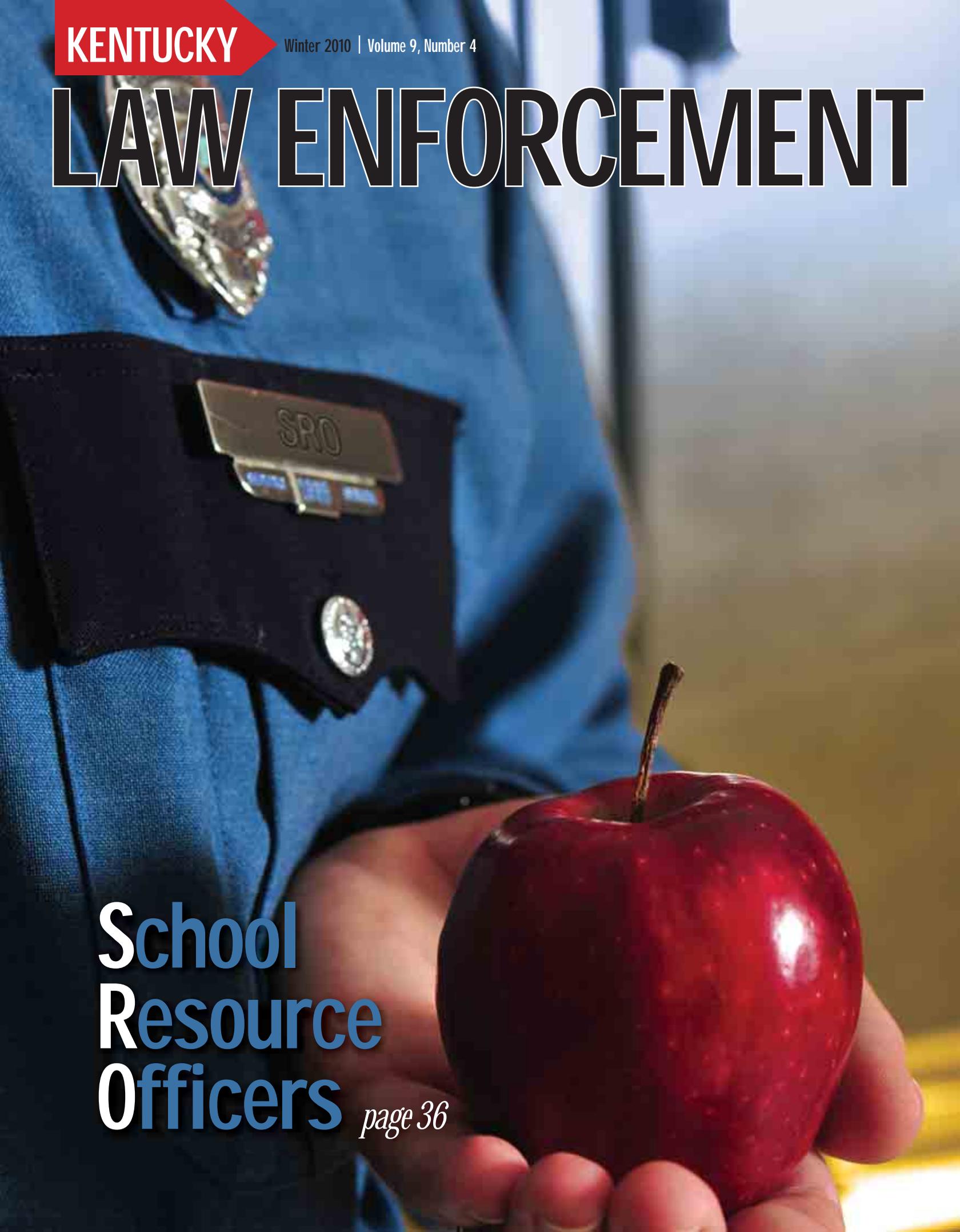


KENTUCKY

Winter 2010 | Volume 9, Number 4

LAW ENFORCEMENT

**School
Resource
Officers** *page 36*



LAW ENFORCEMENT CONTENTS

Steve Beshear
Governor

J. Michael Brown
Justice and Public Safety
Cabinet Secretary

John W. Bizzack
Commissioner

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

Staff:

Dave Wilkinson, Editor
Diane Patton, Coordinator
Trang Baseheart
Abbie Darst
Kelly Foreman
Jim Robertson
Elizabeth Thomas

Contributor:
Edliniae Sweat



Cover photography by Elizabeth Thomas



PAGE NUMBERS

4 6 8 9 10 16 20 28 30 34 36 52 54 56 62 66 68 70 71

COLUMNS

4 Justice and Public Safety Cabinet Secretary J. Michael Brown
5 Dept. of Criminal Justice Training Commissioner John W. Bizzack

U.S. ATTORNEY'S OFFICE AND PARTNERS TRAIN LAW ENFORCEMENT ON CHILD EXPLOITATION INVESTIGATIONS AND PROSECUTIONS

BRIEFS

NEW KENTUCKY SHERIFFS

KLEC PRESENTS CDP CERTIFICATES

EVARTS: AN OFF-ROAD ADVENTURE

FEATURE PROTECTING OUR MOST VALUABLE RESOURCE

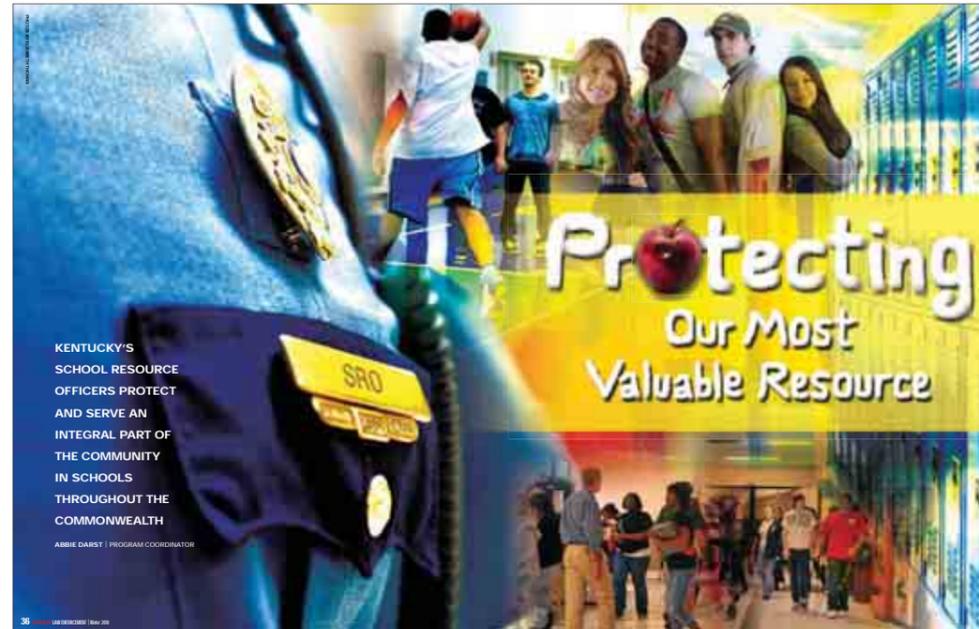
- 43 Finding the Funds
- 45 Worst Case of School Violence
- 46 On the Outs
- 47 Training for Success
- 48 Standard of Excellence
- 50 School Surveillance: A Failing Grade?

IN THE SPOTLIGHT

68 Sheriff Kevin Johnson
69 Chief Robert Deane

STRANGE STORIES FROM THE BEAT

BOOK REVIEW: THE LEADERSHIP GAME



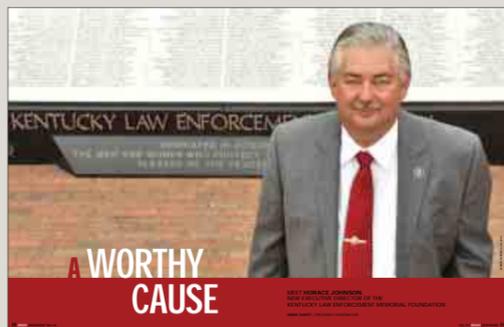
KENTUCKY'S SCHOOL RESOURCE OFFICERS PROTECT AND SERVE AN INTEGRAL PART OF THE COMMUNITY THROUGHOUT THE COMMONWEALTH
ABBIE DARST | PROGRAM COORDINATOR

UP IN FLAMES

CRUCIAL LAWS FOR THE SRO

FATALITIES RISE IN 2010

THE FATIGUE THRESHOLD



FEATURE A WORTHY CAUSE
Meet Horace Johnson, New Executive Director of the Kentucky Law Enforcement Memorial Foundation



FEATURE STRANGER THAN FICTION
Pulaski County Investigator Talks About Serial Killer Case, Experience

CHILD SEX ABUSE ACCOMMODATION SYNDROME TESTIMONY



FEATURE CHALLENGING KASPER WARRANTS
Addressing the Privileged Nature of KASPER Records in Court



Address all correspondence to: KLE Staff, Funderburk Building
521 Lancaster Avenue, Richmond, KY 40475 | DOCJT.KLENN@ky.gov

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 Strategy That Works

J. MICHAEL BROWN | SECRETARY, JUSTICE AND PUBLIC SAFETY CABINET

By now, the commonwealth's struggle to manage its resources in the worst economic downturn in most of our lifetimes is common knowledge. Yet, in the face of this unprecedented recession, our commitment to public safety remains uncompromised.

Over the past three years, we've invested considerable time and energy in developing strategies that reduce corrections costs while actually improving public safety. In support of this effort, leaders from all three branches of government in August announced a partnership with the nationally-known Pew Center on the States to develop strategies that hold offenders accountable, while reducing recidivism and controlling corrections spending.

This partnership will give Kentucky a better return on its public safety investment by analyzing the prison population, allowing us to tailor policy decisions that will generate savings that can then be reinvested in public safety measures.

An important component of our success will depend on how well we involve stakeholders at all levels, including judges, prosecutors, defense attorneys, law enforcement, jailers, local government officials, advocates for crime victims and survivors, as well as faith-based organizations and business groups.

Since the initiative was announced, we literally have taken our show on the road. I have joined legislative and judicial leaders in meetings across the state to discuss the partnership and its goals, including a session with police chiefs in September.

Numbers clearly point out the need for such action: despite a decline in the prison population over the past two years, Kentucky has seen one of the nation's fastest growths since 2000, growing 45 percent, compared to 13 percent for the U.S. state prison system overall. Since fiscal year 1980, the state's prison population has grown 442 percent — from 3,723 inmates then to about 20,200 inmates in fiscal year 2010. To pay for this increase, total state spending on corrections in fiscal year 2009 reached \$513 million, up from \$117 million in fiscal year 1989.

Policy choices, not crime rates, have largely been responsible for this growth. Since as early as 1960, Kentucky's serious crime rate has been well below that of the rest of the nation and of other southern states. Yet, the commonwealth has a higher than average incarceration rate.

The 2009 incarceration rate in Kentucky (484 per 100,000 residents) is higher than the overall U.S. state incarceration rate (447 per 100,000 residents). The higher incarceration rates are true for both males and females. In fact, Kentucky has the sixth-highest incarceration rate for females.

Prison is unquestionably the right place for chronic and violent offenders. But, every dollar spent unnecessarily on prisons is a dollar not available for early education, higher education, health care or other public needs. J



Commissioner's Column Paradigms and Blind Spots

JOHN W. BIZZACK | COMMISSIONER, DEPARTMENT OF CRIMINAL JUSTICE TRAINING

The term paradigm refers to "accepted examples of practice." Paradigms are the way we perceive, think and value the world. Paradigms provide us with expectations about what will probably occur as the result of our actions. Abandoning an old paradigm to accept a new one — the definition of change — remains a difficult hurdle whether that change involves our personal or professional lives.

Paradigms continually shift. The shift occurs when a sufficient number of people agree that the old ways no longer suffice to solve important problems. Of course, everyone in a particular field does not change because a new paradigm comes along. Some are so committed to entrenched paradigms that they never change. Understanding the phenomenon of paradigms and how these core assumptions can lead to blind spots is critical in preparing for, or even enduring, change.

In 1962, Thomas S. Kuhn, a budding philosopher and historian of science, proposed a new way of looking at change. He noted that advances in science throughout history came about because scientists looked at old problems in new ways, opening doors to ideas not previously considered. In essence, each generation searches for new solutions to its own problems, not because the problems have changed, but because new knowledge and mindsets of the generation — a change in their paradigms — allow them to look at old problems in new ways.

A failure to see beyond one's basic assumptions becomes a blind spot. The effects of a blind spot can be devastating. A famous example of a group that did not recognize a change in its industry's paradigm and paid the price for this blind spot is the watch industry in the 1970s. Switzerland had long been the world leader in watch production and sales. In the late 1960s, it invented the first quartz watch prototype. In an astounding failure to recognize the implications

of their development, they dismissed the technology, which Japan quickly adopted. As the Swiss continued to improve on what they'd been doing all along, further refining watch gears and springs, Japan accepted the new paradigm, soon capturing the worldwide watch market. The Swiss' failure to accept change led them to lose their historical control of 85 percent of the world market, dropping precipitously to less than 10 percent market share.

More technology has been developed in the past 50 years than has in the previous 5,000 years; change was the remarkable constant of the 20th century. We should assume that it will be even more accelerated and profound in the 21st century. Paradigm shifts are taking place and affecting all dimensions of management, leadership, marketing and our personal lives, particularly in the field of policing.

In real life, organizations and people must be capable of looking at old problems with new eyes. Paradigms often are created by a relatively small number of people; an open mind, obviously, is required. The synergy of new thinking leads to personal and professional paradigm shifts and increases the likelihood that a new paradigm — with its call for change — will be recognized and accepted by more and more people in a short time frame.

Change remains mankind's continuous paradigm. Embracing change — embracing the paradigm shifts that define change — will always be difficult. After all, abandoning the old tried-and-true for the new unknown seldom seems natural. But our individual growth and progress, both personally and professionally, will always be dependent on the evolution of our ideas, the shifting of our paradigms and the changes we are willing to embrace. J

KSU POLICE CHIEF RECEIVES CHIEF OF THE YEAR AWARD

Kentucky State University Police Chief Stephanie B. Bastin received the 2010 Police Chief of the Year award from the Kentucky Association of Chiefs of Police at its annual conference in August, making her the first female and only the second university police chief to receive the honor.



Bastin said the honor is not just about her leadership and accomplishments, but is also reflective of the collaborative efforts of her entire department — civilians and officers.

Since becoming chief, Bastin has implemented community programs on campus for students, secured grants for equipment and uniforms, established a stronger relationship with local law enforcement and the courts and fully staffed her department.

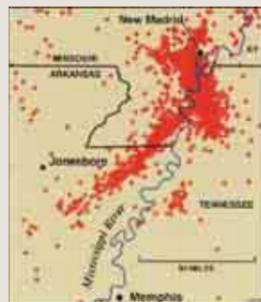
Bastin also was elected third vice president of the Kentucky Association of Chiefs of Police and will become president by 2014.

GOV. BESHEAR PRESENTS HIGHWAY SAFETY GRANTS

Gov. Steve Beshear presented highway safety grants of \$11,450 to the Ashland Police Department, \$7,471 to the Catlettsburg Police Department, \$11,095 to the Bourbon County Sheriff's Office and \$8,500 to the Paris Police Department for programs to curb impaired driving, speeding and other dangerous-driving practices.

The grants also will help to educate the public on the necessity of child safety seats and seatbelt use.

NEW MADRID QUAKE EXERCISE



The Great Central U.S. ShakeOut, an earthquake drill, will take place on April 28, 2011. The exercise encourages first responders and individuals to plan what they might do should a quake affect their area.

A national-level exercise will simulate the effects of an earthquake on the New Madrid fault and is scheduled for May 16

through May 19, with a recovery workshop scheduled for May 20.

Counties in western Kentucky will be impacted most, but the exercise will be helpful to other counties as they need to prepare for emergency measures such as releasing school students.

KSP PROMOTIONS

The Kentucky State Police recently promoted 42 officers. One KSP lieutenant colonel, one major, three captains, seven lieutenants and 16 sergeants were commissioned along with two Commercial Vehicle Enforcement captains, five lieutenants and seven sergeants.

These include:

- KSP Major Jack Miniard, who was promoted to command of the Commercial Vehicle Enforcement Division.
- KSP Capt. John C. Blanton, who was promoted to command of the Administrative Division, Operational Support Troop.
- KSP Lt. Merrell Harrison, who was promoted to captain and command of Post 14 in Ashland.
- KSP Lt. Chad White, who was promoted to captain in the Internal Affairs Branch in Frankfort.
- KSP Lt. Frederick A. Williams, Jr., who was promoted to captain and command of the Driver Testing Branch.

KY AGENCIES RECEIVE GRANTS

More than \$5.56 million in federal grants recently were awarded to five Kentucky law enforcement agencies and 57 other programs that support victims' services. Awarded agencies were:

- Bowling Green Police Department (BGPD Victim Advocacy Unit) – \$35,273
- Fayette County Sheriff's Office (Taking Action for a Safer Tomorrow) – \$50,500
- Jessamine County Sheriff's Office (Jessamine County Crime Victims Advocacy Program) – \$53,530
- Somerset Police Department (SPD Victim Assistance Program) – \$32,000
- Williamsburg Police Department (Victim Advocate Division) – \$45,000

"By providing crisis intervention, advocacy, counseling, shelter and other assistance at a time when they need it most, these programs help victims navigate the criminal justice system, and begin the healing process," said Gov. Steve Beshear.

The awards were made through the federal Victims of Crime Act,



NEW KLEMF SCHOLARSHIP DEADLINE

The deadline for Kentucky Law Enforcement Memorial Foundation scholarship applications is March 31, 2011. Applications can be downloaded at www.klemf.org. Contact Pam Smallwood at (859) 622-8081 for more information.

NEW CHIEFS

Ronald Mills

Auburn Police Department

Ronald Mills was appointed chief of the Auburn Police Department on June 9. He has more than 13 years of law enforcement experience. Mills was born and raised in California. He served in the United States Navy for 20 years in law enforcement as collateral duty throughout his tenure. The past three years of his career he served as the chief of police in Guam. His goals are to continue the great rapport he has with the citizens of Auburn and serve the community's needs.

Bob Clay

Benham Police Department

Bob Clay was appointed part-time chief of the Benham Police Department on April 30. Clay graduated from the Department of Criminal Justice Training Basic Training Class No. 228.

Jason Cross

Columbia Police Department

Jason Cross was appointed chief of the Columbia Police Department on August 1. He began his law enforcement career at the Adair County Sheriff's Office. Cross has more than 11 years of law enforcement experience, having served nine of those years at Columbia. He moved through the ranks to become chief. Cross graduated from the Department of Criminal Justice Training Basic Training Class No. 289 and is a 2007 Academy of Police Supervision graduate. He is also a DARE instructor. His goals are to combat the war on drugs, and to add more staff and an investigative unit.

Ronald Rice

Maysville Police Department

Ronald Rice was appointed chief of the Maysville Police Department on August 12. He has more than 35 years of law enforcement experience. Rice served 21 years in the Air Force law enforcement department before coming to the Maysville Police Department in 1996. He moved through the ranks to become chief. Rice graduated from the Community College of the Air Force with a degree in criminal justice and is also a graduate of Central Texas College, in Killeen, Texas with a degree in general studies. His primary goal is to pursue re-accreditation through KACP, add more staff and to wage war on drugs. Cline would also like to continue to enhance the agency programs that already are in place.

Chris Cline

Simpson County Sheriff

Chris Cline was appointed sheriff of the Simpson County Sheriff's Office on September 24. He has more than 18 years of law enforcement experience. Cline began his law enforcement career at the Franklin Police Department and since has served at the Simpson County Sheriff's Office, the Kentucky State Police and the Office of the Attorney General. He is a certified fraud examiner and a professional certified investigator, and he served six years as a special investigator for Grange Insurance Company. He has a bachelor's degree in police administration from Eastern Kentucky University. His long-term goals are to increase the number of fleet cars for the agency, implement a K-9 unit and begin a drug interdiction program. Cline would also like to eventually see animal control moved under the police department.

MORGANTOWN POLICE CHIEF NAMED KLC CITY EMPLOYEE OF THE YEAR

Morgantown Chief Billy Phelps was named by a panel of his peers as the Kentucky League of Cities City Employee of the Year.

Presented at the 2010 KLC conference and expo in Louisville, the award honors outstanding workmanship, organization, employee innovation and excellence in local governance and brings recognition to city employees who perform their duties at a distinguished level to improve their local government and community.



ABC INV. STEVE NEWELL RECEIVES NATIONAL AWARD



Steve Newell, a seven-year investigator with the Kentucky Department of Alcoholic Beverage Control, was named Liquor Enforcement Officer of the Year by the National Liquor Law Enforcement Association at its annual conference in Anaheim, Calif.

At ABC, Newell is active in the research and development of new equipment and serves as a liaison among law enforcement entities.

KNOA NAMES OFFICER OF THE YEAR

Kentucky State Police Detective Scott McIntosh was named the 2010 Kentucky Narcotics Officer of the Year during the annual KNOA conference in November.

He was nominated for the award based on the successful conclusion of a three-year-long drug investigation in Estill County. As a result of the investigation, 18 individuals involved in moving large quantities of cocaine, oxycodone and marijuana in the central Kentucky area were arrested, indicted and convicted for their crimes. McIntosh conducted surveillance and worked as an undercover officer during the case, cultivated and managed confidential informants and prepared search warrants that led to the successful prosecution.

The Nov. 4 election seated 41 new sheriffs in Kentucky. They are:

- | | |
|--|---|
| Harrison Moss
Adair County | Johnny Bivens
Lewis County |
| Jeff Cooke
Allen County | Bobby Davidson
Livingston County |
| Marty Elliott
Boyle County* | Jerry Combs
Madison County |
| Howard Niemeier
Bracken County | Carson Montgomery
Magoffin County |
| Dave Greenwell
Bullitt County | Jimmy Clements
Marion County |
| Scottie Ward
Butler County | Ernest Kelty
Mercer County |
| Steve Perry
Carlisle County | Roger Barlow
Monroe County |
| Jamie Kinman
Carroll County | Curtis McGehee
Muhlenberg County |
| Casey Brammell
Carter County | Stephen Campbell
Nelson County |
| Stevie Wheat
Cumberland County | David Thompson
Ohio County |
| Will Cannon
Edmonson County | Tony Hampton
Scott County |
| Jim Stephens
Elliott County | Chris Cline
Simpson County |
| Pat Melton
Franklin County | Donald Stump
Spencer County |
| Josh Neale
Gallatin County | Allen Newton
Taylor County |
| Dewayne Redmon
Graves County | Arthur Johnson
Todd County |
| Robby Beard
Green County | Ray Burnam
Trigg County |
| Mark Green
Hickman County | Mickey Arnold
Union County |
| Denny Peyman
Jackson County | Colan Harrell
Whitley County |
| Dwayne Price
Johnson County | Christopher Carson
Wolfe County* |
| Dale Richardson
Knott County* | |
| John Root
Laurel County | |
| Wendell Childers
Lee County | |

* Though previously appointed to the office of sheriff, this is the first time these leaders were elected.



PHOTO BY ELIZABETH THOMAS

KLEC Presents CDP Certificates STAFF REPORT | KLEC

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

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

INTERMEDIATE LAW ENFORCEMENT OFFICER Ashland Police Department William T. Kelley Richard S. Menefee	Covington Police Department John A. Mairose	LAW ENFORCEMENT TRAFFIC OFFICER Alexandria Police Department Timothy L. Vinson	BASIC TELECOMMUNICATOR Covington Police Department Carla R. Dietz Stacie R. Gubser Brian R. Sterling
Attorney General's Office Kathy Parrish	Danville Police Department Samuel O. Butler James D. Ferrie Armintia J. Mullins	Ashland Police Department William T. Kelley	Montgomery County 911 Donna I. Pharris
Berea Police Department Gary A. Hall	Frankfort Police Department Kenneth E. Spalding Jr.	Covington Police Department Robert P. Bacon David L. Finan Jr.	INTERMEDIATE TELECOMMUNICATOR Kenton County Police Department Douglas T. Cooper
Cave City Police Department Jeffrey M. Wright	Henderson Police Department Ronald G. Burleson	Henderson Police Department Ronald G. Burleson	Montgomery County 911 Donna I. Pharris
Covington Police Department Robert P. Bacon	Jeffersontown Police Department R. David Miller Ted B. Spegal	LAW ENFORCEMENT SUPERVISOR Ashland Police Department William T. Kelley	Winchester Police Department Susan B. Davis
Danville Police Department Jeffrey D. Stith	Muldraugh Police Department Keith E. Hillman	Georgetown Police Department Jeffrey Greenfield	ADVANCED TELECOMMUNICATOR Montgomery County 911 Donna I. Pharris
Frankfort Police Department Paul D. Wise	Western Kentucky University Police Department Craig M. Sutter	Logan County Sheriff's Office Charles E. Dauley	Winchester Police Department Susan B. Davis
Henderson Police Department Ronald G. Burleson	LAW ENFORCEMENT OFFICER INVESTIGATOR Attorney General's Office Kathy Parrish	Pikeville Police Department Wesley A. Thompson	TELECOMMUNICATION SUPERVISOR Montgomery County 911 Donna I. Pharris
Hopkinsville Police Department Gabriel R. Gillingham Randy J. Phelps	Covington Police Department David L. Finan Jr.	Richmond Police Department James H. Wilson	Muhlenberg County 911 Kristi D. Jenkins
Jeffersontown Police Department R. David Miller Ted B. Spegal	Fort Wright Police Department George C. Kreutzjans	Western Kentucky University Police Department Ricky G. Powell	CRIME SCENE PROCESSING OFFICER Alexandria Police Department Timothy L. Vinson
Lexington Police Department Jeremy M. Russell	Fulton Police Department Steven Z. Williams	LAW ENFORCEMENT MANAGER Ashland Police Department William T. Kelley	Henderson Police Department Ronald G. Burleson
Muldraugh Police Department Keith E. Hillman	Georgetown Police Department Jeffrey Greenfield	LAW ENFORCEMENT EXECUTIVE Ashland Police Department William T. Kelley	LAW ENFORCEMENT OFFICER ADVANCED INVESTIGATOR Attorney General's Office Kathy Parrish
Richmond Police Department Kurtis J. Heatherton	Jeffersontown Police Department Ted B. Spegal	Jeffersontown Police Department Christopher J. McIntire	
ADVANCED LAW ENFORCEMENT OFFICER Alexandria Police Department Timothy L. Vinson	Ludlow Police Department Wayne A. Turner		
Ashland Police Department William T. Kelley	Pikeville Police Department Phillip D. Reed		



KENTUCKY LAW ENFORCEMENT

DEDICATED IN HONOR
THE MEN AND WOMEN WHO PROTECT
BLESSED BE THE PEACE



A WORTHY CAUSE

MEET HORACE JOHNSON,
NEW EXECUTIVE DIRECTOR OF THE
KENTUCKY LAW ENFORCEMENT MEMORIAL FOUNDATION

ABBIE DARST | PROGRAM COORDINATOR

PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

After nearly 35 years of service in and for Kentucky law enforcement, Horace Johnson has taken on a new role of service to law enforcement officers and their families across the commonwealth. In September, Johnson assumed the position of executive director for the Kentucky Law Enforcement Memorial Foundation.

