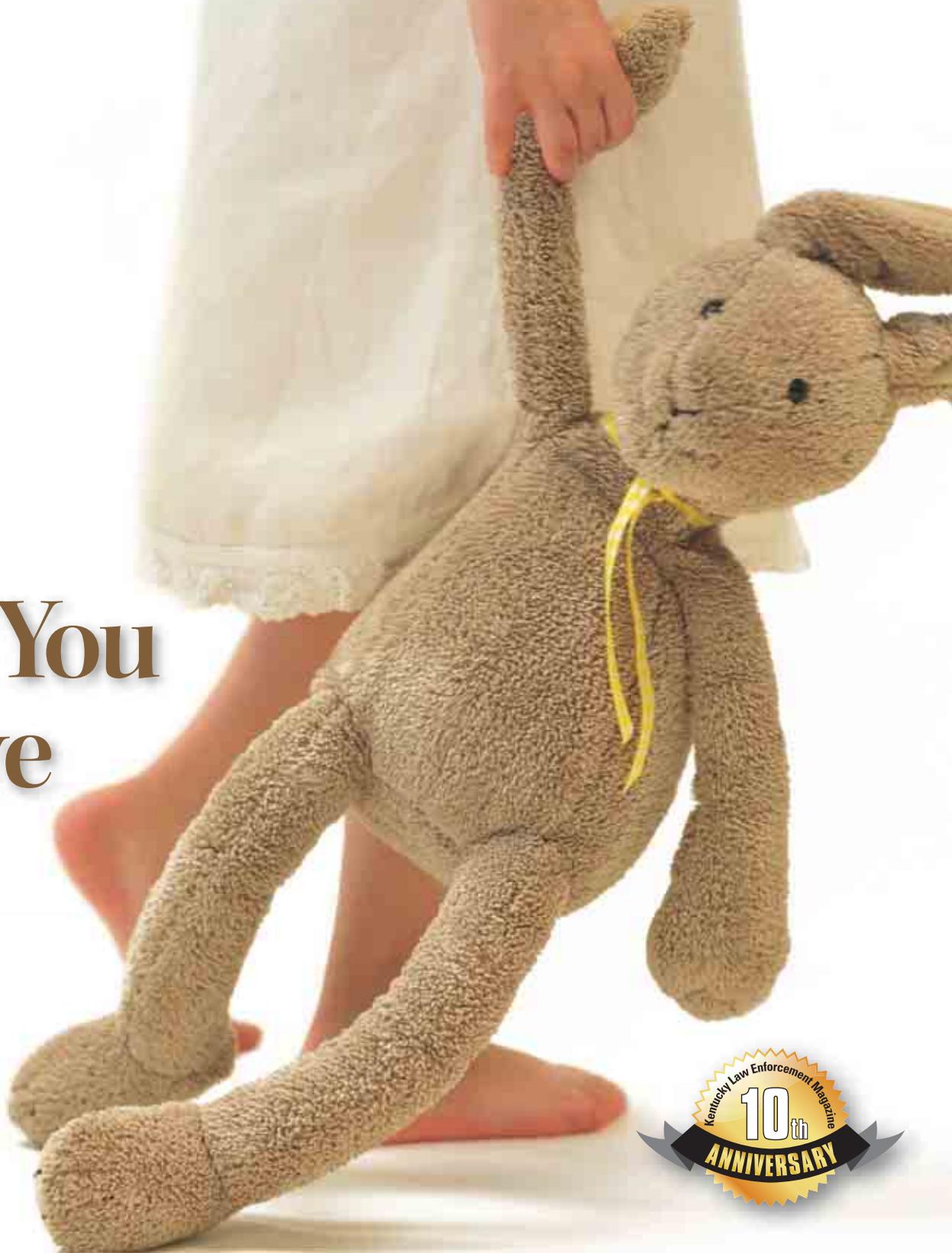


KENTUCKY

Summer 2011 | Volume 10, Number 2

LAW ENFORCEMENT

Why
Don't You
Believe
Me?



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.

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This publication is produced quarterly as a training and marketing tool for the Kentucky law enforcement community as well as public officials and others involved with law enforcement or the oversight of law enforcement. It includes best practices, professional profiles, technology and law updates of practical application and new-to-use for professionals in the performance of their daily duties.

