Hunt serves as a staff attorney for the Division of Violence and Prevention Resources in the Kentucky Cabinet for Health and Family Services.

"If you think about child abuse — how often have you heard that they never told anyone until they were an adult," Westbrook said of a victim's natural tendency not to speak out about a traumatic crime.

Between June 2008 and March 2010, Kentucky Rescue and Restore documented 39 cases of identified human trafficking in various areas of Kentucky and served a reported 89 victims. Of those 39 cases, 39 percent are commercial-sex trafficking, 51

percent are labor trafficking and 10 percent have elements of both, according to the organization's case statistics.

"The important word there is identified," said Kathrina Riley, program coordinator with Adanta Sexual Assault Resource Center in Somerset and coordinator for the Lake Cumberland Region Human Trafficking Task Force. "We feel like there is more trafficking out there. . . There are more people out there who have not been identified yet."

The 2000 Trafficking Victims Protection Act defines sex trafficking as the recruitment, harboring transportation, provision or obtaining of a person for the purpose of a commercial-sex act, in which a commercial-sex act is induced by force, fraud or coercion or in which the person forced to perform such acts is under the age of 18 years. Likewise, labor trafficking is the recruitment, harboring transportation, provision or obtaining of a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.

Kentucky Rescue and Restore took the extra step to explain force, fraud and coercion to help make the wording of this statute better understood.

Force involves the use of rape, beatings and confinement to control victims. Forceful violence is used especially during the early stages of victimization, known as the 'seasoning process,' which is used to break victims' resistance to make them easier to control.

Fraud often involves false offers that induce people into trafficking situations. For example, women and children will reply to advertisements promising jobs as waitresses, maids and dancers in other countries and are then trafficked for purposes of prostitution once they arrive at their destinations.

Coercion involves threats of serious harm to, or physical restraint of, any person; any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or

the abuse or threatened abuse of the legal process.

Foreign-born trafficking victims often find themselves in debt bondage, being held until they can pay back a transportation fee into the destination country. Traffickers often will threaten victims with injury, death or harm to the victims' families in their home countries. Traffickers also will take their victims' travel documents and isolate them to make escape even more difficult for them.

RAISING AWARENESS, RAISING THE BAR

"The more education that we get out with local and state law enforcement is so key because they are the men and women on the ground — in the field," said Mary Richie, the human trafficking task force coordinator in northern Kentucky. "They are coming in contact with victims of human trafficking, but sometimes they may present as victims of domestic violence or sexual assault.

"We have had cases where victims were brought to our agency as domestic violence victims or sexual assault victims and really it turned out to be domestic servitude or forced labor within the home as well as sexual assault," she added. "So we are finding victims, we are just not identifying them as victims of trafficking."

All five Kentucky human trafficking task forces identify awareness as a key element to fighting human trafficking not only in the state, but across the nation. The U.S. Department of Health and Human Services Administration for Children and Families developed criteria to assist law enforcement officers in identifying human trafficking in routine calls and situations they may work during a shift.

Some of the more common crimes associated with human trafficking are kidnapping, prostitution, assault, sexual assault, false imprisonment and murder. According to the DHHS Web site, some instances of human trafficking may lie below the surface of encounters such as prostitution rings, operations of massage parlors

and strip clubs, domestic abuse or vice raids where foreign nationals are found or brawls between people in which money is owed.

Officers also should be acutely aware during run ins with migrant workers where a foreman or supervisor attempts to keep the group away from the officers or attempts to control communication between the officer and the rest of the group.

"Everybody has thought of sex trafficking as the kid kidnapped off a beach in Miami on spring break and taken to some middle-eastern country and sold as a slave," said Riley about the common perception of human trafficking incidents. "But a lot of things happen in our country and we look at them as abusive, but not necessarily identify them as trafficking."

Riley said she believes that in the Lake Cumberland Region they have encountered what would be qualified as domestic sex trafficking, but officers are investigating those cases as sexual abuse — both child and adult — or sexual exploitation instead. In addition, she noted that sometimes runaway children are found to be prostituting on the street, and no one realizes that usually it is not by choice they are doing these things. Either someone has put them in a situation they cannot get out of or has talked them into doing something that under normal

circumstances they would not have done.

"With child sex abuse, we all acknowledge that is wrong, but it is just not commonly called trafficking," Riley said. "When a parent sells [his or her] child to a neighbor to get money for drugs, is it sexual abuse, prostitution or trafficking? It's all three."

In many cases though, Riley said prosecutors will go for the charge with the most weight as far as punishment goes and that can make a difference as to what charges are filed.

"I'm not saying law enforcement officers that have child sexual-abuse cases should be calling it sex trafficking — I'm not saying that at all — but it has been a mindset we've been in for so long,

we're not used to looking at it for what it is," Riley explained.

Part of raising awareness is helping both the public and law enforcement better see and understand the >>



issue, task force members said. “Trafficking can happen to anyone and it doesn’t discriminate against status, race or economics,” northern Kentucky’s Richie said. “I’ve had people trafficked with master’s degrees, men trafficked who are twice my size. And it is various forms of force, fraud and coercion that compel them into a labor or sex service.”

“That’s why the human trafficking national motto is ‘look beneath the surface,’” explained Bowling Green Officer Monica Woods who serves on the Bowling Green Human Trafficking Task Force. “Because on the surface it will appear to be [other] things, but if you dig a little deeper and know what to look for, you might see that it actually is trafficking rather than a simple prostitution case or domestic violence or labor dispute.”

Woods created and facilitated human trafficking awareness training for every law enforcement officer at the Bowling Green Police Department and hopes to train the staffs of the Warren County and commonwealth’s attorneys this fall.

ENCOUNTERING THE VICTIMS

It is important for law enforcement officers to remember that human trafficking victims are vulnerable people who have been subjected to severe physical and emotional coercion. While trafficking is largely a hidden issue, trafficking victims can be in plain sight if officers know what to look for. A trafficked individual may look like many of the people law enforcement officers encounter daily, but by asking the right questions and looking for small clues,

officers may be able to identify people who have been forced into a life of sexual exploitation or forced labor. The DHHS suggests looking for clues such as evidence of the individual being controlled, an inability to move or leave his or her job, bruises or other signs of battery, fear, depression and sometimes individuals who are non-English speaking and lack a passport, immigration or identification documentation.

Many human trafficking victims, domestic and foreign, have been taught to distrust law enforcement, so they need to be reassured once they come in contact with law enforcement officers that they will be protected and safe, the DHHS Web site explained.

“A lot of foreign nationals have a distrust of law enforcement from their home countries and the way law enforcement is there — it is something they bring with them,” Richie said. “It takes time for them to understand that law enforcement is here to help them.”

In addition to a taught or innate distrust of law enforcement, trafficking victims may have distorted perceptions of themselves or their situations, which also may pose challenges for law enforcement officers. Victims may not self identify as victims because they may not see themselves as homeless or drug addicts who rely on shelters or assistance. They may not appear to need social services because they have a place to live, food to eat, medical care and what they think is a paying job, the DHHS Web site stated.

More specifically, foreign-born victims may hesitate to come forward because of a fear of being deported. Even in situations where women or children have been beaten or raped, they still may consider the current situation better than where they came from. Also, victims may come from different social and ethnic backgrounds than the investigating officers, leaving a significant cultural chasm between the victim and the law enforcement officials.

RESTORATION AFTER RESCUE

Similar to the state’s other task forces, Woods in Bowling Green said besides getting

awareness training to anyone she can get it to, it is important to have resources in place for agencies if they have a case, and know how to get it to them. The effort to secure resources within local communities is two fold, Woods said. First you have to make contact with various agencies and organizations that need to be involved, like the health department, churches and crisis centers, and second you have to explain to them why they need to be involved, she said.

“The two have to go hand in hand — both awareness and getting people to accept that there is a need,” Woods said.

Lake Cumberland’s Riley agrees. “Seeing that need and knowing it is there — even if you only find one (victim) every so often, you still need to have the services in place and ready to go to help that person,” she said.

Helping to restore the victims of human trafficking is a necessary part of a successful case for law enforcement, because the victims are also the witnesses, Richie said. When trafficking cases have gone poorly it is because the victim/witness was not properly taken care of and was noted as uncooperative, she explained.

“But of course they won’t cooperate if they feel threatened or that their family is threatened, or their basic needs are not met,” Richie said. “What we want to do is create that partnership with law enforcement so we can take care of the victim while they work with the victim as a witness.

“These cases are so complex that it takes teamwork,” she continued. “If you really want to stop it and you really want to prosecute it, you need that victim, in a sense, to cooperate and they won’t do that if they are not taken care of — and that is too much for law enforcement to do. If I had to do the full investigation, I wouldn’t be able to do both.

“We’re going to have more cases come to prosecution if we have that collaboration,” she added, “but it will take time and training.”

ON THE SURFACE: HUMAN TRAFFICKING SCENE INDICATORS*

There are many indicators of human trafficking that officers may come across on patrol or during the course of an investigation. Encountering one or more of these indicators does not mean that an officer automatically has a trafficking situation, but it should signal him or her to look deeper into the situation for the possibility of trafficking.

When responding to the scene of a disturbance, assault, dispute, domestic violence, welfare check, possible civil issue, prostitution or sexual abuse, officers may actually be responding to the scene of a trafficking case where a victim or victims are involved in either forced labor or commercial sex, or they may be in the presence of the actual trafficker.

PHYSICAL INDICATORS:

- Scars, bruising or marks of repeated abuse or torture such as cigarette burns
- Malnourishment
- Branding or tattooing — often used by the trafficker as a mark of ownership

LABOR TRAFFICKING/SWEATSHOP SCENE INDICATORS:

- Blacked out windows, bars on windows, security cameras or high walls or fences
- Barbed wire facing inward in an effort to keep people on the property instead of off
- Presence of women or very young workers unaccompanied by guardians and not enrolled in school
- Large number of people living in a small space
- Workers frequently change
- Workers not free to leave
- Presence of guards or guard dogs

SEX TRAFFICKING/BROTHEL SCENE INDICATORS:

- Multiple twin mattresses
- ‘Rooms’ made by hanging sheets as dividers
- Men coming and going frequently
- Multiple televisions or pornography
- Poker chips or other tokens
- Large sums of cash
- Large quantities of condoms
- Large quantities of bleach, paper towels or other cleaning items
- Egg timers to limit the time each ‘John’ stays

* Information provided by Bowling Green Police Department Officer Monica Woods

What is the Law?



When it comes to human trafficking, what we see on TV or in headlines is often all that defines the issue. The kid on spring break that ends up as a sex slave in a foreign country or kids in east Asia subjected to child sex abuse and sweat shops — those are the common images most Americans have of human trafficking — if they have an image at all.

"People hear about [those cases] and that's what they get outraged about, that is what sticks in their mind, and it could be happening next door," cautioned Kathrina Riley, program coordinator with Adanta Sexual Assault Resource Center in Somerset and coordinator for the Lake Cumberland Region Human Trafficking Task Force.

The same lack of knowledge and understanding seems to pervade the laws that have been set up to combat and prosecute human trafficking, too.

Though there have been federal laws against slavery for nearly 150 years, they did not address the more subtle forms of psychological coercion involved with human trafficking. So, in 2000, the Victims of Trafficking and Violence Protection Act was passed, expanding the definition of the control that traffickers use to ensnare and imprison their victims, explained Gretchen Hunt, staff attorney with the Kentucky Cabinet for Health and Family Services in a 2009 article, "Human Trafficking: A Primer for Kentucky Lawyers."

Even more recently, the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 was passed to expand the protections for, among others, United States-citizen victims of trafficking, domestic workers and immigrant children.

The 2000 VTPA law defines trafficking as "sex trafficking in which a commercial-sex act is induced by force, fraud or coercion, or in which the person induced to perform such act has not attained 18 years of age," or "the recruitment harboring, transportation, provision or obtaining of a person for labor or services through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery."

It further defines coercion as (a) threats of serious harm to or physical restraint against any person; (b) any scheme, plan or pattern intended to cause a person to believe that failure to perform an act would result in serious harm to or physical restraint against any person; or (c) the abuse or threatened abuse of the legal process.

Despite the law's existence, only a small number of convictions have been secured on trafficking charges nationwide since 2000. Kentucky has yet to see a federal prosecution under the trafficking statutes, Hunt said.

In order to increase the chance of finding victims and bringing prosecutions, Kentucky advocates pushed for state legislation on trafficking, which passed in 2007. Kentucky's law mirrors closely the federal law in its definition of trafficking, but also provides that victims of trafficking not be detained for offenses underlying the trafficking, unless necessary for public safety or if it is the least restrictive alternative to securing the appearance of the victim. In other words, if a victim is discovered in a prostitution ring, he or she

cannot be put in jail for prostitution charges, unless it is necessary for the individual's safety.

Further, Dr. T.K. Logan, a research professor at the University of Kentucky, said in a 2007 survey and study of human trafficking in Kentucky, that persons do not need to be physically transported from location to location in order for the crime to meet the threshold of the definition of trafficking, nor is the consent of the victim relevant since no one willingly consents to slavery.

In Kentucky law, human trafficking is a class C felony, unless there is serious physical injury to the victim, in which case it is a class B felony. If the victim is under 18, the penalty will be one level higher. Promotion of trafficking is a class D felony.

"Kentucky, compared to our sister states, has a very strong law [on human trafficking]," said Mary Richie, human trafficking outreach coordinator in northern Kentucky. "The issue is that the majority of people in Kentucky, including law enforcement, don't know about that law. ... It is a very good law and it gives, especially law enforcement, more power to address these issues and prosecute under trafficking."

According to Hunt, across the country state prosecutions remain as elusive as federal prosecutions, and the Kentucky statute has only been tested once since its enactment.

Part of the goal for the five human trafficking task forces in Kentucky is to not only raise awareness about the existence of human trafficking, but also to educate on the law and the types of cases that could potentially be prosecuted under the law. Catholic Charities of Louisville collects statistics from the five task forces approximately each quarter.

"Most cases come from Louisville, Lexington and northern Kentucky," Richie said. "But we are ahead of the game in even keeping stats, because not many other states do that now." ■

For more details on Kentucky's law, visit <http://www.lrc.ky.gov/KRS/529-00/CHAPTER.HTM> or <http://www.patnky.org> and look under "Article Bank" for Attorney Gretchen Hunt's article.



TRAFFICKING VS. SMUGGLING

/Abbie Darst, Program Coordinator

Though the terms have been used interchangeably by both media and law enforcement, it is important to distinguish between the crimes of trafficking and smuggling. To add to the confusion, many traffickers have been charged with smuggling, in part because it may be a more straightforward violation to prove.

"Sometimes trafficked individuals begin as people who have been smuggled," said Bowling Green Officer Monica Woods who also serves on the Bowling Green Human Trafficking Task Force. "But all people who are trafficked are not smuggled and all people who are smuggled are not trafficked. U.S. citizens can be trafficked who have never even left their home town."

"Human trafficking is a crime against a person, smuggling is a crime against the border — that's the difference," she continued.

In human trafficking, the journey may begin with people being smuggled across a border, but doesn't end when they enter the destination country. Rather than being freed, they are held captive and forced to work or provide services to the trafficker, said Gretchen Hunt, Kentucky Cabinet for Health and Family Services staff attorney, in a 2009 article, "Human Trafficking: A Primer for Kentucky Lawyers."

"With smuggling, a person is considered a client, in human trafficking they are considered a commodity," said Mary Richie, human trafficking outreach coordinator in northern Kentucky.

Richie also said the term human trafficking is so closely related to immigration that it is a turn off to local law enforcement, because they consider it a federal issue. But human trafficking is more than an immigration issue. There is always a victim in human trafficking. They do not consent to their situations or the ongoing exploitations of their traffickers to generate illicit profits. ■



A LAW ENFORCEMENT OFFICER'S ROLE IN THE FIGHT AGAINST HUMAN TRAFFICKING

In order to be an effective team member in the fight against human trafficking in the Commonwealth of Kentucky, law enforcement officers must be familiar with and understand how to apply the statutes addressing this crime.

In June, 2007, the Kentucky State Legislature enacted two statutes addressing the crime of human trafficking, as well as incorporating the appropriate definitions at the beginning of Kentucky Revised Statutes, Chapter 129, Prostitution Offenses. However, law enforcement officers should not assume the charges are prostitution charges because they are included in this specific chapter. The scope of these crimes is much broader and can have far-reaching consequences for the perpetrators.

The two criminal statutes are KRS 529.100, Human trafficking, and KRS 529.110, Promoting human trafficking. The definitions applicable to the structure of these statutes can be found in KRS 529.010 and include human trafficking; forced labor or services; force, fraud or coercion; labor; services; commercial sexual activity, and sexually explicit performance. Once law enforcement officers have a thorough understanding of the definitions used within these statutes, the applicability of the statutes to a particular situation will be much easier to accomplish.

Pursuant to KRS 529.100, a defendant can be found guilty of the charge of Human Trafficking "... when the person intentionally subjects one or more persons to human trafficking." So, what exactly is human trafficking? KRS 529.010(5) (a-b) defines the term as follows:

Human trafficking refers to criminal activity whereby one or more persons are subjected to engaging in:
(a) Forced labor or services; or
(b) Commercial-sexual activity through the use of force, fraud, or coercion, except that if the trafficked person is under the age of 18, the commercial-sexual activity need not involve force, fraud or coercion."

This definition incorporates the terms forced labor or services, which refers to labor, services and force, fraud or coercion, and commercial sexual activity, which refers to sexually explicit performance. The legislature has defined each term.

Forced labor or services is defined in KRS 529.010(3) as "... labor or services that are performed or provided by another person and that are obtained through force, fraud or coercion." KRS 529.010(4) states that force, fraud, or coercion may only be accomplished by the same means and methods as a person may be restrained under KRS 509.010. KRS Chapter 509 addresses the charge of kidnapping and 509.010 defines restrain as follows:

"... to restrict another person's movements in such a manner as to cause a substantial interference with his liberty by moving him from one place to another or by confining him either in the place where the restriction commences or in a place to which he has been moved without consent. A person is moved or confined 'without consent' when the movement or confinement is accomplished by physical force, intimidation, or deception, or by any means, including acquiescence of a victim, if he is under the age of 16, or is substantially incapable of appraising or controlling his own behavior."

Labor is defined in KRS 529.010(6) as "... work of economic or financial value" and services is defined in KRS 529.010(8) as "... an ongoing relationship between a person and the [defendant] in which the person performs activities under the supervision of or for the benefit of the [defendant]."

An employer hires an individual or couple to be live-in help at a private home. Duties of these individuals can include cooking; cleaning; watching and caring for the children of the employer; landscape or yard work; pool maintenance; or automobile

care. These duties have a financial value to the employee, and would be considered to be labor. The services come in the form of the relationship created between the employer and employee because the services are being provided for the employer's benefit for an agreed upon salary and/or benefits. This sounds like a reasonable agreement between all individuals involved.

What makes it forced?

The labor becomes forced when:

- The employer requires such long working hours that the only free time the employee has is used for sleep.
- Language barriers create an atmosphere that does not allow for effective communication.
- Lack of transportation available to the employee will inhibit the ability of the employee to leave for any reason.
- The employer confiscates identification items, passports or visas for safekeeping and then refuses to return the documents.
- The employer promises a certain salary or benefit and then refuses to pay the salary or give the benefit, telling the employee that he or she has to repay employment costs.
- The employer subtly intimidates the employee, telling them that law enforcement is bad and that the only person who can protect them is the employer.

Very often, it is assumed that only illegals can be the victims of human trafficking, but that is not true. It could be an American citizen looking for better work and educational opportunities. Except the work opportunity ends up having no pay or benefits, and the educational opportunities consist of how creative the individual can be in thinking of ways to get out of the situation because he or she has no car, no money, little communication with anyone due to isolation or may be afraid of some kind of retribution by the employer.

The resulting charge for the employer in a situation like this could be Human Trafficking under KRS 529.100, a class C Felony. If the employee receives a serious physical injury as a result of the forced labor, then the charge will become a class B felony.

Other examples of human trafficking due to forced labor or services exposed in Ohio that also could be discovered in Kentucky include farm labor, such as in tobacco fields or the horse industry; construction sites; factories; hotels/motels or restaurants, according to an Associated Press article, "Report: Hundreds Forced into Sex Trade in Ohio."