Johnson has served as chief of police for the Glasgow Police Department for the past two years. From 1999 to 2007, Johnson was employed with the Department of Criminal Justice Training, where he served in various roles including Training Operations Division director, overseeing the Basic Training and Advanced Individual Training branches and the Kentucky Leadership Institute.

In his new position as KLEMF executive director, Johnson will serve as the face of the foundation as it launches a new fundraising campaign to grow the foundation and allow for more assistance to law enforcement officers and their families.

Johnson began his law enforcement career with the Western Kentucky University Police Department in 1976 and served as chief from 1991 to 1999. During his tenure, the Western Kentucky University Police Department became the fourth agency in the state to be accredited by the Kentucky Association of Chiefs of Police. He is also a U.S. Army and Kentucky National Guard veteran with 34 years military service. He is a retired lieutenant colonel with numerous awards.

What does the Kentucky Law Enforcement Memorial Foundation mean to you?

To me, it is a tribute to law enforcement officers across the commonwealth who have died in the line of duty and who have sacrificed their lives so that others could have a better way of life. I have been involved with the law enforcement memorial events since I was at the Department of Criminal Justice Training at the foundation's inception. I have always participated with it. I believe it is important that we pay tribute to those men and women who have given the ultimate sacrifice. I have some people I know personally whose names are engraved

“
I believe it is important that we pay tribute to those men and women who have given the ultimate sacrifice. I have some people that I know personally whose names are engraved on that monument. So, it is more than just a list of names to me.”

on that monument. So, it is more than just a list of names to me. Some of those are people I worked with and knew throughout my life.

How do you think the rest of the law enforcement community views the foundation?

I think the rest of the law enforcement community views the foundation and the memorial as an important piece of law enforcement. I think it was something that needed to be done when it was first started in early 2000. It is a distinct marker in the state representing all law enforcement. It is very inclusive. I think that all law enforcement feels that, and that is why it is important.

What is the history of your involvement with the Kentucky Law Enforcement Memorial Foundation?

I did not specifically work with the memorial itself while I was at DOCJT. I knew members of the original committee and the people that actually birthed the concept for the memorial and foundation and made it happen. But DOCJT was always there in a supportive role. I was at DOCJT when it was done, but there were many others who actually got it off the ground.

Why did you choose to accept the position of executive director?

When I was asked about it, I was told they thought I was the right person for the job. And I accepted it because law enforcement is my passion. In my career, it is all I have done, outside of the military. It is something that I believe in — we should honor the men and women who died in the line of duty. We should do something to help others, and this is a method through which we can help the families of the fallen. We also can help young people of the law enforcement profession who are working on an education. There are a number of things that the foundation stands for and the goals and objectives

that they have that I believe in. I have the time and I have the passion to work for the foundation in furthering these causes.

What do you see as your most important responsibility as the executive director for KLEMF?

As I understand, I am the first person to be charged with the responsibility of being an advocate to promote and market the license plates, which support the foundation, as well as to reach out to corporate contributors and solicit contributions on behalf of the Kentucky Law Enforcement Memorial Foundation. In the past, I think that has been done by volunteers, and the foundation board wanted to move forward and expand that reach. My coming on board enables KLEMF and the board to reach further than they have in the past. I am looking forward to being an advocate for that and to have the time to spend working with the foundation and its goals and objectives.

What are some of your short-term goals for the foundation?

Obviously, I have to read into the past workings of the foundation and the accomplishments up to this point. I want to get up to speed with that particular portion and get to know the board members. I want to try, early on, to promote from within the law enforcement ranks the sale of the license plate. It is important to inform those in the law enforcement community, whether it be recruits or chiefs, that this foundation is not just there for line-of-duty deaths, but it is there to provide scholarships for 25 young people each year. It is there in the event of any emergency or financial hardship that officers have. We are a resource that can be counted on. And if we can build the foundation, then we can reach out and help more people.

I also want to go out and talk to the recruits and to the chiefs. We have a marketing plan to reach out to specific counties and regions of the state. Those are the first things that we are going to do. I would describe it as a crawl, then walk, then run approach. >>



PHOTO BY ELIZABETH THOMAS
IN MAY OF EACH YEAR, FAMILIES OF THOSE LOST IN THE LINE OF DUTY ARE HONORED DURING AN ANNUAL CEREMONY.



PHOTO BY KELLY FOREMAN
FOUR RECIPIENTS OF THE MORE THAN 170 SCHOLARSHIPS AWARDED BY KLEMF.



KENTUCKY LAW ENFORCEMENT MEMORIAL FOUNDATION LICENSE PLATE.

>> Have you gotten far enough into it to set realistic long-term goals?

I have some objectives that are outlined for me that I have been given from the KLEMF board. I am going to look at, and obviously concentrate on, those. Carrying out our short-term goals will be in the crawl stage. Reaching out to major contributors is a long-term goal. We hope to secure reoccurring contributions. So, overall, I will just look at a method to expand contributions and promote the foundation.

Since KLEMF is geared toward supporting Kentucky officers and their families, what is your plan for financially growing the foundation?

The resource that primarily supports the foundation, currently, is the license plate. I think we currently have a very small percentage of license plates, compared to all those issued within the commonwealth — there is a lot of competition out there. But I think many people are unaware that they are able to purchase law enforcement memorial tags. Most think you have to be in law enforcement, for some reason. So, we are going to promote awareness to advocate more sales of the license plate. There also will be a redesign of the plate in a couple of years.

While there is competition with our plate among the 45 to 50 other available plates, if you are involved with law enforcement or from a law enforcement background or family, then you can help your own family by promoting the KLEMF plate. That is the first thing.

Then there are some partnerships that I believe can be developed in state and local government that can be of benefit to the foundation. We want to promote partnerships, and we want to target major corporations looking for ways they can, perhaps, relieve their tax burden. If anyone knows of those corporations, I would be glad to discuss or talk with any of them in the future about contributing to the foundation.

How can law enforcement across the state get involved with helping the foundation?

We talk with the officers in basic training. We do that when they first come in. I think we

“ Many officers do not know that that the money they put into the foundation can come back in the form of assistance to help them. Many of them do not know about the tuition assistance available through 25 scholarships each year.”

probably need to have some encouragement beyond the basic training level, maybe in some of the advanced courses, then make sure that they are informed about the things that the foundation is about.

There are a number of people who do not know that the foundation can help if an officer has a personal financial tragedy. For example, one deputy I know in my home county, his house burned and the foundation provided him immediate assistance — a \$1,000 check. Others have serious illness in the family where the parents are unable to work — if they have a child who is hospitalized, for example. Many officers do not know that the money they put into the foundation can come back in the form of assistance to help them.

Many of them also do not know about the tuition assistance available through 25 scholarships each year. With support, maybe we could expand that amount and actually provide more scholarships. There are a number of ways that the officers can be involved.

I think one is being informed and telling their family. They are all participants in their communities. An officer in a local community sees hundreds of people each day, and they can be spokesmen or salesmen as well.

What are you most looking forward to by stepping into this position?

What I am most looking forward to is seeing a lot of the officers that I have met and worked with over the years, as well as those whom I have trained while at DOCJT as the Training Operations Division director and the two agencies for which I have worked. The many friends I have met in Kentucky law enforcement over the course of my career — I can see those folks and just renew those friendships and ask them to work with me in being advocates for the memorial foundation.

I want it to be successful — but I do not know to what degree or how long it will take to increase these things or get these contributions, so it is all basically

something new to me. Most people will tell you that I love a challenge. If it is a challenge and it is something that I know that I can do, then I look forward to it.

What do you see as some of the challenges you may face in meeting established goals for the foundation?

Right off the top, the economic conditions that we are facing currently are tough. Families have different needs and different demands, and I think immediately that is the thing that is a challenge. Prior to giving, people have to think about where they are going to spend their money and if they have any extra, what they are going to do with it. And I would say to law enforcement, this is one way that you can ensure that it comes back to you or comes back to the law enforcement family.

Where do you plan to start? Will you be traveling across the state to visit agencies to promote KLEMF?

In the marketing plan, there was a list of counties that were at a lower level in regards to license plate sales, so I am going to start with those areas. I am going to speak to the recruit classes, hopefully in the beginning and again at their family event before graduation. I want to speak with them and their families together to inform them about the foundation and what it is about.

I want to let them know that we hope that we never have to put another name on the monument, but there are other things that this foundation does that are very supportive of law enforcement. The travel will not be extensive, but it will be driven by the data that we have in the marketing survey.

I am just very grateful for the opportunity to work with a lot of close friends and to serve a very worthwhile purpose. Law enforcement, like I said, has always been my passion, so I look forward to renewing old acquaintances, seeing folks and promoting my new cause. That is why I am here. J

Abbie Darst can be reached at abbie.darst@ky.gov or (859) 622-6453.

EVARTS POLICE DEPARTMENT



ATV
CROSSING

An Off-Road Adventure

ELIZABETH THOMAS | PUBLIC INFORMATION OFFICER



CHIEF LUPE BLAS, FAR RIGHT, HAS SERVED THE CITY OF EVARTS AS ITS CHIEF FOR 13 YEARS. BLAS STANDS WITH OFFICER OWEN NOE, CENTER, AND FORMER OFFICER DAVID WILLIAMS.

PHOTO BY ELIZABETH THOMAS

It's not often a police chief writes up accident reports, even less often from accidents 10 miles into mountain woods.

But, in Evarts, Ky., it's not uncommon for Chief Lupe Blas. Blas is one of four officers in a town of less than 1,100 that sits in the mountains of eastern Kentucky close to the Virginia border.

Black Mountain looms at the edge of town. A distinct roar can be heard in the distance. The noise is not that of a black bear, but all-terrain vehicles as they ride the mountain's old mining and logging trails.

Open since June 2005, the Black Mountain Off-Road Adventure Park hosts thousands of mud-slinging visitors each year and has quickly become one of the nation's premier spots for adventure seekers.

"It's really changed this town," Blas said. "This town was dying. There were so many vacant houses and businesses were closing."

"But now," Blas continued, "the folks that we used to see sitting on their porches and swings are not there anymore. They are in the park, around the campfires, getting involved and even some retired [citizens] are on their ATVs on the trails."

Complete with a welcome center and campground, this off-road hotspot started out as a fundraising trail ride for a local youth group. The successful fundraiser is now a 7,000-acre plus park operated by the Harlan County Ridge Runners. With so many visitors and so many jobs coming back to the area, business is returning and empty properties are hard to find, Blas added.

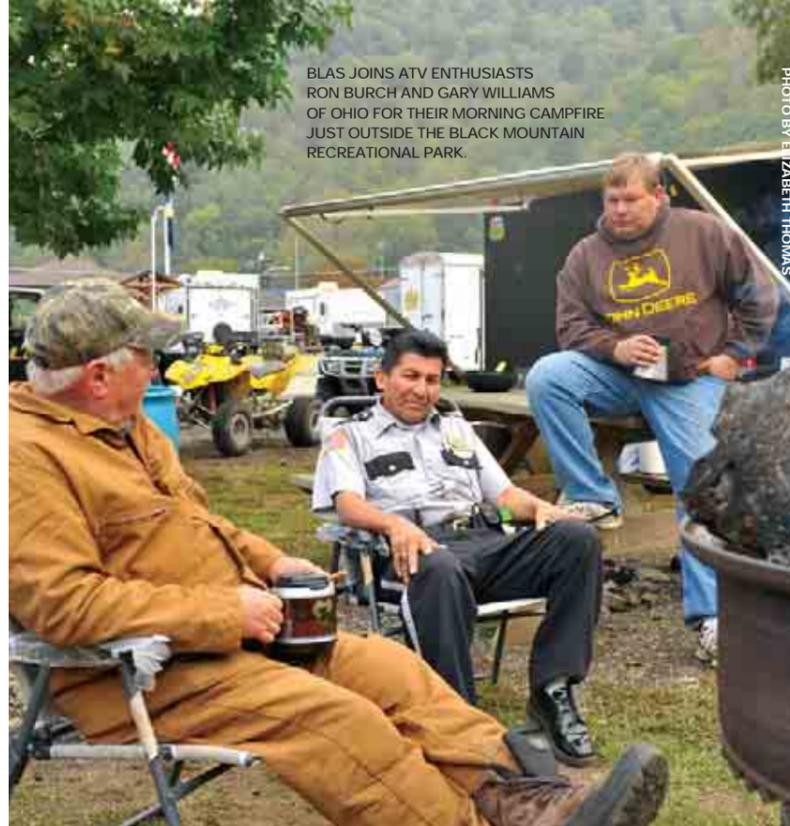
Where else in Kentucky can you drive a four wheeler right through the middle of town and not get a traffic citation? Probably nowhere. And how many other police departments' entire fleet is made up of four-wheel drive Ford Explorers? Probably not too many, if any at all, Blas said.

Black Mountain is Kentucky's highest peak, one of the 11 highest at home in the Harlan County park. With more than 200 miles of trails, the park boasts the Guinness Book of >>



PHOTO BY ELIZABETH THOMAS

GARY WILLIAMS OF MORROW, OHIO, DRIVES HIS FOUR WHEELER THROUGH DOWNTOWN EVARTS. CITY ORDINANCE ALLOWS ATVs ON THE THOROUGHFARES OF EVARTS.



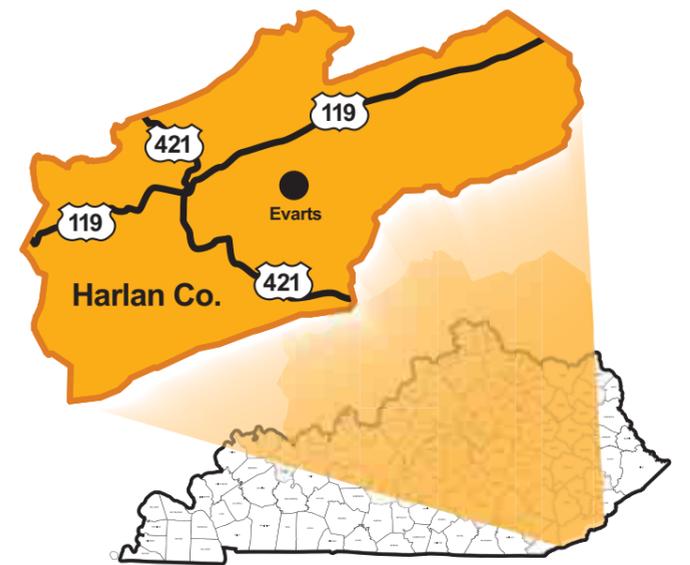
BLAS JOINS ATV ENTHUSIASTS RON BURCH AND GARY WILLIAMS OF OHIO FOR THEIR MORNING CAMPFIRE JUST OUTSIDE THE BLACK MOUNTAIN RECREATIONAL PARK.

PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

OFFICER OWEN NOE MAKES HIS WAY THROUGH DOWNTOWN EVARTS CHECKING IN WITH BUSINESS OWNERS.



>> World Records' largest ATV parade. The park has attracted the attention of media outlets such as Spike TV, Outdoor Channel and Discovery Channel.

So, while the residential population of Evarts is small, the business and recreation population of the town keeps officers on their toes with only one officer on each shift.

"There's two sides to this little town," Blas said. "The one side is Monday through Thursday — quiet. The other side is the weekend, when the people get on the mountain. You can literally see the dust flying."

Because of the high-volume of visitors and the city being one of the nearest shopping destinations for many in the mountains, theft and prescription-drug abuse keep the officers busy. The drug problems of the area have even led to a prostitution problem for the city, with Highway 38 being its main thoroughfare.

The town of Evarts and its police chief share a story of triumph and success.

Blas, born and raised in Texas, is the son of migrant farm workers. His story would parallel that of his parents had it not been for the encouragement of his wife.

"We have to do something different," she said to him one day as they worked in the fields with their child. At 33, Blas had always walked away from challenges, he said, quitting school in the eighth grade.

But, Blas later finished college with a degree in furniture design and ended up working in bilingual outreach for the

Department of Labor in Florida. With his father-in-law in poor health in Evarts, he made the decision to move his family to his wife's hometown. They rebuilt their life from the ground up, starting with used-tire sales. He eventually became a police officer and was appointed chief within just a year of his graduation from the academy in 1996.

Blas credits the city's mayor, Burl Fee, and his officers with the success of the police department.

"He backs us up 100 percent," Blas said of Fee. "He looks out for all the departments."

Fee has been mayor 12 of the 13 years that Blas has been chief. Until he became mayor, the officers were responsible for buying their own guns and supplies.

"He always wants us to have the best," Blas said.

Evarts' three senior officers share more than 30 years experience. Officer Owen Noe once served as police chief of nearby Loyal. Noe's experience with grant writing is responsible for the grant-funded four-wheel drive SUV fleet.

Blas also gives kudos to the citizens and city planners who saw more than just a fundraising trail ride on the mountain nearby.

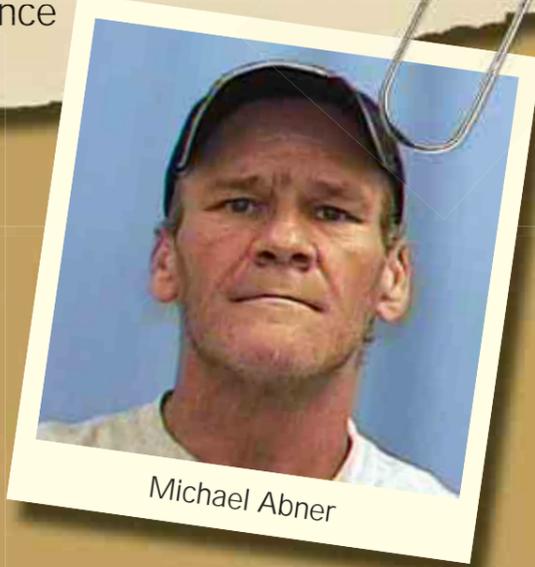
"Our little town was drying up; the population was dwindling," Blas said. "Then someone took a risk and it has given life to this little town." J

Elizabeth Thomas can be reached at elizabeth.thomas@ky.gov or (859) 622-8839.

STRANGER THAN FICTION

Pulaski County Investigator Talks About Serial Killer Case, Experience

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



Michael Abner

The darkness enveloped a humble Pulaski County home on a frigid January evening. A knock on the door allowed the stiff, winter air and icy snow to blow into 79-year-old Jack Roerink's home, as he welcomed his neighbor in from the cold.

Roerink had started a pot of coffee in the kitchen and was trying to keep warm in his flannel shirt and house shoes. His neighbor, Michael Abner, talked to him about meaningless things.

"I went in there and sat down with him at the table, trying to think of how I could do it," Abner told Pulaski County Lt. Detective Brett Whitaker. "I knew it was coming, I just wanted to know how. So, I did what I did."

"What did you do?" Whitaker asked.
 "I stabbed him," Abner said.
 "Did you have a knife with you?" Whitaker asked.
 "No, I got one of his," Abner replied. "I think I used more than one knife."
 "What did you do with the knife?" Whitaker asked.
 "I left it," Abner said. "I didn't give a (expletive deleted), dude. I told you. I was ready. I'm tired. ... I'm just sick of going to jail. I'm sick of the law knocking on my door."

There was little hesitation in Abner's voice as he confessed to brutally stabbing Roerink more than 30 times, leaving him alone to die in his own dining room while Abner ravaged the home and nearby shed for loot.

"Yeah, I knew I was going to kill him," Abner continued. "That makes it premeditated. I'm not dumb, you know, I know the law. You know what I'm shooting for? I'm ready for this (expletive deleted) to end, dude."

And with that, on Jan. 12, 2010 just hours after committing his third murder, 46-year-old Abner began to unravel more than 20 years of murders, arsons

and thefts for Pulaski County sheriff's investigators, pleading with them to connect the dots that would lead him to a death sentence.

DEATH BY STRANGULATION

Since he was 13 years old, Abner told investigators he had been "doing dope." His lengthy criminal history is evidence of his habit.

In October 1983, Abner was barely 20 years old. He was dating a woman named Deloris, who worked the evening shift at a local factory and lived with her 80-year-old grandmother, Mamie Mercer.

One evening after Deloris left for work, Mamie was asleep with her 4-year-old grandson. Another 17-year-old girl who lived in the home, Kim Altman, was showering. Abner decided to search the home for things he could steal to get booze and drugs.

"I left the door propped open," Abner said. "My intentions was that when we got back, it would look like somebody came in there. And so I went in and looked around, but I already knew she was dead. I said, 'Somebody broke in there and killed Deloris' mama, what should we do?' She (Altman) said, 'We better go get Deloris.'"

"So we went and got her, we might even have called her. But when we got in the car with Deloris, naturally she was upset and scared. She got there (to the house) and was getting ready to get out the pistol. I said, 'No, give me that pistol, somebody might be in that house.' So I went in and acted like I looked around, you know, faking like somebody might be in there. I come back out, give her the pistol and she called the law."

The Somerset newspaper reported the following day that foul play was suspected in Mamie Mercer's



While pillaging the house, Abner said he became concerned that the boy sleeping in Mamie's bed had seen him — so he decided to kill Mamie.

"When you do somebody the way I did somebody, there ain't no noise," Abner said. "So she (Altman) didn't hear."

"You jumped on her in the bed and strangled her, right?" asked Lt. Detective Whitaker.

"Yes," Abner replied.

Abner left the house after committing the crime, but came back a short while later. Altman, unaware of what had occurred, left the house with Abner and drove to a gas station for cigarettes. They returned to find a door to the home suspiciously standing open.

untimely death. But investigators found nothing missing in the house and were left without leads.

"We have no suspects ... nothing," then-Sheriff John Adams told the newspaper.

Abner got only \$30 to \$40 from Mercer after he killed her, according to a case file supplement. Soon after Mercer's death, Abner was convicted on a third-degree burglary charge and served time in prison. Despite what was described as an intense investigation and polygraph testing of multiple suspects — including Abner — the Mercer case became cold. No one ever was charged in the case. >>

STATE, YEAR, NUM

ARREST DATE	04 2010	VIOLATION TIME		EXACT LOCA	
				PULASKI COUNTY	
ARREST DATE	03 08 2010	TIME OF ARREST	9:04AM	EXACT LOCA	
				HAIL KNOB RD	
NUMBER	VIOLATION CODE	ASCF	STATUTE/ORD.	CHAR.	
1 of 3	09150	0	507.020	1	
2 of 3	12002	0	515.020	1	
3 of 3	22060	0	511.020	1	

POST-ARREST COMPLAINT

Charge 1: MURDER

Charge 2: ROBBERY, 1ST DEGREE

Charge 3: BURGLARY, 1ST DEGREE

Pulaski Circuit Court Indictment 10-CR-00066 Bond \$1,000,000 Cash

>> FIVE YEARS LATER

In 1988, Abner had moved back to Somerset after a stint in South Carolina and was sleeping on his sister's couch. Across the street from Abner's sister's home lived an 83-year-old minister's widow named Mae Stringer.

"I was a drinker back then and I smoked some pot," Abner said. "I thought I'd go steal me something to get me some beer and stuff. That house looked vacant."

"I knocked on the door and nobody came," Abner continued. "I knocked loud enough I could have woke anybody up. So, I took my elbow and knocked out the window closest to the knob and went in. I seen her laying in bed, so I know she didn't hear me banging like that, I could sneak in and get what I wanted. I found guns and put them out by the door so I could grab them if I had to run."

Abner ventured into the woman's bedroom looking for jewelry and Stringer stirred.

"I had no intentions on killing her," he said. "She moved around and stuff and I thought she might have seen me. So, I jumped on her and strangled her."

Afraid he might have left evidence in the home, Abner decided to set fire to the house.

"I grabbed all the perfume I could find in there and poured it all up under the bed and on the floor," Abner said. "She had an old heating pad laying beside the bed. I put it in there against the bed and plugged it up. I lit it, got the guns and I left."

Stringer's death and a photo of her burned home topped the front page of the Somerset newspaper the following day. Firefighters and arson investigators suspected the electric blanket had something to do with the blaze. Based on the scene, the Pulaski County coroner at the time said foul play was not suspected. Abner, again, escaped prosecution.

'GOING TO PUT ME DOWN'

After Stringer's murder, Abner spent several years in prison, mostly on multiple theft-related charges. He married a woman named Tamara Martin and the two had a daughter, Haley, then

AUTOPSY:

In the autopsy performed by Dr. Cristen Rolf with the Medical Examiner's Office, the cause of death was found to be "Hemopericardium and Hemothoraces with Exsanguination... Due to Sharp Force Injuries of Head, Trunk, and Arms"

The manner of death was classified as a homicide.

The autopsy outlines several injuries attributed to blunt force.

The autopsy also outlines several puncture wounds attributed to "sharp force" stab wounds. There are more than 30 individual wounds on the victims head, neck, chest, back, arms and hands. Significant wounds were noted to the lung, pericardial sac, and heart.



CASE FILE PHOTO

▲ MURDER VICTIM JACK ROERINK WAS ABNER'S THIRD AND LAST VICTIM.

a son, Christian. Abner also served quite a bit of time in the county jail for violating emergency protection orders Tamara took out against him, in which she alleged abuse and threats Abner made of burning down her home.

Tamara befriended an elderly neighbor, Jack Roerink, a widower who was nice to her kids and had never been in any trouble with the law. Abner, however, believed that Roerink held a grudge against him.

Abner did a little work for Roerink but complained that Roerink didn't pay him when he said he would. He also believed Roerink was telling Tamara that Abner was "no good," and that Roerink was trying to get Christian to call him Daddy.

Abner admitted he was on pills at the time and was heavily intoxicated. Because of his state, Abner's story changed a few times, sometimes wavering into stories of breaking into the home, sometimes changing where the argument took place and other times claiming he went back to the home later to help Roerink and realized it was too late.

"I'm straight up with you, I went over there to kill that (expletive deleted)," Abner told Lt. Detective Whitaker.

"Over Tamara or money or both?" Whitaker asked.

"Over just the way he's treated me and all the (expletive deleted) that was on my mind," Abner said.

Abner also told Whitaker he intended to rob Roerink and leave town.