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



Secretary's Column

Harsh Reality of Policing

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

Just over a year ago, we celebrated a monumental achievement in Kentucky: a year in which no law enforcement officer had been killed in the line of duty. In 2009 — for the first time in more than a century — no active members of Kentucky's law enforcement community died while carrying out their sworn responsibilities in protecting the public, and bringing to justice those offenders who cause harm or injury to others.

Such an accomplishment was attributed to several factors, not the least of which is the Peace Officers Professional Standards all law enforcement officers now achieve that better prepare them for the perilous work they do.

The POPS training requires recruits to pass physical fitness criteria; submit to fingerprint, medical, drug-screening and polygraph examinations; and meet or exceed several other requirements for admission. After 18-weeks of basic training, officers must still attend one week annually of mandatory in-service training at the Department of Criminal Justice Training.

A year without casualties is a remarkable achievement that emphasizes the quality of Kentucky's law enforcement officers and their dedication to continual training.

But not long after we celebrated that feat, a Kentucky law enforcement officer lost his life while on duty, giving a stark reminder of the dangerous, and sometimes deadly, circumstance in which officers work every day:

Bryan J. Durman, a Lexington police officer, was responding to a complaint of loud music when he was hit and killed by an SUV. The driver fled the scene, and was later found and charged with murder.

Nationally, line-of-duty deaths have spiked, jumping 37 percent in 2010, according to a report

by the National Law Enforcement Officers Memorial Fund. The statistics underscore a grim toll: A law enforcement officer was killed every 53 hours in the United States last year, according to the report.

Those harsh numbers and Kentucky's own line-of-duty death in no way diminish the courage and skill of the men and women who pursue a career in law enforcement, putting their lives on the line every day. Nor does it discredit the dedication and training that our staff of criminal justice professionals imparts to them on a regular, ongoing basis.

It is, instead, a wakeup call to remember how important training and tactics are in these jobs, and a constant reminder to be vigilant, be on guard, and be prepared. There is no way to ensure that a routine traffic stop won't turn deadly, or a simple question to someone won't turn violent.

In this Memorial Day period, and especially during remembrances of fallen law enforcement officers, take time to honor those who have given their lives in the service and protection of others.

Last year, while attending Kentucky's Law Enforcement Memorial Service, I said that a year's stretch without a law enforcement death was an extraordinary occurrence, but one that caused us all to hold our breath because we knew it was a trend that simply wasn't likely to continue.

Regardless of the training and regardless of the professionalism, unfortunately, you put yourself in harm's way, and you do it willingly, and sometimes our best efforts can't prevent tragedy. We just can't ever allow ourselves to relax and forget.



Commissioner's Column

What Exactly Happens During Change?

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

People react to change. They fight it; they fuss about it; they resist it. But, they rarely ignore it. Let's define change as any part of any organization undergoing planned — or unplanned — shifts or transitions. Although change can be exciting — though not always in a purely positive way — people generally will not change something important until circumstances compel them to make that change.

When people see change being imposed on them rather than them "owning" the change, they often fuel their own suspicions and anxiety, even if changes are beneficial, logical and, perhaps, inevitable. For instance,

- Personal and organizational change can mean losing some control, living with confusion, ingesting an extra dose of risk, or trusting people you'd rather not trust.
- Something of value may have to be surrendered — something familiar, useful, comfortable, meaningful or safe.
- There is no guarantee that what you'll end up with will be better than what you have now. Conflict usually exists, trade-offs and compromises are common.
- It takes energy and time to go through change, whether it is a diet, a new way of dealing with clients, new computer software or restructuring a product line. And typically, there is little relief from the usual workload.

There's seldom any way for change to occur without someone involved unraveling. People become nervous, unsettled, resistant. Others become angry, stressed out or physically ill. Altruism and loyalty may diminish.

During change, fuzzy goals and ambiguity equal more stress, leading to more intergroup conflict. Less information equals more rumors, resulting in performance risks. Leaders must shoulder the task of implementing while protecting, making change happen more smoothly by publicly acknowledging the legitimacy of negative feelings and actions.

Whatever people feel is being taken away — in fact, in possibility, or in fantasy — should be considered important by those leading the transition.