KRS 529.010(2) defines "[c]ommercial sexual activity" as "... prostitution, participa-

tion in the production of obscene material as set out in KRS Chapter 531, or engaging in a sexual explicit performance." Under KRS Chapter 531, obscene material can be in written form, visual form, statues or other types of reproductions that portray sexual conduct in a "patently offensive way" that does not have any "... serious literary, artistic, political or scientific value." Sexually explicit performance is defined in KRS 529.010(10) as follows:

"... a performance of sexual conduct involving:
(a) Acts of masturbation, homosexuality, lesbianism, bestiality, sexual intercourse, or deviant sexual intercourse, actual or simulated
(b) Physical contact with, or willful or intentional exhibition of, the genitals
(c) Flagellation or excretion for the purpose of sexual simulation or gratification or
(d) The exposure, in an obscene manner, of the unclothed or apparently unclothed human male or female genitals, pubic area, or buttocks, or the female breast, whether or not subsequently obscured by a mark placed thereon, or otherwise altered, in any resulting motion picture, photograph, or other visual representation ..."

The sexual conduct involves "sexual intercourse or any act of sexual gratification involving the sex organs."

The prior two definitions are found in other chapters of the Kentucky Revised Statutes, including Chapter 530, Family Offenses. When law enforcement officers are presented with the following facts, the inclination of the officer in choosing the appropriate charge may go to Chapter 530. But a human trafficking charge may also be a viable option and should be considered.

An example reported by MSNBC in the article, "Girl, 15, Caught Stripping at a Topless Bar," identified a 15-year-old female found dancing as a stripper in a strip club in a large metropolitan city. In questioning the underage girl, officers learned that she was being paid for her performance at the club. The performance included taking off all her clothes and dancing provocatively, touching herself in a sexual manner, in front of customers at the club. The girl's actions in the club qualify as a sexually explicit performance involving sexual conduct, thus >>

/Kelley L. Calk,
J.D., DOCJT Staff Attorney

A LAW ENFORCEMENT OFFICER'S ROLE IN THE FIGHT AGAINST HUMAN TRAFFICKING

meeting the definition of commercial sexual activity. Because of the girl's age, 15, force, fraud or coercion are not required. The club manager can be charged with Human Trafficking, a class B felony, due to the girl's age. If she received a serious physical injury during the commercial sexual activity, the charge would then rise to a class A felony.

If the girl were 18 years old, then force, fraud or coercion would be required as an element of the charge. This element is relatively easy to prove if threats of physical force were used to intimidate the girl into performing the commercial sexual activity. The penalty would be a class C felony.

Asian females working in massage parlors often are arrested and charged with prostitution. With additional investigation, it may be found that these women are held against their will through threats of physical force against them or their loved ones, intimidation tactics such as the threat of deportation or due to lack of money because they have not been compensated for their work. Deception or fraud often plays a role in a forced labor or services situation. These female workers may have been promised work in a restaurant, eight hours per day for \$8 per hour, five days per week, along with housing and transportation. When they arrive, there is no restaurant, no car and the housing is one room in the back of the massage parlor that must be shared among all of them for a fee. The real job they are forced to perform involves sexual acts with clients. Each individual would represent a separate count of Human Trafficking against the individual holding the females.

The second available charge related to human trafficking under Kentucky Law is Promoting Human Trafficking under KRS 529.110. The elements of this charge are as follows:

- (1) ... the person intentionally:
 - (a) Benefits financially or receives anything of value from knowing participation in human trafficking or
 - (b) Recruits, entices, harbors, transports, provides, or obtains, by any means, or attempts to recruit, entice, harbor, transport, provide or obtain by, any means another person, knowing that the person will be subject to human trafficking.

Let's go back to the Asian females working in the massage parlor. The females arrive in Kentucky via New York, N. Y., expecting to be transported to Kentucky to work with other immigrants at a local restaurant. They are met at the airport by a driver, who transports them to a destination that is not a restaurant. He turns them over to a manager who takes their purses, money and identification as they enter the building. Once they are inside, the driver is paid for his services and he leaves. The driver makes this same drive two times per month, transporting anywhere from five to 10 individuals, male and female, aware of the circumstances these individuals will face. The driver can be charged with promoting human trafficking because he intentionally accepted payment for the transportation he provided for these females, knowing that they would be subject to forced labor, services or commercial sexual activity. This charge is a class D felony. If the victim is a child, then the charge is upgraded to a class C felony.

Because these human trafficking statutes are relatively new, they have not been used to their full potential. There has not been case law or commentary to come down from the Kentucky Court of Appeals or Supreme Court. However, they are very viable charges that should be considered by law enforcement officers when responding to calls in their communities. If officers are willing to look beneath the surface at a domestic violence call, a prostitution arrest, or an injury received by a farm or restaurant worker during the course of their job, they may discover that they can be a more effective team member in the fight against human trafficking in Kentucky. ■

LIVING A NIGHTMARE



A teen's story of being trapped in sexual slavery

/Abbie Darst, Program Coordinator

Theresa Flores was just your average teenage girl. The daughter of an upper-middle-class executive, her family moved every couple of years following her father's promotions. She was a good Catholic girl, just 15 and new to a high school in a Detroit suburb.

As the new girl in town, Theresa found herself starved for attention — and she found that attention in the smooth-talking older boy she calls Daniel.

"I had a crush on him. He was different from the boys in the country. He looked nice, his pants were pressed; he wore Ralph Lauren shirts and gold chains. He smelled good and he paid me a lot of attention," she said as she shared her story at a recent conference in Somerset.

When he pulled up in his brand new Trans Am and asked her if she wanted a ride home after school one day, she couldn't say no.

Instead, he drove her to his house and he asked her to come inside. She told him no.

"Then he said three little words to me — 'I like you.' He said he just wanted to spend some time with me, and that was all it took — I gave in," she said.

When she got inside Daniel offered her a Coke he had slipped a drug in and they began kissing. She soon became dizzy, the situation spun out of control and he raped her.

Days later, Daniel approached her at school with photos he said his cousins, hiding in the room that day, took of what happened — and it was their plan that she would have to earn the pictures back. If she didn't do whatever they told her, they would show the pictures to her dad, spread them around school and show them to her priest at church.

Embarrassed, scared and filled with guilt and shame, Theresa couldn't let that happen.

"From that point, they watched every move I made," she said. "They were always over my shoulder."

One day, a car pulled over and forced her in by knife point. She was driven to a house where his cousins were waiting in the basement. For the next two hours, they beat and raped her before driving her home. After that, at night they would call the private phone she had in her room and demand that she appear immediately. She would sneak out in her pajamas to the waiting car.

"It was always the same car and the same driver — ironically the driver was [Daniel] who had initially broken me with the rape," she said.

She would be driven to large, beautiful houses, Theresa recalled, and taken down into nice, finished basements where there were many men gathered — socializing and waiting; and she was shut behind the bedroom door.

Three to four nights a week she was used and abused by these men. Filling her with drugs, they would rape and beat her, as her body was sold as a

commodity to any bidder. This went on for two years — as she was forced to have sex with hundreds of men just to earn back even one picture.

One night when the phone call came, Theresa told the voice on the other end that she was tired of this and wanted it to end, and asked if he could please just help her get her pictures back. He told her he would see what he could do.

"As I waited for the car that night, I felt that feeling in the pit of my stomach that something was wrong," Theresa said. "But I couldn't run, I had no where to go — I just had to stand there and face it."

That night a different car pulled up with a different driver and six men inside. Pouring liquor down her throat and drugging her, the men drove her far away to an L-shaped motel with broken down cars in the parking lot. The door to one of the rooms was thrown open and she was dragged into a tiny room barely big enough for a bed and a dresser — packed with 24 men.

Her trafficker announced to the eagerly waiting men that this was their prize for working so hard for his company.

After being raped and molested over and over again, Theresa eventually passed out. When she woke up, she was alone in the dingy, little room. She had no idea where she was, no ID, no money, no shoes and she found her pajamas soaking in the bath tub.

"This was different," Theresa remembered thinking. "They didn't take me home, they left me there. I didn't know if they were coming back or if they thought I was dead."

Sore and bleeding, she stumbled out of the room and into a nearby diner, where a waitress asked her if she was OK or needed any help. Scared, she told her she was fine. The waitress called the police who took her home. Her parents were furious, she recalled, grounding her, ironically, for sneaking out of the house.

"They didn't ask if I needed medical assistance," she said. "They didn't even seem to notice that I was in my pajamas with no shoes."

"After that, I knew never to say a word again because of the horror of that night," she said. "But by no means did it stop. From 15 to 17 years of age I lived a nightmare and was afraid for my life."

Then out of the blue, Theresa's father was transferred to another job — another town thousands of miles away and she was able to finally escape her nightmare.

"I was able to leave in the middle of the day without anyone knowing because God had a plan for me," she said. "A plan for me to [share my story] and help other girls — give them hope and you hope, and to find hope that we can stop this."

"Slavery is not over," she continued, "it has just changed forms." ■

THIS HAITIAN CHURCH, WITH A MEMBERSHIP OF ABOUT 2,500, WAS HAVING SERVICES THE DAY HAITI WAS CRUSHED BY A 7.0 MAGNITUDE EARTHQUAKE. WHEN MADISONVILLE OFFICERS VISITED THE AREA IN APRIL, THE BUILDING STILL HAD BODIES INSIDE THAT COULD NOT BE RECOVERED.



**Business
as usual:**

Three Madisonville Cops Experience the Ruins, Rebuilding of Haiti

/Kelly Foreman, Public Information Officer

The dead lay in piles in the streets. Structures that formerly housed prisoners were in shambles; the freed criminals running the streets, killing survivors for food. Markets for basic necessities were ravaged, leaving supplies scarce.

More than 230,000 people reportedly were killed, more than 300,000 injured and at least a million made homeless when a 7.0 magnitude earthquake devastated Haiti early this year. Within the first two weeks, at least 52 aftershocks were recorded.

Despite the devastation and potential dangers, when Madisonville Police Capt. Wade Williams asked two of his co-workers to join him in a mission to give aid to the fallen country, they didn't think twice.

"When Capt. Williams gave me the opportunity to go, he explained to me that the conditions down there were less than desirable," said Madisonville Police Sgt. Robert Carter. "He explained that we would be going into a possibly hostile environment with the possibility of things happening that sometimes we don't want to discuss. The three of us have been committed to service to a level that, so many times in the states, we have taken for granted. And the opportunity to take service abroad, it's one of those types of things, where I was like, 'The good >>

Lord blessed us with the opportunity — shame on us if we don't do it."

Madisonville Police Sgt. Jason Lutz said before Williams approached him about the trip, he had a desire to go.

"The funny thing about it was that I told Wade before it ever came about how badly I wanted to go to Haiti," Lutz said. "With the situation down there, I wanted to get a first-hand look at a disaster like that, knowing that could happen here. My heart went out for the people in the turmoil and disorder. So, a couple weeks after that when he came to me, I'll be real honest about it. I didn't even hesitate. I didn't think. I just said, 'I'm in.' and went from there."

Williams, who has a background in civil affairs from his army service, said he knows from experience how cumbersome the red tape can be in a disaster relief effort. So, he and the other two officers joined a small group from the Life Christian Center church in Madisonville and left the states in the early morning of April 5 for Port-au-Prince, Haiti's capital city.

A DIRE SITUATION

The officers did the best they could to prepare for what they were about to experience, but nothing could have prepared them for the sights, smells and emotions, Carter said.

"To kind of set the stage, when we got there, at our first base camp, there was a structure that was partially down and partially standing," Carter said. "It was explained to us that the smell that we smelled was about 14 people inside that structure who were dead that could not be recovered. That kind of set the stage for the mindset — this is what we're going to experience. And exhausting? Physically, mentally, emotionally — I believe the three of us have never cried so much in our adult lives."

"We knew the situation was going to be pretty dire when we got there," Lutz continued. "The week we arrived it had been approximately three months since the

earthquake. Speaking with our point of contact there, the people on the property didn't have a latrine. I think the French Red Cross came in and set up a showering system — these people had been living for three months without a bathing facility."

A two-and-a-half acre piece of land had become home to 3,000 people living under tents, tarps and makeshift shelters. The scene was unnerving.

"I was scared to death," Carter said. "Just being 100 percent honest. I had never been in any type of situation like that before. I thought we were prepared for the things we encountered. Williams had done a good job briefing us about the culture — I had no clue. I thought I understood people; I quickly learned when we got there, we were outsiders. All the things we have here at our disposal were no more — things such as simple drinking water. I was scared."

STUMBLING BLOCKS

Through their point of contact in the city, the officers identified a church they could help to rebuild. The goal was to find work they could do where they could have the greatest impact in the short amount of time they had in the city with limited resources.

Once the men began to acclimate to the sights, smells and people they would

experience during their week-long journey, they began to face other hurdles.

"The heat was a lot to get used to," Williams said. "We worked out in the sun all day long. We would wake up about 5:30 a.m. and take a little vehicle called a Top Top, which was essentially a small pickup truck with a camper on the back of it. We rode in the back of it for an hour and a half to two hours to other work sites."

"To kind of tell you how hectic the city is, it took an hour to go 15 miles," Lutz said. "There is no traffic enforcement in Haiti. We missed that."

"This church was everything to them," Lutz said. "This is where they had school, this was where they had local, town meetings — everything. Some of the work we did out there on site was digging trenches. We dug a 10-foot by 60-foot by 20-foot footer about two-feet wide in one spot and probably four-feet deep. We dug that by hand with picks and shovels. We mixed the concrete by hand poured it into the footer. Then once the concrete is mixed on the ground you bucket brigaded it into this footer. You can imagine how long it would take to fill that trench with concrete."

"I think that is something that if someone is not used to it, that's one of the biggest shockers is how hard everything is,"



HAITIANS DISPLACED BY THE 7.0 MAGNITUDE EARTHQUAKE EARLIER THIS YEAR WERE WASHING CLOTHES AND ATTEMPTING OTHER PERSONAL HYGIENE IN THE SEWER SYSTEMS IN DOWNTOWN PORT-AU-PRINCE.

“You would think the sense of hopelessness would be terrible. It's really not.”

— MADISONVILLE POLICE CAPT. WADE WILLIAMS

”

Williams said. "Just digging a hole is hard, cutting a tree down is hard, or laying block — it's not like you can use power tools and all that. We had picks and shovels that had tree branches for handles on them."

There were plenty of stumbling blocks to overcome, like language barriers, traversing dangerous parts of town, avoiding medical and safety issues and just trying to find ice and clean water. But beyond the physical complications of working among the destruction in the developing country, the officers began to gain a better understanding of the Haitian culture and just what it meant to the people they were there to serve.

It was soon clear to each of the officers that the law enforcement experience they brought with them was more valuable than they had imagined.

"I believe in this line of work, we have a good ability to read people and to communicate with people and understand the basic needs," Williams said. "On whatever level it is, it is still those basic needs we see in law enforcement every day. I think it helped from our law enforcement background, and like Sgt. Carter said earlier, you just don't come in to this job for the pay or the benefits or anything else. It's a commitment to service and doing that service for those people, it just added to what we do every day."

"That's one of the highlights in our job is that every day, we have problems to solve and we have to figure out some way to solve those problems," Williams continued. "When things would come up, we would always put our heads together and we would come up with a solution. It's a tribute to our experience in law enforcement."

BUSINESS AS USUAL

Despite the language barriers, Lutz said some of the Haitians they worked with described to them what the earthquake felt like.

"They described it as moving up and down, like it was pounding the ground instead of shaking," Lutz relayed. "It was just violent up and down, like a ball bouncing almost, according to everybody we talked to who experienced the earthquake. We have had tornadoes and ice storms that I thought were devastating where people were without power for 20 days. But, it was nothing like this. That was just another reason I wanted to go — that could happen here tomorrow."

Williams was amazed by the way many of the Haitian people they encountered were handling life after the earthquake.

"You would think these people would be in total desperation," Williams said. "But that is one of the gleaming items out of this. They would wake up, look like they had just pressed their clothes, their clothes were clean — they would wake up out of those tents and go to work or go try to find work. Business was as usual for them just like it was any other day. You would think the sense of hopelessness would be just terrible, but it's really not."

During their time in the city, Carter said they were able to catch a church service and someone translated the message for them.

"They got a 45 minute sermon on, 'What do you not have to be thankful for?' he said. "And that was their attitude. Just like he said, it was business as usual." >>



WHAT LITTLE TRANSPORTATION HAITIANS HAD AFTER THE EARTHQUAKE TO MAKE THEIR WAY TO FIND WORK WAS ALWAYS BURSTING AT THE SEAMS WITH PEOPLE TRYING TO MAKE IT AROUND THE CRUMBLING CITY.

It wasn't hard for the officers to see just how good they had things at home in the states, Williams said.

"When you go to places like that, you understand and realize what you can do without and how fortunate you are to have your basic needs met," Williams said.

Throughout the week, the officers also began to understand what it meant to the Haitians to have them, as Americans, there helping them.

"People feel like, 'You're an American and you have all the answers, you are going help us,'" Williams said. "It just kind of shed some light on how lucky we do have it over here and how much people do rely on us. I was proud to be where I was from. It just kind of reiterates what we have to do as American people, not only locally in our communities. It was an eye opening experience to see how much people outside of America really do rely on us.

"We would run into people and ask them what's been going on since the earthquake and they would tell us they never felt comfortable until they saw the U.S. military there," Williams elaborated. "They knew things were going to be alright then."

They also learned, though, that while the people were thankful to have Americans

helping them, they were better able to help if they did not tell anyone they were law enforcement.

"Law enforcement is not looked at very well down there," Carter said. "From what people explained to us, if you had a problem, you did not want to call the police because your problem would become amplified. That was hard for us, because in the states, people see a police officer and they're here to save the day. There they said you have to hide your money if you don't want them to take it."

The reputation of law enforcement in Haiti was hard for Lutz to swallow.

"I'm always going to take the side of the cops because I know how that is, but I can't imagine having to police that," he said. "As far as law enforcement is concerned, it's hard to know who is in charge. You have the military in Humvees, armored vehicles from the U.N. and you have the Haitian police. It is just chaos. How do you police that if you have no structure and no funds? We could see houses crumbled where there were several policemen killed and first thing, we were told people broke into these houses and took their guns.

"I can't imagine what it would be like to police in that area anyway," Lutz continued.

GOING HOME

As their time in Port-au-Prince drew to a close, the men found the idea of leaving difficult to handle. Carter said the hardest thing for him was leaving with so much more work to be done.

"When I started thinking about how much good work we were doing and seeing the results each day as we progressed, finding ourselves adapting even through language barriers, a lack of food and things we normally had, I knew the day we would have to depart was coming quickly and there was still more work to do. It was hard leaving knowing we were doing a good work."

For Williams, knowing that there was more that could be done for the Haitian people was disheartening.

"The hardest thing for me was just the frustration of the bureaucratic-ness of everything and how it runs. Getting supplies down, meeting with the military — you have to go through the chain to get people different relief. I knew all that stuff was there just based on my experience, but I was the most frustrated to know there could be some relief there sitting in the dock, in a warehouse, waiting to be given."

"Small things like \$500 would have bought a taxi cab to sustain them and their family for a job," Williams said. "Things like that — you couldn't just hand out money like that, but it just wears on you. It is physically and mentally exhausting."

LIFE CHANGING

Each of the officers returned to Madisonville to families and friends eager to hear about

(FROM LEFT) MADISONVILLE POLICE CAPT. WADE WILLIAMS, SGT. JASON LUTZ AND SGT. ROBERT CARTER BOUGHT THEMSELVES AND ALL THEIR HAITIAN CO-WORKERS A BOTTLE OF COCA-COLA ON THEIR LAST DAY WORKING IN THE CITY. CARTER SAID WHILE THE BOTTLING DATE ON THE COKE WAS FROM THE 1990S, IT WAS THE BEST COKE HE'D EVER HAD.



their experiences. But sharing the depth of what they lived during their time in Haiti wasn't easy.

"I think the best way we did it was we took a lot of pictures," Williams said. "We were able to narrate and go through those, but it's never the same. You can't describe the smells, the heat, the sights you see. It does help a little with the pictures to show those kinds of things, but they can never really transpose what it's like on the ground."

The goal of the trip was to make a difference among a ravaged people in a desperate nation. But in reality, the biggest difference made was in the officers.

"Our agency is real big on customer service and leaving people better than you found them when they were at their worst," Lutz said. "A lot of times in this job it's easy to lose your compassion for people and your patience. Even when they are in desperate situations, we deal with that stuff so regularly it becomes not a big deal to us.

"It just stressed to me the importance of having compassion for people, and when you have opportunities to help folks, be willing to do that," Lutz continued. "At the end of the day, that is our job, to rebuild people and leave them better than you found them at their worst. That just was brought home for me. Especially 10 years into this career, sometimes your fuse gets short. It was good for me to get out and actually deal with a situation like that where you can make a difference."