"What kind of stuff did you get?" Whitaker asked.

"All kinds of stuff," Abner said. "Machines, tools — anything I thought along the way I could sell to get gas, cigarettes and food."

"Does he take pain killers?" Whitaker asked.

"No, that was the first thing I asked before I killed him. He said, 'Man, they don't give me no narcotics.' But I didn't believe him. So, when I killed him, I looked and I couldn't find none."

Abner told Whitaker that Roerink asked him not to kill him.

"But I knew if I didn't kill him he'd know who done it," Abner said.

"So, you cut him some more after that?" Whitaker asked.

"Quite a few times."

"Do you remember where you stabbed him?" Whitaker asked.

"I tried to stab him in the heart so he would die quick and there wouldn't be no pain," Abner explained. "Listen here, we're men. I know that's a cruel (expletive deleted) thing. But like I said, between Tamara calling and getting DVOs on me, trying to feed my family ... like I said, dude, just the signs just piled up on me."

"It's getting overwhelming, isn't it?" Whitaker asked.

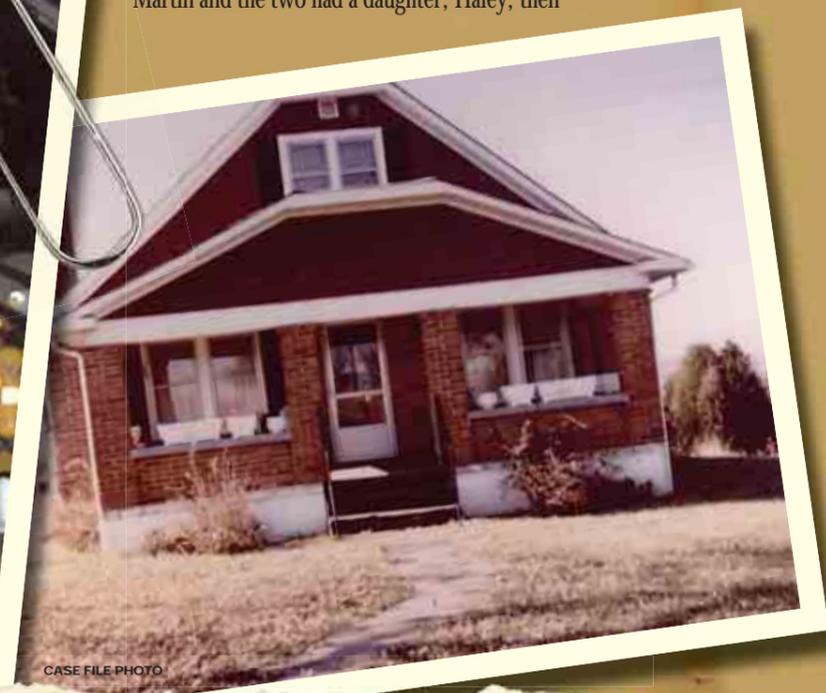
"Yeah," Abner said. "I'm ready to go, dude. When I tell you what I'm going to tell you, they're going to put me down."

CONNECTING THE CRIMES TO THE CONFESSION

"I believed him, but I wanted proof of what he was saying before I really believed him," Whitaker said of his reaction as Abner retold his crimes. "With the descriptions he was giving me of these crimes I felt >>



CASE FILE PHOTO



CASE FILE PHOTO

▲ WHAT ONCE WAS A QUIET, FAMILY HOME IN PULASKI COUNTY WAS RIPPED APART AFTER MICHAEL ABNER MURDERED THE HOMEOWNER, MAE STRINGER, AND LIT HER HOUSE ON FIRE TO DISPOSE OF THE EVIDENCE IN 1988.

Serial Killer Case

>> like he was being honest about them. He was giving me particulars of the crimes that only the killer would know.”

Beginning the process of working the old murders was reversed from that of a normal case — Whitaker first had to determine if there were actual victims. Through a little bit of digging, he learned the Pulaski County Sheriff’s Office had investigated Stringer’s murder in 1988, and the case file still was available.

“For the other case, I had to go back to death records because the sheriff’s office didn’t have that case,” he said. “We found out that the Kentucky State Police actually investigated that one and we were able to find that file and verify his information.”

Whitaker contacted Pulaski County Dep. Coroner Jim McWhorter who, ironically, worked the Mercer case as a trooper in 1983, but also worked the Roerink case in 2010 as the coroner, never knowing the suspect for both cases was the same.

“When I talked to Jim McWhorter, he remembered the case very well,” Whitaker said. “I don’t know if he was surprised [about Abner’s confession]. Obviously, any time you uncover evidence in a 20-year-old case, it’s something you don’t expect. But he knew this guy because he had questioned him in the original investigation. ... Although he was

Michael Andrew Abner
19 Bullock Lane
Eubank, KY 42567

The Grand Jury charges that on or about the 11th day of January 2010 in Pulaski County, Kentucky, the above named defendant(s):

- Count 1 Committed the offense of Murder, by intentionally causing the death of Jack Roerink.
- Count 2 Committed the offense of Robbery, First Degree by causing physical injury to Jack Roerink while in the course of committing a theft.
- Count 3 Committed the offense of Burglary, First Degree by unlawfully entering or remaining unlawfully in a dwelling home of Jack Roerink with the intent to commit a crime and while effecting entry or while in the building or in the immediate flight therefrom was armed with a firearm and/or caused physical injury upon Jack Roerink.

◀ MICHAEL ABNER LISTENS AS A LIFE SENTENCE WITHOUT THE POSSIBILITY OF PAROLE IS HANDED DOWN. DESPITE CONFESSING HIS CRIMES IN EXCHANGE FOR THE DEATH PENALTY, ABNER ENTERED A GUILTY PLEA WITHIN THREE MONTHS OF KILLING ROERINK.



▼ MICHAEL ABNER APPEARS IN PULASKI COUNTY COURT BEFORE DISTRICT JUDGE JEFFREY LAWLESS, ANSWERING TO CHARGES THAT HE MURDERED THREE PEOPLE BETWEEN 1983 AND 2010.

PHOTO SUBMITTED BY COMMONWEALTH JOURNAL

interviewed as a potential suspect, there was no evidence to show that he actually did it.”

In a Commonwealth Journal newspaper article following Abner’s conviction, McWhorter said, “[The conviction] just tickled me to death. We never feel good about an unsolved case. You always remember the ones you can’t solve.”

And McWhorter did remember details specific to the case that clearly matched Abner’s description of the crime, confirming his story for Whitaker. But, after verifying the victims’ identities came the difficult task of contacting their families.

“The Mercer family knew their loved one had been murdered, they just didn’t know by who,” he said. “They were very relieved to find out that this person was the guy who did it and nobody else was being looked at. Obviously, they were very relieved to know the truth had come out.”

Informing the Stringer family, however, brought no relief.

“The Stringer family was just taken aback, because Mrs. Stringer’s death was originally ruled an accident,” Whitaker said. “For all these years, they had been thinking she died a horrible death in a fire. When these new facts came out, they were just horrified to know that their loved one had been the victim of a homicide. In all those years, they never dreamed she had been murdered.”

The case proceeded quickly. On March 3, just seven weeks after Roerink had been killed, a grand jury indicted Abner on three counts of murder, three counts of first-degree robbery, two counts of first-degree burglary and first-degree arson. Three weeks later, Pulaski County Commonwealth’s Attorney Eddy >>

NOTE WRITTEN BY MICHAEL ABNER TO HIS WIFE, TAMARA, FROM THE PULASKI COUNTY JAIL AFTER BEING CHARGED WITH MURDER.

been wrong, you
I love my kids and you. Don't
ever forget that, yes I kill them
people but I love you and my
baby's, you know that, can't wait
to see you all so write me back
and send

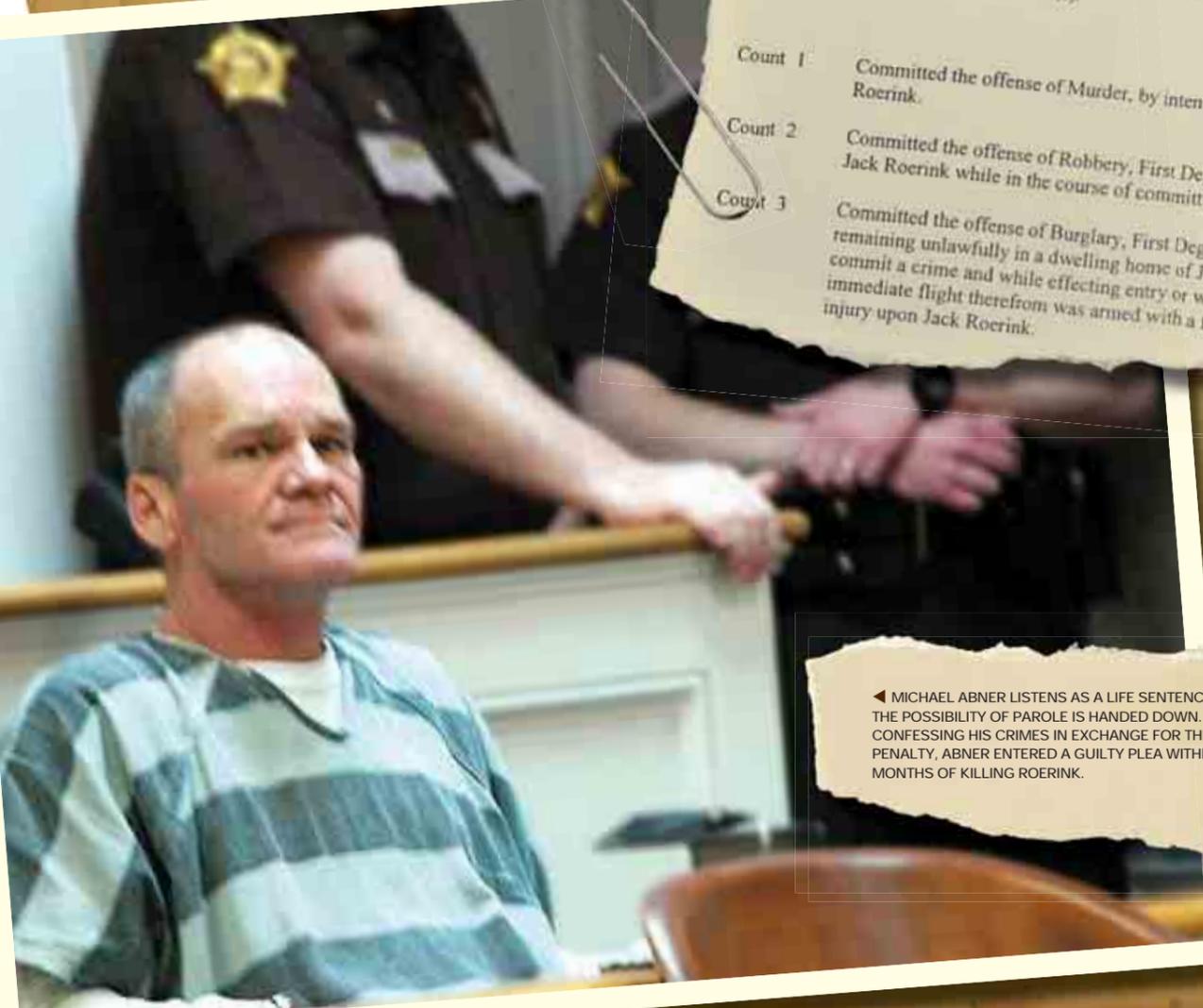


PHOTO SUBMITTED BY COMMONWEALTH JOURNAL

>> Montgomery filed with the court his notice of intent to seek the death penalty against Abner.

A SERIAL KILLER CONVICTED

But Abner's stories of how he attacked and senselessly murdered three, innocent, elderly individuals would never enter the court room. The crime scene photos of a home ripped apart by flames, a helpless woman's charred remains, or of a widowed man's home slobbered with blood would never make it into the hands of Abner's peers.

On April 24, 2010, a tearful Abner pleaded guilty to all counts in exchange for a life sentence without the possibility of parole.

Montgomery explained to the Roerink, Mercer and Stringer families that 60 to 70 percent of death penalty cases get overturned, that the appeals process can take 15 to 20 years and that at a jury trial, there was a risk

of getting a lower sentence than what Abner agreed to serve. The victims' families were pleased knowing Abner — now 47 years old — would never again be a free man.

"The victims all wanted justice," Montgomery said of Abner's penalty. "They wanted to make sure he could never hurt anyone again."

"I'm just glad it's over," Andy Mercer, Mamie Mercer's grandson, told the Commonwealth Journal following Abner's plea. "You learn to live with this, but it's never forgotten. It rocked the neighborhood."

While Montgomery has worked many multiple-victim homicides in his service as commonwealth's attorney since 1998, he said the Abner case was his first conviction of a serial killer.

"His acts are brutal and heinous, speaking to a complete lack of respect for human life," Montgomery said of Abner.

The serial-killer aspect of the case was a first for Whitaker — a seasoned officer with more than 25 years service to the Pulaski County Sheriff's Office — too.

The case took many bizarre twists and turns from start to end. Like on the night of Roerink's murder, when Abner's own wife called 911 operators to inform them something was amiss after finding Roerink's truck parked behind her home in the early morning hours. Or when Abner emerged from beneath his wife's trailer in the below-freezing January weather after officers had pegged him as a suspect in Roerink's death.

Perhaps most notable was the discovery of Abner's wife's vehicle at the Roerink crime scene when investigators arrived — a slip up not expected from a man who had evaded prosecution for more than two decades in his other killings.

Not to mention, it's pretty unusual for a murder suspect to confess not only to his crime, but to two other killings while he's at it.

Whitaker said he learned a lot from working this case, and his most important piece of advice to share with other officers is to be consistent and detailed in documenting their cases.

"When you work your cases, make sure you cover all areas," he said. "Even if it looks like an accidental case, make sure you document the crime scene and how it happened, just in case something comes up in the future that links back to that. So, you can go back and say, 'Yeah, I know his statement is true because it's right here in this report.' Which is what happened in this case. Things [Abner] described on Mrs. Stringer's case, we could go back and look at it and see it was factual. Document your cases just as if they are suspicious in nature."

After all, you never know when that long-time, petty criminal known well county-wide by local law enforcement will turn a case file upside down with a stranger-than-fiction story.

"To have a guy just stand up and say, 'I want the death penalty and here's what else I did so I get it,' — that is probably a once-in-a-career experience," Whitaker said. J

Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552.

◀ PULASKI COUNTY SHERIFF'S DETECTIVE LT. BRETT WHITAKER TALKS ABOUT THE DETAILS OF ABNER'S ARREST AND CONVICTION. ABNER'S SERIAL KILLER CASE WAS A FIRST FOR THE SEASONED INVESTIGATOR.

PHOTOS BY ELIZABETH THOMAS

Defining the Serial Killer

A singular definition accepted worldwide by law enforcement, legislators and medical professionals alike never has been established for the term serial killer. However, there are some basic principles most who study serial killers agree must be addressed.

Time, number of decedents and the number of events are among these principles. Separating a serial murderer from similar, categorical multiple-murderers such as spree killers or mass murderers has been a challenge since the time of Jack the Ripper.

In 2005, however, the Federal Bureau of Investigation hosted a symposium of subject-matter experts to "identify the commonalities of knowledge regarding serial murder," according to the symposium report. Prior to this symposium, the closest solid definition derived from legislation passed by the United States Congress in 1998, regarding the protection of children from sexual predators.

It states: "The term 'serial killings' means a series of three or more killings, not less than one of which was committed within the United States, having common characteristics such as to suggest the reasonable possibility that the crimes were committed by the same actor or actors."

The purpose of this definition never was intended to be used as an across the board answer for defining serial killings. Instead, its application is limited to use by the FBI for when they can or should get involved with local-level serial murder investigations.

Spree killings generally have been defined as "two or more murders committed by an offender or offenders without a cooling-off period," according to the FBI Behavioral Analysis Unit. Similarly, a mass murder has been defined by the FBI as a number of murders, typically four or more, occurring during the same incident, such as in a school shooting.

So, after much discussion based on this definition and the many others that have come before it, the FBI symposium attendees developed this definition: "The unlawful killing of two or more victims by the same offender(s), in separate events." ■



U.S. ATTORNEY'S OFFICE AND PARTNERS TRAIN LAW ENFORCEMENT ON CHILD EXPLOITATION INVESTIGATIONS AND PROSECUTIONS

KYLE EDELEN | U.S. ATTORNEY'S OFFICE



PHOTO BY JIM ROBERTSON

More than 30 investigators stared intently at a picture of a junk food buffet. The photo included an assortment of potato chips, cereal, cookies, candies and other snacks scattered across a table.

But there was one item in the photo that wasn't edible.

"Where's the evidence?" asked Assistant United States Attorney Erin May, hoping the others could locate that item.

Her question was answered only by silence.

"It's next to the cracker, right?" She hinted to interrupt the quiet.

"Gosh," one investigator whispered in disbelief after he finally spotted the little object, which was one-fourth the size of the cracker.

May, a federal prosecutor with the U.S. Attorney's Office in Lexington, explained that the tiny object in the picture was a memory card used to save photographs taken by a digital camera.

May's presentation was part of a three-day training in Olive Hill, Ky., where state and federal law enforcement officials spoke to approximately 40 investigators on developing strategies for effective investigations and prosecutions in child exploitation cases.

Statistics show that 50,000 child predators are probing the Internet at any given time looking to sexually exploit children.

May's exercise demonstrated the challenge facing detectives who investigate cases

//
The evidence you're searching for in some of these cases may be no bigger than your thumbnail. It can make investigations very difficult.

— MOREHEAD POLICE
DETECTIVE DAVID SEXTON

that involve the sexual exploitation of children through electronic media such as cameras and cell phones.

"The evidence you're searching for in some of these cases may be no bigger than your thumbnail," said detective David Sexton who attended the training on behalf of Morehead police. "It can make investigations very difficult."

In addition to the memory card, May explained that other portable media, like flash drives, also can be hidden in a wrist watch or a Swiss army knife.

The evidence may be small enough to hide under a cornflake but it's also powerful enough to determine whether a child molester is free to roam the streets or sits in jail.

Those electronic chips may include numerous incriminating photos of the suspect sexually exploiting a child, May said.

"That's the challenging part about searching for electronic evidence," May said. "That evidence is crucial to your case, but can be difficult to find and easy to disguise."

However, spotting that type of evidence is only half the battle in child exploitation cases. Investigators must make sure that they seize the microscopic evidence within the rights of a citizen, as set forth in the Fourth Amendment, so that it can be allowed into the courtroom.

Failing to write a good search warrant affidavit can produce devastating results in these cases. In a recent Ohio case, charges

against a child molester were dismissed after the crucial evidence never made it into court because the search warrant contained flaws.

May encouraged detectives to define the electronic media they plan to collect, such as a USB drive (a portable device that can store and save data created on a computer), so the judge knows exactly what the devices are and why the investigator is looking for them.

"Judges may see a case like this once in a lifetime, so they may not know what some of these media terms mean, so defining them certainly helps," Sexton said. "Not doing so is a good way to get your evidence squashed or kicked out of the courtroom."

Another useful aspect of the training included learning and sharing the experience with other law enforcement officers who can assist in the investigation and prosecution of child exploitation cases, Sexton added.

"Knowing that I can pick up the phone and call the U.S. Attorney's Office or Kentucky State Police is helpful," Sexton said. "We are more successful when we combine our efforts to combat this ongoing threat to our children." 



For more information on the do's and don'ts of seizing digital evidence, please read the seizing digital evidence series, which ran in the past three issues of KLE, by visiting <http://www.docjt.ky.gov/publications.asp>.

A BENEFIT FOR BOTH

Internships a Good Program for Potential Officers and Agencies

KELLY FOREMAN | PUBLIC INFORMATION OFFICER



It gives us a chance to evaluate their work performance, them personally — plus it gives them a chance to evaluate us and see if policing on a college campus is what they want to do.

— UK POLICE CHIEF
JOE MONROE



Law enforcement is not a career choice to be taken lightly. Some who leave the field long before retirement often do so because they realize after unhappy years on the job that it just isn't for them.

But many Kentucky agencies provide a way for would-be officers to get a little experience under their belts before taking the oath and gain some valuable assistance while they're at it.

Across the state, dozens of agencies have developed internship programs. Some have

accepted local high school students for the job while most employ students from nearby colleges and universities. The majority of agencies pay no wage to the interns for their employment, but course credit hours typically are earned at the college level.

At the University of Kentucky Police Department, Capt. Nathan Brown was hired in 2005 as the department's first intern.

"We saw the value from the work he gave us," UK Police Chief Joe Monroe said of Brown. "As we hired him on, it almost

seemed like a happy marriage. What I saw over the last couple years in doing this is that it gives us a chance to evaluate the students as they come through. We get to know them as people. It gives us a chance to evaluate their work performance, them personally — plus it gives them a chance to evaluate us and see if policing on a college campus is what they want to do."

Ret. St. Matthews Police Maj. Kathy Eigelbach agreed. Eigelbach now serves Bellarmine University as the student intern coordinator for the school's Sociology and Criminal Justice departments, placing interns in police agencies much like the one she served.

"You get the opportunity to observe them in different situations, to know if they are reliable about coming to work, about communicating in all different forms, if they follow through with what they said they were going to do, the way they behave when meeting the public and other officers — you can observe a lot about people in a semester's period of time," Eigelbach said.

Eigelbach and Brown — who now leads the internship program at UK — both see internships as a valuable recruitment tool in an era where recruitment can be difficult. About half of the interns UK has seen think they want to do something in >>



PHOTO BY ELIZABETH THOMAS



PHOTO SUBMITTED

ANGELINE BOUCHARD

UNIVERSITY OF KENTUCKY POLICE OFFICER ANGELINE BOUCHARD ENGAGES IN A LOW LIGHT SIMULATED ROBBERY CALL WITH THE FIREARMS TRAINING SIMULATOR AT THE DEPARTMENT OF CRIMINAL JUSTICE TRAINING DAYS BEFORE HER GRADUATION FROM BASIC TRAINING. BOUCHARD BEGAN HER CAREER WITH UK THROUGH AN INTERNSHIP WHILE STILL IN COLLEGE.



PHOTO BY ELIZABETH THOMAS

BROOKE HIGH

>> law enforcement and many come in with criminal justice majors.

"We see how they do (during the internship), then we sit down with them and have a conversation about how we think they could be successful in a law enforcement career and might really want to look at us," Brown said. "We have some pretty neat things they might not be familiar with."

Apparently, that tactic is working.

Angeline Bouchard began her internship with UK in summer 2009 and stayed with them throughout the remainder of her college career at Eastern Kentucky University. Bouchard was a criminal justice major and needed an internship as a graduation requirement. She interned earlier with the Bureau of Alcohol, Tobacco, Firearms and Explosives, and when her service there was finished, she wasn't done. After missing

an opportunity for a Federal Bureau of Investigations internship, an FBI-resident agent connected her with Chief Monroe.

"I had the interview with the chief and a now-lieutenant and that was it," Bouchard said. "The rest is history. I was the intern for the detective bureau."

In October 2009, just months before her college graduation, a position opened with UK. Bouchard applied, went through the hiring process and was selected. On Sept. 3, 2010, Bouchard graduated from Department of Criminal Justice Training's Basic Training Class 416.

Bouchard's internship with UK was invaluable, she said.

"I already had the fire inside that I wanted to be in law enforcement," she said. "The internship really just showed me that this is exactly where I needed to be. When I got

the job, it was kind of surreal. It is a huge blessing."

Watching someone like Bouchard grow through the program into an officer full of potential is special for Monroe.

"I look at them as if they are my own kids," he said. "It makes me proud to see these kids develop."

MAKING IT WORK

The Kentucky State Police Drug Enforcement and Special Investigations branch in western Kentucky has had about a half-dozen interns over the years, said Criminal Intelligence Analyst Sheri Jones, but the agency's most recent intern, Brooke High, was exceptional.

High, also an ECU student, needed an internship for graduation like Bouchard. She connected to the DE/SI West office through a previous intern.

"She completed her hours and then continued to volunteer after that and put in quite a few hours," Jones said.

High worked on some organizational projects for the agency and did some filing and data entry during her time. While sometimes tedious, it is work that eased the agency's manpower shortage and allowed them to get caught up on tasks that may otherwise have fallen by the wayside, Jones said.

But High was not just stuck in an office chair.

"I did surveillance on marijuana patches, I traveled a little bit in the field and we tested some suspected drugs to see if they were really drugs," High said. "I interviewed suspects in relation to cases and got to watch that whole process in the office."

"They were great," she continued. "I learned so much just being there every day, no matter if I was in the office or out in the field."

Having something worthwhile for the intern to do is a crucial part of making a program work, Eigelbach said.

"You have to have a meaningful program for them — something that is meaningful for them to do but that can be a big help for you if you get a good student," she said. "Really, I think where people underutilize interns is in not giving them meaningful tasks, thinking, 'They will not be able to do that.'"

The Richmond Police Department found lots of meaningful projects on which its first intern could work. The agency hired its first intern during the spring semester of 2010, Jonathan Williams, who was a junior criminal justice major at ECU. The criminal investigations division was overwhelmed with pawn tickets and needed somebody to go through them. It quickly became Williams' specialty.

"Primarily, I would come in and have cases on my desk and I would run them through a system called Leads Online," Williams said. "They use it to check the reports to see if there is any stolen property that ended up at pawn shops. I go through the police report and see where this guy stole a Sony. Then I would go through Leads Online and see if I can find a Sony around that date, see what the suspects' background is like, and if serial numbers match up, we'll seize the item from the pawn shop."

He single-handedly solved four cases by matching up pawn tickets with cases. Soon, Williams' supervisors, Richmond

Police Sgt. Rodney Richardson and Maj. Bob Mott realized Williams was capable of much more.

Before long, he was taking pictures for patrol's photo lineups, sitting in on interviews, helping take pictures of victims' injuries, observing death investigations and more.

"I think [Williams] was part of the reason for that," Mott said. "We started off just wanting him to be able to check the pawn tickets, but we realized he was capable of doing a lot more than that. He wasn't just sitting there doing the pawn tickets, he was asking questions and it was obvious he had some interest."

"He took a lot of initiative on his own," Richardson said. "And, if we went somewhere, he asked to go."

"You can make this internship as little as you want it or as much as you want to make out of it," Williams explained. "I decided to try to make it as much as they would let me."

In a department struggling, like most, with manpower and funding shortages, Richardson said Williams allowed the agency's detectives to focus on higher-priority cases.

"It has definitely opened my eyes to local law enforcement and Richmond has done an excellent job with the internship," Williams said. "It has gone way beyond my expectations. I didn't think I'd be doing any of the stuff I am doing now. I didn't think I'd see that much. I've seen a lot. It really lets you know if you're ready to do that kind of job."