Making those feelings legitimate allows those affected to deal with the emotional level of resistance that lurks just beneath rational explanations. Surprisingly, people at the bottom of the organization generally resist least, because they see firsthand how bad things may really be and are willing to try to improve the situation.

Effective leaders can alter, shift, modify, adjust, reform and shape organizations, but fundamental change cannot be rushed, because not everyone is capable of moving or adapting at the same pace.

After an especially bad game, Frank Leahy, the legendary Notre Dame football coach, sat his team down in the locker room to reintroduce them to the fundamentals. In Vince Lombardi tradition, he said, "All right, men, let's return to the fundamentals. This is a football." One of the lineman, taking notes in the back of the room, called out, "Wait a minute, coach. Not so fast!"

Moving too fast may seem reckless in some cases, but speed does create a sense of urgency and serves as a sign of commitment. Effective leaders never tell themselves they have plenty of time to make fundamental or cultural changes occur. Additionally, leaders recognize every change creates unintended ripples elsewhere in the organization, ripples that might eventually swamp the larger effort.

When a new head of an organization takes over or when a reorganization is on the horizon, we often hear a lot of talk about "slaying sacred cows." Few are actually slain though — most just die of old age. Genuine change does not happen just because a person in a leadership position decides to alter the way some things are done.

For example, most crises that lead to real change gradually build over time. Changing some forms, office decorations and a few policies can be accomplished swiftly, but lasting change only takes root when the majority of the people affected have bought into it.

Deputy Awarded Department's Purple Heart

A Kenton County sheriff's deputy who arrested a suspect accused of slinging a knapsack with a stolen puppy into a busy street has received the sheriff's office's highest award.

Kenton County Sheriff Chuck Korzenborn presented his department's Purple Heart award to Deputy Cooper Steele during a Kenton County Fiscal Court meeting.

On Dec. 2, Steele was in his unmarked car on Dixie Highway monitoring a report on Covington police dispatch of a burglary suspect's pursuit, Korzenborn said. When Steele saw the fleeing suspect, he pursued him on foot.

During the chase, Steele broke a bone in his left wrist and ruptured a tendon, causing him to lose the function of his left thumb. However, he still apprehended the suspect by rolling on top of him to hold him down until backup arrived, Korzenborn said.

Besides the puppy, authorities said Gregory's knapsack contained burglary tools used to remove copper wire and pipe.



Moore Named to Child Abuse Prevention Board

Gov. Beshear has appointed attorney Jennifer A. Moore of Louisville to the Child Sexual Abuse and Exploitation Prevention Board to serve for the remainder of the unexpired term ending Sept. 20, 2012. The appointment replaces Phillip E. Mullins, who resigned.

NEW COURSE

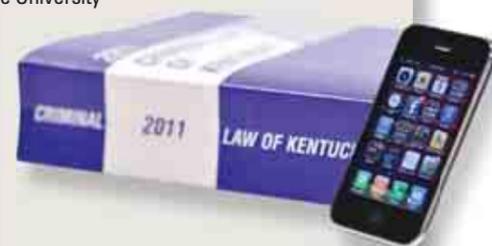
New Values-Based Leadership Class to be Offered

Values-Based Leadership is a new course being introduced in September 2011, primarily for Academy of Police Supervision graduates. To become a credible leader, you have to fully comprehend deeply-held beliefs, values, principles, standards, ethics and ideals that drive you. Leaders must have a strong belief in matters of principle and an unwavering commitment to a clear set of values. To lead effectively, leaders must connect with their values and beliefs and be able to express them. You can only be authentic when you lead according to the principles that matter most to you. Values-Based Leadership is designed to help students identify their core values and principles and connect them with their leadership abilities. For more information regarding Values-Based Leadership, please see the 2011 DOCJT Training Schedule and/or contact the Leadership Development Section at (859) 622-6592.