Carter agreed.

"I will never be the same," he said. "Life as I knew it has changed. I am so appreciative for the things that I have here. I am appreciative of the co-workers I have, I'm appreciative of the agency. It's amazing how so many times we take the simple things in life for granted. Such as using a bathroom and a toilet that you can flush. Ice that you can actually crunch on and pour a beverage in. All of these things; and my heart to this day goes out to the people down there. Because the things that we gripe and complain about and view as something that we deserve, they would consider to be a treasure. It was life changing." 🍷

'I give you my son.': The Compassion of a Desperate Father

/Kelly Foreman,
Public Information Officer

Perhaps the most difficult part of leaving Haiti after their service to the country came for Sgt. Robert Carter in the final days of working with a native at the church they helped to rebuild. Carter recounted the interaction and how it affected him:

Toward the end of our time down there, we were finishing up and a lot of the stuff we took down there that were supplies — tool belts, tools, things of that nature — we had all come to an agreement that we were going to leave everything. There was a young man who had been there with us on the job site every day, I mean diligently. He was about 21 years of age, had an 18-year-old wife and two children — one being an infant and one being a young man about the age of three.

The last day there, even with language barriers, they were so appreciative of the things we were giving them. The last conversation I had with him, as he began to talk to me, big crocodile tears came into his eyes and in broken English he said, 'I want to give you something.'

And I asked him, 'What do you have to give?'

Finally, he looks at me with only the compassion that a father can have and says, 'I give you my son.' And I'm like, 'You give me what?'

He shows me his 3-year-old son and he says, 'Please, I give you my son. Please take him back with you.'

He does the motion of an airplane and he says, 'Raise my son. He will be a good son for you.'

And of course, needless to say he's crying and I started crying because in my heart, I knew that that was not possible. For a moment, reality set in to the fact that, you know, what if I did bring his son back? I have more than enough here in the United States. I could raise his son. I could make sure he had good health care. I could make sure he had the finest education. I could help him to the point of bringing back things to help his country. I could do that, but the fact of the matter is, I couldn't do it. But, for a young man to have met someone for five or six days and the trust factor they had with us to the fact of saying, 'Here is my first born son, please raise him,' that spoke volumes. ■

THIS HISTORIC SECTION OF HAITI, KNOWN AS HAITIANVILLE, WAS A PLACE WHERE MANY HAITIANS TURNED FOR REFUGE AFTER THE EARTHQUAKE. IT FORMERLY HAD BEEN THE LOCATION THE FRENCH CAME TO TRADE SLAVES.



New Clues Originating from DOCJT Cold Case Course

/Kelly Foreman, Public Information Officer



Every agency probably has at least one. An old, yellowing cardboard box overflowing with equally-yellowed pages of notes, interviews and crime-scene photos with years of dust and no new leads. It may be stowed away on an evidence-room shelf marked "Unsolved," or tucked beneath a stack of case files an investigator can't get time to work.

Department of Criminal Justice Training instructors John Schwartz and Jim Clark are helping law enforcement across the state to unearth those old case files, brush off the dust and find new and creative ways to bring closure to the unsolved.

The Cold Case Investigations course, offered twice annually, is not your typical 40-hour inservice. In this class, every student must bring a cold case, preferably a violent crime or missing persons investigation, for the class to work on together, Schwartz said.

"We have classroom in the morning and go over different things they might want to consider, and based on the lessons of the morning, that's what they work on in the afternoon," Schwartz said. "For example, we might cover recognizing reasons why cases go cold. Then they will go through their cases and try to determine why this case is cold. We give them suggestions on different things they might want to try, how to organize the case, how to pick up a case that might be 10, 20, 30 years old and put it into some order.

"Then in the afternoon each day on Monday, Tuesday and Wednesday, they are actually in groups where they work on the cases that they bring," Schwartz continued.

Each student attending the class must have completed either Basic Investigator School, Criminal Investigation I, Homicide Investigative Techniques class or have served as an investigator for more than three years as a prerequisite for CCI. The course is recommended for all investigator and investigative supervisors.

During the week, students learn about investigative methods and resources while constructing a case-details presentation they can use to update their agency command staff or commonwealth attorneys about the investigation.

So far, Schwartz said the students attending the course have experienced quite a bit of success making headway on the old cases.

"Out in western Kentucky, they went to where a body washed up on one of the shores of the lakes and the investigator said, they couldn't get a feel for the location. But once they went there, it made a lot of sense how the body might have been found or who might have found it. That is the stuff that we encourage.

It is a lot of hands-on work and there is a lot of freedom for the students to work on their cases and try and develop at least a plan. They might not go anywhere, but we want them to at least have an idea. One of our goals is that they all leave, no matter what their case is, with at least one more thing to do than when they got there."

Some, though, have left with a lot more.

Boone County Sheriff's Office Detective Matt Mullins attended the course in Louisville in 2009. He brought with him

a 30-year-old homicide case he had had little chance to work except to read through it.

"By going to the cold case class, I had an opportunity to sit down with other detectives and focus on the case," Mullins said. "I was able to hook up with somebody in that area who was in my group who offered to help me try to find the witnesses in the case. It was just lucky enough that we found the suspect's daughter and I was able to interview her.

"The cold case class — by the instructors giving me the latitude to say, 'Hey, go work the case.' That was huge," Mullins continued. "One of the hardest things to do is to find time to work the case. When you are given a week and you are in that element where all your witnesses are — it was perfect."

Some officers, like Mullins, bring extremely involved investigations, Schwartz said. Others have less involved cases but have run into equally as many obstacles. The cases don't have to be just murder cases or missing persons, Clark said, they can be robberies or any type of violent crime.

"No case is too old," said Clark, who formerly served as the Cold Case Unit commander for Louisville Metro Police Department. "The oldest one I was ever involved in was from 1947. That sends a message. You want to send a message to the people who commit these crimes that police



agencies will never give up. You repeatedly want to send that message because you always want to have the person who did that looking over their proverbial shoulder."

The opportunity for these officers to talk to one another, to get a fresh set of eyes, not only helps sometimes eliminate tunnel vision, but also helps improve networking among them.

"The old saying is that crime doesn't stop at the line," Clark said. "I'm talking jurisdictionally. The people who commit these crimes obviously understand that if they go from one jurisdiction to another, those cases have a tendency to sometimes be harder to solve if law enforcement agencies don't communicate with each other like they should. That has gotten better, but it could be a lot better.

"Now you've got to go to Bowling Green or some other part of the state, and instead of just picking up the phone and calling cold, you know who you're talking to on the other line," Clark continued.

Listening to the cases students bring in from across the state and watching the officers develop new ideas about how to solve them is "fascinating," said Schwartz, who formerly served as a New York City homicide investigator.

"The whole thing about cold case is getting fresh eyes on the case," he said. "This class provides them an opportunity to get somebody from outside their agency to sit down with them as equals and try and come up with a coordinated approach. It's the only time I miss police work, when I hear them talk about these cases." ■

DOCJT Offering Digitization of Cold Case Files

/Kelly Foreman,
Public Information Officer

Do you have photographs, records or any other printed documents or images from a cold case you would like to be available in a digital, searchable format?

Thanks to a grant funded through the Kentucky Justice and Public Safety Cabinet, the Department of Criminal Justice Training is offering this service free of cost to every Kentucky law enforcement agency.

Using Optical Character Recognition, the technology allows a digital scanner to translate images of typewritten and printed text into electronic files, a brochure about the service states. The document scanning process converts a paper document into an electronic image.

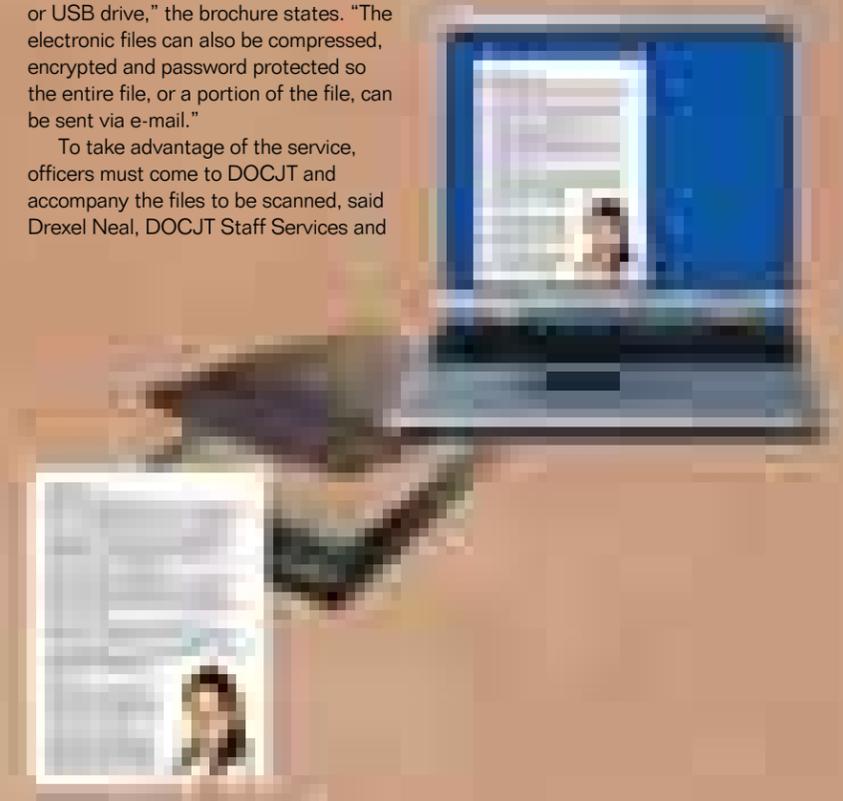
"OCR makes it possible to edit the text, search for a given word or phrase and store it more compactly onto a disk or USB drive," the brochure states. "The electronic files can also be compressed, encrypted and password protected so the entire file, or a portion of the file, can be sent via e-mail."

To take advantage of the service, officers must come to DOCJT and accompany the files to be scanned, said Drexel Neal, DOCJT Staff Services and

Planning assistant, who is organizing the program. One thousand pages can be scanned in less than an hour, he said.

"These little departments obviously don't have the budget, the manpower or equipment to do all this," Neal said. "We are hoping we can get agencies that might border one another that have common cold cases like old rapes or old homicides where we can get them together and say, 'OK, bring all your files to us and we will digitize them then you can search for common phrases, addresses, suspects, witnesses in any of the three and see if you've got a link.'" ■

For details about the service or how to get your case files digitized, contact Drexel Neal by calling (859) 421-1616 or by e-mail at Drexel.Neal@ky.gov.





/Kelly Foreman, Public Information Officer

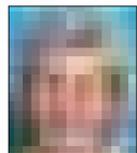
NamUS

The U.S. Department of Justice's National Missing and Unidentified Persons System — NamUs.gov — launched its third phase of the Web site late last year. This phase created a fully-searchable system, which searches cases in the missing persons database against cases in the unidentified database.

"The NamUs databases are just one element of a broader program to improve the nation's capacity to address these cases," the Web site states. "The NamUs reporting and searching system will improve the quantity and quality of — and access to — data on missing persons and unidentified human remains. Through NamUs, a diverse community of criminal justice professionals, medical examiners and coroners, victim advocates, families of missing persons and the general public now can contribute to solving these cases."

Listed here are cases of both **THE MISSING** and **THE UNIDENTIFIED** available on the Web site with Kentucky connections:

THE MISSING



Name: Katherine Sarah Heck (Kat)
Age: 58
Missing from: Middlesboro, Ky.
Date missing: Feb. 1, 2009
Circumstances: Katherine was

last seen at approximately 10 a.m. on 43rd Street. Her shoes were found there, but no trace of her after that.



Name: Tiffany Marche Phelps
Age: 28
Missing from: Henderson, Ky.
Date missing: Jan. 26, 2006
Circumstances: Tiffany was last

seen at the corner of Center and Ingram streets. She suffered from a drug addiction, led a transient lifestyle and was homeless at the time of her disappearance. But despite all this, still remained close to her family, who believe she has been the victim of foul play.



Name: Ronald Lee Duncan, Jr.
Age: 28
Missing from: Drakesboro, Ky.
Date missing: Dec. 21, 2004
Circumstances: Ronald is wanted

by the Kentucky Probation and Parole Office and caution should be used if you make contact with him. He is a known methamphetamine user and has a tattoo of an eight ball on his right shoulder and "Cisco" tattooed on his right arm.



Name: Sonya L. Bradley
Age: 35
Missing from: Eddyville, Ky.
Date missing: Oct. 11, 2002
Circumstances: Sonya was last

seen at her apartment. She left necessary medication behind and did not tell her young children where she was going. Extensive searches by KSP and local agencies failed to reveal evidence of her disappearance.



Name: Michael Keith Allen (Mike)
Age: 26
Missing from: Langley, Ky.
Date missing: May 30, 2001
Circumstances: Michael was last

seen at his residence in Langley getting into a red pickup with an unknown subject. He has a cleft chin and a wolf tattoo on his shoulder.



Name: Olive Frances Petty
Age: 49
Missing from: Louisville, Ky.
Date missing: Sept. 14, 2000
Circumstances: Olive was

visiting relatives in Kentucky and caught a plane back home to Florida in Sept. 2000. Olive contacted her family after arriving in Florida, but no one has heard from her since. It is very unusual for her not to stay in contact with her family.



Name: Melisa Brady Sloan
Age: 24
Missing from: Orlando, Fla.
Date missing: May 1, 1994
Circumstances: Melisa was last

seen by her husband, who said she packed up her belongings and left her apartment in Florida. Melisa's Kentucky family reported her missing after not hearing from her once she left. Melisa had been working as a nurse in Orlando.



Name: Christoph Zahn
Age: 21
Missing from: Atlanta, Georgia
Date missing: April 28, 1992
Circumstances: Christoph last

spoke to his travel agent from a Denny's Restaurant in Tucker, Ga. After his disappearance, his credit card was used 31 times in the Atlanta area by Harry Eugene Hale — who was later convicted of fraudulently using Zahn's card. Hale has homes in Kentucky and Florida.



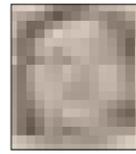
Name: David Allen Brown
Age: 24
Missing from: Morehead, Ky.
Date missing: Nov. 23, 1991
Circumstances: David last was

seen at the Christian Community Center near Morehead wearing jeans, a light jacket, tennis shoes and glasses. He has blue eyes and a scar on his arm.



Name: Gladys Stella Kidd
Age: 71
Missing from: Morehead, Ky.
Date missing: August 6, 1990
Circumstances: Gladys left her

home in the Morehead 3C trail area with a large amount of money she received selling her farm. Her last known location was from a letter postmarked in Lexington, Ky.



Name: Mitchell Manns
Age: 39
Missing from: Floyd County, Ky.
Date missing: March 16, 1990
Circumstances: The last

information the Kentucky State Police have about Mitchell is that he was reportedly en route to McDowell Hospital in Floyd County. He never arrived. Mitchell has hazel eyes and was wearing a white T-shirt, blue work pants and white "All Star" tennis shoes.



Name: Linda H. Peterson
Age: 29
Missing from: Murray, Utah
Date missing: Sept. 16, 1978
Circumstances: Linda's husband reported her

missing on Sept. 30, 1978. He told police she had stopped by his work to tell him she was going to Kentucky and never has been heard from since.



Name: Georgia Darlene Nolan
Age: 30
Missing from: Harlan, Ky.
Date missing: Nov. 28, 1976
Circumstances: Nolan exited her

vehicle on the interstate near the Illinois-Kentucky border. She has dark brown hair and brown eyes. She bears a scar on her forehead and scars on her lower back from stab wounds.

THE UNIDENTIFIED



Case number: FA-2001-44
Date found: Oct. 9, 2001
Gender and estimated age: Female, 25 to 35 years
Descriptive features: Outline

of a rose tattoo on left breast
Circumstances: The nude, partially skeletonized body was found dumped near Interstate 65, just north of the Kentucky-Tennessee state line.

Case number: FA-2000-44
Date found: July 11, 2000
Gender and estimated age: Male, 18 to 25 years
Descriptive features: Blue work pants (34x34), brown leather belt, boxers with candy-cane pattern, white athletic socks and Red Wing work boots found on victim.
Circumstances: Partial remains with soft tissues of a black male were found at the Ohio River on the Western edge of Kentucky in Hickman County.

Case number: 090311995
Date found: Sept. 3, 1995
Gender and estimated age: 32 to 45 years
Descriptive features: Right knee has well-healed tibial stable that cannot be removed and a femoral stable manufactured by RICHARDS with the designation "CERT 316."
Circumstances: Skeletal remains were found by a hunter in a wooded area on Old Vincennes Road off State Highway US 150 near Interstate 64 in Floyd County, Ind., approximately five miles from Louisville, Ky.



Case number: ME-92-394
Date found: May 25, 1992
Gender and estimated age: Male, 20 to 50 years
Descriptive features: Large

sweatshirt, Rigoletto blue jeans, black belt with silver colored buckle, Towncraft jockey shorts, size 30 and black Reebok athletic shoes were found on the remains.

Circumstances: Skeletonized remains found on the bank of the Ohio River in Indiana. The remains were sent to the Louisville, Ky., medical examiner for dental analysis.

Case number: 1991-00141
Date found: March 5, 1991
Gender and estimated age: Male, 21 to 35 years
Descriptive features: Well developed and muscular with a red box of Marlboro cigarettes.
Circumstances: Found on Indian Paint Lane in Fort Myers, Fla. The victim could be a runaway either from Temple Terrace, Fla., or Kentucky. (Possibly Timothy R. Crews, missing from HRS 12/16/1990.)

Case number: 91-0234
Date found: Feb. 1, 1991
Gender and estimated age: Male, 20 to 40 years
Descriptive features: Black male suffered a gunshot wound to the head ruled a suicide.
Circumstances: The decedent was found in the basement of a boarded up, vacant house on Paines Avenue in Atlanta, Ga. A Rossi .38 special revolver (s/n 052729) was found under his head. An ATF trace of the gun showed it was shipped to an army supply store on Main Street in London, Ky., in 1969, which no longer exists.

Case number: ME-88-305
Date found: May 6, 1988
Gender and estimated age: Female, 25 to 35 years old
Descriptive features: A crude, homemade tattoo of "STEVE" was found on her upper right arm.
Circumstances: The victim was found in an open field on Highway 330, 18 miles south of Owenton, Ky. She was strangled and nude except for a pair of dark-colored socks.



Case number: ME 85-04-077
Date found: April 1, 1985
Gender and estimated age: Female, 25 to 35 years
Descriptive features: The victim

had a scar on her abdomen and numerous moles. She was wearing two pairs of socks, one white, one white with green and yellow stripes. She was wearing heart and eagle pendants on two necklaces.

Circumstances: The victim was asphyxiated and placed in an abandoned refrigerator at a roadside dump on US Highway 25 in Knox County, Ky.

Case number: 444-84
Date found: Oct. 18, 1984
Gender and estimated age: Male, 25 to 35 years
Descriptive features: With brown hair and eyes, the victim had a small circular scar on his left ankle.
Circumstances: The hitch hiker was picked up in Louisville, Ky., by another male en route to Houston, Texas. After the driver became tired, the victim was allowed to drive. The driver reports he awoke, and the cab of the vehicle was filling up with water. The victim later died at the hospital. He is possibly from New Haven, Conn., traveling to California.

Case number: OC-64-77
Date found: July 3, 1977
Gender and estimated age: male, infant
Descriptive features: 16 inches long, the infant was wearing two white cloth diapers, kept in place by two diaper safety pins with white heads. Infant jacket has a print of colored balloons and greenish teddy bears.
Circumstances: The child was found on the Kentucky side of the Ohio River bank opposite of the Beckjord Power Plant. The cause of death is undetermined.

PREPARING

/Kelly Foreman,
Public Information Officer

FOR THE WORST

**Kentucky's
tactical
teams face
the gravest
of dangers**

Recreating a plot created by Stephen King, a 17-year-old boy armed with a shotgun, revolver and automatic pistol took hostage 11 of his classmates for more than seven hours.

The hostage taker was not a big-city terrorist or professional gunman. He was a small-town teen from McKee, Ky., a city with a population of about 250 people at the time, who just wanted to see his dad.

That was 1989, and national media turned its attention to school shootings.

Four years later the violence escalated. An exceptionally bright student in Carter County, Ky., opened fire on his teacher and a custodian, killing both. Twenty-two students in the classroom trembled in fear for their lives until police talked 17-year-old Scott Pennington out of the room.