With proper leadership, learning opportunities and a desire on both ends to get something productive from the program, interns can prove a valuable asset with little to no cost to the agency.

"I wish I had the opportunity to go through a program like this before I started," Mott said. J

Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552.

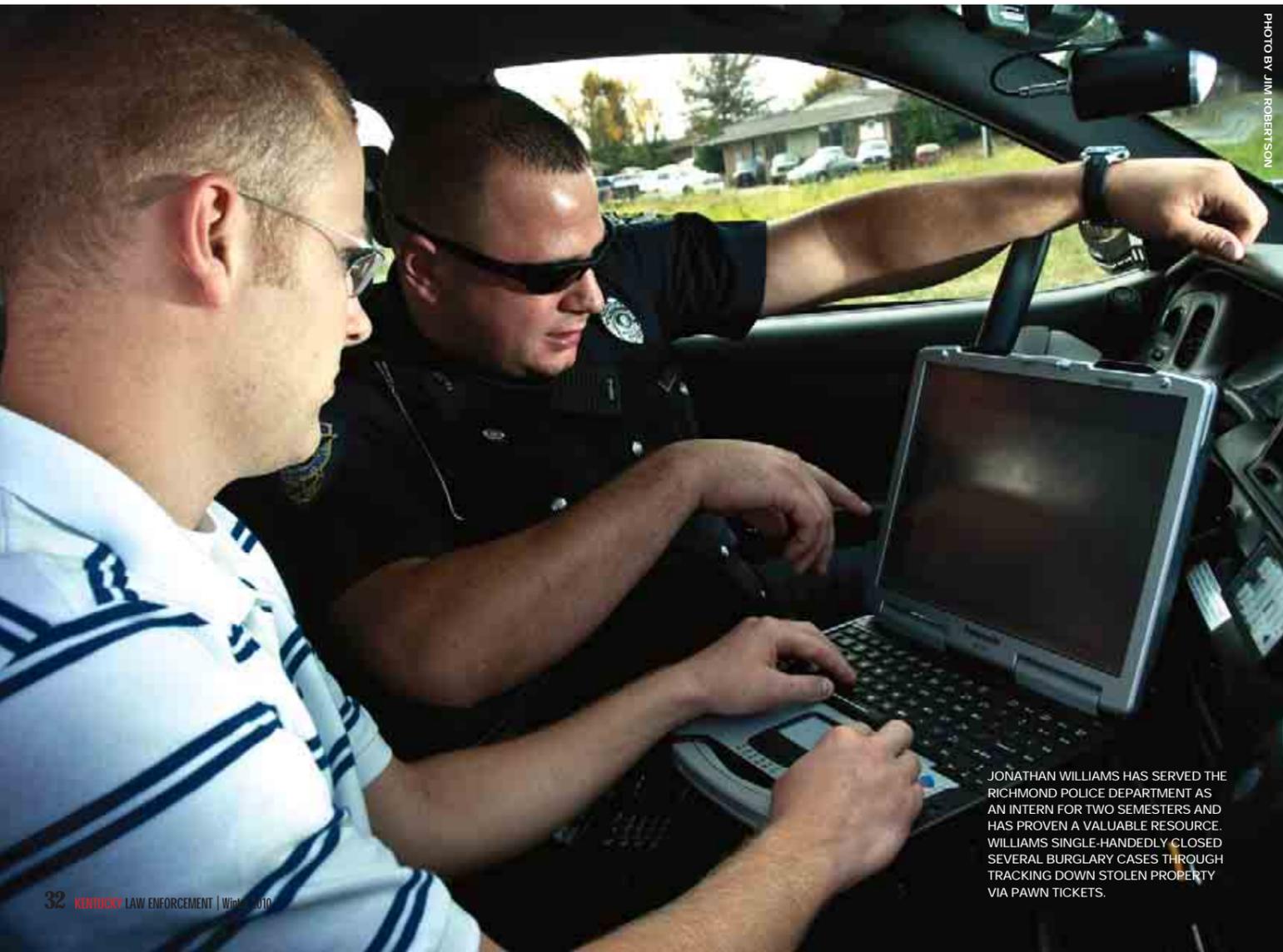


PHOTO BY JIM ROBERTSON

JONATHAN WILLIAMS HAS SERVED THE RICHMOND POLICE DEPARTMENT AS AN INTERN FOR TWO SEMESTERS AND HAS PROVEN A VALUABLE RESOURCE. WILLIAMS SINGLE-HANDEDLY CLOSED SEVERAL BURGLARY CASES THROUGH TRACKING DOWN STOLEN PROPERTY VIA PAWN TICKETS.



PHOTO BY JIM ROBERTSON

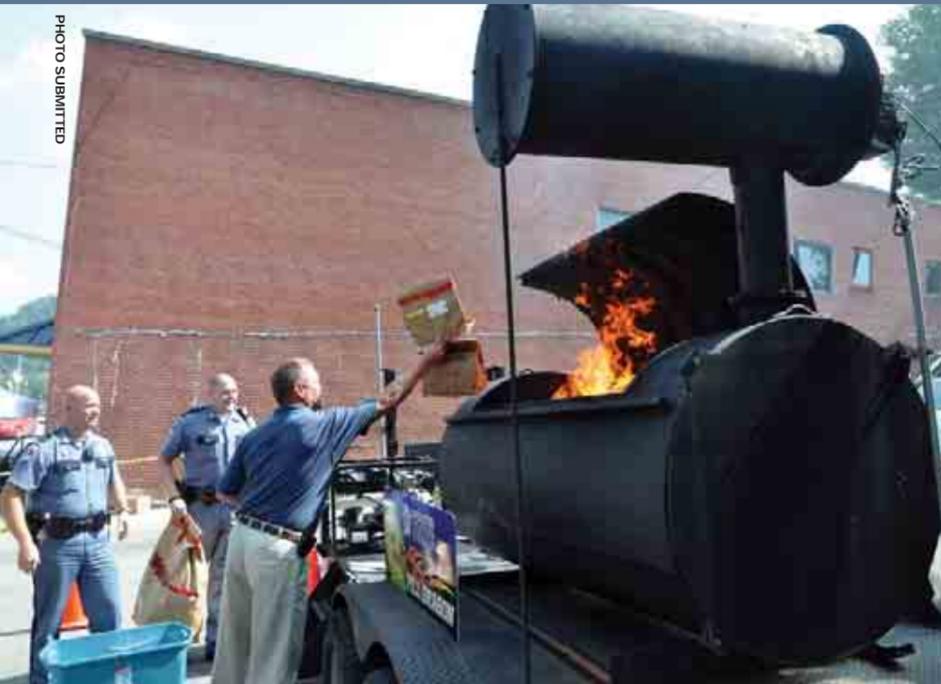
JONATHAN WILLIAMS

Up in Flames

'Pill Dragon' Partnership Fills Need to Safely Dispose of Prescription Medications, Illegal Drugs

DALE MORTON | COMMUNICATOR DIRECTOR, UNLAWFUL NARCOTICS INVESTIGATION, TREATMENT AND EDUCATION

PHOTO SUBMITTED



UNITE LAW ENFORCEMENT DIRECTOR DAN SMOOT PITCHES IN ONE OF SEVERAL BAGS OF EVIDENCE FOR THE HAZARD POLICE DEPARTMENT.

As the Dragon's wide, black mouth is slowly cranked open for another feeding, an intense heat blasts forth. Passers-by pause to quench their curiosity as bags and boxes filled with a rainbow assortment of multi-shaped pills are pitched into the beast's cavernous confines and quickly are consumed.

This mobile incinerator — affectionately dubbed the Pill Dragon — is one of two portable units on loan to Operation UNITE from the Kentucky Army National Guard for "Clean Your Medicine Cabinet Out Day" events in communities across southern and eastern Kentucky. Held in cooperation with eastern Kentucky's Personal Responsibility in a Desirable Environment initiative, or PRIDE, the traveling pill take-back program offers a sensible solution to several problems affecting the region.

"This incinerator will go a long way to help our rural law enforcement agencies and families dispose of prescription drugs in an environmentally friendly way," said Fifth-District Congressman Harold "Hal" Rogers, during the Dragon's debut in Hazard on August 6. "This is a great partnership between UNITE, the Guard and PRIDE."

Early success indicates there's quite a demand for this free service.

Just days after the Pill Dragon's debut, UNITE was contacted by a dozen community coalitions and law enforcement agencies wanting to schedule a visit. By mid-September, more than 32,000 pills had been digested by the Dragon's insatiable appetite. Although prescription medications are its main course, the steely beast also has been fed such delicacies as cocaine, marijuana, methamphetamine and heroin.

The Dragon affords a preferential method for law enforcement agencies, medical practitioners, coroners, end-of-life care providers and the public to eliminate stockpiles of unwanted, unused or outdated medications. If possible, pills should be brought in their original containers, which are then recycled once identification labels are removed.

"For years, the generally accepted method for disposing of old or leftover medications was to flush them down the toilet," said Karen Kelly, director of both the UNITE and PRIDE organizations. "That practice, however, has been strongly discouraged for the past decade because of concerns about the potential health and environmental effects of antibiotics, hormones, painkillers, depressants and stimulants making their way into our water system and our soil."

There's a practical side as well.

"It has long been known by law enforcement that storing unused medications makes you a target for theft, burglary and, at times, robbery," said Dan Smoot, law enforcement director for UNITE. "Many community members who have taken advantage of this service said they had kept their medicine simply because they didn't know how to properly dispose of it."

Both UNITE and PRIDE have established educational components to inform the public about dangers posed by unsecured medicine in

the home and potential long-term environmental consequences of improper disposal.

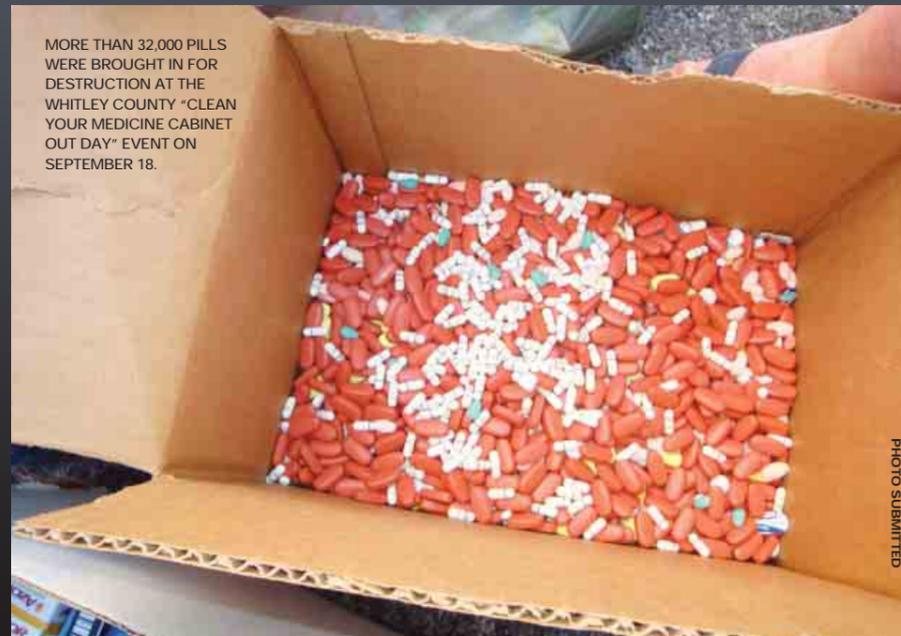
By providing free medicine lock boxes and educational materials to those turning in prescription medications, UNITE hopes to increase awareness and safety.

A troubling statistic, Smoot said, is that many children's first encounter with drugs is through experimentation with medications obtained from their home medicine cabinet. The most recent Monitoring the Future study found seven of the top 10 drugs being abused by high school seniors are legal prescription or over-the-counter medications. Early next year UNITE will launch a program called Accidental Dealer to draw attention to this problem.

"Teens believe that because drugs are prescribed they are safe, but that is true only when taken according to directions and only by the person to whom the drugs were prescribed," Kelly said. "Aside from the fact that taking or giving away medicine that is not prescribed to you is illegal, even at smaller doses, the potential exists for serious health effects — including death."

Powered by diesel fuel, the Dragon burns at up to 2,000 degrees Fahrenheit to safely and efficiently reduce medications to ash for disposal.

For more information about Operation UNITE visit their Web site at www.operationunite.org. J



MORE THAN 32,000 PILLS WERE BROUGHT IN FOR DESTRUCTION AT THE WHITLEY COUNTY "CLEAN YOUR MEDICINE CABINET OUT DAY" EVENT ON SEPTEMBER 18.

PHOTO SUBMITTED

Kentucky's Children Endangered by Drugs and Meth Labs

DAVE KELLER | AHIDTA

Every day, Kentucky's children are harmed by living in environments surrounded by drugs, drug using parents or drug concocting laboratories. Young children living with caregivers who are misusing substances often endure a disproportionate level of maltreatment including direct and indirect exposure to toxic agents, physical abuse and exposure to intimate partner violence and sexual abuse including sex trade for drugs.

Parents who misuse substances usually are ineffective caregivers due to physical and mental impairments during intoxication and withdrawal states, using limited funds on substances instead of food, shelter and other basic household needs and spending time seeking, procuring and taking substances instead of caring for their children.

The following is a short list of Kentucky's recent statistics regarding meth and children.

- Kentucky found 741 recorded meth labs in 2009.
- Kentucky recorded 111 children affected by meth labs in 2009, according to the Drug Enforcement Administration's El Paso Intelligence Center.
- Kentucky had 7,207 children in state sponsored care as of June 6, 2010.
- The average cost per child is \$73.37 per day, for a total state expenditure of \$193 million per year.
- Kentucky had 4,893 children (five and younger) in foster care due to neglect or a drug abusing parent during 2009.
- State social workers indicated that 995 of these children had a drug-abusing parent. ■



KENTUCKY'S
SCHOOL RESOURCE
OFFICERS PROTECT
AND SERVE AN
INTEGRAL PART OF
THE COMMUNITY
IN SCHOOLS
THROUGHOUT THE
COMMONWEALTH

ABBIE DARST | PROGRAM COORDINATOR



Protecting Our Most Valuable Resource

Imagine a mammoth event coordinated in a local city drawing nearly 20,000 young people through the doors from all different ages, ethnicities and socio-economic backgrounds. Lasting for seven hours, this event allows teens and 'tweens' to mingle and socialize — with inevitable conflicts popping up without warning.

Now imagine that not a single law enforcement officer in the city or county is assigned to cover, patrol or police this event at all.

Every day, Boone County's SROs face an event just like this with the 19,500 students that attend the 22 schools in the county.

"A lot of schools have 1,000 or more kids — where else would you have 1,000 kids and no police officer present?" asked Kentucky Association for School Resource Officers President Richard Kirby, who also serves as a school resource officer in Warren County.

The answer most would give is a resounding, "nowhere." Numerous law enforcement agencies and communities across the commonwealth have realized the need for school resource officers in their schools.

Not only do the schools across the state contain a major populace of their communities, they also directly reflect the demographic make up of each community in which they are situated.

"The SRO program is the true meaning of community oriented policing because we are dealing with not only kids, but parents and grandparents," said Nicholasville Officer James Howard, one of four SROs that serve in Nicholasville schools. "[We] come in contact on a daily basis with more people in our community than the rest of the community services division put together. It's the ultimate form of community oriented policing — it's where it really is at."

Boone County Maj. Michael Hall agreed. Hall supervises the eight SROs assigned to schools in Boone County.

"We feel like we are fulfilling an obligation to the schools and the community by being [in the schools]," he said.

With the number of students in many schools across the state, each school takes on an identity all its own.

"Each one of these campuses is like its own little community," Hall said. "They have the principal who's the mayor and that's what it's all about."

"We see that thin blue line where the police are here and everybody else is over there," said Madisonville Capt. Wade Williams. "This [program] is one avenue that we try to tear through that line and say it has to be a community effort. If they say they're going to do community oriented policing, then they have to do what they say and put a community officer in and make him part of this community."

Like any community, though administrators keep things running, they need the assistance of law enforcement to keep people safe.

"These administrators have so many responsibilities and so many things to do, and it's about education with them," said Boone

County SRO Ben Booher. "So, me being here frees up a lot of their time to deal with the stuff that they need to deal with and allows me to deal with the stuff they don't really need to be dealing with."

WHAT'S THE APPROACH?

Created in 1998, the Kentucky Center for School Safety has helped guide the successful placement and use of school resource officers through encouraging a triad approach — law enforcement officer, counselor and instructor, said Lee Ann Morrison, training coordinator for KCSS. This approach allows officers to use numerous tactics and techniques for not only enforcing school rules and laws, but also becoming a well-rounded part of the school community in order to help mold the children with which they come in contact into productive members of society.

Having SROs in schools in a law enforcement capacity greatly benefits both the agency and the schools in which they are serving.

"SRO programs are so important because they are preventative — instead of being reactive you can be proactive," Morrison said.

That proactive approach allows school officers to gain knowledge that might otherwise be inaccessible.

"I try to keep a good rapport with the students and let them know I'm here to help them keep the school safe," said Boone County SRO Kerry Curry. "If they know something is in the school I need to know about, they need to tell somebody and help me help them."

"You really reap the benefit of being proactive," Booher agreed. "I don't like taking kids home or to the sheriff's office or calling their parents; I'd rather be here laughing and

joking and having a good time with them. ... So, you work a little harder to fix the problems, and it pays off."

Not only does it pay off for the school, but it pays off for the entire department. Having SROs in the schools helps ease the burden of other road officers responding to numerous and reoccurring incidents at the schools.

"It's a great relationship," Hall said. "They've got a law enforcement presence [at the school] and if they have a criminal issue or even just a traffic issue or accident, the SRO can handle those ... instead of having a road unit redirect from his calls to come and take care of that."

But for an agency just beginning an SRO program, that benefit can be masked initially.

"The first year you have an SRO your reports go up because no one had been there to report everything prior," KCSS's Morrison said. "That can be looked at as a negative. But, in year two the numbers go back down because they have that presence in the school. They have to get over that first-year hump."

Overall, most agencies find that criminal incidents reduce in a school with an SRO, she said. Once boundaries are set and rules are laid out, officers act accordingly to send a strong message as to the consequences and repercussions that can be expected when those rules are broken.

"If I have to take the next step, I tell [students] the next time they'll go out in handcuffs, then they do and go to juvenile detention or to the sheriff's office and are picked up by mom and dad," Curry said. "If it takes more significant law enforcement action to straighten them out, then I'll do that."

VALUABLE RESOURCE

"Chiefs and sheriffs need to realize what a valuable tool they have in an SRO who is working inside the school," KASRO's Kirby said. "One reason is, in many cases they would be answering calls to a particular school if there was no SRO there.

"But it's a two-fold thing," he continued. "They begin to learn the community through >>

BOONE COUNTY SRO BEN BOOHER TALKS WITH A STUDENT DURING LUNCH IN CONNER HIGH SCHOOL'S CAFETERIA. BOOHER SAYS EATING WITH THE STUDENTS ALLOWS HIM TO BUILD RELATIONSHIPS.



PHOTO BY JIM ROBERTSON



BOONE COUNTY SRO KERRY CURRY HAS BEEN IN LAW ENFORCEMENT FOR NEARLY 35 YEARS, BUT STILL KNOWS HOW TO RELATE TO THE STUDENTS IN HIS CHARGE AT CONNER MIDDLE SCHOOL.

PHOTO BY JIM ROBERTSON

>> the students in the school and can assist other law enforcement officers working the street through knowledge gained from working in the schools.”

That first-hand knowledge, when handed over to investigators, can potentially be the link that makes or breaks a case.

“I help the [officers] on the street a lot with information that kids give me when they come in and talk,” said Madisonville SRO Bob Couchman.

Couchman has a separate phone line he allows students to use at any time of day or night to leave voicemails or texts about issues, problems or information they feel they need to share with him.

“Our program worked great as an intelligence gathering tool once the kids really began to trust us,” said Nicholasville SRO Sam Wade. “Kids will pull us aside . . . and tell information about crimes happening in the community that we pass along to our detectives to help them solve cases.”

Nicholasville SRO Jacob Jones recalled a situation where the information gathered at school made all the difference in what would have been a dead-end case. There was a 13-year-old girl who was suspected to be in a relationship with a 30-year-old man. When patrolmen were sent to her house she refused to talk to them, and at that point, they were stuck, Jones said. Then one of the girl’s friends came and talked to Jones and a school counselor about a friend she was worried about who was in a relationship with a 30-year-old man. With the information gathered from the friend, Jones was able to bypass the victim and go straight to the perpetrator who gave him more information on the relationship.

“I did the entire investigation based off intel from her friend, and in the matter of an afternoon the guy was sitting behind bars,” Jones said. “If I was a patrolman, I would have been stuck because I wouldn’t have recognized who her friends were.”

Instances like this case in Nicholasville are only possible because of positive relationships that these SROs form while working in their schools. The foundation of a successful SRO program is in the relationships built between the students and the school administrators.

Building a relationship between the officer and school administrators and allowing the officer to have a specific place in the school environment is crucial to getting an SRO program off the ground in any school district, Morrison said.

“The most useful [SROs] are the ones invited into the school environment,” she said. “They are in the schools every day. We encourage that the SRO have an office, a computer and his or her place in the school.”

But once an SRO is in the school environment, he or she must work with the school administrators to define each party’s role in the relationship.

“Our SROs are there to assist, not take over responsibility from the school

“*From the top of the school system to the principal, to the superintendent, we are in constant communication. We want to know what is going on and when it is addressed. Without that team, I don’t know how it would work.*”

— MADISONVILLE SRO BOB COUCHMAN

administrators,” Boone County’s Hall said. “They know we work with them but we work for the sheriff’s office. There is a fine line there. The SROs cannot be used as their administrators. We’ll be glad to help in whatever aspect we can, but there is a fine line there.”

Much of the success that has been seen at Madisonville-North Hopkins High School is because of teamwork and collaboration.

“The school administration, the court system and me all working together — we’ve built one heck of a team, I think,” Couchman said. “From the top of the school system to the principal, to the

superintendent, we are in constant communication. We want to know what is going on and when it is addressed. Without that team, I don’t know how it would work.”

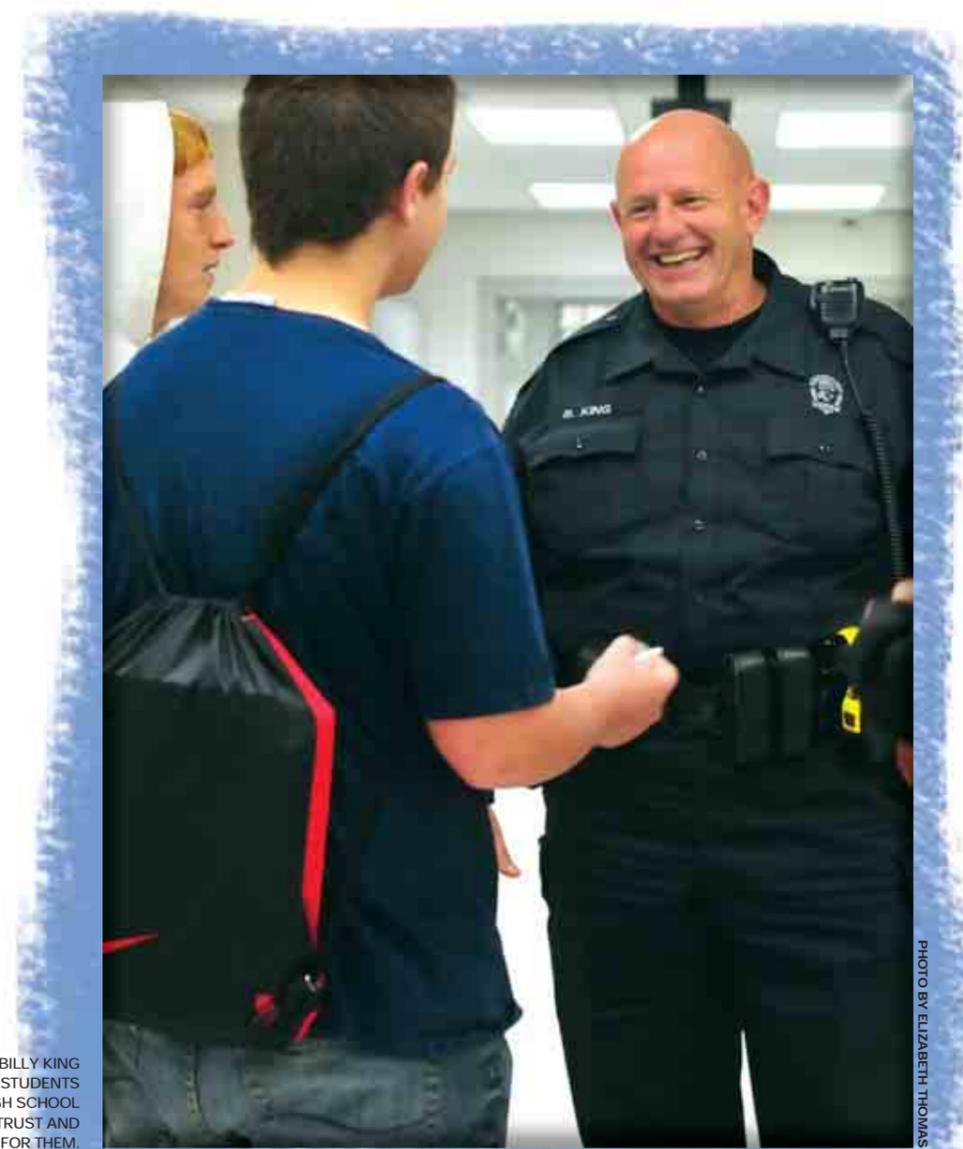
The KCSS strongly encourages that officer-school administrator relationship.

“The programs that I don’t see as successful are the ones where no one knows who the [officer] is,” explained Morrison. “He parks his cruiser in front of the school, goes in the library and sits and reads the paper until someone calls him. That’s not a successful program. Everyone should know who he is and why he’s there, including the staff. >>



MADISONVILLE SRO BOB COUCHMAN FOSTERS RELATIONSHIPS WITH STUDENTS HANGING OUT WITH THEM AT LUNCH, CUTTING UP AND SWAPPING STORIES.

PHOTO BY ELIZABETH THOMAS



NICHOLASVILLE SRO BILLY KING ENJOYS TALKING WITH STUDENTS AT EAST JESSAMINE HIGH SCHOOL IN ORDER TO BUILD TRUST AND BECOME A SAFE HAVEN FOR THEM.