Lexington Officer Creates KRS Phone App

Lexington Division of Police Officer Clifton Grimm programmed an iPhone application to put an interactive list of Kentucky laws at his fingertips. The app is titled KY UORS in the iPhone app store. In a little less than a year on the market, the \$1.99 application has been downloaded by about 1,000 people statewide, including officers, state troopers, attorneys and social workers who have heard about the app through word of mouth. All of the approximately 2,100 Kentucky Revised Statutes can be read in their entirety on Grimm's app. For the app to work properly, an officer's phone must have access to the Internet, because tapping a statute redirects users to the state's website. That ensures that the laws are always up to date. Grimm worked on the app for about seven months before finishing it last May. A 1997 graduate of the University of Kentucky, Grimm has a bachelor's degree in theater arts, design and technology, and he moonlights as a self-taught computer programmer.



NEW CHIEFS

LeRoy Embry

Hartford Police Department

LeRoy Embry was appointed chief of the Hartford Police Department in October 2010. Embry began his law enforcement career at the Hartford Police Department and has more than 14 years of law enforcement experience. He served the Beaver Dam Police Department from 1998 to 2005 and then returned to Hartford. Embry moved through the ranks to become chief. He is an 11-year United States Air Force veteran and a graduate of the Department of Criminal Justice Training's Basic Training. His long-term goals are to add more staff, update the technology in his department and implement a drug-interdiction unit to combat drugs.

Todd Bennett

Morton's Gap Police Department

Todd Bennett was appointed chief of the Morton's Gap Police Department in November 2010. Bennett began his law enforcement career at the Hopkinsville Police Department and has four years of law enforcement experience. He graduated from DOCJT's Basic Training Class No. 363 and is working towards a bachelor's degree in criminal justice. Since taking office, Bennett purchased a camera for his police car and plans to pursue homeland security grants to purchase more equipment. He said being a new chief at a one-man department and having the great support of his mayor and city council members, he looks forward to a more progressive police department for Morton's Gap.

Greg Smith

Oldham County Police Department

Greg Smith was appointed chief of the Oldham County Police Department on Jan. 3. Smith has nearly 29 years of law enforcement experience and retired from the Louisville Police Department. He is a graduate of the University of Louisville with a master's degree in community development and a bachelor's degree in English from Bellarmine University. Smith said the department is in good shape, very organized and friendly. He would like to see his department tackle drugs in the community and be more community focused.

John Marshall

Jackson Police Department

John Marshall was appointed chief of the Jackson Police Department on Jan. 29. Marshall has more than 22 years of law enforcement experience and his entire career has been with the Jackson Police. He started out as a night-shift patrolman and moved through the ranks to become chief. Marshall is a graduate of Breathitt County High School and DOCJT's Basic Training Class No. 218. His long-term goals are to make Jackson Police Department the best agency of its size in Kentucky, increase technology and pursue grants to obtain new equipment.

Rollin Hedgespeth

Greensburg Police Department

Rollin Hedgespeth was appointed chief of the Greensburg Police Department on Feb. 7. Before becoming chief, Hedgespeth served 25 years with the Kentucky State Police. Hedgespeth has also served as a sergeant with Paragon, which is an armed security contractor for the federal protection service and as a special investigator for the Kentucky Office of Inspector General. He has numerous hours of law enforcement training. His long-term goals are to add more staff and pursue KACP accreditation.

Michael Lunsford

Loyall Police Department

Michael Lunsford was appointed chief of the Loyall Police Department on March 2. Lunsford began his law enforcement career with the Harlan Police Department and has more than 20 years of law enforcement experience. He has also served the Evarts Police Department twice, once as chief. Lunsford also served the Harlan County Sheriff's Office. Lunsford is a graduate of DOCJT's Basic Training Class No. 207 and is an Academy of Police Supervision graduate. He plans to hire more officers, pursue grants to purchase computers for the cars and upgrade technology in the department.

Jeff Eldridge

Fort Mitchell Police Department

Jeff Eldridge was appointed chief of the Fort Mitchell Police Department on March 7. Eldridge began his law enforcement career in 1989 with the Ludlow Police Department and has also served the Covington and Northern Kentucky University police departments and the Kenton County Commonwealth Attorney's Office, as a commonwealth detective. Eldridge served the U. S. Army for three years. He graduated from DOCJT's Basic Training Class No. 198. He also graduated from the Union Institute and University in Cincinnati, Ohio, with a bachelor's degree in justice studies. Eldridge would like to see the department become more involved in the community through community-oriented policing and continue to be a well-trained and progressive police department. His department will also seek reaccreditation through KACP. He is a licensed paleographer.