Another four years passed. More than 350 miles west of Carter County in Paducah, a 14-year-old student told teachers the blanket he carried containing two rifles and two shotguns was an art project. Before going to class, Michael Carneal pulled a pistol from his bag and began firing into a circle of praying students. Three were killed; five were wounded by the bullets. >>



Nearly a year and a half later, the term “school shooting” was on the tongues of law enforcement, school officials and parents everywhere after 13 students and teachers were killed in the Columbine High School massacre in Littleton, Colo.

Obviously, those who think Kentucky is immune to the kinds of mass-casualty tragedies that have occurred all too frequently nationwide need to think again, said Kentucky Tactical Officers Association President Tony Cobaugh.

“We would all like to live in the bubble and think, ‘Hey, that thing that happened over there in that little 20,000-populated town where those bad people took over that school, that will never happen here,’” said Cobaugh, who also serves as commander for Louisville Metro Police Special Weapons and Tactics.

“If we believe that will never happen here, then it probably will,” Cobaugh continued. “And then when you are not prepared and your response is less than acceptable, and more lives than should have perished — that to me is the measuring stick. You think of the worst situation and prepare for that,

which is a school take-over — because every community has a school — and you start with that mindset right there.”

Kentucky tactical teams and their support teams, such as hostage negotiators, bomb squads, search and rescue teams and more, offer a wide range of specialties to the commonwealth.

Like others across the nation, they all must train and be prepared for tragedies such as school shootings. But handling that type of situation is only one element of their work. Their job descriptions include facing the worst criminals and the most dangerous crimes that plague Kentucky communities.

VARIETY OF TEAMS

When the KTOA first was formed three-and-a-half years ago, Cobaugh said the group identified approximately 60 tactical teams across the commonwealth. The size and makeup of Kentucky teams vary, but most average about 10 to 15 officers, Cobaugh said.

Only one team in the state operates as a full-time tactical unit: the Kentucky State Police Special Response Team.

Like most teams, the KSP SRT responds for hostage rescue, barricaded persons and service of high-risk warrants, said SRT Sgt. Jeremy Slinker. But they are responsible for a variety of other operations as well, such as high-risk surveillance and intelligence gathering and high-risk security transport such as death row inmates. At special events such as the Kentucky Derby and governor’s inauguration, the SRT also is on standby, just in case.

“We travel from the flat lands of western Kentucky to the mountains of eastern Kentucky,” Slinker said. “So, we deal with a lot of different people, and you have to come up with a lot of innovative ideas to deal with both. I think that is probably what makes us unique, is that we have such a variety of calls and a variety of places that we go.

“Our agency allows us to train to be experts in all these fields,” Slinker continued. “So if the incident calls for a high-risk

technique, like an explosives breach, our agency doesn’t hesitate in allowing us to use that because they know we have spent so much time perfecting it.”

As the team celebrated its 20th anniversary as full-time operators last year, Slinker said the calls for service rose dramatically.

Last fall, Slinker said, “this last year and a half, starting late 2007 to the current time, we have been as busy as we have been over the past several years.

“I think it was in 2005 and 2006 when we did 20 and 24 calls those two years,” Slinker continued. “In 2007 we had 34, then we went to 77 in 2008 and we are pushing about that pace for 2009. We’re staying pretty steady.”

This year, Slinker said the calls for high-risk surveillance have really picked up and the team had responded to about 35 calls by mid-July.

After eight years of service to the team, Slinker attributes the rise in calls to a paradigm shift in which the team no longer serves as a last resort.

“We have sold ourselves as a support part of this agency,” Slinker said. “We went out to our agency and told them, ‘We are not here for you when it gets so dangerous you can’t handle it. Just don’t think of us that way.’ Police in general hate to ever actually come out and say, ‘Hey, it’s too dangerous, I need some help.’ So we wanted to get out of that mindset of just calling our team when it’s super dangerous.”

COMBINING RESOURCES

Two challenges many chiefs and sheriffs face when it comes to establishing a tactical team are the limitations of manpower and resources. In northern Kentucky, the leaders of 10 different agencies recognized these limitations and created the Northern Kentucky Emergency Response Unit.

The NKY ERU consists of team leaders from Fort Mitchell and Taylor Mill as well as operators from Independence, Erlanger, Fort Wright, Ludlow, Edgewood and the Kenton County Sheriff’s office. Two volunteer tactical medics from St. Elizabeth Medical Center round out the team.

“The current makeup of the team is a mix of the old emergency response unit and the Independence-Elsmere Police SWAT team,” said Independence Police Capt. Jon Lonaker, commander of the team. “We merged just about 11 years ago to form the current Northern Kentucky Emergency Response Unit.”

An inter-local agreement was signed by all the participating agencies to form the unit, which is governed by two participating chiefs. All the chiefs form a board of directors to make decisions about budgeting issues and other items that affect the team. Each department is responsible for dues for training and equipment, Lonaker said.

The team employs 12 officers from the various agencies and has contracts with other surrounding agencies, which pay a yearly fee to use the multi-agency ERU’s services when necessary. The team’s duties include service of high-risk arrest and search warrants, dealing with barricaded subjects and hostage situations, fugitive searches, dignitary protection and anything else that falls within their training. >>



KENTUCKY STATE POLICE SPECIAL RESPONSE TEAM, THE ONLY FULL-TIME TACTICAL TEAM IN KENTUCKY, TRAINS AT LEAST ONCE A WEEK AS THEIR SCHEDULE ALLOWS BETWEEN CALL OUTS. THE TEAM PRACTICED VEHICLE ASSAULTS RECENTLY AT A TRAINING IN FORT KNOX.

/PHOTO BY JIM ROBERTSON



THE NORTHERN KENTUCKY EMERGENCY RESPONSE UNIT IS A GROUP OF AGENCIES THAT CAME TOGETHER TO FORM ONE TACTICAL TEAM, REALIZING THE AGENCIES COULD NOT SUPPORT SUCH A GROUP INDIVIDUALLY.

/PHOTO BY JIM ROBERTSON



With service to so many cities, Lonaker said the group stays pretty busy.

“We average one about every six to eight weeks,” Lonaker said last fall. “January 2, (2009) we had a call out for a guy who shot his wife and barricaded himself in his house. Two days later we had a guy who threatened his wife with a gun, she left, and then he wouldn’t answer the door and we had to go in to get him. You just never know, it’s crazy. Then we will go two to three months without anything.”

After 10 years of service as the team’s commander, Lonaker said there is good and bad in having a multi-jurisdictional team.

“The good thing is the guys don’t work together all the time, so when we get together once a month we’re not on each other’s nerves as we would with normal co-workers,” he said. “There are some logistical difficulties sometimes just with getting purchases because there are so many agencies to go through to get what information we need. But overall it runs pretty smoothly, especially with the administrators we have. They have been very supportive of the team.”

SUPPORT TEAMS

While tactical teams are responsible for a variety of calls, even the largest teams are limited in what they can do on their own. For that reason, tactical support teams are an equally important part of any agency working to protect its citizens from tragedy.

Bomb squads, hostage negotiators, underwater search and recovery teams, meth lab clean-up teams and rescue teams also bring additional expertise to intense and dangerous situations.

In Frankfort, Capt. Jeff Rogers leads a team of three other hostage negotiators, which are separate from the agency’s Tactical Response Unit.

“Basically, when it was first started, it was decided that the four general detectives would be trained and respond to these types of situations because we were already subject to be called out on crime scenes and were already in plain clothes,” Rogers said. “Which at the time, they were kind of leaning toward the best case scenario, which would be for someone dressed in something other than a uniform to respond to that situation. Then it just grew from there.”

Rogers, Detective Mike Johnson, Officer David Dearborn and Detective Joe Banta have worked together as negotiations team for more than 10 years. The team responds to calls with hostages, barricaded subjects and situations with suicidal or mentally ill people who need to be negotiated with in order to come to a peaceful resolution, Rogers said.

The ultimate goal of the hostage negotiation team and the TRU are basically the same, Rogers said, but sometimes the methods by which they reach that goal are different.

“Anytime you go in with a show of force, if that person is armed, someone could get hurt,” he said. “He could hurt himself, he could hurt innocent bystanders — especially if he has a hostage he is holding against his or her will. Of course, the police are main targets when they go through that front door. So, it is always, in my opinion, the best course of action to stabilize that situation, >>

secure it and then attempt to verbally get this person to come out and resolve that situation just to reduce the chances of someone getting hurt.”

Paducah’s bomb squad follows the same theory of keeping people from harm as Frankfort’s hostage negotiators.

“When we respond to a suspicious package that turns out to be nothing, we get a lot of people apologizing, saying ‘We are sorry we called you all out, we’re sorry we bothered you,’” said Paducah Police Commander Will Gilbert. “And what they don’t understand is they’re not bothering us. We would much rather respond to 50 fake packages than respond to one that was real that somebody handled and was killed or injured.”

Paducah is one team of four Paducah police officers and two Mercy Regional paramedics who all respond to 13 counties in western Kentucky. The first bomb technician was trained nearly 30 years ago, but the team has been operating as a fully accredited squad since 1999, Gilbert said.

Day-to-day calls vary from suspicious packages to known explosives, like those located by relatives of deceased family members in a barn, shed or garage, Gilbert said. While he said he does not like to spread fear, Gilbert said it is important to recognize that Kentucky is home to several locations that can be considered terrorist targets.

“It’s not that I’m worried about Al Qaeda rolling into the city of Paducah, but in this day and age, if you don’t have us, who else are you going to call if Carlisle County has a bomb or old explosives or what not?” Gilbert asked. “If we weren’t around, then they would have to wait on Owensboro. If Owensboro wasn’t there, then they would have to wait on KSP and KSP’s bomb techs are in the Louisville-Lexington area.”

Cops, firemen and paramedics often have a “hero complex” about them, Gilbert said, and are natural problem solvers.

“We feel like there is no problem that we can’t solve,” Gilbert said. “There is a positive in that everybody wants to serve and do their best for their communities

— but the problem with that is officers could find themselves handling something they shouldn’t or thinking less about it than what they should. There have been many instances where we have responded where officers have handled pipe bombs or suspicious packages and the best thing is to just leave it alone. We’re the trained guys and we don’t even handle them.”

ADVICE FOR COMMUNITIES

Tactical teams require money, manpower, equipment and intense training. But Cobaugh said there definitely are benefits for communities that employ them.

“[For example,] the mentally ill consumer who has a bad day downtown on 4th Street,” Cobaugh said. “We are going to be better suited to handle that situation. We don’t need to wait two or three hours for another tactical team from hours away to come here. We should be able to handle this,” he continued.

The same principals apply to agencies that implement new strategies to address the community drug problem, Cobaugh said. >>



A NORTHERN KENTUCKY EMERGENCY RESPONSE UNIT OFFICER SEARCHES A LOCAL SCHOOL FOR A SUSPECT DURING TRAINING ABOUT ACTIVE SHOOTERS.

/PHOTO BY JIM ROBERTSON



THE KSP SRT RESPONDS FOR A VARIETY OF OPERATIONS, INCLUDING HOSTAGE RESCUE, SERVICE OF HIGH-RISK WARRANTS AND GATHERING INTELLIGENCE DURING HIGH-RISK SURVEILLANCE.

/PHOTO BY JIM ROBERTSON

“Then there is that other component — high-risk warrant service,” he said. “Crime in progress involving a criminal who takes hostages. Or someone does something bad at our schools.

“Are those not reasons enough to at least sit down and talk about why we do not have a team in our area?” Cobaugh asked. “Could these things not occur? Yes, they could. Can we do it?”

Cobaugh recognizes that some departments are not large enough to shoulder their own tactical response team. But he encourages those agencies to begin talking with the other municipal and county police and sheriffs in their area who might be able to develop a multi-agency team.

“Wise police administrators and leaders — that is where the discussions should begin, at the top in an area. The heads of those departments should be sitting down and should talk about this first. Then they should say, ‘Hey, what about forming a multi-jurisdictional or regional team.’”

Any leader or group of leaders who decide to create a team should make creation of a clearly-defined mission statement a top priority, Cobaugh said.

“You must provide training,” he said. “You must provide the proper equipment. You cannot just throw something like this together. A community has to make a commitment with standards, a mission, training and equipment. And that is not just initially, that must be sustained to continue the team and the mission that it serves. Those communities that make that commitment are the wisest communities in the commonwealth.”



Rapid Deployment Critical for Patrol Tactical Skills

/Kelly Foreman, Public Information Officer

▼ RAPID DEPLOYMENT TRAINING IS ESSENTIAL FOR ALL BEAT OFFICERS WHO ARE SUSCEPTIBLE TO BEING CALLED OUT TO ANY HIGH-RISK SITUATION.

/PHOTO BY JIM ROBERTSON



When seconds are critical, patrol officers can't always wait for a tactical team to get on scene, said Bill Sullivan, Department of Criminal Justice Training advanced individual training instructor.

“The patrol officers become the ones who have to handle it,” said Sullivan, a former commander of the Kentucky State Police Special Response Team. “Most situations are going to be over in a matter of minutes. That is why it (rapid deployment training) is so critical.”

Sullivan teaches the DOCJT Rapid Deployment course with fellow DOCJT AIT Instructor Paul Root. The course, taught 12 times annually, teaches patrol-level officers how to use tactical measures with a limited number of resources, Sullivan said. Among the skills taught are movement to contact, 360 cover, room entries and dealing with hostages and threats, he said.

An advanced rapid deployment course is being developed for 2011.

The course is based on the national model of four-person teams, but because of the limited size of many Kentucky law enforcement agencies, Sullivan said it has been modified for three- and two-person teams as well.

In the past, Sullivan said patrol officers were taught the four C's — contain the environment by setting up a perimeter, control the situation by not letting anyone in or out, communicate by establishing negotiations and call for a SWAT team. However, in many situations, such as those including an active shooter, this response will not work, he said.

Rapid deployment training allows the first officers on scene to employ tactical skills and hopefully bring the situation to a quick and safe conclusion, with or without a formal tactical team.

Sullivan also said that getting every Kentucky officer trained in rapid deployment skills is crucial so that all officers can be on the same page when responding to critical incidents. Dedicated tactical teams usually spend time training together, he said. But, in many cases, patrol officers responding to a call requiring tactical response may be met with fellow officers he or she has not trained with or even officers from a neighboring agency.

If all those officers had been trained in rapid deployment, the potential for successful communication between them and an effective, quick conclusion rises, Sullivan said.

“It would be ideal if this were offered in basic training and be part of [their skill set] when they graduate,” he said. “It's just like firearms or like anything else; it is critical that the officers continue to train when they return home. It has to be maintained. Having the training is better than nothing, but it makes a difference if they get to do it a few times a year.” ■

The remaining 2010 offerings for this course all are full. Look for the new DOCJT schedule book in late October or early November to sign up for 2011 courses. Book early for greatest availability, the class fills quickly.

BASIC ELEMENTS OF A TACTICAL TEAM

POLICE

**/Kelly Foreman,
Public Information Officer**

If you are considering starting a tactical team within your agency, here are some important elements to include from someone who knows.

Kentucky Tactical Officers' Association President Tony Cobaugh describes a tactical team as, "any team that is formed with a clear mission statement that they are going to handle high-risk warrant service, barricaded subjects, hostage rescue — and in these days and times — you should include active shooter situations. If that is in a clearly defined mission statement and that is what that team clearly understands as their mission those are the baseline things that we train for if you are going to be a tactical team."

Once that mission statement clearly is defined, Cobaugh identified four basic elements that create the structure of a developed team:

- Entry team
- Containment team
- Sniper team
- Medical support

"There is an entry team, which tends to be your most experienced and very best tactical operators," Cobaugh said. "That is, if there had to be a hostage rescue, that team commander knows that this group here, this entry element, that is who I am going to send in to take care of [it]."

Secondly, Cobaugh said there must be officers who begin containment of the situation.

"When you are talking about a barricaded situation, it all starts with patrol level. Some beat cop somewhere in some county or city in Kentucky gets sent somewhere and boy it goes sideways very quickly," he said. "Whether somebody takes a pot shot at them from a house or trailer or whatever, somebody starts getting cover and starts setting up the 360 degree containment around the structure.

"You have to have that and it has to be a very disciplined group," Cobaugh continued. "And in the systems that I am aware of, this is where the newest squad members start out."

Teams which employ snipers act as the third component, Cobaugh said. While the word sniper may tend to be politically incorrect in some areas of the state, Cobaugh said these men and women basically are precision long riflemen, an element that ranks with him as one of the most important on any tactical team.

"At any given moment, in the worst-case situation any of our minds could piece together — a hostage situation — someone presents themselves in a window, in a doorway; and the opportunity arises for that precision long rifleman to save that [hostage's] life," Cobaugh said. "That is, to me, the primary element within a SWAT team because they have to be such solid, precision riflemen."

Finally, the fourth element a tactical team needs is medical support, Cobaugh said. In Louisville, that team is called TEMS, the Tactical Emergency Medical Services unit. >>

TEMS began in 1992, and Cobaugh said its mission is two-fold: to protect and treat.

(See sidebar on tactical medics to the right)

"In Louisville, we have six medics," Cobaugh said. "Three of them are emergency room physicians and three of them are paramedics. They are not sworn, they do not carry weapons, however, they go through all of our schooling, all of our training and when we have firearms qualifications, they are required to fire the same weapons and qualify just as the SWAT officers are.

"The mindset is that if they are in a situation, sometimes every gun you can get down range to protect everybody is a good thing," Cobaugh continued. "They have been trained in those weapon systems and they know that under KRS they are allowed to defend themselves. If they access one of our SWAT weapons that they have been trained on and qualified on, they know that they are going to be covered if they need to use force to protect themselves or someone else."

As with most aspects of law enforcement, different agencies approach tactical medics in different ways. Some teams have their medics deputized for call-out purposes, Cobaugh said. Others will send current tactical team members for medical training. But regardless of how the medics are employed, Cobaugh said they are an essential part of keeping the officers safe and providing on-the-spot response to medical emergencies that occur on scene. ■

TACTICAL MEDICS PROVIDE ON-SCENE EMERGENCY CARE

**/Kelly Foreman,
Public Information Officer**

When the officers of the Northern Kentucky Emergency Response Unit are called out, they can take comfort knowing that they are supported by medical professionals.

A few years ago, St. Elizabeth Hospital Emergency Room Nurse Practitioner Bill Cooper and NKY ERU team commander Jon Lonaker talked about the benefits of having tactical medics as part of the team. Cooper joined the team in 2007, and about a year and a half later, Emergency Room Physician Brian Donoghue signed on as medical director.

The NKY ERU tactical medics are just two samples of medical professionals who have joined teams around the state in various capacities.

"They have full law enforcement powers," Lonaker said of Donoghue and Cooper. "They are not technically policemen, but they are deputized, deploy with us and are armed for self protection. They volunteer and receive absolutely no compensation whatsoever. They are always here, even when we call them in the middle of the night. They really want to be here and do this stuff on their own time."

"Our primary mission is to be here for the officers if any are injured," Donoghue said. "Secondarily, we are here if anybody else is injured. The primary reason we offer immediate care to officers

is because there can be dangerous situations where we might not be able to get Emergency Medical Services into a situation for quite an amount of time. So, we can bridge that gap to get them emergency care immediately."

Donoghue and Cooper train with the team, too, to better understand and prepare for the types of emergencies to which the team responds, Cooper said.

"We train with them, number one, to see how they work," Cooper said. "But sometimes you also learn to be alert of any hidden dangers. Tactical medic is more of a military-based emergency care. Ordinary life squads aren't trained in this. You are put in a position of higher risk of danger."

"It can change the focus of how you provide care in a dangerous situation," Donoghue elaborated. "What you might focus on is different when you potentially could be under fire than if you're in a safe situation. That requires training and practice in the real situation."

Having tactical medics on site also is of great benefit if their services are needed because they already understand the environment of the call and those involved, which can save precious time.

"Instead of bringing somebody in cold who might not know, for instance, how to open these threat-level three vests, they have all their experience from training with us and they are familiar with it all," Lonaker said. ■

TACTICAL MEDICS PROVIDE ON-SCENE CARE TO OFFICERS, SUSPECTS AND OTHER INJURED PERSONS DURING NKY ERU CALL OUTS. THE TWO MEDICAL PRACTITIONERS SERVE AS VOLUNTEERS TO THE TEAM.

/PHOTO BY JIM ROBERTSON



TACTICAL DISPATCH CLASS CHANGING THE ORDER OF CHAOS

**/Kelly Foreman,
Public Information Officer**

In high-risk situations requiring tactical law enforcement response, chaos often is an inevitable element both on scene and in 911 call centers.