PHOTO BY ELIZABETH THOMAS

//
*You have an
 opportunity to make
 a difference in a lot
 of these kids' lives...*

— NICHOLASVILLE SRO
 BILLY KING

>> "That can happen because an SRO is forced into the role and the administration doesn't know what to do with him when he is there," she continued. "The best programs are planned out partnerships between the law enforcement agency and the school district in which they can decide together how to use this position."

KCSS offers free technical support to struggling SRO programs to help them figure out how to best use their SROs in the school environment, Morrison said.

'A SAFE ZONE'

But perhaps even more important to an SRO's long-term success is the relationship he or she builds with students day in and day out.

"You have an opportunity to make a difference in a lot of these kids' lives, whereas on the street you would never really get the chance," said Nicholasville SRO Billy King about why he enjoys being an SRO. "Here, you see them on a daily basis. You can build a relationship with them and try to keep them on track before it's too late and before it gets to the point where you have to deal with me in a reactive state instead of proactive."

Keeping an open door of communication between the resource officer and the students can deter many incidents from ever occurring.

"Our philosophy is if we can hear something then we can do something before it happens," said Manchester SRO Jeff Collett. "You would be surprised what kids will come and tell you. Somebody's going to tell it if they know it."

Because of the nature of their jobs, SROs often get the most time to build relationships with the students that cause the most trouble.

"It is a very small percentage of students that I have to deal with," Boone County's Booher said. "I don't like to deal with the students I have to deal with, I like dealing with the students that I want to deal with. I'd much rather attend the basketball games and the football games and walk around the hallways and have good face-to-face time with the students. That's rewarding for me and probably serves them well also."

"The more people I have a decent relationship with, the fewer students are causing problems," he continued. "When I develop relationships with troubled students, they don't want to disappoint me — just like a good kid doesn't want to disappoint a good parent."

It is that philosophy of taking a child under their wing that allows them to serve as role models and change the lives of children.

"You can't hide from these kids — they find you," Nicholasville's James Howard said. "Even on the street or in Wal-Mart when you're not in uniform, these kids see right through that and recognize you. ...It's both good and bad, but it shows you how effective you have been and what a positive role model you have been in kids' lives."

In today's society, many SROs realize how important it is to provide young people with a positive role model. In the midst of students' difficult backgrounds and home situations, an SRO can offer them a safe haven to bring their problems, issues and frustrations.

"I call this a safe zone because kids these days have an anger-management problem,"

said Boone County SRO Rick White. "I don't want them to look at me as the enemy, so I'll let kids come in [my office], shut the door and let them punch chairs and scream as long as they don't break anything or try to hurt me."

"If they scream and cuss and yell, that's ok — it gets it out of their system," he continued. "Because out in the hallway is where it will get them into trouble."

As relationships grow, often the students' stories begin to hit home for an SRO.

"Any of the abuses — when you're close to a kid and they start to pour out their soul, it is a hard one to swallow sometimes," Nicholasville's Jones said. "Everyone has a soft place in their heart for children, but when you get to know the kids and their backgrounds and they come and tell you what's going on, it can be difficult. It will mentally challenge you to say the least."

Nicholasville's Howard agreed.

"The kids you get attached to, when they are hurting, you are hurting too," he said.

On the flip side, SROs can also offer children some of the attention and recognition they are lacking in their home environment.

"The kids you get close to want you in their lives, too," Nicholasville's Wade said. "And it may be the kids whose mom and dad won't come to anything ever, the fact that they asked you to come (to an event) and you show up is a big deal for them. We may never get paid for it, but the fact that we can be there for that kid is a big deal."

Naturally, by being in the schools on that ground level with students every day, school resource officers in communities across the state are making a huge impact in the lives of thousands of children in a way that few get the chance to do.

"I wanted to become an SRO because for me it was feeling like [I couldn't] get ahead on the street — you don't feel like you are actually making a difference out there when you've been doing this as long as I have," said Howard who has worked as an officer for 13 years. "I just wanted to feel like those I was working with, whether it was positive or negative, I was making a big difference in their lives."

Making a difference starts with changing the concept of a law enforcement officer for many kids. If a child's experience has been the police coming to their home and taking mom or dad to jail and he or she leaves with social services, that leaves them with the impression that the police are the bad guys, Madisonville's Sgt. Robert Carter said.

"We are tearing that down," Carter said. "We now have young people who remember us from their kindergarten classes and DARE graduations and the other opportunities we've had that have been good, so when we see them walk across the stage on graduation night, leaving here and going to college, we are getting the thank yous — 'you believed in me when no one else would. If it had not been for you I wouldn't have made it.'"

Most SROs agree that it is the success stories that make their job worthwhile.

"It is touching to go to those graduations and see the kids coming across the stage," Nicholasville's King said. "I'm shaking hands or passing out hugs, and to know that I played a role in helping to get some of them to that point, really gives you a warm feeling."

Though being an SRO is not a position that all officers would want to do or be successful in, for the more than 220 resource officers across Kentucky, it is a position they have come to respect and deeply appreciate.

"I talk to a lot of officers who have been in the job as long as me, and they say they are burnt out," said Boone County's Curry, a 34-year law enforcement veteran. "But when I started working in the schools, it rejuvenated me. I enjoy working with the kids."

"You actually have the ability to come to work and have a good day," King agreed. "It's not destined that it's going to be all bad from the time you hit the clock. Normally there are things we have to deal with. But, I can honestly say there are days that I come to work and do absolutely nothing but have a good time with the kids. The chance to be able to have that makes it really nice coming to work."

"It may be a day where you have to arrest a student or bring criminal charges, but it is not a given like on patrol," King continued. >>

FINDING THE FUNDS

ABBIE DARST |
 PROGRAM COORDINATOR

Funding is the biggest challenge facing Kentucky's school resource officer programs. Since the most effective programs have multiple SROs to meet the needs of the school district, when programs take funding hits or SROs have to be cut because of budget issues, the repercussions affect the school district, students and the department, said Lee Ann Morrison, training coordinator for the Kentucky Center for School Safety.

There are numerous ways that an agency can get creative to help ease the financial burden associated with carrying an active SRO program. In Boone County, retired law enforcement officers were hired into SRO positions, eliminating the need to provide benefits. Their SROs are also on nine-month contracts, having the summer off, to reduce cost to the department, Morrison explained.

Other departments split the cost with the school district with the understanding that the SROs go back to road duties during summer months.

In Nicholasville, when Maj. John Branscum pushed for the program, they ran into funding issues. In their case, the city of Nicholasville, the fiscal court and the school board equally fund the city's SRO program, which supports four officers in the city's two middle schools and two high schools.

"A lot of counties across Kentucky would love to have [an SRO], but simply can't afford it," said Kentucky Association of School Resource Officers President Richard Kirby, who is also a Warren County SRO. "That's the sad part of it, is that it is between money and safety."

Besides looking into different grant options to help fund SRO programs, agencies can also call the city administrator's attention to the benefits the program provides the community to help them better understand the program's purpose and effectiveness.

"We started our program on a community-oriented police services grant, and when we lost that funding, we thought the program would expire," Kirby said. "Not a lot of planning went into keeping the program going. After a few weeks, the superintendent's phone started ringing off the hook with parents who were tuned into and liked the idea of having an SRO and said they wanted us back." ■

MANCHESTER SRO JEFF COLLETT HAS SERVED CLAY COUNTY SCHOOLS FOR MORE THAN TWO YEARS. COLLETT'S PRESENCE IN CLAY COUNTY HIGH SCHOOL ALLOWS HIM TO SHOW STUDENTS A DIFFERENT SIDE OF LAW ENFORCEMENT AND MAKE A POSITIVE IMPACT THROUGH HIS INTERACTION WITH STUDENTS EACH DAY.



PHOTO BY ELIZABETH THOMAS

>> “On patrol you know what you’re going to be doing. You’re going to be taking theft reports, working accidents, looking at blood, fighting with someone, dealing with a drug head or an alcoholic. Here, there is a chance that you’re going to have a good day and you’re going to be able to talk to some kids, laugh, cut up and have a good time.”

In a sometimes thankless job, to have a student let their SRO know what an impact they made in their life makes them feel like it truly is worth showing up every day, Wade said.

“That’s the best part of the job — as opposed to a street officer throwing a guy in jail all the time — we get to get out there, hopefully, before those problems occur and prevent some stuff from going on,” Madisonville’s Couchman said. “That’s what this is all about to me.”

THE INSTRUCTOR ROLE

The third triad of a successful SRO program is the instructor role. This role can take on

numerous forms in different schools, depending on the school’s structure and the personality of the SRO, but is still an important role to fulfill, said KCSS’s Morrison.

KCSS research shows that more resource officers are getting into the role of teaching than they were eight or nine years ago, through a myriad of avenues. In some districts, the health class will bring in the officer to talk about drug prevention. Some do after-school programs, others do assembly speaking, while some put on specific programs, such as GREAT or gang resistance education and training in the schools each week, Morrison said.

“We’ll do classroom presentations on juvenile law or anything really,” King said. “We actually make more contacts and reach more students that way.”

Many officers fulfill the instructor role through impromptu class presentations where a teacher will catch them walking through the halls and ask them to come in and speak on a specific topic.

“They are very well rounded because they have been officers for a long time,” Boone County’s Hall said. “They fall back on their training and knowledge from the past as situations come up.”

Some resource-officer programs have taken the role a step further and actually provide specific programs to students and the surrounding community.

In Nicholasville, the SROs began leading a rape aggression defense or RAD program for the female student population. Nationally recognized by colleges as a self-defense program, it was developed with the idea that women need to protect themselves against rape.

“We wanted to do something that was novel that no one had done before and this program jumped out,” Wade said. “It’s really been an opportunity for us to connect with our female students.”

Nicholasville officers try to offer the class during school down times such as fall and spring break and have seen great benefits since its inception.

“We’ve been able to empower those young ladies, give them the confidence it takes, the knowledge it takes — not only with precautionary things and awareness, but if it comes down to it, they can fight their way out of a dangerous situation,” Wade said.

Madisonville’s program focus is on sexting, cyberbullying and the dangers of the Internet and social media.

“For us it was trial by fire,” Carter said. “We were thrown into it by a case. We had a case that was bad — it was beyond bad; it was a parent’s worst nightmare.”

The Madisonville police had been teaching classes to adults for nearly five years on Internet and technology safety, but realized they had left out the most important part — young people, Carter said.

“We didn’t think that the issues we were talking about with adults would be affecting our young people the way they were,” he said. “... A lot of young people fail to realize the choices and decisions that can be made in the private security of one’s home can have a direct impact and affect them on a level they can never get back.

“With innocence comes a sense of danger,” he continued.

After a profuse amount of research and planning, Madisonville’s Carter and Couchman began teaching Internet safety to children of all ages, using programs from the National Center for Missing and Exploited Children such as Clicky and NetSmartz.

Quickly they were hammered by different counties calling for their assistance, and they would share what they learned from their experiences. They have now been teaching these classes for about six years.

“We will do the same thing for one that we will do for 1,000 — whether in schools, in the community or across the state, we are going to educate,” Carter said.

There is no doubt that the job of an SRO is varied, interesting, difficult and uniquely rewarding. They have been given the opportunity to directly impact the lives of the next generation of moms, dads and community leaders, while making their lives and their schools better today.

“It’s a little bit safer, a little bit nicer place — that’s the way you like to leave it when you go,” Boone County’s White said. “It’s a little better than when I found it.”

“From having been in the schools, I see the calmness and assurance students and staff have with a police officer being in the building,” Warren County’s Kirby said. “It provides a better learning environment. Students are not so concerned with being bullied or someone coming to school to hurt them because they know that a resource officer is there, and he is going to do whatever it takes to keep them safe.”

At the end of the day, that’s the goal of a resource officer — to make school a safe, constructive environment for students to grow, learn and become productive members of society.

“Children are the most important thing we have to protect,” Kirby said. “One of our sayings is: protecting our most valuable resource — and they truly are.” J

Abbie Darst can be reached at abbie.darst@ky.gov or (859) 622-6453.



Worst Case of School Violence

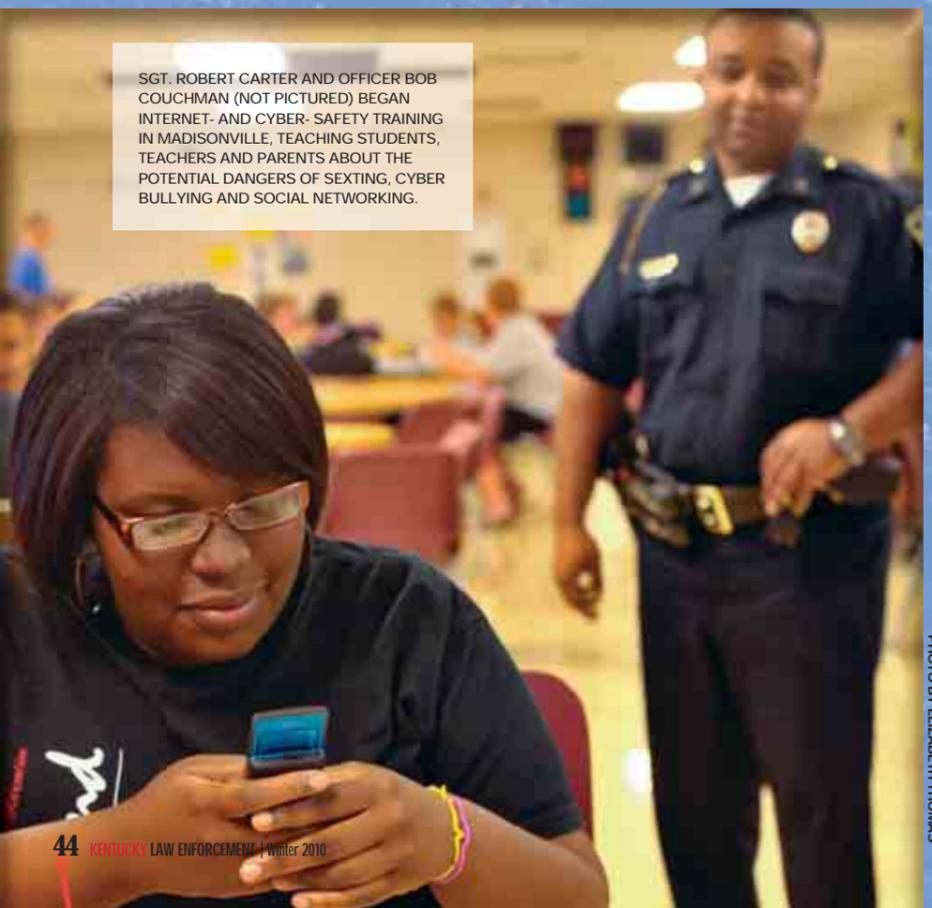
Possibly the worst act of school violence in America was not enacted by individuals carrying assault rifles or semi-automatic weapons and was well before the idea of school violence was prevalent in the minds of society.

In Bath, Mich. on May 18, 1927, Andrew Kehoe age 55, disgruntled over a school tax, blew up a local school, killing 45 people, including 38 children.

Kehoe worked as a volunteer at the school and on the day of the bombing he repaired a door at the school and greeted children as they arrived. Throughout the year, Kehoe, who was furious about a tax issue for the school, had brought in small packages of dynamite and placed them throughout the school. That afternoon, he detonated the dynamite destroying the greater portion of the school. After the explosion, 500 pounds of dynamite were discovered that had not been detonated. Forty-three children suffered serious injuries and 100 others were treated for shock, burns and cuts. ■



PHOTOS SUBMITTED



SGT. ROBERT CARTER AND OFFICER BOB COUCHMAN (NOT PICTURED) BEGAN INTERNET- AND CYBER- SAFETY TRAINING IN MADISONVILLE, TEACHING STUDENTS, TEACHERS AND PARENTS ABOUT THE POTENTIAL DANGERS OF SEXTING, CYBER BULLYING AND SOCIAL NETWORKING.

PHOTO BY ELIZABETH THOMAS

ON THE OUTS

ABBIE DARST | PROGRAM COORDINATOR

Even though building positive relationships is a must in a good school resource officer program, for many SROs across the commonwealth, building relationships at their respective schools comes at the cost of losing ties with the rest of their department. Often, because of the separation from the department as a whole, resource officers can feel isolated and out of touch with department happenings.

“The hardest part for me is the separation from everybody else,” Nicholasville SRO James Howard said. “You are a one-man unit and every decision is made by you and you alone and rests on your shoulders.”

Unfortunately, it is the nature of the job, since SROs serve five days a week, nine months of the year at their assigned schools — it leaves little time for them to

even get to the department, much less form any bonds with other officers at the agency.

“We put in a minimum of 40 hours on school property, not to mention every week there is something, if not four things, that are keeping us past 40,” Nicholasville SRO Billy King said. “So for us to have interaction at the department as well is like pulling teeth — it is impossible to find the time because we are so busy on site.

“That’s not the way we want it or prefer it to be, but that’s just the way it is because there is such high demand for our time here on site,” King continued. “Because the kids are what we’re here for. If that’s what it takes, that is what we are going to give.”

However, the large volume of time spent at school is not only with students, but staff as well, allowing SROs to build camaraderie and friendships with school administrators.

“I’ve been able to develop relationships with coaches and our families will go to dinner together and I enjoy being around them,” Boone County SRO Ben Booher said. “They become like coworkers, like it was with other officers at the department.”

In addition, some officers like the autonomy that the position allows them.

“I like the independence that comes with it,” Manchester SRO Jeff Collett said. “It’s kind of like being your own boss. You know what you’re supposed to be doing and you don’t have somebody looking right over you. And if something happens in the school system, I’m going to know about it.”

Though there are sacrifices that come with the SRO position, many officers are willing because they see the benefits for the students and the community.

“If these guys didn’t care as much as they did,” Boone County Maj. Michael Hall said, “this program wouldn’t be as successful.” J



NICHOLASVILLE SRO JAMES HOWARD INTERACTS WITH STUDENTS TO HELP FOSTER RELATIONSHIPS THAT PROVE INVALUABLE IN HIS POSITION AT EAST JESSAMINE MIDDLE SCHOOL.

PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

NICHOLASVILLE OFFICER BILLY KING, LIKE MANY SCHOOL RESOURCE OFFICERS ACROSS THE STATE, OFTEN PROVIDE IMPROMPTU CLASSROOM PRESENTATIONS AND DISCUSSIONS WHEN ASKED BY TEACHERS.

Early in the week of SRO training, officers are instructed on classroom presentations, and on the last day of class, each officer has to give a presentation to the class on a topic of their choosing.

Other topics covered include critical incidents and the SRO, which focuses on school safety and security. There are also four hours spent on the 1999 shooting at Columbine High School and the Beslan school massacre where Islamic extremists seized a school in Russia leaving 350 dead, including 160 children in 2004.

In addition to DOCJT’s training, SROs can attend the National Association of School Resource Officers basic training course. The NASRO course is similar to DOCJT’s in that it explains the triad approach to the SRO position — law enforcement officer, counselor, and teacher. However, NASRO has a section of its training specifically geared toward the role of counselor or problem solver and includes discussions on child abuse, adolescent stress, dysfunctional families and working with children with special needs.

Once an SRO has completed this basic training, he or she still has to meet the 40-hour advanced individual training mandate each year.

Some classes that prove useful for SROs in their school roles are:

- Child abuse investigations
- Domestic violence
- Any firearms related training
- Interviewing and interrogation
- Anything related to social networking sites. J

TRAINING FOR SUCCESS

ABBIE DARST | PROGRAM COORDINATOR

There are approximately 222 school resource officers serving in schools across the commonwealth — working day in and day out with thousands of juveniles in situations and scenarios that vary not just day to day, but minute to minute. Proper training for these men and women is a must.

For about 12 years, the Department of Criminal Justice Training has taught a 40-hour block of instruction for SROs. Though it is an SRO basic class, over the years the basic and advanced classes were combined, allowing for two days of basic and three days of advanced SRO training in a single course.

SRO training begins with a three-hour block on community policing in schools, since SRO programs are one of the best methods of implementing community-oriented policing, said Jim McKinney, DOCJT instructor for SRO training. During this block, he emphasizes

partnerships and problem-solving and discusses the history of the SRO program.

Two other major aspects of the training are legal training and classroom presentation skills, which can go hand-in-hand. Not only do SROs receive training on various legal issues regarding how to deal with juveniles and what they are allowed to do in the school setting, some of the legal training acts as a refresher for impromptu presentations officers may be asked to provide during the school day.

Classroom presentations can be a part of an SRO’s duties, whether that includes set presentations on specific topics or being pulled out of the hallway for a spur-of-the-moment presentation to assist a teacher on a given topic. For example, officers may be asked to talk to a math class about accident reconstruction or a civics class on the constitution, the Fourth Amendment or search and seizure, McKinney explained.

Standard of Excellence

ABBIE DARST | PROGRAM COORDINATOR

Kentucky school resource officers are building quite a reputation across the country. Three of the past four national SROs of the year have been from Kentucky. The National Association of School Resource Officers is the largest school-based police organization in the United States, with a membership of more than 6,000 officers from all over the country — so for Kentucky to take the top honor three nearly-consecutive years is a huge deal that cannot be ignored.

Their dedication and commitment to and care and concern for the safety of students and staff and their overall well being are what make the commonwealth's SROs stand out from the rest of the country.

For Daviess County Dep. Russ Day, the 2009 NASRO winner and Berea Police Officer James 'Doty' Harris, 2010 NASRO winner, the testimonies given for their award nominations speak volumes of the impact they have had on not only their school, but their community as well.

Kentucky statutes define an SRO as a sworn law enforcement officer who has specialized training to work with youth at a school site. SROs serve in a variety of roles, including law enforcement officer, law-related educator, problem-solver and community liaison, according to the Kentucky Center for School Safety. However, day in and day out, these men exhibited a sense of duty and a concern for the students that was "above and beyond" their job description, responsibilities or expectations.

Specifically stationed at Daviess County High School, SRO Russ Day and his drug dog, Abby have been keeping the schools in Daviess County safe for nearly seven years. Day was instrumental in implementing procedures and plans designed to identify and mitigate threats to the security of the schools. His work also included the development of a comprehensive resource that would be invaluable in a crisis situation and is now available for law enforcement agencies throughout the county.

But one of the most important aspects of a successful SRO is his or her ability to form positive, meaningful relationships with students.

"Day is always available and willing to talk with students and has earned a reputation as a friend who cares about the safety and well-being of our kids," stated Tom Shelton, Daviess County Public Schools superintendent in his recommendation letter for Day. "Our

students feel comfortable in sharing information about issues of concern with him."

Day's K-9 Abby undoubtedly has helped bring about this level of comfort for students.

"Abby . . . also helps kids become closer to Russ," Daviess County High School Principal Matthew Constant stated. "It is amazing to see students who love animals come up and make

friends with Abby and have a side conversation with Russ at the same time. With all this relationship-building groundwork, it is not uncommon for these same students to approach Russ with safety tips."

Relationships are the core of any good SRO program because they build trust, camaraderie and a sense of security for the students. These traits are imperative in fulfilling the community-oriented policing aspect of an SRO.

But for Day, his job extends further than just the typical 8 a.m. to 3 p.m. school day and further than all the after school functions and sporting events he attends. His commitment to the students flows into their home lives and the conditions they face before they even make it into the school building each day.

In many of his recommendation letters, Day was commended for his collaboration with social services, court designated worker's office and school counselors to help a pregnant student who was living in a single-wide trailer with 10 other people. The trailer had no beds and the conditions were horrible. After making several phone calls, Day was successful in his efforts to find the student a more suitable place to live and remove her from the situation.

BEREA OFFICER JAMES "DOTY" HARRIS WAS CHOSEN TO BE THE GRAND MARSHAL IN MADISON SOUTHERN HIGH SCHOOL'S HOMECOMING PARADE. THE SIX YEARS HARRIS SPENT IN THE SCHOOLS HAS EARNED HIM THE RESPECT AND ADMIRATION OF STUDENTS AND STAFF.



PHOTO BY ELIZABETH THOMAS

HARRIS RECEIVED HIS PLAQUE FOR THE 2010 NATIONAL SCHOOL RESOURCE OFFICER OF THE YEAR AWARD AT THE SCHOOL DURING A SPECIAL ASSEMBLY IN SEPTEMBER. HE HAD MISSED THE ORIGINAL CEREMONY IN LOUISVILLE DUE TO A SEVERE ILLNESS.



PHOTO BY ELIZABETH THOMAS

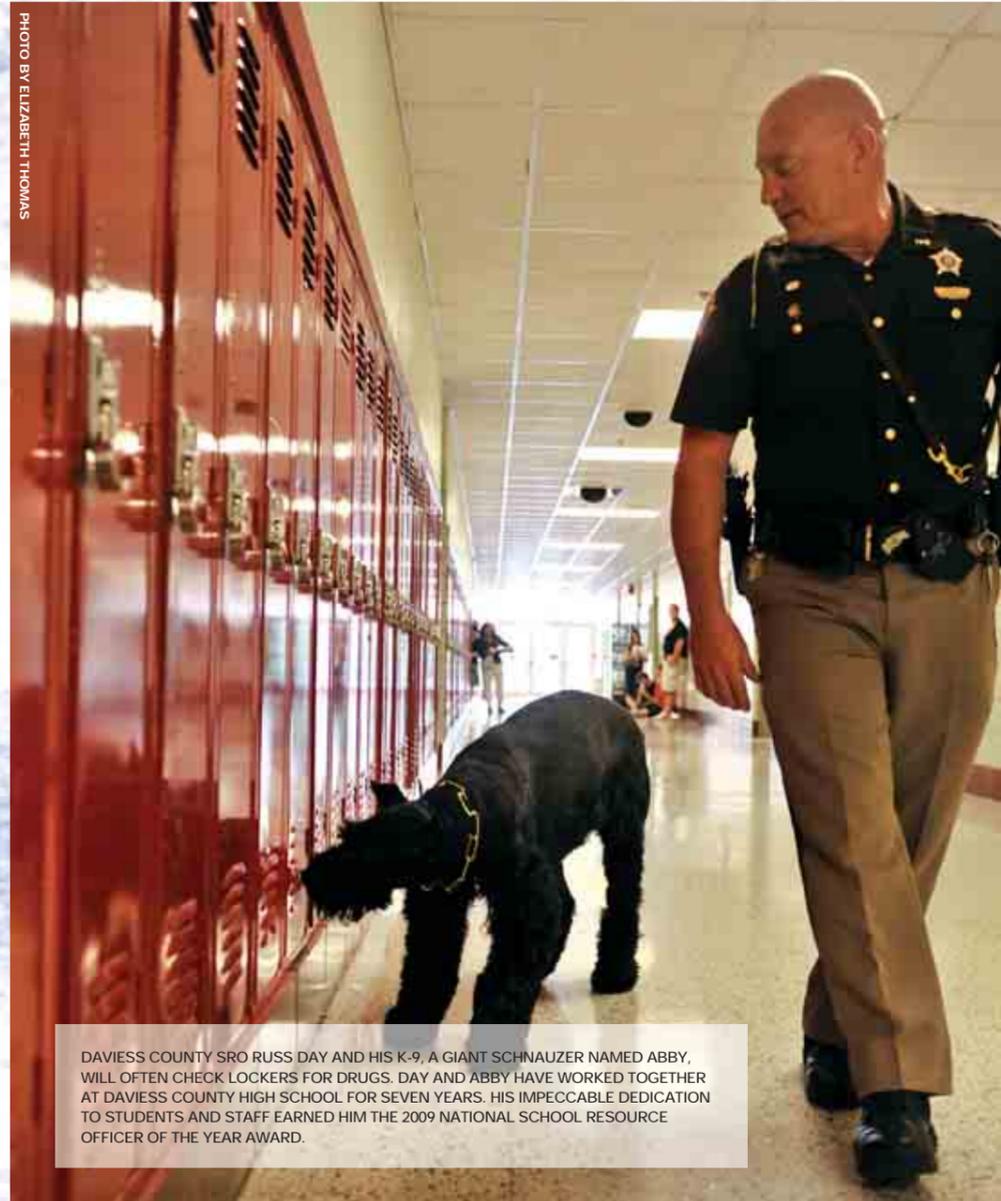


PHOTO BY ELIZABETH THOMAS

DAVIESS COUNTY SRO RUSS DAY AND HIS K-9, A GIANT SCHNAUZER NAMED ABBY, WILL OFTEN CHECK LOCKERS FOR DRUGS. DAY AND ABBY HAVE WORKED TOGETHER AT DAVIESS COUNTY HIGH SCHOOL FOR SEVEN YEARS. HIS IMPECCABLE DEDICATION TO STUDENTS AND STAFF EARNED HIM THE 2009 NATIONAL SCHOOL RESOURCE OFFICER OF THE YEAR AWARD.