Bryan Morrison

Mayfield Police Department

Bryan Morrison was appointed chief of the Mayfield Police Department on March 14. Morrison has more than 14 years of law enforcement experience and 13 of those years have been at Mayfield. He formerly served the Clinton Police Department. Morrison graduated from DOCJT's Basic Training in October 1998. He looks forward to the department becoming more involved in the community and to see his officers take full advantage of the first-line supervisor and leadership courses offered by DOCJT.

STATE POLICE

Seven Officers Honored For Highway Safety Efforts

Four KSP troopers, one CVE officer and two CVE inspectors received Excellence in Highway Safety awards at a ceremony in March.

Tpr. Nathan Clinkenbeard, Post 1, received the award for occupant protection. He wrote 482 seat belt citations in 2010. Tpr. Eddie Whitworth, Post 12, received the award for the highest number of DUI arrests, 249.

Tpr. Jason S. Young, Post 10, received the award for highest number of speed citations, 1,598. TFC Elliott Gollihue, Post 14, received the award for community education by hosting 179 education events relating to highway-safety issues.

The KSP Commercial Vehicle Enforcement Division awards were based on the number of safety inspections administered, percentage of commercial motor vehicles (CMV) deemed out of service as a result of inspections and total number of CMV citations.

Officer Luke Pridemore, CVE Region 6, received two awards: one for highest number of CMV safety inspections and one for the highest vehicle-out-of-service rate by a sworn officer. Pridemore accounted for 1,203 CMV inspections and recorded a 91 percent vehicle-out-of-service rate for 2010.

CVE Inspector William Moore, CVE Region 5, received the award for highest number of CMV safety inspections, 1,839.

CVE Inspector Wesley Garmon, a CVE Region 2, received the award for the highest vehicle-out-of-service rate by a civilian employee, 63 percent.



Back row, left to right: CVE Officer Luke Pridemore, CVE Inspector William Moore, CVE Inspector Wesley Garmon and TFC Elliott Gollihue; front row, left to right Tpr. Eddie Whitworth, Tpr. Nathan Clinkenbeard and Tpr. Jason S. Young.

Three Assistant U.S. Attorneys, Secretary, retire from Eastern District

Assistant U.S. attorneys Frances Catron and Marianna Jackson Clay as well as Secretary Joni Weber retired April 1 from the U.S. Attorney's Office, Eastern District. Assistant U.S. Attorney Davis Sledd retired March 25.

Catron served the United States for more than 20 years, primarily prosecuting major drug and fraud cases. Most recently she prosecuted a case in which officials from two oil and gas companies were convicted for using a scheme to defraud investors in Kentucky and other states out of more than \$12 million. Catron also has served a variety of roles during her tenure, including acting and interim U.S. attorney.

Clay served in some of the most important leadership positions in the U.S. Attorney's Office during her 31 years. During her tenure, she helped develop a curriculum used to train federal prosecutors and staff members from U.S. attorney offices across the nation, created a prison litigation unit and spent time as the office's senior litigation council.

In 1991, Sledd was hired to litigate a large number of coal mine cases investigated by the Mine Safety and Health Administration. From 1994 to 1998, Sledd successfully prosecuted nearly 150 coal mine operators for submitting false respirable dust samples to authorities in order to avoid detection of safety violations.

During the 22 years Weber served as secretary in the U.S. attorney's office, she worked under the direction of nine U.S. Attorneys. Weber also served as a legal assistant to federal judge Karen Caldwell, who then served as an assistant U.S. attorney. Weber assisted Caldwell with litigation of local cases that involved medical malpractice and discrimination, among others.



Frances Catron



Marianna Clay



Davis Sledd



Joni Weber

Deputy Commissioner Randy Fawns Announces Retirement from ABC

Long time ABC staff member Randy Fawns retired as deputy commissioner of the Kentucky Department of Alcoholic Beverage Control, effective April 1.

Fawns began his public service career in 1984 as a patrol officer for the Mount Sterling Police Department. He then joined the enforcement division of the Department of Kentucky Alcoholic Beverage Control as an enforcement officer. He continued his career as an investigator with the Kentucky Office of the Attorney General's Medicaid Fraud Division. Fawns returned to the ABC and continued his work as an investigator until his gubernatorial appointment in 2008 as deputy commissioner.