However, a class being taught at the Department of Criminal Justice Training is helping telecommunicators learn how to eliminate some of that chaos.

Tactical dispatching is not a new concept, but it is one that has not been implemented across much of the eastern United States, said Elyse Christian, DOCJT advanced telecommunications instructor. In Kentucky, only one team — Louisville MetroSafe, in conjunction with Louisville Metro police, fire and EMS — has been exercising the concept for some time.

"It was just something I had never thought of," Christian said about tactical dispatching. "It makes perfect sense that a telecommunicator would go with the team. It's a great help to the actual responders who are there and it also helps the communication center."

The purpose of tactical dispatching is to take the confusion out of situations in which law enforcement, fire and/or EMS have been called to an emergency scene by allowing an on-scene dispatcher or dispatchers to take control of the flow of information.

Students learn how to document incoming and outgoing information at the scene, such

as descriptions of suspects, criminal histories, floor plans of involved buildings, suspect demands and more.

"In many cases, if there is not someone going who is actually doing all the documentation," Christian said. "You have police officers writing very cryptic notes and you think, 'What does that say?'"

A tactical dispatcher, however, keeps track of every detail for everyone on scene. They also can be responsible for answering phone calls from chiefs, mayors and citizens as well as quickly filling in responders who come on scene after the rest of the team has been briefed about the incident.

"Any agency can do it," Christian continued. "It doesn't cost a lot of money. You need a ruler, some flip chart paper, a couple of markers and some pencils. The cool thing is, [the information logs] are hanging on the car, and when we are done, your last thing on there is the time that everybody has cleared the scene. You roll it up, put a rubber band around it and you have it ready for court. So, the documentation is a tremendous benefit for liability's sake.

"In a regular communication center, you have a phone in each ear and you are doing your EMS calls and your fire calls and this situation is still going on — it is very hard for somebody to keep track of every little

detail," Christian said. "This just makes it much easier."

Ed Cox, who serves as the coordinator for Louisville MetroSafe's communications response team, said since the team began a few years ago, they have responded to everything from train derailments, plane crashes and major fires to HAZMAT call outs, overturned tankers and high-risk search warrants. The team operates with three highly-trained dispatchers and hopes to expand to include more members in the near future.

Cox considers the team close-range support for the agencies with which it works.

"If an incident commander is on [the scene of] a huge house fire, instead of getting on the radio and calling someone saying, 'I need this,' I'm standing right there close by and they can look at me and say, 'I need a city bus for rehab, I need medical units, I need EPA,'" Cox said. "They don't have to explain to me what is going on or give me a background story like they would have to give a dispatcher because I am already in close support.

"It also relieves some of the responsibility and duties off the communications center," Cox continued. "They can go on about their business because we do all the on-scene

logging like an event record and take care of all the forms and logs. We become the logistics chief on a small scale."

In the class, students spend time familiarizing themselves with video and audio of real-life emergency scenarios. They then learn how to begin documenting information from those scenarios as Cox described. On the second day, the students take what they have learned in the classroom and apply it in scenario-based training with local emergency response teams.

Training telecommunicators across the state in this type of on-scene, emergency dispatching ensures that when situations arise where they are needed, the operation can run more smoothly, be more organized and ultimately lead to a safer and faster conclusion, Christian said.

"The faster you can have a resolution or the faster you can even just contain it, the safer it is for everybody," she said. "The biggest difference in having this person on the team, doing all the documentation, keeping all the records and doing all the radio traffic — that frees up at least one responder, sometimes more, to go do his or her job. It puts a civilian in there so that officers can go out and do what they need to do." ■

▼ RICHMOND POLICE MAJ. BOB MOTT (LEFT, FAR RIGHT), AND RPD SGT. ROY JOHNSON (CENTER) TALK TO MEMBERS OF THE DOCJT TACTICAL DISPATCH CLASS DURING TRAINING WITH THE AGENCY. TACTICAL DISPATCHERS RELIEVE TACTICAL TEAM OFFICERS FROM KEEPING TRACK OF DETAILS AND COMMUNICATIONS DURING HIGH-RISK SITUATIONS.

/PHOTOS BY KELLY FOREMAN



STANDARDS FOR SWAT

Beslan, Russia. Bovensmilde, the Netherlands. Cokeville, Wyoming. Bailey, Colorado. What do these municipalities have in common? All of these towns and cities have populations of less than 35,000 residents, and all of them became well known as the site of hostage-taking incidents.

Many small towns and rural jurisdictions assemble SWAT teams — some of them part-time, some of them multijurisdictional — with little expectation that these teams will ever be called on in a crisis situation. However, incidents like the ones mentioned above can happen anywhere, at any time, in places like unincorporated Cokeville and Bailey, a town of far less than 1,000 residents, as well as in major cities.

To help teams in towns large and small be better prepared to handle incidents and to work together if the need arises, the National Tactical Officers Association, has developed *SWAT Standards For Law Enforcement Agencies* to serve as an efficient core set of concepts, principles and policies to standardize and enhance the delivery of tactical law enforcement services.

NTOA produced the standards on a quick turnaround timetable, beginning a series of meetings in February 2008 and releasing the standards in September of the same year. The association received assistance in that

effort from the Rural Law Enforcement Technology Center, which provided input into standard development and offered a training track on multijurisdictional SWAT teams at the September 2008 NTOA conference. RULETC is a component of the National Law Enforcement and Corrections Technology Center system, a program of the Office of Justice Programs' National Institute of Justice. RULETC focuses on addressing the technology needs of small and rural law enforcement and corrections agencies.

RULETC has also developed a CD-ROM titled *Multi-Jurisdictional Special Weapons and Tactics*, which is available free of charge and includes the full text of the standards, a multijurisdictional best practices guide, a multi-media presentation and sample forms.

RULETC's efforts to help small and multijurisdictional teams began not long after Dep. Director Scott Barker, a former FBI SWAT team leader and Hostage Rescue Team member, started at the center in 2005. An officer from a small police department came to Barker with a request for assistance, because the officer believed that four to five officers, all his department could spare, were not enough for a SWAT team. His need for help in creating a multijurisdictional team led to RULETC's efforts to create the best practices guide and CD-ROM, and the center's eventual involvement with NTOA.

The NTOA multijurisdictional committee and chair Tom Nolan provided input into RULETC's efforts, and the center in turn became involved in the development of

the standards and presented a small agency training track at the annual NTOA conference held in September 2008 in Albuquerque.

"We were just in the right place at the right time," Barker says. "We released our best practices guide, they introduced the standards, we did the class. It was like it was all planned, but it really just came together very well."

"It can be done if you get the right guidance and the right leadership," said NTOA Executive Director John Gnagey. "Scott and RULETC provided that under the leadership of Dr. John Morgan from NIJ."

Gnagey said the enormous scope of the 2004 Beslan incident caused the tactical community worldwide to take a serious look at whether teams would be prepared to handle a similar incident. NTOA started Project Red, which involved convening focus groups of tactical commanders, supervisors and operators from around the country and asking them some basic questions; the answers they got back were a resounding "no," accompanied by requests for standardization of policies, procedures, equipment and training. Then, in the wake of Hurricane Katrina, the Federal Emergency Management Agency came up with classifications — not standards — for SWAT teams and requested NTOA's assistance in reviewing and rewriting the National Incident Management System as it applies to SWAT teams.

At that point, Gnagey said, NTOA decided to stop waiting for a federal agency to take the lead in developing a

SWAT standard, and to take on the task.

"The board of directors said look, we have feedback from members, we've been in business 25 years and we've been teaching things and suggesting model policies. Why not just go one step farther and say this is a standard," Gnagey said.

NTOA assembled a committee of practitioners, drew on some existing documents developed by various states and asked RULETC if the center would be interested in a partnership and alliance.

"Within about five meetings, we were able to knock this thing out and get it ready to release at the conference," Gnagey said.

"They said they weren't going to play around, and they didn't," Barker said. He adds that NTOA originally hoped that the standards would be published by NIJ. However, NIJ chose to provide funding and input, and NTOA published the standards.

As with NIJ standards, compliance with the NTOA standards is voluntary. Another point of similarity is that Gnagey and NTOA see the standards as "a living document, always ready for potential revisions." Although copies of the standards have been distributed and are available, NTOA also sent copies to organizations such as the International Association of Chiefs of Police, the Fraternal Order of Police and the National Sheriffs' Association asking for comments, and the association plans to incorporate valid feedback as needed. Ultimately, NTOA would like to see the standards adopted by the U.S. Department of Justice, the U.S. Department of Homeland Security and the FBI, with compliance potentially tied to receiving certain types of federal funding.

While NTOA waits for feedback from these associations and agencies, feedback is already coming in from SWAT teams around the country. Barker said response to the standards has been mainly positive, although some jurisdictions seem to feel it is too tough.

"A lot of chiefs will say this is too expensive to do, but others will say this is what they've been looking for. The days of the four-man SWAT team are over, and some teams will be forced to combine to meet the standards," Barker said. "NTOA is just trying to take the teams we have today and make them better, and RULETC is trying to facilitate NTOA to do this." ■

GROUND DEFENSE SKILLS BECOMING A NECESSITY

/Kelly Foreman,
Public Information Officer

An influx of people trained in mixed martial arts has forced law enforcement officers to prepare for and defend against that style of combat, said Joe Jumper, Department of Criminal Justice Training Physical Training and Defensive Tactics instructor.

"Events like Ultimate Fighting Championship have encouraged society to watch, learn and participate in this new way of fighting," he said. "Another reason for law enforcement officers to be trained in ground defense is because of the lack of confidence in physical confrontation on the ground. With that said, officers need more ground training to increase their ability and awareness."

At DOCJT, Physical Training and Defensive Tactics instructors teach a ground defense system called Ground Avoidance Ground Escape, more commonly known as GAGE. The system is taught as part of the Pressure Points Control Tactics, or, PPCT.

"GAGE is an effective system for police officers because they are taught to avoid the ground if at all possible, Jumper said. "If ground engagement is unavoidable, the officers learn how to escape safely."

One Kentucky agency has recognized the value of this type of defense system and incorporated it into their tactical team.

"We have a dedicated hands-on unit," said Independence Police Capt. Jon Lonaker, commander of the Northern Kentucky Emergency Response Unit. "We have guys on the team who are trained to, once we identify a suspect, apprehend the person and the rest of the team can move on. They also function as team members when needed, but whenever we call contact or hands on, they immediately know to go to that area."

"What that does is it frees up the team members to move on to additional objectives," Lonaker continued. "A lot of times, what we have found is we go into a situation where we'd have our guns drawn and have somebody not giving up, but not resisting to the point where we can employ deadly force."

Hands-on team members have had extensive practice, training and testing in specific ground defense skills designed

for a law enforcement tactical team by a former team member, Lonaker said. They do not carry rifles or TASERS when called out to a scene, he said.

"So, [the hands-on team] allows us to get people who know techniques to take them down. It is safer for us and safer for the bad guy that we don't have any accidental shootings trying to take him down with a gun in hand. If this guy is going to resist, he has two free hands and I only have one. It is not fair to the officer. It works out to our advantage."

The objective of this part of the team is not about the fight, it's about getting the suspect out of the way of the rest of the team to handle whatever else needs to be handled on scene, whether that be victims, hostages or other suspects.

While every team may not be large enough to employ a hands-on group, Jumper encourages all officers — tactical team members and patrol officers who may be called upon for rapid deployment — to be trained in ground defense.

"I suggest officers practice and update what they learn from the academy," he said. "If you have the funds, join a school that teaches ground defense. If money is an issue, ask your department for support. I recently became aware that some departments are purchasing grappling mats for their officers to practice defensive tactics techniques. This is a great way to get the entire department practicing ground defense." ■

▼ THE NKY ERU EMPLOYS A HANDS-ON TEAM OF OFFICERS WHO ARE HIGHLY TRAINED IN GROUND DEFENSE SKILLS — A SKILL THAT IS BECOMING A NECESSITY WITH THE INCREASING POPULARITY OF MIXED MARTIAL ARTS.

/PHOTO BY JIM ROBERTSON



To obtain copies of *Multi-Jurisdictional Special Weapons and Tactics*, RULETC's CD-ROM that also includes the standards, or for more information about the cooperative effort between RULETC and NTOA, contact RULETC at (866) 787-2553, e-mail Ruletc1@aol.com.

NTOA defines a Special Weapons and Tactics team, better known as a SWAT team, as a unit with designated members specifically trained, equipped and assigned to resolve critical incidents involving a threat to public safety. Handling these incidents exceeds the capabilities of traditional law enforcement first responders and/or investigative units. SWAT's primary purpose is to provide a systematic approach to saving lives.

The National Law Enforcement and Corrections Technology Center System, Your Technology Partner, www.justnet.org, (800) 248 2742.

This article was reprinted from the Spring 2009 edition of *TechBeat*, the award-winning quarterly newsmagazine of the National Law Enforcement and Corrections Technology Center System, a program of the National Institute of Justice under Cooperative Agreement #2005-MU-CX-K077, awarded by the U.S. Department of Justice.

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Caring for the Community

/Article and photos by Elizabeth Thomas,
Public Information Officer

Few communities can boast that half its police force are former commanding officers, but that situation aptly serves the city of Graymoor-Devondale in Jefferson County. The department currently employs nine part-time and two full-time officers, most retired from Louisville Metro Police Department with more than 300 combined years of law enforcement experience.

“They’re guys and gals who’ve retired, but want to keep policing,” said Sgt. John Mills. “They’re done with the fast-paced work. Now, they just want to help people.”

Mills, a former major with Louisville Metro, has also been a trainer for the Department of Criminal Justice Training, Regional Community Policing Institute and the University of Louisville, as well as an international instructor in police management and homicide investigation.

“We’ve been there, done that ... kind of department. We’ve been through it all,” Mills said, highlighting the previous detective experience of officers ranging from robbery and homicide to sexual assault. “Though we still have the same responsibilities in policing, here you have a lot more time to interact with the community, not jumping from one call to another. You have more time to resolve the quality-of-life issues.”

Graymoor-Devondale also leverages the expertise of an officer who once served as one of the grant writers for Louisville Metro. With his knowledge and experience, the department has received grants for mobile data terminals, in-car cameras and a new Ford Explorer.

“Our officers are experienced and not out to prove anything — no ego problems. That’s really helped us,” said Chief Grady Throneberry.

Throneberry has been an officer at the department for five years, and was appointed chief two years ago. He spent six years working >>

Graymoor-Devondale Police Department

- **Population:** 17,000 — including contract cities, 3,000 without contract cities
- **Square Mileage:** approximately eight square miles, including five contract cities; 0.7 square miles without contract cities
- **Number of officers:** 11



Although these cities fall within the jurisdiction of Louisville Metro, many community leaders and residents saw the need for more police presence in their areas. Additionally, these cities can rely on enforcement of their particular city ordinances.

The area falls within Louisville Metro's eighth division and the two agencies have a great working relationship, Mills said.

"We back them up on runs and they back us up," he added.

Windy Hills has contracted to use the services of the Graymoor-Devondale police department since April 2007.

"The service is prompt and we get house checks. [Louisville] Metro services the main roads," said Windy Hills Mayor Lou Phillips. "From a Metro standpoint, this is a very safe area, but we felt we needed more coverage. We thought the added service would be a benefit to the community, and it has been very well received."

CARING FOR ITS NEIGHBORS

The Graymoor-Devondale Police Department has pioneered a program called Caring Neighbors, which other cities like Windy Hills are now implementing as well. Caring Neighbors began as an effort to identify local citizens who might need assistance during a natural disaster. The department began collecting information about medical issues, mobility issues and emergency contacts. Graymoor-Devondale officers in the field have access to this information through their MDT's.

Merged more than 20 years ago, Graymoor-Devondale is a bedroom community, with mostly middle to upper class residents who are concerned with quality-of-life issues and property maintenance.

"They want to know you by first name and often, we know them by first name," Throneberry said. "It's not unusual to be asked in for a cup of coffee or a glass of tea."

According to Throneberry, 35 percent of the city's homes are occupied by at least one person over the age of 65 and many are home bound. During the ice storm of early 2009, the agency received many out-of-town calls from family members who needed to get in touch with a parent or relative. The idea for Caring Neighbors grew from that experience and soon became their flagship community-policing effort.

"We also found we needed to identify resources for people. For example, those who didn't have heat for 10 days or someone caring for an aging parent," Throneberry said.

The department put together a brochure of resources including information for food banks, hospice services, transportation services, etc. to distribute to the elderly and their family members.

"We continuously weigh what we're doing against our values and mission statement," said Throneberry pointing to a printed departmental values statement that includes, "we value individual rights, human dignity and all members of the community."

The Caring Neighbors effort is a testament to that. ➡

◀ IN THE NEW FORD EXPLORER PURCHASED WITH GRANT FUNDS, GRAYMOOR-DEVONDALE PATROLS WESTPORT VILLAGE.

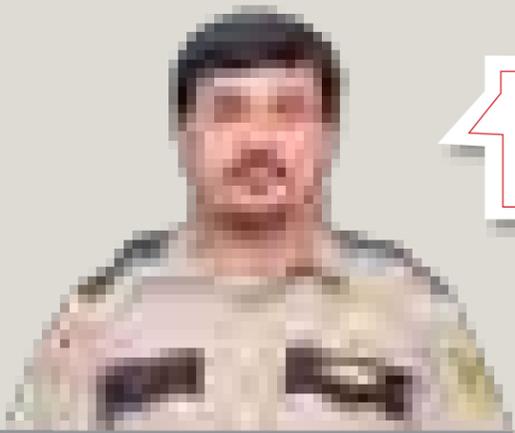
▼ SGT. JOHN MILLS TALKS WITH WINDY HILLS MAYOR LOU PHILLIPS ABOUT THEIR CONTRACT SERVICE AS WELL AS THE NEWLY-IMPLEMENTED CARING NEIGHBORS PROGRAM.

with the Jefferson County Sheriff's Office and then moved to the private business sector.

"I can't imagine another community that would have such an impressive staff," Throneberry said. "We have a great team here."

Graymoor-Devondale is also a distinguishable agency because of the contracts it holds with surrounding cities. The agency contracts interlocal agreements with Briarwood, Crossgate, Greenspring, Lyndon and Windy Hills to police their cities for a certain number of hours per month. With these five cities, the coverage area of the Graymoor-Devondale police department is approximately eight square miles, with a population of 17,000. GPS tracking and a spreadsheet provide the cities a report of how many hours officers were within their city limits, and the city is billed based on an accurate account of police coverage within their cities.





“Our specialty would be that we work the county from a community-oriented process.”

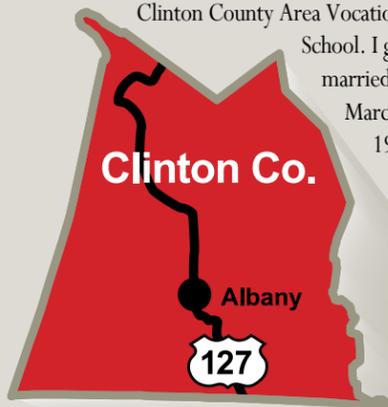
Sheriff Ricky Riddle

Clinton County Sheriff

Ricky J. Riddle was born and raised in Clinton County. He graduated from Clinton County High School and took four years of carpentry at a vocational school. He joined the Clinton County Sheriff's Office in September 1996. In March 1985, he married Pam Neal. They have three children, Ashley, Lyndsey and Justin.

WAS LAW ENFORCEMENT YOUR FIRST CAREER PATH? WHY OR WHY NOT?

No. I studied carpentry for four years at the Clinton County Area Vocational School. I got married in March 1985



and went to work at Sutton Shirt Factory as a mechanic. I stayed there until Sept. 27, 1996 when I took a job as deputy sheriff.

WHAT IS THE MOST REWARDING PART OF BEING A LAW ENFORCEMENT EXECUTIVE IN KENTUCKY?

The most positive part is knowing that you have made a difference in someone's life and in the community that we all share and live in and making a better way of life for everyone.

WHO HAS BEEN THE MOST POSITIVE INFLUENCE TO YOU DURING YOUR LAW ENFORCEMENT CAREER AND HOW?

My mother was a positive influence. She taught me right from wrong and that when I make mistakes to try to correct them. She passed away in 2007, but I still look to her and God for guidance in making the right choices.

WHAT MIGHT OTHER DEPARTMENTS FIND IN YOU AS A RESOURCE?