"This was not something he had to do," Constant stated. "It just proves that Russ' heart for helping kids is alive and well."

"The love that Deputy Day has for the students of Daviess County is evident every day," stated Trey Pippin, a student at Daviess County High School. "He takes the time to greet students when he sees them walking down the hallways and is never too busy to say 'hello' if someone pokes their head into his office."

This same servant's heart and commitment to the safety and well being of students exudes from Berea Police Department Officer James 'Doty' Harris as well. Harris is the 2010 NASRO SRO of the Year. The impact he has had on the students and staff at Madison Southern High School and Foley Middle School is unparalleled.

Described as professional while approachable, Harris, whose retirement was pending at the time of publication due to an unexpected illness, was highly visible throughout the school and at nearly every school function, many said. Everybody knew who he was and knew he meant business.

"His understanding of people and his connection to them created sound relationships between students, teacher and parents," State Rep. Harry Moberly, Jr. stated in a recommendation letter. "He accomplishes this task with a great spirit of heart and a compassionate soul — he wins over even the most problematic students."

A peek around Harris' office will tell you that his job is all about the kids.

"I didn't put anything in there — didn't need anything in there," Harris said. "If you have all that stuff in an office, kids come in and first thing they want to do is pick up stuff, they want to look at it, they want to get off

the subject that you're trying to talk about. Well, if you don't have anything in there, then they have to talk about what you're there to talk about."

But after 30 years of law enforcement service, and five as an SRO, Harris knows a thing or two about how to command respect while putting people at ease.

"He is an honorable man . . . (who) truly loves his job," Kourtney Chrisman, a Madison Southern student stated. "Not only does he love his job, but he loves the children he protects and I believe he would do anything to make sure we are safe and happy at school."

"Officer Harris is someone I would compare to a guardian angel. He's always around when you need him and he keeps our school safe," she continued.

Harris took the extra time to take notice of a particular freshman who always walked with her head down in the hallways and would look at him but not speak when he spoke to her. Knowing the student and her mother, who was also a teacher at the nearby middle school, he approached her mother with concerns that the girl was being bullied.

"I was able to talk with [her] and prevent some potential problems all because Officer Harris cared," stated Lora Smith, the girl's mother.

Smith also recalled Harris' calming and patient manner with one of the special-needs children in her class who sometimes has bad days.

"He can get her to respond when no one else can," she stated. "He is obviously a comfort to the child."

The commonwealth is fortunate to boast of numerous school resource officers who not only serve their schools and community in a professional manner, but continually go beyond the call of duty and give of themselves sacrificially for the sake of the students in their charge. The NASRO SROs of the Year — Kenny Collins, now retired from the Calloway County Sheriff's Office (2007); Day (2009) and Harris (2010) — are prime examples of the caliber of officers that have been selected to serve in the vital role of school resource officer. And in turn, schools across the commonwealth are safer, communities are reaping the benefits and students' lives are changing because of the men and women who stand in the gap, setting a standard of excellence for policing Kentucky's schools. J

School Surveillance: A Failing Grade?

JAMES CARELESS | GOVERNMENT
VIDEO MAGAZINE, JUNE 30, 2010

In the past 10 years, 284 people have been killed in U.S. school-associated violent deaths. Of those, 130 were shot; others were stabbed, beaten to death or committed suicide. In response to these tragedies, many schools have beefed up their security procedures, including adding or upgrading school video surveillance systems.

"Use of video surveillance by schools spiked following the Columbine High School attack in 1999," said Kenneth S. Trump. He is President of National School Safety and Security Services, which operates www.SchoolSecurity.org, an independent consulting firm based in Cleveland, Ohio. "The Columbine attack sent shockwaves through the education community and forced schools to try to play catch-up with decades of neglect in the most basic security and emergency preparedness measures. Security technology was one of multiple pieces of the puzzle many school districts incorporated into their beefed up security programs."

This said, the current state of U.S. school video surveillance can only be described as chaotic. "There are no across-the-board minimum standards or a common approach to school video surveillance from school board to school board, or even school to neighboring school," said Chuck Hibbert, president of Hibbert Safe School Consulting in Indianapolis. "Moreover, parents are frequently resistant to the notion of making their schools more secure; even parents who work in secured environments in their jobs."

"While video surveillance technology continues to evolve and advance, the resources for schools to tap into this technology have not kept pace," Trump said. "In fact, funding for school security has been on a decline in recent years and has especially been gutted this year due to the massive cuts in education budgets."

WHAT'S POSSIBLE

Theoretically, K-12 schools have access to the same level of sophisticated video

surveillance currently being used in government, university and business settings. This means that it is now possible for a school to install a network of cameras in and outside of their facilities, providing complete coverage of all rooms, hallways, entrances and outdoor areas. All of this coverage can be routed to a central surveillance center that is staffed 24/7, and recorded onto digital video recorders for easy access, archiving, and retrieval.

Such systems can start small and integrate legacy equipment, said Mike Haldas, who owns CCTV Camera Pros in Boynton Beach, Fla.

"IP-based and analog CCTV-based surveillance systems can be used in school systems," he said. "Both solutions are very sophisticated and all a school system to grow over time. For example, they can start with an eight-camera system and grow over time to hundreds of cameras if needed."

Such systems can provide remote real-time viewing and playback on password-protected, Internet-connected PCs and mobile clients including iPhone, Android and BlackBerry.

School video surveillance integrators abound, and are capable of meeting both small and large system needs.

"We've installed full IP-based surveillance systems for schools in the U.S. and Canada, ranging in size from 32 to 400 cameras a location," said Vy Hoang,

executive vice president of Sales and Marketing at i3International in Toronto, Ontario. "Many have directly connected their camera systems to provide access to local police, so that SWAT teams can see what's happening during a lockdown."

That's just the beginning: using products such as On-Net Surveillance Systems' Intelligent IP Video Delivery Solutions, a school surveillance system can automatically monitor a complete set of cameras, with the software watching for specific sequences of suspicious events and alert selected officials as needed.

"As well, we can integrate IP-based video systems with other technology such as card-swipe access," said Gadi Piran, OnSSI president and chief technology officer, based in Pearl River, N.Y. "So if two people try to go through a door using one card swipe, our system notes the discrepancy in real time and sends out an alert."

Meanwhile, SRI International has developed a two-way data radio system that allows passing police patrol cars to wirelessly log into a school's video system. Branded as Aware Mobile networks, this system uses a radio transceiver attached to the school's LAN and two-way radio cards installed in patrol laptops to make these connections happen.

"In its basic configuration, a school can provide police with a single camera view at all times," said Paul Callahan, SRI International's business development manager. "In an advanced configuration, officers can take remote control of the school's system to look around. This could be an incredible aid during lockdowns, when a shooter might be in the building."

WHAT'S HAPPENING

Clearly, the technology exists to make every school safe and secure. But the truth is that few schools have such complete systems in place.

"The ideal would be to have a staffed 24/7 central monitoring facility in each school," Hibbert said. "With the schools that I've worked with over the years, I still can count on one hand the number of schools that actually do this." Why are schools so reluctant to employ state-of-the-art video surveillance, or even surveillance equivalent to that of a local 7-11 store? One major reason is money.

"When school administrators start facing teacher lay-offs, we know security budgets will be first on the chopping block," Trump said. "And this is exactly what is occurring for this school year and into the near future."

The second problem is the attitude of school administrators; many of whom grew up in a time when school security wasn't a major public issue.

With tight budgets and constant issues to mediate between students, teachers and parents, worrying about whether their video system is working to its potential is a very low priority. "Security technology is only as strong as the weakest human link behind the technology," said Trump. "Too often we see schools throw up equipment after a high-profile incident to create the perception of increased security when, in reality, it is a lot of 'smoke and mirrors' to get parents and the media to back off. The cameras may go up, but the human element of security — training staff, examining security policies, developing and testing emergency plans — is still missing."

"Many schools have no policy about video retention," Hibbert added. "They either don't record what's happening beyond a day or two, or simply leave it on tape or the server until it is recorded over."

The third obstacle to effective school video surveillance are parents. "Unless you can get a majority of parents to get onboard — and this usually doesn't happen until something happens at the school — you won't get the support you need to fund and maintain adequate surveillance," said Hibbert.

"Achieving community consensus is the toughest part of the job." J



CRUCIAL LAWS FOR SROS

SHAWN HERRON | STAFF ATTORNEY, DOJT LEGAL SECTION

Kentucky school resource officers work in elementary, middle and high schools across the commonwealth. An SRO might be a member of a local police department or sheriff's office, assigned to work as a school resource officer either full or part-time. In some counties, an SRO may be employed by the school system.

Because most of the population they oversee is juveniles, SROs must be knowledgeable about a body of law with which many officers might have little familiarity.

Kentucky's third-degree assault statute is a good example of these laws. The only experience most officers have with the KRS 508.025 offense is when a subject strikes, or attempts to strike, a peace officer. In fact, the statute also applies when a subject, whether adult or juvenile, strikes or attempts to strike a teacher, school employee, bus driver or school volunteer. Of course, officers must use common sense and take into consideration the age, physical ability, mental condition and other factors of the offender before deciding to place this charge against a student or other juvenile. Another Kentucky offense that may occur on school property is terroristic threatening, KRS 508.075-.080. Certain elements of that charge relate specifically to conduct that threatens either school property or individuals, students or staff, connected to the school.

BULLYING

The issue of bullying, including cyberbullying, has become a major issue in recent years. In 2008, the General Assembly

passed House Bill 91, which modified a number of Kentucky statutes. It requires teachers and other school staff to report acts of bullying, including cyberbullying, to the principal, provided it fits appropriate criteria, and for the principal to make a report to a law enforcement agency on the incident within 48 hours. The bill places additional responsibilities on the school and the law enforcement agency receiving the report. Schools are required to have appropriate policies to provide guidance on appropriate conduct to students and staff. The bill made changes to KRS 525.070 (Harassment) and KRS 525.080 (Harassing Communications), adding language that extends the behavior to conduct that impacts the school environment and/or occurs on school premises, school transportation and school-sanctioned events, including anonymous and electronic communications, such as e-mail or a social-networking site.

STATUS OFFENSES

Certain offenses, called status offenses, are specific to juveniles. For example, possession of tobacco products is prohibited to persons under 18, pursuant to KRS 438.350. Although the statute itself does not make it clear, the offense is a violation, and also provides for the confiscation of the tobacco product by the peace officer. Juveniles also are generally prohibited from possessing handguns, although a number of exceptions are listed in KRS 527.100. And, of course, possessing and consuming alcoholic beverages is prohibited to individuals under the age of 21, pursuant to KRS 530.070 and KRS 244.085. However, a little known provision of KRS 530.070 does permit the

parent or guardian to allow their underage child to consume an alcoholic beverage, so, for example, a report by a student that a parent allowed them to drink wine at dinner does not indicate that an offense has occurred. Truancy is a school-specific offense, and SROs should be familiar with both the laws and their respective school policies on truancy. School officials have responsibilities under Kentucky law, as well. Principals are required by KRS 158.154-.155 to report listed crimes, should they occur on school property, to the appropriate law enforcement agency.

MISSING JUVENILES

Children who are reported missing by parents or guardians may still continue to attend school. For that reason, the Kentucky Missing Persons Report (KSP form 261) includes a block to indicate the missing juvenile's school. The name of the school should be clearly spelled out, rather than an acronym, because that report will be sent to the Department of Education. The DOE then will forward that report to the child's

school for flagging and investigation, but that report can be delayed if they are unable to determine the actual school. (Many school abbreviations are similar, MCHS could mean either Madison County High School or Marshall County High School, and the department is forced to investigate further to determine the correct school if it is not spelled out.) An SRO may become involved in the investigation as to the circumstances under which the child was reported missing.

CRIMINAL ABUSE

Of course, the outside world also impacts students. SROs must be aware of KRS 508.100-.120, the criminal abuse statutes, as children who arrive at school bring with them family and household issues that affect their conduct at school, as well as their ability to learn. A child who arrives at school hungry, dirty or ill might be a victim of active abuse or passive neglect, but also may be in a dependency situation, perhaps

having been placed with an elderly relative who simply is unable financially, physically or emotionally to care for the child. An SRO, along with the school administration and other authorities, must investigate the situation with compassion and sensitivity. Of course, there is a legal duty for everyone to report abuse, neglect or dependency to an appropriate party. (KRS 620.030)

PRIVACY

In addition to the usual criminal statutes, officers who work in the schools must also be aware of issues relating to student privacy under the Federal Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99), and its companion Kentucky statutes (KRS 160.700 — 160.730). Student educational records are accorded a very high degree of privacy, and officers who have access to such records must be aware of that mandate. SROs also must generally be aware of specifics of students who might be the subject of an Individual Education

Plan under the provisions of the Individuals with Disabilities Education Act, as those plans will provide guidance about how to anticipate and manage behavior issues.

IN LOCO PARENTIS

Although many of the practices involving use of force, search and seizure and interrogation are the same with juveniles, there are a few differences. A school (and its administrators) stand in loco parentis — in the place of the parents — and may take certain actions against and on behalf of a student. For example, school officials may do a search of a student, or their belongings, under circumstances where a law enforcement officer may not be permitted to do so. That right is not unlimited, however, as was illustrated recently in the case of *Safford Unified Sch. Dist. No. 1 v. Redding*, 129 S.Ct. 2633 (2009), which ruled that a strip search of a student's underwear was not justified, under the facts of that specific case. Unlike adults, KRS 610.200 mandates that a juvenile offender must be given *Miranda* warnings upon being taken into custody, even if interrogation is not expected. The First Amendment rights of school students may be restricted by elementary and secondary school officials to an extent that would not be the case for postsecondary students and adults.

SEX-ABUSE VICTIMS

Finally, the United States Supreme Court has accepted review of two cases and consolidated them for argument this term. In *Alford v. Greene* and *Camreta v. Greene*, both from California, the issue arose as to the legality of interviewing a child suspected of being the victim of sexual abuse, at school, without the knowledge or permission of the parents. Since, in many such cases, the perpetrator is a family member, and because the details of such crimes often are limited only to the victim and the perpetrator, in both cases, the government is arguing that there is a necessity for officers and social workers to interview the children in order to investigate the allegation. The Court will rule on these cases by the end of the current term. J



PHOTO BY ELIZABETH THOMAS

CHALLENGING KASPER WARRANTS

SHAWN HERRON | STAFF ATTORNEY, DOCJT LEGAL SECTION

March, 2010, the Court decided the case of *Commonwealth of Kentucky, Cabinet for Health and Family Services v. Bartlett, Judge, Kenton Circuit Court and Cole, Cox and Young (Real Parties in Interest)*, 311 S.W.3d 224 (2010). In this case, Cole and Young shared a residence which was searched pursuant to a warrant. The warrant was, in part, supported by information obtained through KASPER, which suggested that Cole was involved in drug trafficking. In discovery, Cole requested his own report, as well as those of his two co-defendants, and also moved to suppress the warrant (and the fruits of the search), arguing that it “contained false and misleading information about the KASPER report on Young.” The trial court granted the discovery motion.

The Cabinet, invoking KRS 218A.202, which strictly limited disclosure of KASPER reports, requested the trial court vacate the order. After a hearing, the trial court denied that request and noted that Cole had shown that the requested records might contain “relevant or exculpatory” information. The trial court ordered that the KASPER reports be produced to the court for an in-camera review. The order noted that the trial court “had the authority to order production of these documents because, according to *Com. v. Barroso*, 122 S.W.3d 554 (Ky. 2003), Cole’s constitutional rights to exculpatory evidence and due process prevailed over any statutory bar against disclosure.”

The Cabinet filed a petition of prohibition and mandamus, in which it sought to prevent the enforcement of a trial court’s order. The Kentucky Court of Appeals denied the writ and the Cabinet further appealed. (During the pendency of the appeal, the Kenton County criminal case was stayed.)

The Supreme Court of Kentucky agreed that KRS 218A.202 specifically prohibits the disclosure of KASPER reports to anyone not listed in the statute. Criminal defendants, defense counsel and trial court judges are not on the list, and, the Court noted, neither

are prosecutors. The Court noted, however, that this “overlooks the unique constitutional considerations that arise in criminal cases.”

Specifically, no statute may infringe on the rights a criminal defendant enjoys under the U.S. or Kentucky Constitution.

The Court continued: “It is well established that a criminal defendant has a constitutional right to discover exculpatory documents, even if these documents are confidential or if their disclosure is prohibited by rule or statute.”

However, the Court agreed that a criminal defendant was not permitted to engage in a “fishing expedition” in confidential records, without at least some showing that exculpatory information might be found there. As such, in *Barroso*, the Court developed a two-step process to evaluate the records. First, the requesting defendant must produce enough information to “establish a reasonable belief that the records contain exculpatory evidence.” Second, the trial court is required to conduct an in-camera review of the records to determine if they do contain such information. Only then does the trial court order that the records be produced to the defendant. The trial court, in *Bartlett*, followed this process precisely. The Court denied the writ and ordered the disclosure of the potentially relevant and exculpatory reports to the defendants.

Just two months later, the case of *Com. of Kentucky, Cabinet for Health and Family Services v. Hon. Chauvin, Baumler and Warner (Real Parties in Interest)*, 316 S.W.3d 279 (Ky. 2010) came before the Supreme Court of Kentucky. This case also began with a discovery request for a KASPER report, but rather than a criminal case, the case involved a civil lawsuit between Baumler (the plaintiff) and Warner, the defendant. The trial court noted a conflict between the prohibitions in KRS 218A.202 and the Kentucky Rules of Civil Procedure, 26.02(1), which permits discovery “regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.” The Jefferson Circuit Court approached the matter as one in which the statute violated the separation of powers, finding that it “affected the practice and procedure of the courts, which falls within the exclusive rulemaking power of” the Court. The Cabinet again sought a writ of prohibition, which was partially denied, with the Court of Appeals ordering that the trial court conduct the required in-camera review of the requested records. The Cabinet appealed the issue to the Supreme Court of Kentucky. The Court agreed that the General Assembly clearly intended to “create a privilege when it prohibited disclosure of KASPER records” even though it did not use that word. And, in fact, the very “essence of a privilege is to prohibit disclosure, and thus also discovery.” The General Assembly also provided for limited exceptions to discovery and further, emphasized the seriousness of unauthorized disclosure by providing for a criminal penalty.

The Court looked back to *Bartlett* and reemphasized that “no statute can defeat a criminal defendant’s constitutional rights to exculpatory evidence or to confront witnesses against him.” However, as “to civil matters, there is a lesser constitutional protection.” Unlike a criminal case, there is no general “due process right to get all possible evidence

“

It is important to remember that the source document ... no longer is considered completely privileged in criminal cases and in certain circumstances, may be used effectively, to challenge the search warrant.”

”

in the civil context.” Instead, “unlike in the criminal context, no constitutional bar precludes courts from applying the KASPER privilege in civil disputes.” In this case, the Court agreed that parties in a civil action would “still be able to get information about a person’s prescription drug history from more direct sources,” such as opposing party, their physician or their pharmacist. They simply cannot “get the more convenient compilation of records the Cabinet has.” The Court then denied the discovery order.

The relevance of the above decisions to law enforcement is clear. In a criminal case that uses information from a KASPER report to support a search warrant or arrest, the defendant may, and probably will, request a copy of the KASPER report through discovery. They might then seek to challenge whether the information in the KASPER report does, in fact provide sufficient probable cause to support the search or arrest. In addition, the report itself will not be provided to the judge as an attachment to the search warrant affidavit, since the statute does not permit that disclosure. Instead, the judge must depend upon the characterization of the information provided by the affiant officer, and if that characterization is deceptive or incomplete, the defendant may use the report to attack the warrant through a Franks hearing.

In a *Franks* hearing (pursuant to the case of *Franks v. Delaware*, 438 U.S. 154 (1978)), the defendant attacks the underlying probable cause of a search warrant that appears, on its face, to be valid. In a case involving a KASPER report, a defendant might obtain the report, via discovery, and then compare its contents to the affidavit. If the officer has materially misrepresented the report to the judge, the fruits of the search warrant may be suppressed. (And, if the misrepresentation is proved to be deliberate, the officer might be considered to have committed perjury.)

KASPER has proven itself a valuable tool to Kentucky law enforcement. However, it is important to remember that the source document — the actual data and the report generated from that data — no longer is considered completely privileged in criminal cases and in certain circumstances, may be used effectively, to challenge the search warrant. J

When the Kentucky All Schedule Prescription Electronic Reporting system was unveiled in 1999, it quickly became a valuable tool used across the commonwealth to investigate and prosecute drug-related crimes. Over the past 10 years, the KASPER system has been improved and upgraded, and the ability for real-time data access for most law enforcement and medical professionals has become almost universal. KASPER now is overseen by the Cabinet for Health and Family Services, Office of the Inspector General, Drug Enforcement and Professional Practices Branch.

Once data collection began, however, it became sought after for reasons other than its original purpose. In 2010, cases reached the Supreme Court of Kentucky that illustrated two sides of this issue. In



CHILD SEX ABUSE ACCOMMODATION SYNDROME TESTIMONY

Has A Door Been Opened by the Kentucky Supreme Court?

ROBERT E. STEPHENS, JR. | WHITLEY COUNTY ASST. COMMONWEALTH'S ATTORNEY

Child victims of sexual abuse do not behave in any one, predictable way. Certain behaviors, or often the failure of child victims to behave in certain ways, however, should be a legitimate matter for presentation to juries. By not addressing these issues with juries, prosecutors run the risk that victims' behaviors will be misinterpreted as evasiveness, evidence of coaching or outright lying. It is the job of prosecutors to inform and educate jurors that all victims do not behave in set or predictable ways, and to ensure that finders of fact do not punish victims for failing to act according to their preconceived stereotypes of how victims "should" behave.

Child Sex Abuse Accommodation Syndrome, that boogeyman of Kentucky appellate jurisprudence, clearly cannot be presented via testimony in Kentucky courtrooms. See for example: *Hellstrom v. Commonwealth*, 825 S.W.2d 612 (Ky. 1992); *Newkirk v. Commonwealth*, 937 S.W.2d 690 (Ky. 1996); *Sanderson v. Commonwealth*, 291 S.W.3d 610 (Ky. 2009); *Patterson v. Commonwealth*, (Not to be Published), 2008-SC-000236-MR (Rendered March 18, 2010). At least, that has been the accepted truth to date. A recent Kentucky Supreme Court case, however, would seem to have opened the door for a rational use of CSAAS testimony after passing the standards of the Kentucky Rules of Evidence 702 and Daubert at the trial court level.

WHAT IS CSAAS?

Where better to start than Black's Law Dictionary? "[C]hild-sexual-abuse-accommodation-syndrome" is defined as, "the medical and psychological condition of a child who has suffered repeated instances of sexual abuse, usu[ally] from a relative or family friend." A number of factors may be associated with CSAAS, such as delayed reporting of the abuse, recantation after an initial disclosure, different accounts of the event(s), etc. There are five basic factors involved in a child with CSAAS: secrecy, helplessness, entrapment and accommodation, delayed disclosure, and retraction. Any number of articles, books and other published materials have been written and they discuss at length the concept of CSAAS, to which the reader is referred for more information; but for the foundation of the idea, see Roland C. Summit M.D., "The Child Sexual Abuse Accommodation Syndrome," *Child Abuse and Neglect* Vol. 7, Issue 2, 177-93 (1983).

CSAAS FORBIDDEN IN KENTUCKY

Kentucky case law is clear on the inadmissibility of CSAAS testimony. A direct quote from a prominent Kentucky criminal legal treatise states succinctly, "The Supreme Court (of Kentucky) has consistently held that it is error to permit a witness to testify about the Child Abuse Accommodation Syndrome in an attempt to show that the child's actions after the alleged event were consistent with abuse." *Kentucky Criminal Law*, Robert G. Lawson and William H. Fortune, 1998 Lexis Law Publishing, Section 11-7(e)(2)(3), citing *Newkirk*, supra; also citing *Hester v. Commonwealth*, 734 S.W.2d 457 (Ky. 1987) and *Mitchell v. Commonwealth*, 777 S.W.2d 930 (Ky. 1989). Similarly, >>

>> in The Kentucky Evidence Law Handbook, 3rd Ed., Robert G. Lawson notes, “The (Kentucky Supreme) Court has consistently rejected such efforts [to introduce CSAAS testimony], reasoning that the evidence has not been shown to have received general scientific acceptance among scientists in the field to which it belongs.” Section 6.2, VI. In the evidence treatise, Lawson goes on at some length:

It has been suggested in various courts that evidence of child abuse accommodation syndrome should be admitted for the purpose of proving the fact of sexual abuse or at least to rebut attempts by the defense to capitalize on delayed reporting of the alleged abuse or retraction by the victim of the accusation. Courts have been more receptive to the evidence when offered for purposes of rebuttal than when offered to prove commission of the offense, although some courts have found the evidence admissible even for the latter purpose.