The Clinton County Sheriff's Office is a small force of three deputies, one court security officer and one office person. Our specialty would be that we work the county from a community-oriented process. We have formed partnerships with the Albany Police Department, Clinton County 911 center, Clinton County emergency service, Clinton County school system and the Kentucky State Police. We have regular input

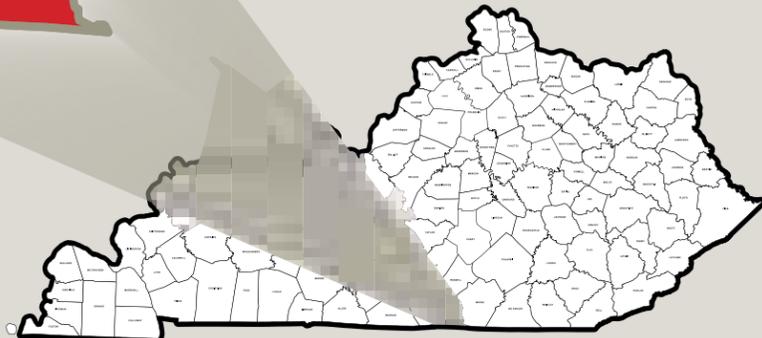
from our citizens on a daily basis, from calling in drug tips to cattle running. Our partnership with the Albany Police Department has resulted in drug roundups and solving break-ins and burglaries. The Clinton County 911 center handles all dispatching for county and city departments. Our EMS director also has assisted my department in applying for grants for our department. Our office person is very well qualified for the position and has upgraded our reporting system along with our tax collection process. Our court security officer also specializes in emergency medical services, which is a great asset to our department.

WHAT SPECIFIC ACCOMPLISHMENT HAS BENEFITED YOUR AGENCY?

By working with Clinton County Fiscal Court, Clinton County 911 center and other state and federal agencies, we have been able to apply for and receive grants to obtain four new patrol vehicles, including a four-wheel drive pick-up. We also have received new hand-held radios, car radios and laptop computers for patrol vehicles.

DO YOU HAVE ANY NEW PROJECTS IN THE WORKS?

Being a small agency with a very small and tight budget we have to watch every penny of taxpayer money that we spend. We will continue to apply for grants for equipment so we can better serve the citizens of Clinton County who, in my opinion, deserve the best sheriff's office around. 🍷



“By the nature of being an airport, we encounter many federal crimes, which we work very closely with the local FBI and Drug Enforcement Administration offices.”

Chief Kevin Murphy

Cincinnati/Northern Kentucky Airport Police Department

Kevin Murphy received his Bachelor of Arts degree in Criminal Justice and Accounting from Wilmington College. He started with the Cincinnati/Northern Kentucky Airport Police Department in 1992. He served as a bicycle officer, field training officer, patrol shift supervisor and Investigations and Administration Section commander before being promoted to chief in 2005. He is a graduate of Class 201 of the FBI National Academy. He is the Professional Standards chairperson for the Kentucky Association of Chiefs of Police. Murphy resides in Erlanger with his four children, Andrew, Tyler, Reagan and Abby.

HOW DOES AN AIRPORT POLICE AGENCY DIFFER FROM MUNICIPAL OR COUNTY AGENCY?

Like all police departments, the Cincinnati/N. Ky. Airport Police Department has its own unique challenges to address. One is the ever-changing population. Although we have a very large employee population at the airport, most of our calls for service revolve around the traveling public. This makes it very difficult to interview and follow up on incidents where the traveler is a victim or a person of interest. Our officers respond to calls quickly in order to gather complete, initial information so the incident can be thoroughly investigated and resolved. In addition, our officers are responsible for portions of the physical security and operations of the airport. This requires our officers to stay abreast of current terrorism threat streams, federal regulations on

enforcing our airport security plan and rules on operating an airport. For instance, an officer on a typical day may be dispatched to handle a theft investigation involving a passenger who is trying to catch a flight, then enforce federal regulations against an employee who has violated our security plan and finally, respond to the airfield and work with the FAA controllers to remove wildlife that may be endangering landing aircraft. Our officers effectively manage this diverse environment to maintain safe and secure facilities for the traveling public.

WHAT IS THE NETWORKING RELATIONSHIP BETWEEN YOU AND FEDERAL ORGANIZATIONS?

We work very closely with many federal agencies, both

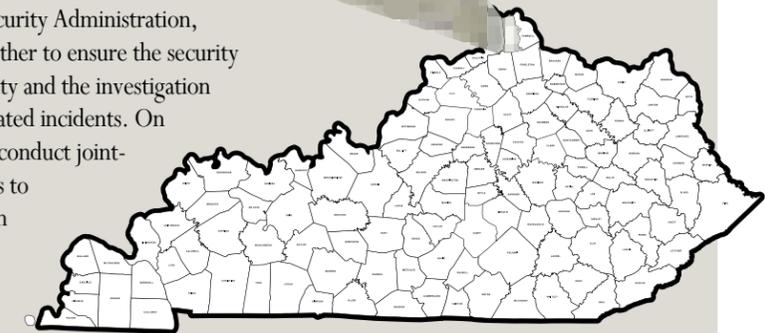


criminal and regulatory. Our largest interaction is with the Transportation Security Administration, as we partner together to ensure the security of the airport facility and the investigation of any security-related incidents. On a weekly basis we conduct joint-security operations to adequately position the airport against any security threat

as well as conduct random sweeps with our explosive-detection canine teams. By the nature of being an airport, we encounter many federal crimes, which we work very closely with the local FBI and Drug Enforcement Administration offices. The airport has an investigator assigned to a task force for each of those agencies, which allows for nearly seamless interaction, enforcement and exchange of information.

HOW HAS DOJ'S LEADERSHIP DEVELOPMENT TRAINING HELPED YOUR AGENCY FACE CURRENT ECONOMIC TIMES?

The Leadership Institute classes have helped prepare our supervisors to deal with many challenging issues, not just the current economic crunch. When our supervisors return from the leadership courses they are looking through a wider set of lenses, and are thinking more outside the box — looking for non-traditional solutions to problems. Our supervisors are thinking more analytically, and their ability to produce well researched, detailed business reports are much improved. I hope a replacement for School of Strategic Leadership is created so my supervisors can continue to develop managerial skills needed for the next step in their careers. 🍷





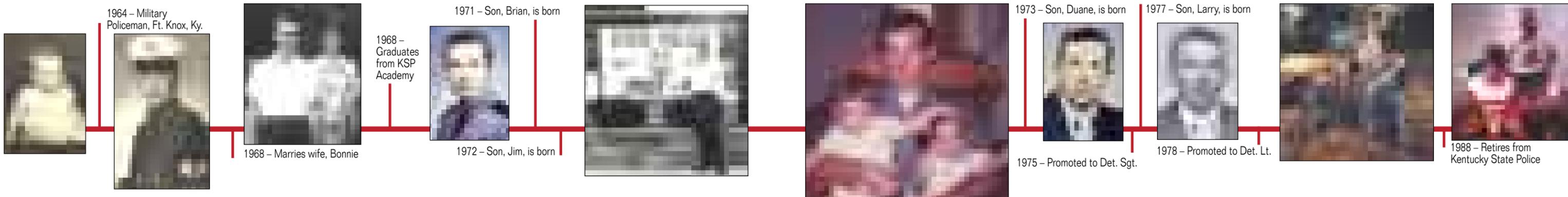
A Job Well Done

**DEPUTY COMMISSIONER
TAKES TO THE ROAD AFTER
20 YEARS OF SERVICE**

/Kelly Foreman, Public Information Officer
/Photos by Jim Robertson

When Herb Bowling retired from the Kentucky State Police in 1988, he took a little time off, but it wasn't long before law enforcement was calling him back again. After 20 years of service to the Department of Criminal Justice Training, though, Bowling said this time, it's for real.

"I think it's just time," Bowling said of the retirement from his post as DOCJT's first-ever deputy commissioner. His retirement was effective Aug. 1. "My life has kind of been divided into segments of 20 or so years. I spent 20 years growing up, going to school, all those kinds of things. About the next 25 I spent in active law enforcement. The past 20 have just kind of been a dream. So for the next 20, I am probably going to sit on the back porch and rock, look out over the lake, do a little traveling – just do whatever I want to do when I want to do it. This is retirement." >>



The early years

In 1964, Bowling joined the military police and began basic training at Ft. Gordon, Ga. He later was stationed at Fort Knox, Ky., where he served two years as a military policeman, he said.

“The duties at Fort Knox were very similar to those of a small police department,” Bowling said. “At the time, Ft. Knox was an open base, which meant that civilians and traffic could come and go as they chose. We worked traffic accidents, domestic calls, fights, drunks — just normal policing duties for a police department.

“When I got out of the service, I decided there were two things I was never going to do again,” he added. “I was never going to work at a job that didn’t pay good money and I was never going to be a police officer.”

But things didn’t work out quite like he planned. After leaving the service, Bowling accepted a parts distribution job with Chevrolet in Flint, Mich. and quickly learned it wasn’t for him.

“I worked there for about 10 months and almost went nuts,” he said. “I couldn’t stand to be inside.”

After applying for a job with the Michigan State Police, a detective performing Bowling’s background investigation in Kentucky called and told him if he wanted to be a trooper, he ought to come back home to Kentucky.

“So that’s exactly what I did,” Bowling said. “I joined the state police in July of 1967. My initial assignment was to the license exam station in Covington as a clerk doing documents to help people get their driver’s license. I began the academy in September of 1967 and graduated in January 1968 as the valedictorian of the class.”

Following his graduation, Bowling and his wife, Bonnie, began to make their home in Morehead, Ky. Bowling served as a trooper working a variety of jobs, investigating everything from homicides and accidents to ensuring compliance and writing traffic citations.

“I developed very close working relationships with the local police departments in the Mason, Lewis and Fleming counties area, including the sheriff’s departments,” he said. “It was a very enjoyable time in my career.”

But in May of 1975, Bowling was promoted and assigned to the Pikeville post as a detective sergeant. His service there was short, though, as he soon was transferred to KSP Headquarters in Frankfort to be in charge of minority recruiting for the agency.

“I was very successful in the minority recruiting effort and was rewarded by having my choice of assignments when we shut the office down,” Bowling said. “So, I went back to Morehead as a sergeant. I worked there until 1978, when I was promoted to lieutenant and assigned to the Ashland post. I worked Ashland for six months and was able to get transferred back to the Morehead post as a detective lieutenant.

“I suppose I’m one of the few people in the state police who has had a career that never had to stay away from home long or had to move due to promotions,” he continued. “Once I got back home as a lieutenant, I decided there were going to be no more promotions because I knew I was going to have to be away from my family. So, I just settled in as a lieutenant. I retired in 1988 as a detective lieutenant out of the Morehead post.”

Dep. Commissioner Herb Bowling’s experiences as a young trooper were many, but this story has stuck with him through the years:

In 1969, in Maysville on July 4th, it was about 110 degrees. My cruiser didn’t have air conditioning. I had just polished my buttons, spit-shined my shoes and my leather gun belt and I was traveling down Ky. 8. This lady was out jacking her car up to change a flat tire. So, I stopped, got out, changed the flat tire for her, put the

jack back in the trunk and put the spare tire in the trunk. By this time, the shoe polish had melted on my gun belt and was running down my grey trousers. My spit-shined shoes looked like Hershey bars and I was dirty from my elbows down, sweat streaming down my face. This lady walked over to

the edge of the bank, looking down at the river and said, ‘John, come on up here. This nice, young trooper done changed this tire for us.’ True story. He was fishing. He was fishing, she was changing the tire.”

An ever-changing profession

A lot has changed in law enforcement since Bowling first donned that grey uniform in the late 60s. So much, in fact, that Bowling questions whether he would be able to handle the work today’s officers face daily.

“I probably couldn’t be a police officer today,” he said. “It has changed so much, I would be completely lost. Law enforcement today really has a lot of challenges we didn’t have back in those days.

“When I started in 1967, we didn’t have computers,” he continued. “We didn’t have LINK. We didn’t have NCIC. Our cruisers didn’t have commercial radios and we had no air conditioning. If you wanted to run a license on a car that you stopped out on the roadway, you had to call it in to the post, post had to call Frankfort down at motor vehicle registration and manually check the license plate number to find out who it was. If it happened to be at night, you couldn’t get it until the next day because nobody worked at the transportation cabinet at night.

“I think the communications and technology have really had just a tremendous impact on law enforcement’s ability to do the job properly and correctly,” Bowling said. “The professional standards really have raised the bar on law enforcement. The quality now is much better than it was back in those days.”

Those professional standards, better known statewide as the Peace Officer Professional Standards, are in place today thanks in part to work Bowling did after joining DOCJT in 1990.

Bowling served both as a basic training and in-service instructor for two years before he took on the role of training

operations director. It was in this role that Bowling became a part of the efforts to enact the POPS legislation.

After garnering statewide support, drafting the POPS legislation, selling it to the executive branch of government and earning the blessings of then-Gov. Paul Patton, the act was passed and signed into law. With that success under the belts of those pushing the progress, the daunting task of implementing the new law began to unfold, Bowling said.

“We had to set up some testing procedures for the entrance requirements,” he said. “We had to do the training part. We had to develop the KARs and had to hire people to do the job. It was pretty hectic at that time, but we got it all through. Then, of course, once we got it implemented, we had to ensure compliance of the statute.”

It was a lot of work, but 10 years later, Bowling said he is impressed by the results the standards have had throughout Kentucky law enforcement.

“There is the biggest contrast you have ever seen in law enforcement in the state,” he said. “One of the most visible changes was in the physical standards. We have had people come through here who were in their 60s and 70s, 200 pounds overweight with heart conditions — literally some of them would almost scare you. Today, all that has changed. I think POPS was absolutely the No. 1 legislative issue I was involved in that has changed and will continue to change the future generations of law enforcement — it is going to be here forever.” >>

Dep. Commissioner Herb Bowling was an integral part of securing a safer — less disgusting — place for recruits to stay during basic training. Here is what he had to say about it:

I was somewhat involved in the legislative issue that dealt with the construction of the facility we are in — the John W. Bizzack Law Enforcement Complex. I think that was a significant improvement, especially in the area of the residence hall. When I came here, we were using the old University Inn out on the bypass and it was the absolute pits. It was horrible, and we required police officers to stay in that

thing. At the time, basic training was 10 weeks. We made a request that we have a new facility, and the facilities oversight committee out of Frankfort came down and inspected the University Inn, which is what they called the roach motel. That particular day, it was raining, it was muggy and it was overcast. We walked in the building and termites were swarming. I mean, huge numbers of termites. There

was one post out in the lobby that we had a poster wrapped around where they had eaten holes in the wall of that post. Of course, we took that thing off and showed her. I think that is one of the reasons we got favorable consideration for getting a new building. I explained to her that our recruits were required to live in that thing. If you put a prison inmate in a facility like that, you’d be in federal court.”

1990 – Hired as DOCJT Basic Training instructor

1992 – Promoted to DOCJT Training Operations Director

1999 – Helped start the Kentucky Law Enforcement Memorial Foundation

2000 – Helped develop new adult-based learning methods

2002 – Promoted as first-ever DOCJT Deputy Commissioner

2003 – Assisted in establishment of Telecommunications Academy

2010 – Retires after 20 years of service to DOCJT

Culmination of a Career

Two decades of service

Bowling's work with POPS is just one piece of two decades worth of efforts to move policing forward. Here are some other ways his involvement has helped improve Kentucky law enforcement.

- Kentucky Law Enforcement Memorial Foundation. "It provides financial assistance to police officers and families when they are killed in the line of duty. The scholarship program is very beneficial to law enforcement throughout the state. It is something officers all can take pride in — something they can look forward to — knowing that if something happens to them, their family is going to get some immediate assistance."
- Instructional methods. "We went from the traditional, lecture-style training to the facilitation training and adult-based learning process. There has been a tremendous improvement over what we had in the early years."
- Equipment. "In our computers, our fleet vehicles — overall everything has improved."
- Telecommunications. "We established telecommunication professional standards and the telecommunication academy. We have the absolute best telecommunication academy in the country. In fact, I don't know of any other state that even has one."
- Kentucky Law Enforcement Foundation Program Funds. "The KLEFPF stipends were raised from \$2,500 each year to \$3,100 annually. That should go higher and eventually, it will."
- DOCJT employee salaries. "We couldn't hire and retain people because they didn't make enough money," he said. "We changed that. We established a system where there were three levels of instructors and gave them a chance for career advancement."

Even with a long list of accomplishments, programs and initiatives Bowling has been involved in, he still maintains a humble opinion of the role his service to DOCJT and the law enforcement community has played.

"I don't know that I'll have any personal impact on anything that anybody does," he said. "I think we have put some things in place here at the department — and when I say we, I'm talking about the entire

department — that's going to have a tremendous impact on law enforcement forever."

That attitude of humility carries over into Bowling's personal life, too. Of his four sons, their spouses, a niece he considers like a daughter and 14 grandchildren, seven of his family members have followed in his law enforcement footsteps.

"About six or seven years ago, we had a cookout at our home and we had all of our kids, my niece and her husband and the grandkids," Bowling said. "Three of them were state police officers, one was a deputy sheriff, one was a city police officer, one was an Alcoholic Beverage Control agent and one was a corrections officer. . . . It's been great having all the kids in law enforcement. I think it's a real tribute to their mother; that she raised them where they could pass background checks and have the character to even get into the law enforcement profession."

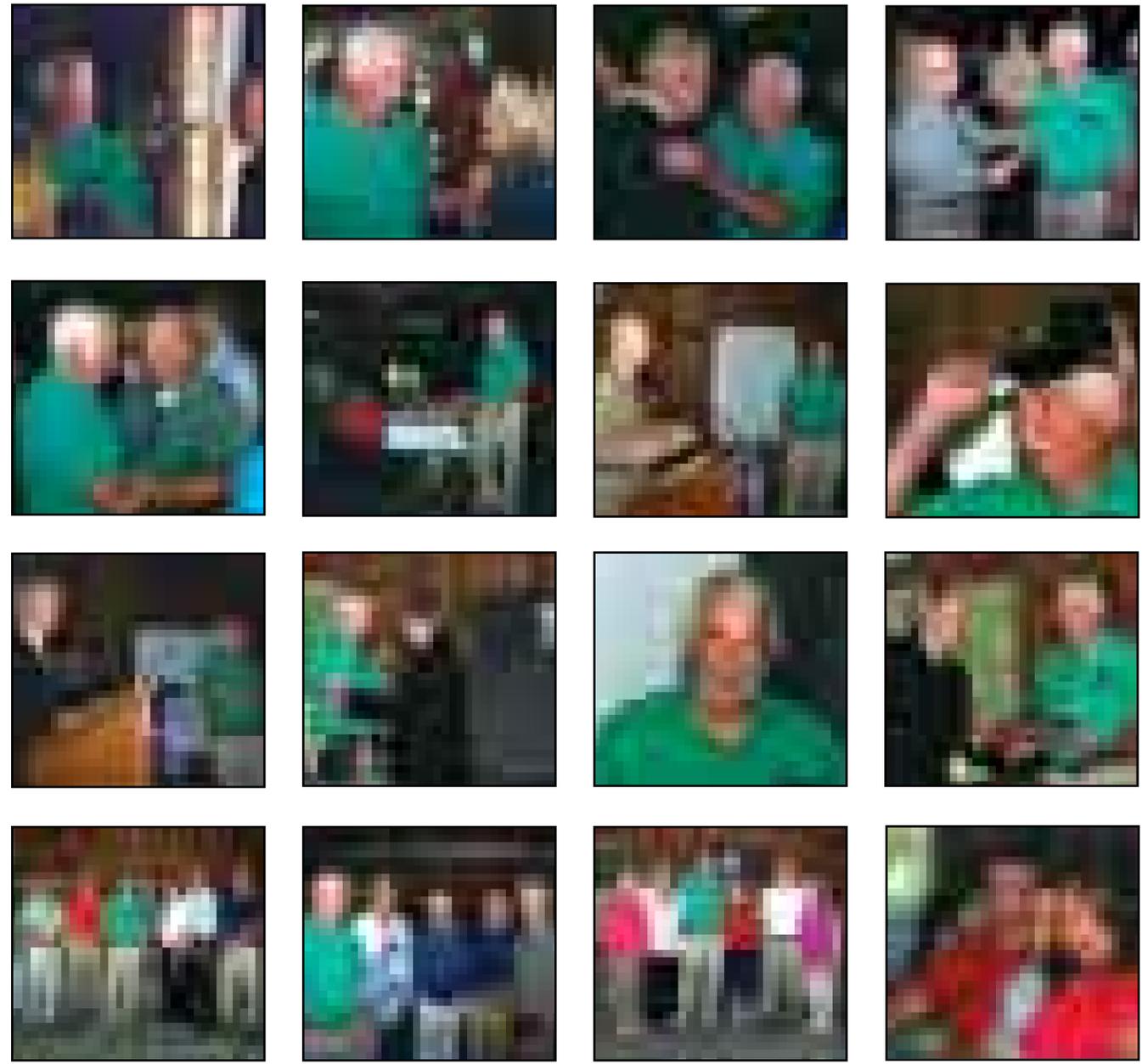
While insisting that his career in law enforcement had to have something to do with his family's involvement, Bowling still declined to take any credit.

"She did a fantastic job," Bowling said of his wife. "I think they just saw how much I enjoyed my job. The only piece of advice I gave those kids on careers was, I said, 'Whatever you do, find something you like to do. Because you're going to spend a third of your life earning a living. If you don't enjoy it, you've wasted a third of your life.'

"They all seem to be enjoying it, so I think they did the right thing," he continued.

Bowling may be humble about the impact his career has had on his family and Kentucky law enforcement, but even as he retires his post as deputy commissioner, his pride for the agency he has called home for 20 years is just as strong.

"I think this agency has the greatest impact on law enforcement of anything that could possibly be," he said. "With our training programs, our police certification, all the things that we do — we are impacting every community in every county in this state in a very positive way." 🍷



▲ On July 28, retiring Dep. Commissioner Herb Bowling was honored in a surprise dinner and ceremony at the Arlington Country Club's Mule Barn in Richmond. Bowling was joined by his family, friends, DOCJT current and retired co-workers, law enforcement officials from around the state and other special guests. During the ceremony,

Bowling received the 2010 Governor's Award for his service to Kentucky law enforcement, Kentucky Law Enforcement Council Honorary POPS certificate No. 00000 (technically, the first-issued certificate) DOCJT retirement wrist watch, a bronze plaque to be placed in the Funderburk lobby, Kentucky Association of Chiefs of Police Lifetime

Membership and award, Kentucky Peace Officers Association plaque, Kenton and Daviess counties honorary sheriffs plaques, a Kentucky State Police sweatshirt and ball cap, a spiderman fishing pole and a plaque from the Wilmore Police Department. He also received numerous cards and well wishes during the evening.

Pendleton Assumes Role as New DOCJT Deputy Commissioner

Don Pendleton was appointed July 16 to serve as the Department of Criminal Justice Training's second-ever deputy commissioner, following the retirement of Herb Bowling.

Pendleton, who has served the agency as Training Support Division Director since Jan. 2004, has played a vital role in Kentucky law enforcement since he joined the Kentucky State Police in 1974.

"I was fortunate enough in the late 1960s, when I was still in high school, to get to know a Kentucky state trooper," he said. "As I began to understand what that person represented and what he delivered in terms of service, it began to attract my interest. Although I didn't intend at that time to pursue a career in law enforcement, I couldn't put it out of my mind."

That passion for service drove Pendleton to serve Kentucky in a more than 27-year career with the state police. Pendleton considers himself fortunate that during his career, he was able to visit most every facet of what Kentucky law enforcement offers. He served in a variety of roles, beginning with working the road as a trooper, serving as a first-line supervisor, being involved in criminal intelligence, serving as the operations lieutenant for the Frankfort post, serving as post commander for both Harlan and Richmond posts as well as being the commander of statewide drug enforcement, coordinating the marijuana eradication program and coordinating and directing the activities of the KSP forensic lab system.

He also was involved in public corruption investigations, organized crime group investigations and the development and implementation of a digital radio system for KSP. Pendleton developed the Kentucky Missing Child Information Center, which received national acclaim for

its success. His KSP career culminated in the fall of 2001, when he retired from the state police as director of operations, where he directed the activities of more than 1,200 officers and civilian personnel.

In July 2002, Pendleton was hired as DOCJT's director of the Kentucky Police Corps and served there until Sept. 2003 when he became acting director of the Training Support Division, where he has served DOCJT until his recent appointment.

DOCJT Commissioner John Bizzack, in his announcement about the appointment, said Pendleton has served the agency in many major policy and program developments during his tenure.



"Dep. Commissioner Pendleton brings to his appointment broad perspectives, skilled leadership and administrative experience, and a sound track record of even-handed and consistent approaches to policy and program issues, which will serve DOCJT, its personnel and the Kentucky law enforcement community exceptionally well," Bizzack said. "He is only the second deputy commissioner ever appointed at DOCJT, and I look forward to his continuation on the executive staff in that role."

With that wide base of knowledge and understanding of Kentucky law enforcement issues, concerns and needs, Pendleton said he has been able to facilitate trying to meet those through training initiatives, and hopes to continue doing so.

"One of the greatest ways to impact advancements in law enforcement is through training," Pendleton said. "To be able to help further the advancement

of important initiatives to continue to enhance law enforcement's delivery of service, to me, is a vitally important role to play. I am extremely grateful for the confidence displayed by Commissioner Bizzack, Sec. J. Michael Brown and Gov. Steve Beshear to place that kind of trust in me." ■

Book Review

/Tonya Stallard, DOCJT Administrative Specialist



Practical Recruitment for Law Enforcement

A Strategic Marketing Plan for Recruitment

Designing and implementing a recruitment strategy from scratch can be a daunting task. Trying to improve an existing recruitment plan carries its own set of unique challenges. Regardless of your situation, Barry D. Denton's easy to read guide, "Practical Recruitment for Law Enforcement: A Strategic Marketing Plan for Recruitment," can help you achieve your goals.

Denton provides a straight-forward approach to recruitment strategy using basic

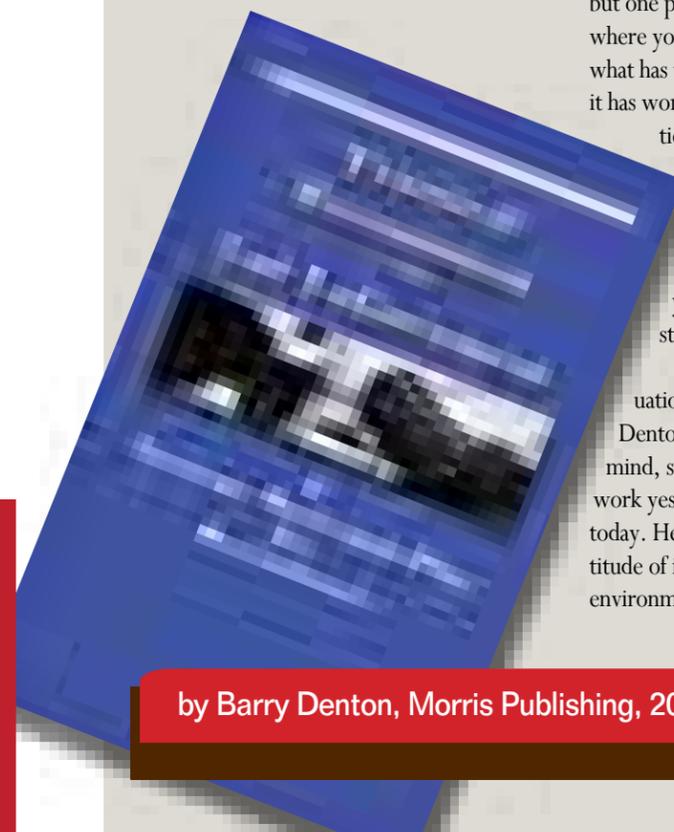
marketing techniques delivered in simple language. It is a quick read with real-life examples of what marketing theories and practices he used as the commander of the Louisville Metro Police Department's Recruitment and Selection Unit. He points out the where, why and how of designing a successful recruitment program, paying special attention to the organizational culture inherent to law enforcement agencies.

Denton uses a four-phase process to recruiting: evaluation, statistical analysis, marketing and re-evaluation. This is a measure twice, cut once approach as all but one phase consists of determining where you are now, where you have been, what has worked/not worked and why it has worked. Paramount to those questions, though, as Denton points out, is answering the question, "What do you want to achieve?" It is not until you have answered that question that you can begin the evaluation and strategic planning process.

When in the evaluation, re-evaluation and statistical analysis phases, Denton recommends keeping an open mind, stating that what did or did not work yesterday might or might not work today. He advises being aware of the multitude of influences affecting the current environment and recommends being a

detective when it comes to figuring out why an approach did or did not work. The more you understand about the why, the better equipped you will be at determining a course of action that will create the results you want — that is where surveys come in.

A strong advocate of using surveys as a tool to aid in your understanding of why, Denton recommends using SurveyMonkey (www.surveymonkey.com), which is an online resource designed to make surveys easy and convenient to create and administer. If what you want is to increase the number of applications from the general public, Denton recommends surveying your new cadets before they go through training. Once they have been exposed to the thought processes necessary to become a successful law enforcement officer, their perceptions of why they chose that career become altered. They are no longer the person your recruitment strategy was designed to target, if designed to attract people not already on the job. Just remember, you did not recruit a trained cadet, you recruited someone who wanted to be a cop.



by Barry Denton, Morris Publishing, 2009, 92p.



For easy and convenient survey creation, visit www.surveymonkey.com.



A CINDERELLA STORY

▼ Lexington 17-year-old Neisha Locke reacts after winning her first national heavyweight boxing championship title. Locke began boxing in June 2008 under the leadership of the Lexington Division of Police Activities/Athletic League.

Lexington Police take kids off the street and turn them into boxing champions

/Kelly Foreman, Public Information Officer

Did you know?

Boxing literally is in Lexington Police Officer and Police Athletic League coach Jerry Loughran's blood.

When the movie "Cinderella Man" was released in 2005 starring Russell Crowe, boxer James Braddock became a household name. Braddock's rags to riches, depression-era story includes a pivotal fight with "Phantom of Philly" boxer Tommy Loughran — Jerry Loughran's third cousin.

Braddock narrowly lost to Tommy Loughran, and the failure sent Braddock into a downward spiral, which led to a nearly-five-year hiatus from the ring before he came back to win a title as the heavyweight champion of the world in 1935.

"If my math is right, his grandfather and my grandfather's grandfather were brothers," Jerry Loughran said of his relationship to the boxing great. "They were the first Loughrans to come over from Ireland."

Tommy Loughran was the 12th light heavyweight champion in history and the most skilled boxer in the sport, according to the International Boxing Hall of Fame, of which the elder Loughran is a member. During his magnificent career, Loughran fought 12 world champions, ranging from the welterweight to the heavyweight division.

"I actually was unaware of him until I saw him in the Guinness Book of Records for the biggest weight difference in a heavyweight title fight against Primo Carnera," Jerry Loughran said. "I never knew him obviously, but it was inspirational. My grandfather loved boxing as well, and he trained with the army team. Probably what made me fall in love with the sport was growing up at the end of the Ali era, and then the Tyson era. I loved the sport, but there was little opportunity in the rural area where I grew up. I'm just excited to pass along a lifetime of knowledge and provide opportunities that I did not have to kids." ■

This summer, 17-year-old Lexington native Neisha Locke defended her national heavyweight boxing championship title. It's a title Locke holds because the Lexington Division of Police gave her an opportunity to get in the ring.

Before June 2008, Locke had never boxed. But a cousin of hers told her about the Lexington Police Activities/Athletic League's Cobra boxing club and she was aching to be part of it.

"I didn't know if females could box, but I had been bugging Jerry about trying to get in the program with them," Locke said.

Jerry — better known as Lexington Police Officer Jerry Loughran — serves as the program's coordinator and formerly was a Gang Resistance Education and Training officer for the agency. In just two years, Loughran has taken a group of underprivileged kids under his wing and turned several of them, like Locke, into belt-wearing champions.

"I was speechless ..."

Once she got in the gym, Locke spent six months training before she got her first bout, Loughran said. In the six months prior to the national USA Boxing Championship conducted in Denver, Colo., Locke fought six bouts and turned open class. Because of her age, she was bumped into the heavyweight division of the women's class to compete.

"She had to box twice against a lot more experienced boxers," Loughran said. "One lady was 32 years old and had been boxing 14 years. The other had about 70 bouts and was the runner up in the former Pan Am

games. It was an uphill battle, but she kind of overachieved.

"I wasn't aware of how special she was until she actually got to compete," Loughran continued.

Neither was Locke.

"I thought I had lost, so when they called my name, I was in shock," Locke said. "I was crying my eyes out, and I was speechless. I didn't even recognize I had won until I got out of the ring and saw the belt in my hand."

Because of her win, Locke later traveled to Guayaquil, Ecuador to represent the United States in the 2009 Mid Americas Championships, where she claimed the title when her opponent was forced to withdraw.

"It was really fun to go to a different country," said Locke, who previously had never traveled outside of America.

But Locke isn't Loughran's only shining star. Club member Sariah Edwards competed in the 2009 PAL National Championships in San Antonio and won the 154-pound Junior Olympic Division. Locke finished as a runner up.

Just a month later, 13-year-old Darius Bolden claimed the Kentucky State Silver Gloves championship in the 12- to 13-year-old, 80-pound division.

"... the greatest thing ..."

Loughran coaches about 15 active boxers regularly, most of whom are impoverished, inner-city youths. For some, traveling even around the country and staying in hotels is something truly special.

"We went to Ringside to the world championships in Kansas City and stayed in a pretty

nice hotel with a swimming pool," Loughran said. "To me, that was just normal, I stay in hotels so much. [One of our club members] told me after that trip that it was the greatest thing he had ever done in his life."

The active program not only is of great benefit to the participants' health, but it also gives them something productive to do with their time and allows Loughran and other law enforcement to meet them on a personal level.

"They love it," Locke said of her family and friend's opinion of her boxing. "They love that I am actually doing a whole lot of stuff with my life instead of being in trouble."

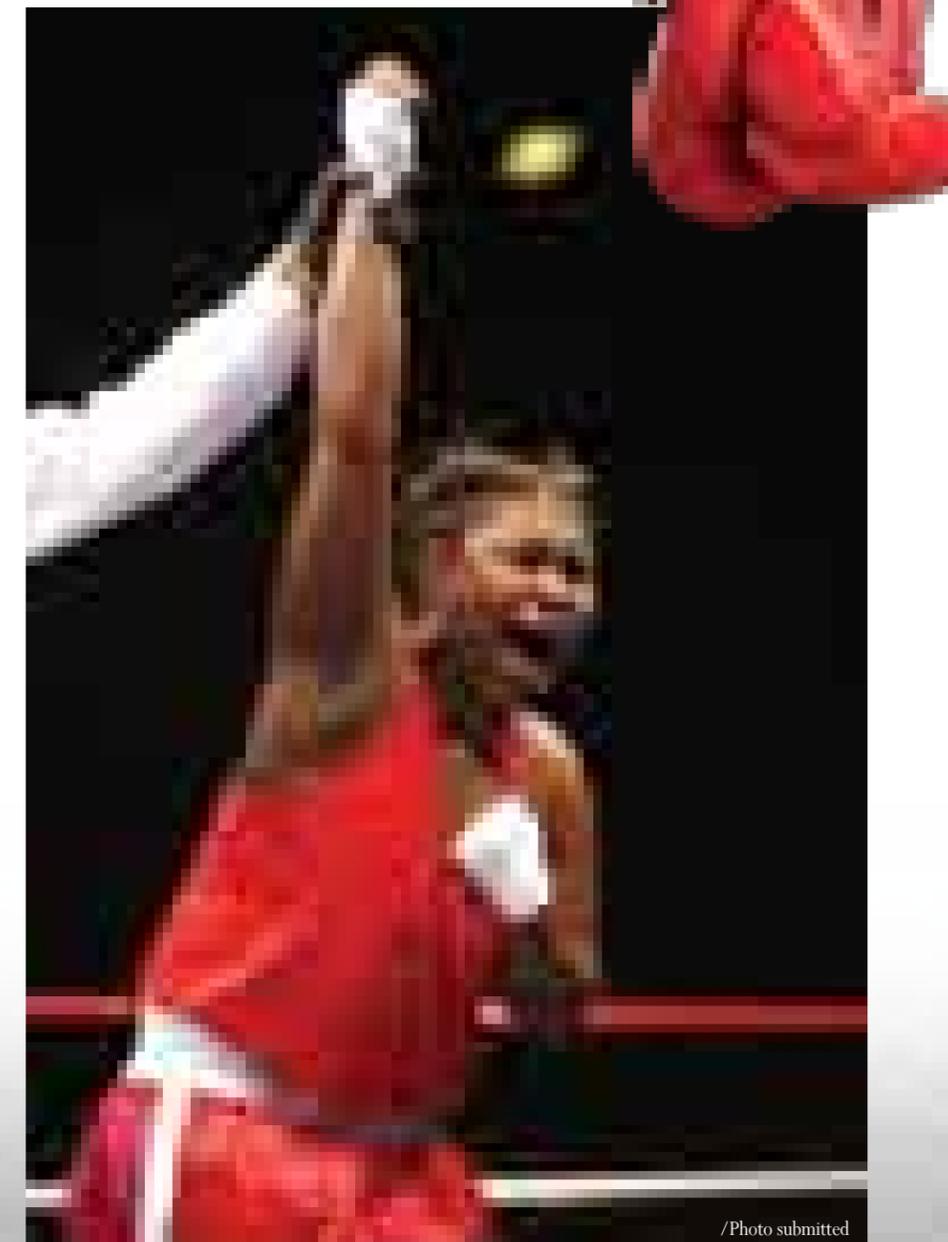
"It is tremendous for their confidence to be able to go places and see kind of how the other half lives, so to speak," Loughran said. "To see what kind of options are out there and the opportunities that are available for them."

The program's popularity has increased so much that there are more than 20 kids on a waiting list to get in.

"It is really kind of heartbreaking to make somebody wait," Loughran said.

Although he says he knew the program ultimately would reach a level of national competition, Loughran said he never dreamed it would happen so fast.

"I thought, we have got three years of hard work before we will be able to compete at the highest level," he said. "That very first summer, to have our first national champion, that really shocked me. I had mentally braced for the long haul. It is very emotional when you think about it, to take a child and help them achieve like that on that level." ■



/Photo submitted

SEARCHING AND SEIZING DIGITAL EVIDENCE

The Plain View Exception

/David A. Tapp, Circuit 28 Judge and Whitney W. Meagher, Staff Attorney

This is the third article examining the rapidly-developing area of the Fourth Amendment jurisprudence relating to the search and seizure of digital evidence.



Unfortunately, little Kentucky-specific case law exists to guide state and local law enforcement on matters of searching and seizing digital evidence. Thus, officers should be guided by existing federal law and the experiences of other states.

As previously noted, the best way to search for and seize digital evidence is pursuant to a valid warrant. However, occasionally an officer conducting a search pursuant to a valid warrant will discover relevant evidence outside the scope of the warrant during the course of the search. If such evidence falls within the scope of the plain view exception to the warrant requirement, the evidence may be seized even though no warrant has been issued for its seizure.

This article examines the application of traditional Fourth Amendment concepts to the novel situation that arises when digital evidence not included in a warrant is uncovered during the course of an otherwise lawful search or entry. Officers should be reminded that the issue here is not the seizure of the actual computer or digital storage device, though the plain view exception may apply to the seizure of these items as well. Instead, this article focuses on the contents of the computer or storage device rather than the hardware itself.

The Fourth Amendment of the United States Constitution protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures. . . .” Ordinarily, for a search to be reasonable, it must be conducted pursuant to a valid warrant based upon probable cause. However, the plain view doctrine is one of the judicially-created exceptions to the warrant requirement.

“ If such evidence falls within the scope of the plain view exception to the warrant requirement, the evidence may be seized even though no warrant has been issued for its seizure. ”



In general, there are three requirements that must be met in order to lawfully seize evidence pursuant to the plain-view exception to the warrant requirement. First,

the officer seizing the evidence must have authority to be in the place from which the evidence is viewed. Second, the evidence must be in the plain view of the officer. Lastly, the incriminating nature of the evidence must be “immediately apparent,” according to the *Horton v. California* ruling, 496 U.S. 128 (1990).

While the discussion below focuses on home computers, the precepts contained herein apply equally to digital evidence stored elsewhere.

ARE THE CONTENTS OF A COMPUTER SUBJECT TO THE PLAIN-VIEW EXCEPTION?