Admissibility of testimony about this concept has been before the Court repeatedly without a single, favorable ruling. In the first two cases, [*Bussey v. Commonwealth*, 697 S.W.2d 139 (Ky. 1985) and *Lantrip v. Commonwealth*, 713 S.W.2d 816 (Ky.

1986)], the testimony had been admitted at trial apparently as evidence of the commission of sexual abuse. Finding the evidence inadmissible, the Court expressed doubts about the general acceptance of the concept in the medical community and about its relevance to the charges of sexual abuse by a specific individual. In a third case, [*Hester*, supra], expert testimony about common characteristics in the behavior of child sexual abuse victims (which the Court equated with testimony about the child abuse accommodation syndrome) was introduced as evidence after the alleged child victims retracted their accusations against the defendant from the witness stand. The Supreme Court [of Kentucky] said that the testimony of the expert was equivalent to opinion concerning credibility of the alleged victims at and before trial and that it violated the prohibition against expert opinion on ultimate issues. In a fourth case, [*Mitchell*, supra], the Court once again ruled testimony about the syndrome inadmissible: ‘(1) there was no medical testimony that the syndrome is a generally accepted medical concept, and (2) the testimony had no substantial relevance to the issue of the appellant’s guilt or innocence.’ (citing *Mitchell*, supra, at 933). A dissenting opinion of two justices argued that general testimony about the syndrome should be admitted to help jurors understand the recurring and common phenomenon of delayed disclosure of incidents of this nature.

Evidence, Lawson, supra, Section 11.35 IV.

JENKINS AND IMPROPER CHILD INTERVIEWING TECHNIQUES

The recent Kentucky case of *Jenkins v. Commonwealth*, 2007-SC-000248-DG, rendered April 22, 2010, to be published, raises an interesting issue for future presentation of CSAAS testimony. *Jenkins* permits defense counsel to introduce expert testimony on how suggestive-interviewing techniques can affect the reliability or accuracy of a child witness’s memory or recall. This groundbreaking decision allows such testimony to impeach a child’s interview (and the subsequent trial testimony) as potentially influenced by improper and suggestive interviewing by police or other interviewers.

If nothing else, *Jenkins* stands for the proposition that officers who question children must receive specialized training and strictly adhere to its protocols. This bears some thought, as despite the fact

many child-victim interviews in sex- or physical-abuse investigations are done in Child Advocacy Centers by well-trained personnel, this process is by no means universal. Furthermore, the issue of suggestive interviewing could potentially arise in cases of all types where children are witnesses, not just where children have made sex-abuse or physical-abuse allegations.

According to the Court in *Jenkins*, the decision by the trial court of whether to admit expert evidence on suggestive-interviewing techniques is to be made on a straightforward analysis of whether the evidence comes in under Kentucky Rules of Evidence 702 and *Daubert*.

The Court’s rationale for allowing such testimony, if otherwise admissible under KRE 702 and *Daubert*, is described on pages 12-13 of the opinion:

It is well established that the credibility of witnesses, including children, is a matter for the jury. See *Estep v. Commonwealth*, 957 S.W.2d 191, 193 (Ky. 1997). Credibility refers to whether a witness is being truthful or untruthful. The proffered expert testimony did not run afoul of this rule. Similar to expert testimony involving eyewitness identification, expert testimony that a witness was subjected to suggestive interview techniques pertains to the reliability or accuracy of the witness’s belief or recollection, not to the truthfulness or untruthfulness of the witness. Cf. *Commonwealth v. Christie*, 98 S.W.3d 485 (Ky. 2002) (expert eyewitness identification testimony). To the contrary, such evidence assumes the witness is testifying truthfully-but may be mistaken in his or her belief.

DOES JENKINS OPEN UP CSAAS TYPE TESTIMONY, IF OTHERWISE PROPER UNDER DAUBERT?

The Court’s ruling in *Jenkins* raises the question: If defendants can present expert testimony that a child may have been influenced by an interviewer to unwittingly tell an untrue tale of abuse, why can’t the commonwealth present expert testimony about how abused victims often behave? Defense attorneys may now lawfully present that the child is behaving a certain way because of suggestive interviewing techniques. How can the court rationally defend the continued arbitrary and total exclusion of CSAAS testimony if such can be shown as otherwise

admissible under KRE 702 and *Daubert*? Most states currently permit, in some form or another, CSAAS testimony. An excerpt from one of the sister states’ decisions, cited in *Jenkins* to support the Kentucky Supreme Court’s ruling, shows the natural correlation and relationship between the admissibility of CSAAS testimony and suggestive interviewing evidence.

We have previously discussed child abuse accommodation syndrome. ... This syndrome “proceeds from the premise that a child has been sexually abused and seeks to explain the resulting behaviors and actions of the child.” Id. “Several of the common behaviors ... such as a child’s delayed disclosure of abuse, inconsistent statements about abuse and recantation of statements of abuse, may be puzzling or appear counterintuitive to lay observers when they consider the suffering endured by a child who is continually being abused.” Id. In *Cressey*, we held that expert testimony to prove that a particular child has been sexually abused is inadmissible. See id. At 412, 628 A.2d at 703. We held, however, that “expert testimony explaining the peculiar >>

“ Defendants can pick away at the suggestibility of an interviewer’s techniques, attack the child for late disclosure of the abuse, impeach the child for inconsistent accounts ... but the Commonwealth cannot even explain to the jury that such behavior may be normal for an abused child. ”



>> behaviors commonly found in sexually abused children may aid a jury in accurately evaluating the credibility of a child victim witness.” Id. Similarly, expert testimony on the danger of false memory implantation from improper interview techniques may aid a jury in evaluating the reliability of a child’s recollections. ... Of course, expert testimony concerning a particular child witness’s veracity is inadmissible ... because that determination is solely within the

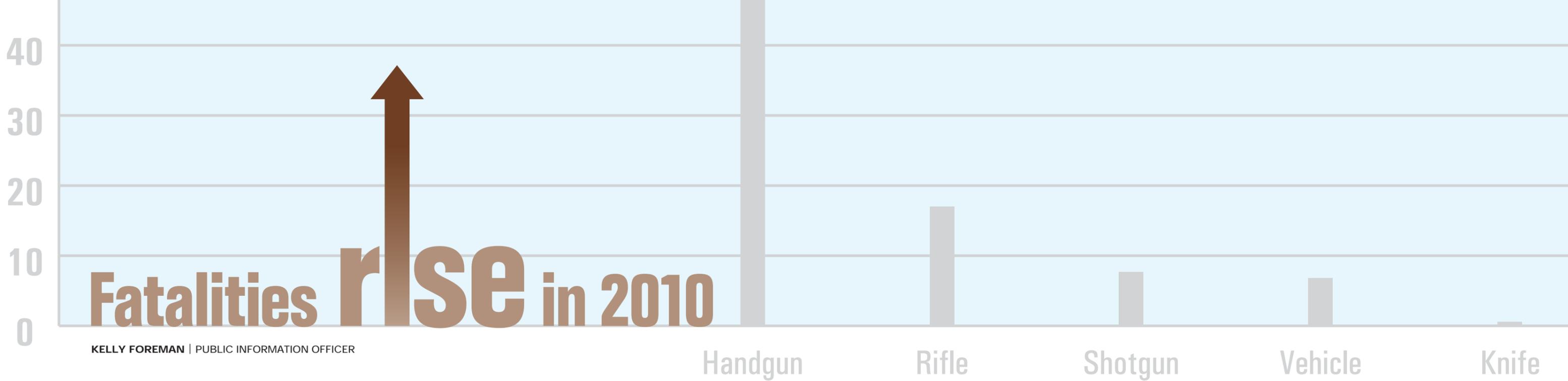


province of the jury. *State v. Sargent*, 738 A.2d 351, 353 (N.H. 1999). Similarly, the Missouri court case relied upon by Kentucky’s highest court in *Jenkins* to introduce suggestive-interviewing testimony notes, the use of what is essentially CSAAS evidence. There are typically two types of expert testimony challenged in child sexual abuse cases: 1) general testimony describing behaviors and other characteristics commonly observed in sexually abused victims (“profile” testimony); and 2) particularized testimony concerning the alleged victim’s credibility. ... While the trial court has greater discretion in admitting the former, the latter usurps the province of the trier of fact [i.e., the jury] and is inadmissible. *State v. Sloan*, 912 S.W.2d 592, 596 (Mo.App. E.D. 1995). It would only make sense for the court to evaluate CSAAS testimony under a Daubert analysis, rather than declaring one area off limits by fiat. Juries would then be able to hear expert opinion (if properly admitted under Daubert standards like all expert testimony) explaining to jurors why a child victim of sexual abuse is not acting according to their preconceived notions or prejudices about how a child victim “should” behave. This is the very kind of evidence provided for in KRE 702, that “will assist the trier of fact to understand the evidence [the child’s behavior and testimony] or to determine a fact in issue ...” Having an expert explain that children who are victims of sexual abuse may sometimes recant their allegations, or that such children may have delayed such disclosure to start with, are not invading the province of the jury, they are explaining an area outside the common knowledge of most jurors, a murky world in which juror’s expectations of how a child victim should behave do not always match the reality of abused children’s real life situations. At its heart, the situation judges likely have feared is that of an expert coming into court, testifying to finding a child victim has a “syndrome,” describing “symptoms” which may or may not be found from one victim to another (or in unabused children), and essentially finding that this means the child was abused. That is not the type of evidence advocated in this article. Rather, expert opinion, properly admitted under the rules of evidence, should be allowed in Kentucky courts to show that a child victim may behave in a way

that most jurors, thankfully, do not understand firsthand. Expert testimony on CSAAS could help illuminate an area that is otherwise difficult to comprehend: the acceptable limits of child victim behavior. Defense counsel still could cross-examine, for example, by establishing that not all child victims behave in one certain way; that the expert is not saying merely because a child making an accusation of abuse acts in “a” way, it means he was abused. As Kentucky case law now stands, defendants can pick away at the suggestibility of an interviewer’s techniques, attack the child for late disclosure of the abuse, impeach the child for inconsistent accounts or giving more details on later retellings, but the commonwealth cannot even explain to the jury that such behavior may be normal for an abused child. Granted, the prosecutor post-*Jenkins* can still cross-examine a defense expert to clarify that there is not any one way in which it is absolutely necessary to interview a child. The prosecutor can also present expert testimony supporting the techniques used by the interviewer. A huge gap is left in the minds of many smart, rational, thinking jurors, whose question remains unanswered: “Why is this child not acting like I thought children act who have been abused?” For a commonwealth tasked with proving guilt beyond a reasonable doubt, that may be an unclearable obstacle without legitimate CSAAS testimony. The Ohio court cited by the Court in *Jenkins* noted that “[m]ost jurors would not be aware, in their everyday experiences, of how sexually abused children might respond to abuse.” *State v. Gersin*, 668 N.E.2d 486, 488 (Ohio, 1996). To admit expert testimony in an area outside the normal understanding of most jurors (suggestibility of interviewing techniques), but not in another (child victim behavior) is disproportionately to settle the law in favor of the accused beyond the just reasonable-doubt standard and away from a quest for the truth. Jurors decide who is telling the truth in court. No expert can give an opinion on the veracity of witness X, but helping jurors understand why witness X might behave in a certain way or its opposite because of his background, is perfectly permissible and helpful to the finder of fact. To permit defendants to attack interviewing techniques but not permit testimony to understand child victim behavioral norms is, as a child might put it, simply “not fair.”

“ If nothing else, *Jenkins* stands for the proposition that officers who question children must receive specialized training and strictly adhere to its protocols. ”

Admission of CSAAS information to Kentucky juries will not be easy. First and foremost, it faces the barrier of Kentucky Supreme Court caselaw, which has, in the past, uniformly opposed its admission. Possibly, this has been because of a misunderstanding of what kind of evidence prosecutors would really like to present under CSAAS. Properly conducted *Daubert* hearings, showing the reliability and accepted status of CSAAS in the relevant psychological and social-work community would be absolutely essential. It may be necessary to lose the issue at trial court (as most courts are rightly cautious to proceed against the prior decisions of the Court). An opening, however, arguably has been made by the Supreme Court itself in *Jenkins*. The Court’s rationale in that decision upholds a uniform approach to all expert testimony related to assessing witness testimony indirectly, from eyewitness reliability evidence to suggestibility of interviewing techniques: analyze the proffered testimony under KRE 702/ *Daubert*. Why should that same approach not be applied to CSAAS testimony? There is no rational reason why it should not be applied equally. That would be consistent with the principles of our adversarial system of justice and would apply a straightforward approach to all expert testimony. Doing so would permit juries to get a full picture of child-sexual abuse situations — understanding fully the complex nature of child-victim behavior from interview to courtroom testimony — and allow jurors to make fully informed and knowledgeable decisions on a matter of such vital importance to our society. Prior caselaw forbidding CSAAS testimony ties the hands of prosecutors from telling the whole story of alleged crime victims. Defendants deserve a full hearing and a vigorous, informed defense. Children deserve no less. J



KELLY FOREMAN | PUBLIC INFORMATION OFFICER

After a celebratory year in 2009 when line-of-duty deaths reached a national low, 2010 has brought that revelry to a halt. Mid-year results for 2010 showed a 43 percent rise in line-of-duty deaths. It is a trend that, if continued, could end with 2010 as one of the deadliest years for U.S. law enforcement in more than two decades, according to the National Law Enforcement Officers Memorial Fund.

Preliminary data showed that as of June 30, 2010, 87 officers had been killed nationally in the line of duty. One of those deaths included a Kentucky officer — Lexington Police Officer Bryan Durman. Durman, 27, was struck and killed on April 29 by a sport utility vehicle while he investigated a noise complaint in downtown Lexington.

“Over the past decade, approximately 48 percent of all fatalities occurred during the first six months of the year,” NLEOMF reported in July. “If that percentage holds true for 2010, the year-end fatality figure could approach the 2007 total of 185. Outside of 2001 (when 240 officers died, including 72 killed in the terrorist attacks of September 11), 2007 was the deadliest year for U.S. law enforcement since 1989.”

Numbers for the second half of 2010 will be made available in early 2011.

Some states suffered the loss of multiple officers by late June. California lost nine

officers — five of which were from one agency. Combined with California, Texas and Florida accounted for one-quarter of the country’s fatalities. Sadly, 30 of the 50 states had experienced at least one loss by mid-year.

“It is certainly disheartening that last year’s encouraging news on officer fatalities has not continued into 2010,” said NLEOMF Chairman and CEO Craig W. Floyd. “These latest figures provide a grim reminder that, even with all of the safety improvements that have been achieved in recent decades, our law enforcement officers still face grave, life-threatening dangers each and every day.”

REFRESHING TACTICS

Law enforcement always has been a hazardous profession, as is evidenced by the thousands of officer names listed on Kentucky and national memorials. These deaths resulted from a multitude of causes, including but not limited to vehicle crashes, training accidents, health-related incidents or felonious assaults.

Some argue, however, that in the case of officers in danger of being feloniously killed during the course of an arrest, traffic stop, disturbance call or ambush, refreshing tactical training may prevent a loss of life.

The U.S. Department of Justice released a report in late 2009 that detailed 10 years of felonious line-of-duty deaths. From 1999

to 2008, 530 officers were killed nationally. Some of the circumstances at the scene of the deaths were:

- ⇒ Arrest situation — 122 deaths
 - 50 – attempting “other” arrest
 - 38 – robbery in progress/pursuit arrest
 - 21 – drug related arrest
 - 13 – burglary in progress/pursuit arrest

- ⇒ Ambush — 106 deaths
 - 66 – unprovoked attack
 - 40 – entrapment/premeditated

- ⇒ Traffic stop/pursuit — 101 deaths
 - 38 – felony stop
 - 63 – traffic violation

- ⇒ Disturbance call — 76 deaths
 - 41 – domestic disturbance
 - 35 – disturbance (fight, person with a gun, etc.)

- ⇒ Investigating suspicious persons or circumstance — 62 deaths
 - Handling, transporting, custody of prisoner – 13 deaths
 - Handling person with mental illness – 12 deaths

While nothing is routine about police work, these statistics show that more officers are killed in run-of-the-mill calls than the ones that would present themselves as

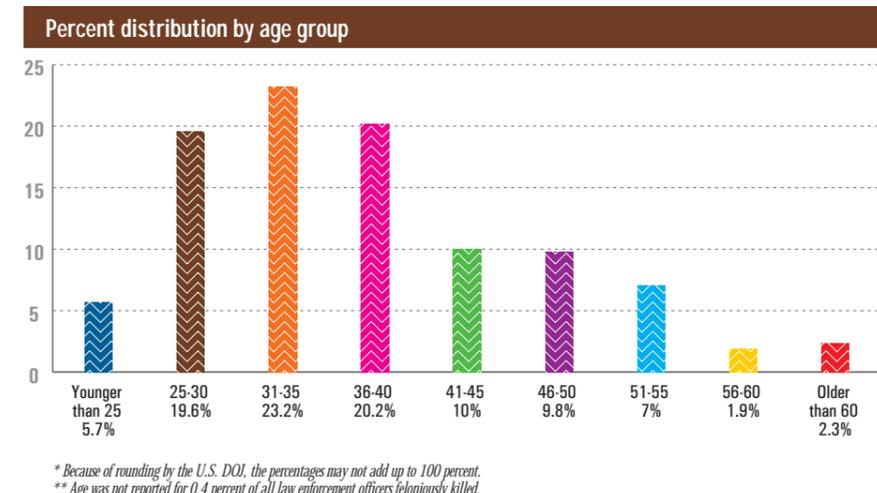
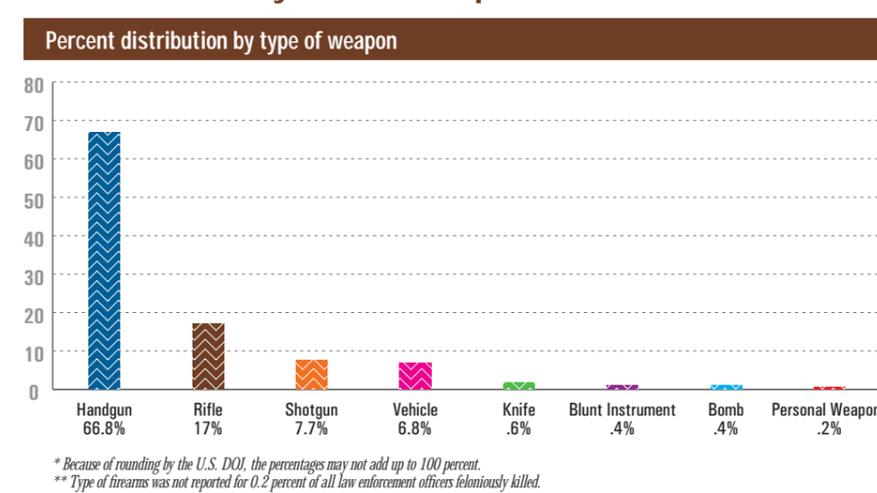
seemingly more dangerous. Additionally, the report showed that more officers were killed in the South than anywhere else in the country and that the average victim officers’ length of service was 10 years.

“So, why is this happening?” asked Travis Tennill, Department of Criminal Justice Training General Studies instructor. “Complacency is the answer that comes to mind immediately. At 10 years, we’ve ‘been there and done that,’ maybe with the same perpetrator numerous times and nothing bad has happened so far. It is very difficult to stay hyper vigilant on a call that you have handled numerous times with little fanfare. But you never know when this call or this person, someone you have dealt with many times before, will be the one that may attempt to take your life. Complacency is a police officer’s worst enemy.”

There are many things involved in the reasons why officers get killed. Among them is the fact that criminals are becoming more well-versed in law enforcement tactics each day. According to the DOJ statistics, of the 588 known offenders, 482 had prior criminal arrests — including drug violations as well as arrests for violence and weapons.

“These guys are in the system and coming out a better criminal, aware >>

Law Enforcement Officers feloniously killed 1999–2008 Stats released by the U.S. Department of Justice



PRE-ATTACK POSTURES

Suspects may unknowingly send you signals that they are getting ready to attack you. Here are some of the cues.

WATCH THE EYES:

- Avoidance — the suspect avoids eye contact with you.
- Scanning — suspect may scan the area for other officers or witnesses prior to the assault.
- Target glance — glances at your gun, etc.
- 1,000-yard stare — to distract you, the suspect may look past you to entice you to look that way, as if someone else is there.
- Contact with associates — signals with associates.

FACIAL CUES:

- Clenched teeth
- Sweating
- Tight jaw muscles
- Hands to face

BODY LANGUAGE CUES:

- Lack of movement
- Flanking moves
- Boxing stance
- Clenched fists
- Hands (may keep feeling for a concealed weapon)
- Stress stretch

CLOTHING CUES:

- Clothing inconsistent with weather (to conceal weapons)
- Unnatural bulges
- Jacket removed when you are seen
- Repeated adjustments (nervous behavior or covering weapons better) ■

>> of our tactics,” Tennill said. “When we come into contact with them, we need to constantly be doing a threat assessment on them.

“Our guys are in the police academy to learn how to be an officer or how to be a better officer,” Tennill continued. “The bad guys are in prison — that’s their training grounds. They are learning how to defeat our tactics. Once they get in the system, they learn the same skills — what did that officer use on me that got me hooked up? How can I counteract that the next time?”

WILL TO SURVIVE

In 75 percent of cases reported by the DOJ, the deceased officers did not fire a round during the event that caused their death.

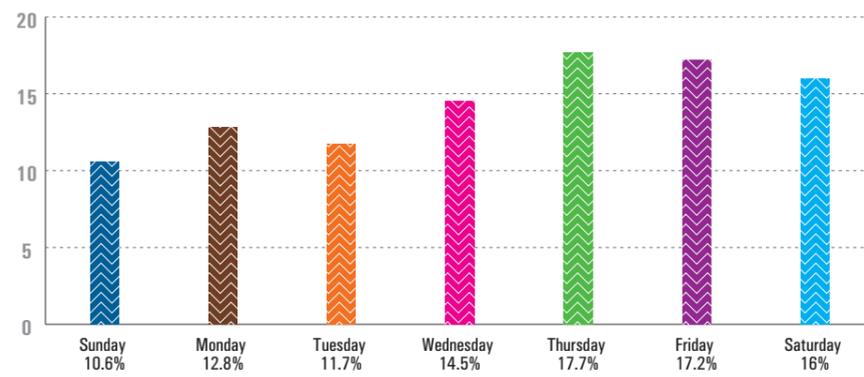
In fact, out of the 450 reported firearm deaths, 336 officers either did not use their weapons, did not attempt to use them or the weapons failed, Tennill said.

“Why?” he asked. “Are we missing cues? Ambushed? Is it a moral conflict? Is there fear of scrutiny by the media, community, department, our peers or the courts? Are we not mentally prepared? Are they not confident in their firearms skills?”

In the Principles of Law Enforcement Tactics course Tennill teaches in Basic Training, he said he talks to recruits about whether or not they have thought through the idea that they may at some time be required to take someone’s life.

“I try to get these guys mentally ready for what they are about to do,” Tennill said.

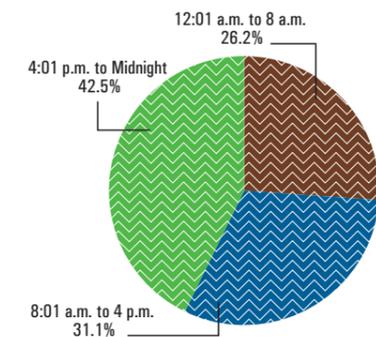
Percent distribution by day of incident



* Because of rounding by the U.S. DOJ, the percentages may not add up to 100 percent.

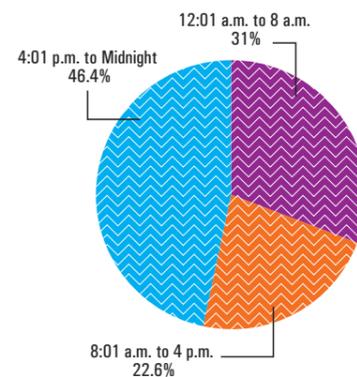
Percent distribution by time of incident

Percent of 530 officers feloniously killed



* Because of rounding by the U.S. DOJ, the percentages may not add up to 100 percent.
** Time was not reported for 0.2 percent of all law enforcement officers feloniously killed.

Percent of 586,915 officers assaulted



“I have a motto that, ‘I will treat everyone I meet with dignity and respect, but I will be prepared to kill them if I feel like my life is in danger.’ To me, it’s kind of harsh. But, that is the reality of police work. You are expected to show that kind of professionalism. You have to be prepared. We cannot afford to let our guard down at any time.”

Tennill recalled an incident when, as a Kentucky State Police trooper, he had to take the life of an armed and elderly suspect.

“My training and mental preparation led me to success that night,” he said. “I was on autopilot and successfully defeated the threat.”

He often uses that example in class to remind recruits that it can happen to them on any given day.

“You can’t take anything for granted when you are on the street,” Tennill said. “There is a fine line between being paranoid and being prepared. If it takes being a little paranoid to get home at the end of the day, so be it.”

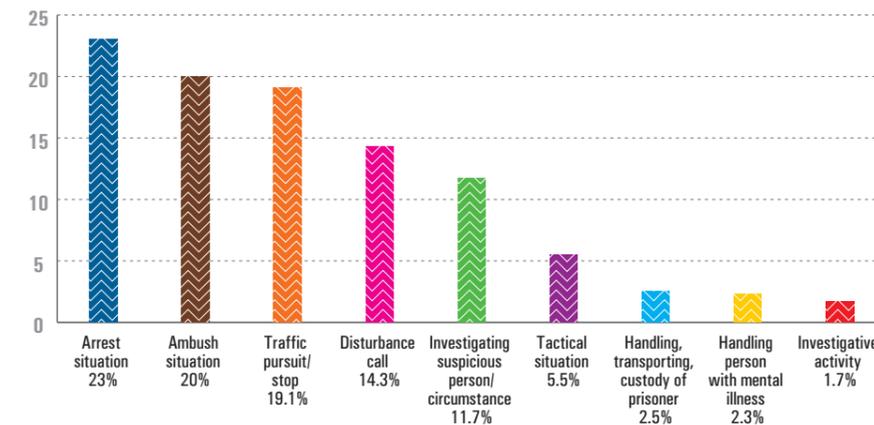
One encouraging fact that has emerged is that more than 95 percent of officers who are shot survive their wounds, Tennill said.