As a general proposition, an officer may not disturb nor manipulate an item not subject to a warrant in order to determine whether that item may be incriminating and expose its incriminating nature to the plain view of the officer, according to the *Arizona v. Hicks* ruling, 480 U.S. 321 (1987). Thus, in general, an officer may not use the plain-view exception to open a closed container in plain view and search through its contents. In the case of closed containers, the plain-view doctrine draws a distinction between the closed container itself and the contents of a closed container. Although the container itself may be in the plain view of the officers, the contents of the container itself are not necessarily so. Therefore, an officer cannot search the contents of a closed container under the plain-view exception.

Digital devices are analogous to closed containers. In *U.S. v. Herndon*, 502 F.3d 683 (6th Cir., 2007), the Sixth Circuit of the United States Court of Appeals emphasized that officers may not manipulate a computer in order to view its contents pursuant to the plain view exception. For example, if not otherwise authorized to search the computer, an officer may not turn on a >>

computer to view its contents even though the computer itself is in the plain view of the officer. Further, even if a computer is already turned on, an officer may not manipulate the mouse of the computer in order to deactivate a screen saver so that the contents of the computer's desktop may be viewed. Specifically, in order for the contents of the computer to be in plain view, officers must "not take any additional steps" in order to see them.

ARE THE CONTENTS OF COMPUTER FILES SUBJECT TO THE PLAIN-VIEW EXCEPTION?

Just as computers are analogous to closed containers, the files contained in the computers are analogous as well. Without the authority to search the contents of a computer, an officer cannot, pursuant to the plain-view doctrine, open computer files in order to view their contents. The mere act of opening a computer file to view its contents would be a forbidden "additional step." Specifically, the U. S. Department of Justice advises its agents that "[t]he plain view doctrine does not authorize agents to open and view the contents of a computer file that they are not otherwise authorized to open and review."

However, in certain situations, an officer is authorized, by warrant or otherwise, such as in the case of consent searches, to search computers for a specific type of digital evidence related to a specific crime. In his or her search, the officer may stumble upon digital evidence of an unrelated crime. Once this situation arises, the relevant questions become (1) whether the evidence of the unrelated crime is subject to the plain-view doctrine; and (2) whether the officer may then, pursuant to the plain-view doctrine, continue to search for more evidence of the unrelated crime. At this juncture, the boundaries of an officer's authority to

search computer files pursuant to the plain-view exception are unclear. While some courts have concluded that the officer's subjective intent is determinative of the



“Without the authority to search the contents of a computer, an officer cannot, pursuant to the plain-view doctrine, open computer files in order to view their contents.”

application of the plain-view doctrine, others have determined that an officer's intent is completely irrelevant.

In *U.S. v. Carey*, 172 F.3d 1268 (10th Cir. 1999), a detective searching a computer's hard drive pursuant to a warrant for evidence related to drug trafficking opened a file entitled "JPG." Upon opening the file, the detective discovered that it contained child pornography. Thereafter, instead of continuing his search for evidence relating to drug trafficking, the detective began opening all files labeled "JPG" in search of more evidence of child pornography. The defendant moved to suppress all the evidence the detective seized related to child pornography, arguing that the pornographic images were not covered by a valid warrant. The court held that the first image inadvertently discovered was admissible, but all other pornographic images subsequently discovered were inadmissible. In so ruling, the court emphasized the subjective intent of the detective. The court acknowledged that the detective intentionally exceeded his authority under the warrant when he purposefully sought to discover the subsequent images of child pornography, and as a result, those images were suppressed. However, since the first image was discovered inadvertently, rather than intentionally, the court held that the image was admissible, presumably under the plain-view exception to the warrant requirement.

However, in *U.S. v. Williams*, 592 F.3d 511 (4th Cir. 2010), the Fourth Circuit of the U. S. Court of Appeals rejected the court's reasoning in *Carey*. In *Williams*, the court declared that all digital images uncovered during a computer search pursuant to a warrant for evidence of harassment were admissible under the plain-view doctrine. The court stated that

"a computer search must, by implication, authorize at least a cursory review of each file on the computer ..." and that "the criteria for applying the plain-view exception were readily satisfied." Further, the court concluded that inadvertence and subjective intent are wholly irrelevant to plain-view exception analysis. The court stated "even though inadvertence is a characteristic of most legitimate 'plain view' seizures, it is not a necessary condition." The court continued

by explaining that "[i]nadvertance focuses incorrectly on the subjective motivations of the officer conducting the search and not on the objective determination of whether the search is authorized by the warrant or a valid exception to the warrant requirement."

CONCLUSION

Courts often are in disagreement as to the application of the plain-view doctrine to digital evidence. As more courts address this

issue, law enforcement officers will have more definite guidelines regarding the search and seizure of digital evidence pursuant to the plain-view doctrine. In the meantime, as previously urged, whenever possible, officers should consult with the appropriate state or federal prosecutor about best practices. 📌



2009-10 Supreme Court Updates

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

The Kentucky Department of Criminal Justice Training provides the following case summaries for informational purposes only. As always, please consult your agency's legal counsel for the applicability of these cases to specific situations. This summary may be reproduced, for educational purposes only, with attribution to the agency.

MICHIGAN V. FISHER 130 S.CT. 546 (2009)

ISSUE: May officers make a warrantless entry into a residence when there is an objective reason to believe that an occupant needs medical assistance or may be putting someone else in harm's way?
HOLDING: Yes. The Court stated that although searches and seizures within a home are "presumptively unreasonable, that presumption can be overcome." In some cases, the "exigencies of the situation [may] make the needs of law enforcement so compelling" as to permit the entry. One such accepted exigency is the need to assist injured subjects inside a home. The injury does not have to be a serious, life-threatening one to invoke the exception.

The Court reversed the decision to suppress the evidence and remanded the case to Michigan for further proceedings.

PRESLEY V. GEORGIA 130 S.CT. 721 (2010)

ISSUE: May a judge exclude observers from jury selection?

HOLDING: No, as a rule. The Court noted that the right to a public trial, including voir dire, was "well settled." A trial court is not permitted to completely close a trial until all other reasonable, alternative methods to both address concerns and accommodate the public are made.

The Court reversed the trial court's decision and remanded the case to Georgia for further proceedings.

WILKINS V. GADDY 130 S.CT. 1175 (2010)

ISSUE: May a prisoner sue under the Eighth Amendment for a minor injury when the use of force is allegedly done for improper reasons?
HOLDING: Yes. The Court noted that "injury and force . . . are only imperfectly correlated, and it is the latter that ultimately counts." As such, even if an injury is minor, that does not prevent a subject from pursuing a claim for excessive force if the action by the officer was arguably acting maliciously or sadistically.

The Court ruled that the dismissal of the action was inappropriate at this stage of the proceedings, and remanded the case back to the trial court for further proceedings.

FLORIDA V. POWELL 130 S.CT. 1195 (2010)

ISSUE: Must a suspect be expressly advised of his right to counsel during custodial interrogation?

HOLDING: No. The Court noted that

although the Miranda warnings themselves are invariable, that the "Court had not dictated the words in which the essential information must be conveyed." The Tampa police version, although arguably not making it clear that the subject could consult with a lawyer during the actual interrogation, was adequate, even though it varied, somewhat, from the version used by most law enforcement agencies. The Court agreed that the version provided to the subject communicated the required message.

The Florida decision was reversed and the case remanded for further proceedings.

MARYLAND V. SHATZER 130 S.CT. 1213 (2010)

ISSUE: Is the Edwards v. Arizona prohibition against interrogation of a suspect who has invoked the Fifth Amendment right to counsel inapplicable if, after the suspect asks for counsel, there is a break in custody or a substantial lapse in time (more than two years and six months) before commencing reinterrogation pursuant to Miranda?

HOLDING: Yes. The Court concluded that an invocation of counsel by a subject under interrogation requires an immediate cessation of the questioning. However, the invocation is not eternal, but instead, after the passage of 14 days, an investigator is permitted to re-approach and question the subject, after providing Miranda warnings.

The Court reversed the Maryland decision and remanded the case for further proceedings.

JOHNSON V. U.S. 130 S.CT. 1265 (2010)

ISSUE: Is a simple battery (in Kentucky, a fourth-degree assault), that has been escalated to a felony by virtue of being a second offense, a "violent felony" for federal repeat offender sentencing?

HOLDING: No. The Court agreed that federal law was not bound by state (in this case, Florida) law for the definition of a violent felony. The Court noted that force could mean many things, depending upon the state law, and that such simple battery (or its equivalent) was generally classified as a misdemeanor. The Court doubted that Congress intended that such conduct, without injury, should be considered a violent felony.

The Court reversed the Eleventh Circuit and remanded the case to Florida for resentencing.

BLOATE V. U.S. 130 S.CT. 1345 (2010)

ISSUE: May delays due to pretrial motions be automatically excluded from the 70-day Speedy Trial provisions?

HOLDING: Generally, yes. Although the federal Speedy Trial Act requires that a trial be held within 70 days of indictment, it does allow certain types of delay. In this case, all but one of the delays was instigated by the defendant. The Court noted that it was the responsibility of the trial judge to balance the need for the delay against the defendant's rights.

The Court concluded that the appellate courts did not address adequately the STA exclusions that might apply and remanded the case back to the 11th Circuit for further proceedings.

PADILLA V. KENTUCKY 130 S.CT. 1473 (2010)

ISSUE: Is a noncitizen criminal defendant entitled to advice concerning the risk of deportation?

HOLDING: Yes. The Court noted that over the years, the range of deportable offenses had been broadened, and the discretion given to judges, and the attorney general, to decide if deportation was warranted, had been dramatically reduced. As such, it agreed that the possibility of deportation was extremely important and that a noncitizen defendant was entitled to know if it was a possibility.

The Court reversed the defendant's plea and remanded the case back to Kentucky for further proceedings.

BERGHUIS (WARDEN) V. SMITH 130 S.CT. 1382 (2010)

ISSUE: May statistical underrepresentation of a minority in a jury pool result in challenge to the ultimate verdict?

HOLDING: No. The Court reviewed the different ways courts had evaluated whether a jury pool was sufficiently diverse, based upon the population of the jurisdiction in question. The defendant argued that the process was flawed and that many factors may have contributed to an underrepresentation of minorities. The Court disagreed that simply the potential for underrepresentation is not enough to overturn a decision.

The Court upheld Smith's conviction and remanded the case back to Michigan to reinstate it. (Intervening appellate decisions had overturned the conviction.)

U.S. V. STEVENS 130 S.CT. 1577 (2010)

ISSUE: Is 18 U.S.C. §48 impermissibly overbroad and a violation of the First Amendment?

HOLDING: Yes. The Court agreed that the statute, which banned the depiction of activities that resulted in the death of an animal, was too broad, as it would also include, for example, depictions of hunting. It affirmed the lower court's decision in favor of Stevens.

PERDUE (GOVERNOR OF GEORGIA) V. KENNY A. (BY HIS NEXT FRIEND WINN) 130 S.CT. 1662 (2010)

ISSUE: May a reasonable attorneys' fee in a §1988 case be enhanced for factors already included in the lodestar calculation?

HOLDING: No. The Court discussed the circumstances in federal civil rights litigation that might permit a judge to increase the fees over the lodestar – the fees calculated from the number of hours the attorney works multiplied by the hours. In the case at bar, the trial court had awarded an amount over and above the lodestar for superior performance. In this case, the Court found no justification for a dramatic increase (75 percent over the lodestar) in the fees awarded to the attorney. It also noted that without some idea of how much a final award will be, the defendants are deprived of the ability to properly negotiate a settlement.

The Court reversed the enhanced award and remanded the case back for further proceedings related to the final award amount.

RENICO (WARDEN) V. LETT 130 S.CT. 1855 (2010)

ISSUE: May a trial court judge declare a mistrial, when they find there is a manifest necessity to do so, without triggering double jeopardy?

HOLDING: Yes. The Court expressed some concern that the trial judge, who decided on a mistrial after a jury indicated it was deadlocked, did not make an explicit written finding or put any factors on the record supporting the decision. However, the Court agreed that the Michigan court had followed longstanding precedent and properly granted the mistrial based upon manifest necessity.

The Court reinstated the Michigan ruling (which had been reversed by the 6th Circuit) and remanded the case for further proceedings. >>

LEWIS V. CITY OF CHICAGO,
130 S.CT. 2191 (2010)

ISSUE: Does a disparate impact claim require a showing of a discriminatory intent?

HOLDING: No. The Court agreed that there was no intent to discriminate in the employment practice used to select firefighter candidates for the Chicago Fire Department. However, the process used was determined to have a disparate impact on minority candidates, and as such, was de facto discriminatory.

The Court reversed the 7th Circuit (which had ruled in favor of Chicago) and remanded the case back for further proceedings.

Berghuis (Warden) v. Thompkins, 130 S.Ct. 2250 (2010), Decided June 1, 2010

ISSUE: Must a subject unambiguously and unequivocally invoke the right to silence?

HOLDING: Yes. The Court concluded that a subject who wished to invoke their right to silence is required to do so unambiguously, in such a way that there can be no doubt that they are, in fact, doing so. In this case, the defendant remained largely silent under questioning, but did occasionally respond to questions or make comments. The Court agreed that Miranda rights could be waived through informal means, and that the circumstances indicated the defendant clearly understood his rights.

The Court remanded the case to the lower federal court to deny the petition for habeas corpus filed by the defendant.

CARR V. U.S.,
130 U.S. 2229 (2010)

ISSUE: Does the Sex Offender Registration and Notification Act apply to a sex offender's interstate travel that occurred prior to its enactment?

HOLDING: No. The Court concluded that the statutory interpretation better fit with the defendant's position, that since his travel occurred before SORNA, he could not be held in violation of it.

The Court reversed the 7th Circuit and remanded the case for further proceedings.

HOLDER, ATTORNEY GENERAL V. HUMANITARIAN LAW PROJECT
130 S.CT. (2010)

ISSUE: Is the prohibition in 18 U.S.C. §2339B against material support, including training and expert advice or assistance unconstitutional?

HOLDING: No. The Court agreed that the statute, as amended over several years, was sufficiently clear to be constitutional. The Court noted that it did not in any way impede an individual's right to free speech, as they could say anything they wished about the issue (supporting organizations that engage in activities that could be defined as terrorism) but simply that they could not provide material support to those organizations.

The Court found in favor of upholding the statute and remanded the case for further proceedings.

MCDONALD V. CITY OF CHICAGO
130 S.CT. (2010)

ISSUE: Is the Second Amendment right to keep and bear arms incorporated in the states by the Fourteenth Amendment?

HOLDING: Yes. The Court agreed that the Second Amendment was a fundamental right, and incorporated its core provision to the states. It did, however, agree, that the right was not unlimited, and that certain restrictions on the right could be acceptable.

The Court effectively overturned the total ban on handguns and remanded the case back for further proceedings.



A detailed summary of each of these cases may be found on the DOCJT Web site at <http://docjt.ky.gov/legal>. The full text of each of these cases may be found at <http://supremecourtus.gov> under "Recent Decisions."

Search & Seizure

U.S. Attorney's Office Provides Critical Law Enforcement Training on Search Warrants
/Kyle Edelen, U.S. Attorney's Office

It has been more than 25 years, but investigator David Gilbert still remembers the heartbreak he felt when a Somerset burglar walked free in a case he investigated because incriminating evidence was never allowed in court. "I felt so bad for the victims," Gilbert said.

The burglar admitted the crime to Gilbert but the court disregarded the confession based on a technicality, and the prosecution ultimately dismissed the charges because of a lack of evidence.

Gilbert and several hundred law enforcement officers across the region tried to prevent similar disappointment by attending search and seizure training recently offered as part of a Law Enforcement Conference in Gatlinburg, Tenn. Hydee Hawkins, an assistant U.S. attorney for the U.S. Attorney's Office in the Eastern District of Kentucky made the presentation on search and seizure.

"Search and seizure is the backbone to a case," said Gilbert who is now the director of the Lake Cumberland Area Drug Task Force. "That's why I'm so grateful to the U.S. Attorney's Office because every law enforcement officer needs to know what they can and cannot do in this area."

Search and seizure is a Fourth Amendment constitutional right that protects citizens from law enforcement officers performing an unreasonable search of them or their property. Investigators are required to establish probable cause to search or seize items by writing a search warrant signed by a judge allowing them to collect evidence.

"This training is critical because if we unintentionally make even the slightest mistake in the investigation it can taint a case before it ever evolves," Gilbert said.

Hawkins, who prosecutes numerous drug and gun cases in eastern Kentucky, says that it is very difficult for investigators because the Fourth Amendment has so much gray area investigators must consider while making split-second decisions at a crime scene.

So, Hawkins has a simple suggestion for investigators to preserve the credibility of their search warrants.

"Don't be humble when you're preparing the warrant," Hawkins said. "These officers are experts in their field so they should include extensive detail about all their great training and experience on the type of crime that they're seeking to get a warrant for. Training and experience are vital in order to establish probable cause."

Hawkins said too many search warrants contain affidavits that only list one sentence about the detective's experience and as a result an appeals court can erase a conviction, or a state or federal court can disregard crucial evidence citing a lack of probable cause.

Gilbert found the training especially useful in gathering evidence in methamphetamine investigations.

"In meth cases there is often so much evidence and so many people involved in the conspiracy with some having very minor roles," Gilbert said. "Sometimes, for those that have minor roles the only thing that proves their guilt is the evidence itself."

Gilbert worked with the U.S. Attorney's Office on a case in a recent methamphetamine case. His task force found four active and inactive methamphetamine labs, approximately 5,000 pseudoephedrine tablets, 69 cans of Prestone starting fluid and 300 pounds of ammonium nitrate among other evidence.

All of the overwhelming evidence helped the U.S. Attorney's Office to negotiate guilty pleas with the three defendants.

According to Gilbert, preserving that type of evidence in court has a major impact on the outcome of the case and law enforcement's relationship with the community.

"This is all about maintaining credibility with your community by taking the criminals off the street," Gilbert said.

STRANGE STORIES FROM THE BEAT

»» Police Web site Bought by Man Cited for Speeding



When the Bluff City, Tenn. police department accidentally let its Web site expire, a local man eager to complain about those same police swooped in and commandeered the site. A computer network designer who says he received a \$90 speeding citation, acquired the site, and is using it to gripe about traffic cameras that issue speeding tickets. His site now shows a smiling cartoon police badge clutching green currency. It also posts gripes from others who've been cited by the police.

»» Xanax Stolen from Mom's Bra by Son, in "Medicine Chest" Caper

A Memphis mother told police she found her son — who's 28 — pilfering Xanax from her bra, where she kept it precisely to prevent him from stealing it. Police found the 28-year-old hiding under a neighbor's sport utility vehicle after his mom turned him in. Police said he had 22 Xanax pills, 15 were wrapped in toilet paper and hidden in his sock. A search of his room turned up other drugs and drug paraphernalia.

Driver Crashes SUV While Fleeing Vampire

A Colorado driver thought she spotted a vampire — then something really went bump in the night. The 58-year-old motorist said she crashed her car into a canal because she was trying to get away from a vampire. Authorities said the driver claimed she spotted the bloodsucker while driving on a dirt road — so she threw the car into reverse in an attempt to escape. Law enforcement officials found no traces of alcohol, drugs or vampires at the scene.

Cops Find Suspect Neck-deep in Manure

Police say officers searching for a man wanted on meth charges found him hiding neck-deep in a liquid manure pit at an Indiana farm. Noble County sheriff's deputies thought they'd lost the 52-year-old until an officer spotted him in the tank beneath an outbuilding floor on the farm. The man had been neck-deep in the combination of hog and dog feces for at least an hour.

Man Convicted of Pulling Over Off-duty Officer

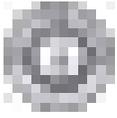
An Arizona man is accused of admonishing motorists of traffic laws while posing as a police officer apparently picked the wrong driver to pull over. The 62 year old was found guilty of impersonating a lawman after pulling over an off-duty police officer.

■ Kentucky State Police Special Response Team members Tpr. Chris Burton, left, and Tpr. Nathan Rhodes, practice vehicle assaults during training for the team in Fort Knox. Burton and Rhodes are part of the state's only full-time tactical team.

PHOTO BY JIM ROBERTSON.



»» IF YOU HAVE ANY funny, interesting or strange stories from the beat, please send them to elizabeth.thomas@ky.gov



KENTUCKY

LAW ENFORCEMENT

Department of Criminal Justice Training
Kentucky Justice and Public Safety Cabinet

Funderburk Building, Eastern Kentucky University
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615-010

A large, blurred image of a person's head and shoulders, likely a law enforcement officer, occupies the left side of the page. The person is wearing a dark uniform with a light-colored patch on the shoulder. The background is a bright, outdoor setting.

...or read
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