“The obvious benefit of knowing this is that if you are shot, the likelihood of dying is less than five percent,” he said. “You can still operate and continue to fight the threat.” J

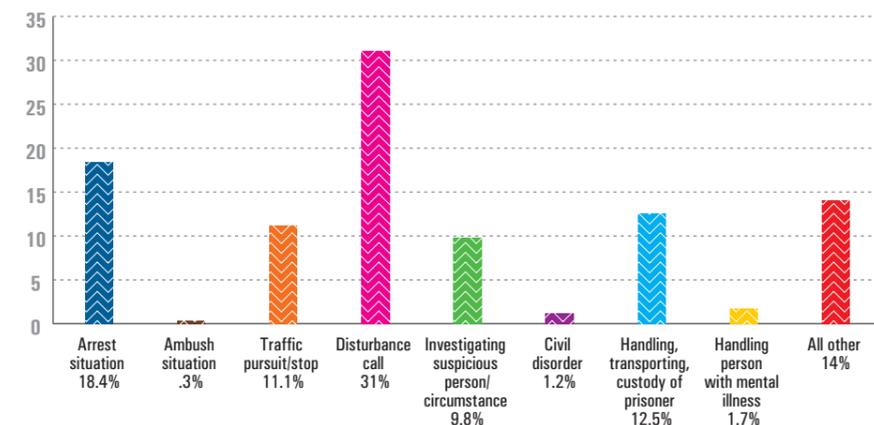
Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552. Travis Tennill contributed to this story.

Percent distribution by circumstance at scene of incident

Percent of 530 officers feloniously killed



Percent of 586,915 officers assaulted



* Because of rounding by the U.S. DOJ, the percentages may not add up to 100 percent.
** Time was not reported for 0.2 percent of all law enforcement officers feloniously killed.

TACTICAL CONCEPTS

There are eight tactical planning concepts that can provide an advantage for an officer in a high-risk situation:

COMMUNICATION: Giving and receiving information prior to and during a call helps officers assess dangers and set up tactics. You should always try to communicate well with other officers and dispatch. Always notify dispatch whenever you get out of your car.

SURVEILLANCE: By carefully observing all problem areas, an officer can identify areas of responsibility and focus points.

INVISIBLE DEPLOYMENT: If the suspect does not know you are there or where you are, he will not attack you. Use concealment to your advantage.

SURPRISE: The officer deploys or moves in an unexpected way; often goes hand-in-hand with invisible deployment.

COVER: Cover stops bullets. Concealment does not.

DIAGONAL DEPLOYMENT: Areas of responsibility of a building can often be covered with only two officers. By covering diagonal corners of the building, officers can cover all four sides.

RESTRAINT: Don’t rush in. Use time to your advantage. Time is usually on the officer’s side.

DISTANCE: The more distance the attacker has to cover, the slower his attack will be and the more time you will have to react. The closer you get to a suspect, the greater your chance of injury. Officers commonly stand far too close to subjects they are contacting before moving in for an arrest. It takes even a well-trained officer about half a second to react to movement and a lot can happen during this lag time. Action is quicker than reaction. You need a good reactionary gap. ■

The Fatigue Threshold:

You're Out of Gas and the Suspect is Still Out of Control — A Cop's Worst Nightmare

FORCE SCIENCE NEWS

After nearly three decades in law enforcement, Jeffrey Johnson still remembers vividly a “hellacious” physical fight for his life as a young cop.

“I was called to a scene where a guy was banging on his girlfriend’s door, trying to break in,” he told Force Science News. “He was BIG ... and on PCP. Six of us wrestled with him, trying to get his arms behind his back for cuffing.

“He thrashed around like a fire hose out of control,” Johnson continued. “He got an arm free and grabbed my gun. I fought with everything I had to keep it in my holster.

“Then suddenly I was spent ... no juice left,” he said. “It was shocking how fast I lost strength. If other officers hadn’t been there and overpowered him, I honestly believe I would have died.”

Johnson, now training commander for the Long Beach (Calif.) Police Department, had reached what he calls “the fatigue threshold” and runners know as hitting the wall, a little-researched phenomenon with profound implications for use-of-force decisions and courtroom testimony.

Spurred in part by lingering memories of his own desperate experience, Johnson has explored the causes and consequences of the condition in a recent article for the *Monthly Law Journal*, published online by Americans for Effective Law Enforcement, the legal information and training organization.

‘COP’S WORST NIGHTMARE’

In engineering, the fatigue threshold is the stress level at which steel or wood cracks, bends or breaks. In law enforcement, Johnson explained, the term can be

defined as “the sudden physical exhaustion experienced during a force encounter when an officer cannot effectively perform to either control a suspect or defend himself.” It is “not the same as just being tired.” Instead, it’s the abrupt and utter depletion of energy “to the point that you cannot physically function.”

For some officers, that dire moment can strike in extreme cases after as little as 30 seconds of maximum physical exertion, Johnson said. Others might last up to five minutes. On the whole, he estimates “an officer will be lucky if he or she has two to three minutes of effective strength in an all-out fight.”

Reaching that threshold “is a cop’s worst nightmare,” Johnson said. “The closer an officer gets to his or her personal fatigue threshold, the more dangerous the situation becomes, not only to the officer, but often to the suspect as well. You’ll do anything to avoid it, including using what may otherwise be considered excessive force.”

PHYSIOLOGICAL ROOT

Physiologically, the fatigue phenomenon hinges on the difference between aerobic and anaerobic exercise. Aerobic exertion, like jogging and biking, can be sustained for long periods of time, Johnson explained, because the body “is able to keep a steady flow of oxygen and fuel to the muscles.” But anaerobic exercise, such as strength/weight training and sprinting, is critically different.

While aerobic exercise primarily uses slow-twitch muscles designed for endurance, anaerobic effort involves fast-twitch muscles. These are capable of faster,

more explosive motion, but they burn much more energy and are insatiable for fuel, Johnson explained.

Fast-twitch muscles are those you depend on in a fight for explosive motion (swinging a baton, blocking, punching, kicking, grasping, clutching, etc.) and for forceful contraction or tension (prying arms out from under a suspect, keeping him from grabbing your or his weapons, holding him down, etc.).

In such anaerobic activity, these muscles are contracting so quickly and/or powerfully that oxygen the body is taking in cannot provide enough fuel to sustain them for a long duration. The body tries to compensate by drawing on sugar (glycogen), but that process is not sufficient long-term. The result: a waste product (lactic acid) builds up faster than the body can expel it.

“If the body is unable either to keep the muscles fed (through respiration and blood flow) and/or remove the lactic acid,” Johnson stated, muscles at some point “simply stop contracting — shut down.” At this threshold, they “literally are starved and suffocated ... non-responsive.”

A civilian witness may not realize how much exertion an officer is expending.

“It takes a tremendous amount of strength to force a person’s hands into handcuffing position if the subject doesn’t want to go there,” Johnson stated. “A suspect can easily lock his or her arms together against or under his body. ... [E]ven a suspect who is passively resisting ... can easily bring an officer to his or her fatigue threshold.”

Proper training — intense, often bone jarring, high impact, task-specific training — may extend your fighting ability somewhat, but it doesn’t eliminate the fatigue threshold — it just buys a little more time.

REASONABLE TIME FRAME

How long it takes to reach the fatigue threshold differs among individuals, Johnson said. But one scientific source he cites indicates that certain muscles can be affected after approximately 30 seconds of maximum-intensity exercise. While roughly one to five minutes might seem a likely normal range, don’t figure on most people being able to hold out for more than two minutes or so, Johnson advised.

“You don’t have much time to get a suspect under control before you’re going to be in trouble,” he said.

It is important for officers to note that the suspect may not tire as quickly as they do, Johnson explained, “because it’s a lot easier to resist than to overcome resistance.”

The exact point can be influenced not only by the officer’s fitness level, but also by such factors as the intensity of the altercation, the number of suspects and officers involved, the suspect’s physical condition, environmental influences (heat, humidity, cold), the officer’s equipment (20-pound belt, motion-restricting ballistic vest, heat-retaining wool uniform) and the combatants’ “will to overcome and survive,” Johnson said.

The shut-down is temporary, but recovery may take as long as a quarter-hour — “precious minutes an officer can’t spare in a fight,” Johnson said.

FORCE ESCALATION

Before experiencing a life-threatening loss of physical capacity, “it may be necessary for [an] officer to consider and employ greater levels of force than may otherwise appear objectively reasonable, up to and including deadly force,” Johnson stated. The need for escalation may be especially urgent “if the suspect has a history of violence, has threatened the officer, or possesses a weapon.”

Once an officer hits the wall, “all gains are lost, all advantages evaporate,” he pointed out. “The reasonable officer understands that any suspect who is willing to fight the police with such intensity that he can bring the officer to the limits of his strength is dangerous and cannot be allowed to ... control the outcome.”

In most cases, Johnson said, you can tell when you are about to reach your physical limit, although you may still be surprised at how rapidly you can fade, especially where upper-body strength is concerned. When you sense you’re nearing your threshold, you “must act quickly and decisively to control the suspect,” he said.

“An exhausted officer who has reached the limits of his or her physical endurance, yet still has not taken a resisting suspect into custody, may often have no other option than that of deadly force,” he stated. “Sometimes the four-pound pull of a trigger is the only force option a threatened, exhausted officer can physically perform.

“This will never look good on video, but appearances to the untrained eye should never dictate our standard of objective

reasonableness,” Johnson continued. “We carry the burden of having to explain why we took the action we did. If you explain well, people will usually accept it.”

FUTURE RESEARCH

Getting into a life-on-the-line fight is rare for most officers, Johnson believes, but offering near-exhaustion as a justification for significantly escalating force in circumstances where it is a factor would be more credible to juries and review boards if more were known about the phenomenon.

“No one has yet researched the fatigue threshold in a law enforcement context,” said Dr. Bill Lewinski, executive director of the Force Science Institute. “We don’t know how long it takes for fatigue to strike at various levels of intensity, what the best exercise regimens are for maximizing anaerobic stamina, what techniques officers can employ to best marshal their strength in a fight, and so on. Finding answers to these and other related unknowns would be an invaluable contribution.”

He and Johnson hope to collaborate on such research in the near future.

Meanwhile, Johnson stated, “experience tells us that just because a problem is not comprehensively documented does not mean it does not exist. Without question, [the fatigue threshold] exists. What we still need to more clearly establish is the scope of its impact.” J

To access Johnson’s article, “Force and the Fatigue Threshold: The Point of No Return,” visit www.aele.org/law/2010-06MLJ501.html



Sheriff Kevin Johnson
Clay County Sheriff

Kevin Johnson began his law enforcement career in 1989 as a Clay County deputy sheriff. After graduating from the Department of Criminal Justice Training in 1990, Johnson continued his career with the Clay County Sheriff's Office as chief deputy until 1992, when he was hired by the Manchester Police Department. In 1994, Johnson became a DARE instructor in the Clay County school system. In 2002, he was promoted to sergeant at Manchester Police Department and began working as a school resource officer. Johnson continued as an SRO until 2006, when he was elected Clay County sheriff. Johnson and his wife, Angela, have been married for 17 years and have one child, Chelsea.

"We have implemented the first ever clandestine laboratory disposal team within the Clay County Sheriff's Office."

deputies in the field. Personally, I believe training is one of the keys to any successful department and that is why I strive to obtain the most updated training possible for my deputies. Not only is training important to any department, proper equipment also plays a vital role in deputies being able to perform their jobs. That is why, along with training and surveillance equipment, our patrol units and radio systems have been updated since I took office.

WHY ARE YOUR SRO AND DARE EXPERIENCES IMPORTANT TO YOU?
As a DARE/SRO officer, it allows one to work closely with youth in the community on a personal level. But at the same time, it allows young men and women to view you as not only a law enforcement officer, but also as a person. They get to see your hobbies and how your interests outside of law enforcement interact with their interests in life. While campaigning for sheriff, I visited homes

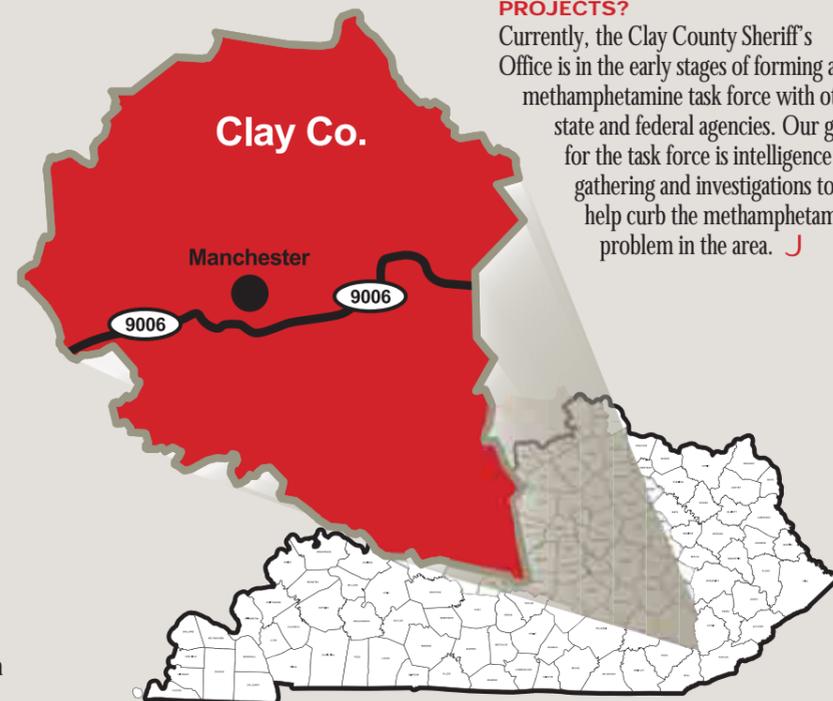
of people I did not know, but with my experiences in the DARE/SRO program, I had interacted with their children at one point or time. A lot of times, the children would inform their parents of the experiences shared with me during the programs, and I contribute that as one of the reasons I was elected sheriff in 2006.

HOW DOES YOUR DEPARTMENT STAND OUT ABOVE THE REST IN KENTUCKY?
Not to downplay any other department in the state, I feel the Clay County Sheriff's Office stands out above the rest because of the can-do attitude that my deputies and I have. Although we are a small department with a limited budget, we do not allow it to hinder our willingness to do all we possibly can to make our community a better place to live.

IS THE DEPARTMENT UNDERTAKING ANY NEW PROJECTS?
Currently, the Clay County Sheriff's Office is in the early stages of forming a methamphetamine task force with other state and federal agencies. Our goal for the task force is intelligence gathering and investigations to help curb the methamphetamine problem in the area. J

WHAT HAS BEEN THE HIGHLIGHT OF YOUR 21 YEARS IN LAW ENFORCEMENT?
Being elected Clay County sheriff in 2006 has been the biggest highlight of my law enforcement career. The sheriff's position has enabled me to enact positive policies and procedures within the community to assist citizens in a wide array of problems or situations.

WHAT POSITIVE CHANGES HAVE YOU MADE SINCE BECOMING SHERIFF IN 2006?
We have implemented the first ever clandestine laboratory disposal team within the Clay County Sheriff's Office. Another advancement since taking office is purchasing state-of-the-art surveillance equipment, which helps with various types of criminal investigations. Since training is one of the most important aspects enabling deputies to perform at their highest level, I have put more trained



Chief Robert L. Deane
Western Kentucky University Police Department

Robert L. Deane began his law enforcement career as a police officer with the Detroit Police Department. He then became the director of Public Safety at the University of Wisconsin-Parkside where he was able to convince the university administration to allow officers to carry weapons on a full-time basis. He was named chief at Western Kentucky University in 2000. Deane is a graduate of the FBI National Academy and has served on active duty in the U.S. Army Reserves. He retired from the U.S. Army Reserves in 2003.

"I am pleased to be able to announce that we are anticipating a ground breaking for a new 10,000 square-foot police facility."

university and the larger community. If those expectations are met and/or exceeded, the organization will be well received and become an integral part of that university community. That is the case in Bowling Green at WKU.

WHILE WORKING AT WKU, WHAT ARE SOME OF THE SIGNIFICANT PROJECTS IN WHICH YOU HAVE BEEN INVOLVED?
In August 2009, the WKUPD was awarded its fourth, five-year accreditation by the Kentucky Association of Chiefs of Police. The WKUPD was the fourth department in Kentucky to gain its original accreditation, which was first achieved in 1993. The accreditation program provides Kentucky law enforcement agencies an avenue for demonstrating that they meet commonly accepted professional standards for efficient and effective operations. The department takes great pride in being able to maintain and improve in those areas that demonstrate the professionalism of the WKUPD.

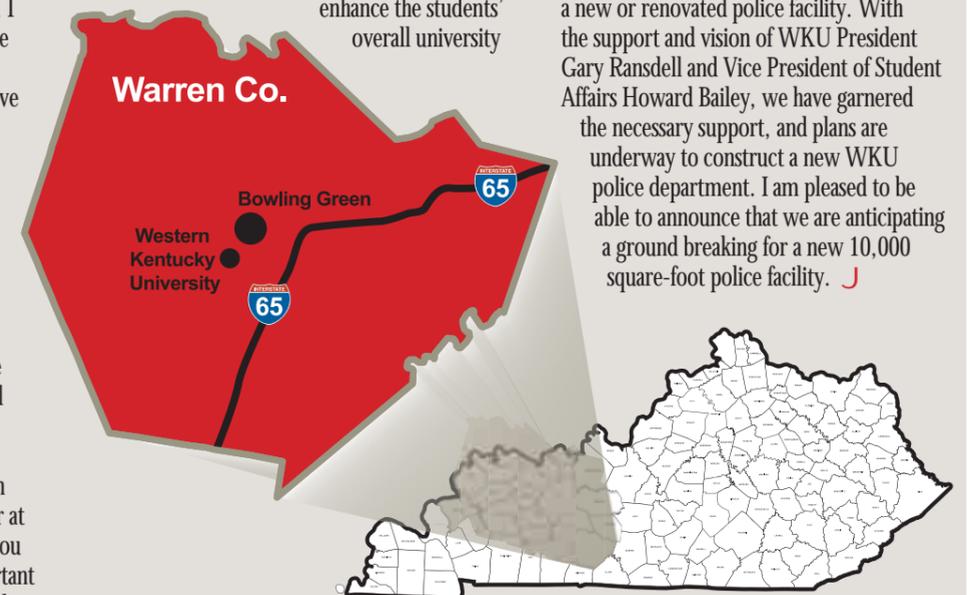
The agency has been fortunate to collaborate with a very progressive and supportive Parents Advisory Council. The PAC serves as the primary liaison between the university, parents and families. The PAC provides funding for programs and services that enhance the students' overall university

experience. Over the past several years, the PAC has provided funding for our Explorer Post by purchasing uniforms, radios and bicycles. The PAC also provided funding necessary for equipment and free instruction of Rape and Aggression Defense classes to female faculty, staff and students. The financial support from the PAC has been vital. In 2010, we hosted WKUPD's first Chief's Challenge golf scramble to raise money for additional equipment for the special response team. We had great community support and a well-planned event, and we were fortunate to raise several thousand dollars.

WHAT HAS BEEN THE HIGHLIGHT OF YOUR CAREER AT THE WKU POLICE DEPARTMENT?
When I arrived at WKU in 2001, I immediately recognized the need to expand, renovate or replace the existing police department. The current facility is too small, inefficiently designed, not user friendly and not conducive to efficient policing on a modern university campus. One of the major priorities placed on my list of things to do was to develop a consensus regarding the genuine need for a new or renovated police facility. With the support and vision of WKU President Gary Ransdell and Vice President of Student Affairs Howard Bailey, we have garnered the necessary support, and plans are underway to construct a new WKU police department. I am pleased to be able to announce that we are anticipating a ground breaking for a new 10,000 square-foot police facility. J

HOW DID WORKING FOR THE DETROIT POLICE DEPARTMENT HELP YOU IN YOUR CURRENT POSITION?
My career with the Detroit Police Department exposed me to many, varied experiences associated with municipal policing in a major metropolitan area. During my 27 years, I had a wide variety of assignments. Those experiences provided me with a broad overview of policing from the perspective of a member of the organization as well as a member of the community in which the department functioned. I was cognizant of the many successes of the department, but also was aware of those areas that the public felt deserved additional attention.

In 1994, I was hired as the director of the University of Wisconsin-Parkside Police Department and had a wonderful opportunity to experience the nuances of policing in a university environment. My six years of experience in Wisconsin prepared me well for a successful career at Western Kentucky University. When you lead a university police force, it's important to understand the expectations of both the



Book Review

KEN MORRIS | DOJT LEADERSHIP INSTITUTE



The Leadership Game

Tom Mullins has written an inspiring book titled, "The Leadership Game," where he relates to his experiences as a football player, football coach and pastor. He played high school football at Lakota High School in southern Ohio, college football at Georgetown College, Ky., and coached at Georgetown College. Mullins begins by telling us how he learned the rules of life on the football field by playing through pain and adversity. He relates what he found out about himself and what resilience meant. Moreover, he discovered he could accomplish more than he ever thought he could.

Mullins addresses what he believes are the top seven principles of coaching. They are: recruiting, motivation, momentum, morale, game planning, game-day adjustments and celebration. He interviewed eight national championship coaches regarding their opinions on the seven principals. I believe successful college coaches are some of the best leaders from which we can learn. They have to blend various socio-economic statuses, egos and cultures into a winning team, and they have a short time to do it. So do law enforcement executives. "The Leadership Game" is one of those books that provides insight into how this works.

Mullins said recruiting is compelling a vision for a person (recruit) to embrace.

Sometimes people try to sell "money now and more money later;" the assumption is the bigger the check the more appealing the offer. Paychecks produce short-term enthusiasm, but lack long-term appeal. If money and status attract people, more money and status will take them away. Police agencies are no different, but as Mullins said, in today's world, we must connect to something internal that speaks to a sense of purpose, pride and meaning.

Mullins described motivation as the difference between winning and losing. He said morale is to physical ability as four is to one. One's attitude is four times as important as one's actual abilities. The spark of enthusiasm starts with the leader. One must lead and set the example. Just barking orders causes people to be fearful, resentful or lethargic.

He described momentum as the ability to sustain success, and called it preparation-centered leadership. A leader must guide a team to sustain momentum by preparing them to accomplish organizational goals. According to Mullins, success begets success, and to sustain momentum, you have to teach your team to focus on the nearest goal.

To instill high morale, Mullins said, a coach must nurture his team's confidence in good and bad times. Above all he must keep the team positive. The paradox of team morale is that it represents the outlook of the group, but is established by individual viewpoints. The foundation of maintaining morale is hope in knowing things can get better by taking proactive steps to improve.

The next principal is game planning, and he said a mentally prepared team has a step-up on the competition. Success

always takes more planning than performing when it involves a team. Effective planning provides confidence, direction, focus, unity and accountability. He describes how each applies to game planning and change.

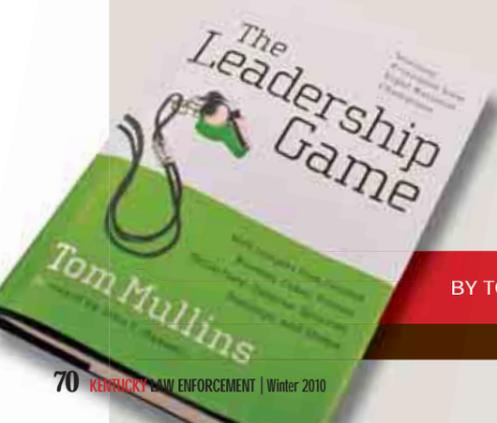
Mullins said to plan thoroughly, but prepare for change. This is a concept with which all law enforcement should be familiar.

His next principal is game-day adjustments, and he addresses change. These are the changes that happen quickly and require the leader to make adjustments. He said in order for a leader to determine what changes have to be made, he cannot jump to conclusions. Does this happen to us in law enforcement? Most assuredly it does, just like a coach on the field, when the decision has to be made quickly on the street. The law enforcement leader must keep his composure and make an educated decision, not a guess.

His last principal is celebration, and Mullins said celebration affirms that expectations were achieved and lays the groundwork for setting new expectations. It shows followers what they can accomplish when they apply themselves to the task of winning, or in the case of law enforcement, succeeding. Again, there's nothing complicated about celebration. People want to be part of something fun, something fulfilling and something successful.

"Nobody really wants a boss; everybody wants a coach because coaches have a way of making people feel special," said Coach Jim Tressel of Ohio State University. "They don't care how much you know until they know how much you care." J

BY TOM MULLINS, NELSON BUSINESS, 2005, 151P.



STRANGE STORIES FROM THE BEAT

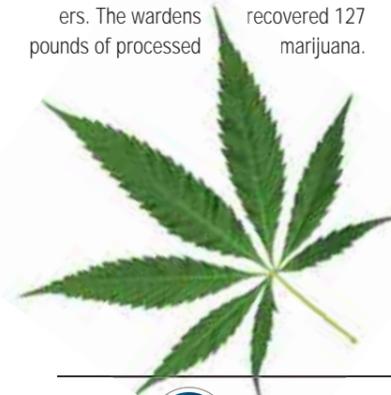
» Mom Cleaned Bath with Son's Toothbrush

An eastern Pennsylvania woman was cited for harassment after her 26-year-old son told police she cleaned the bathroom with his toothbrush, then returned it to its holder. Police said the 52 year old decided that a bathroom inside her home needed a good scrubbing because it hadn't been cleaned in two months.



» Busted Pot Growers Mistake Wardens for Suppliers

California wildlife officials say two men are in custody after a group of marijuana growers started to toss bags full of pot into a pickup truck belonging to game wardens they mistook for their suppliers. The wardens recovered 127 pounds of processed marijuana.



Homeless Man Calls 911 from Hot Tub, Asks for Towels, Hug, Hot Chocolate

A homeless man who called 911 from the hot tub of a suburban Portland home and asked for towels, hot chocolate and a hug, got arrested for trespassing instead. The man said in his Sunday morning call that he'd been in the water about 10 hours and his towels had gotten wet. As he put it, "I just need a hug and a warm cup of hot chocolate with marshmallows in it."

Bathing Suit-clad Woman Held in Tractor Theft

Officers recovered a tractor stolen from the city's street department after a witness reported seeing a woman wearing a bathing suit taking the tractor from a car wash. The police chief said the woman is facing first-degree theft charges.



Woman Tried To Use 911 as Taxi Service

A New Haven, Conn. woman called 9-1-1 six times to request a ride from a nightclub back to her home. She was charged with six counts of misuse of the 911 system and released on a \$1,000 bond.



» 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
521 Lancaster Avenue
Richmond, KY 40475-3102

615-010



...or read
DISPATCHES!

Sign-up for your free monthly Kentucky Law Enforcement Dispatches at
www.KLEDispatches.ky.gov