KLEC Presents CDP Certificates STAFF REPORT | KLEC

The Kentucky Law Enforcement Council congratulates and recognizes the following individuals for earning career development program 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

Bowling Green Police Department
David A. Hyett

Covington Police Department
Christopher J. Dees
Bryan W. Bogard
Robert E. Linton Jr.

Florence Police Department
John R. Thoman

Frankfort Police Department
Robert N. Courtney Jr.
Jerry D. Marcum
Derrick W. Napier
Michael A. Schneble

Ft. Wright Police Department
Jeffrey C. Hoppenjans

Hopkinsville Police Department
Raymond W. Beaird III
Michael A. Felts
Gabriel R. Gillingham
Timothy K. Leyenaar

Jeffersontown Police Department
Aaron R. Gutermuth
Todd F. Ralston
Scott P. Wachowiak

Kentucky Alcoholic Beverage Control
Michael L. Razor

Kenton County Police Department
Christopher C. Haddle

Ludlow Police Department
Benny T. Johnson

Murray State University Police
John A. Cooper

Olive Hill Police Department
Samuel H. Lowe

Owensboro Police Department
Kenneth Bennett
James M. Parham Jr.
Jeffrey D. Payne

Paducah Police Department
Ronald J. Merrick

Wilmore Police Department
Christopher D. Sizemore

ADVANCED LAW ENFORCEMENT OFFICER

Ashland Police Department
Edwin R. Harrison

Bowling Green Police Department
Stephen C. Chappell

Cold Spring Police Department
David A. Hyett

Covington Police Department
Robert E. Linton Jr.

Florence Police Department
John R. Thoman

Frankfort Police Department
Randy R. Charles

Ft. Wright Police Department
Timothy M. Pangallo

Jeffersontown Police Department
Aaron R. Gutermuth
Todd F. Ralston
Scott P. Wachowiak

Kentucky Dept. of Fish & Wildlife
Jason N. Slone

Olive Hill Police Department
Samuel H. Lowe

Owensboro Police Department
Kenneth Bennett
James M. Parham Jr.

Paducah Police Department
Ronald J. Merrick

Wilmore Police Department
Christopher D. Sizemore

LAW ENFORCEMENT OFFICER INVESTIGATOR

Danville Police Department
William T. Davis

Hardin County Sheriff's Office
Timothy T. Marcum

Kentucky Alcoholic Beverage Control
Michael L. Razor

Ludlow Police Department
Benny T. Johnson

Madisonville Police Department
Mark J. Phaup

Olive Hill Police Department
Samuel H. Lowe
Paducah Police Department
Ronald J. Merrick

Paris Police Department
Kevin R. Anderson

LAW ENFORCEMENT TRAFFIC OFFICER
Covington Police Department
Bryan W. Bogard

Jeffersontown Police Department
Aaron R. Gutermuth
Todd F. Ralston

Kenton County Police Department
Christopher C. Haddle

Olive Hill Police Department
Samuel H. Lowe

LAW ENFORCEMENT SUPERVISOR
Christian County Sheriff's Office
Wade E. Connell

Kentucky Alcoholic Beverage Control
Christopher M. Thomas

Owensboro Police Department
James M. Parham Jr.

Paducah Police Department
Ronald J. Merrick

Russellville Police Department
Gary T. Raymer

LAW ENFORCEMENT MANAGER
Boone County Sheriff's Office
Steven W. Collinsworth

Owensboro Police Department
Kenneth Bennett

LAW ENFORCEMENT EXECUTIVE
Bowling Green Police Department
John E. Stewart

BASIC TELECOMMUNICATOR
Warren County Sheriff's Office
Casey L. Franks

Greenup County 911
Raymond S. Brown
Kelly M. Cartagena
Sherry J. Chapman
Nicolas J. Dickens
Melissa L. Hager-Pitt
Nathan A. Hamilton
Edward A. Hoy
Elizabeth H. Markin
Mary J. Powell

KSP Post 14, Ashland
Melinda L. Bass

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Jessamine County 911
Margaret J. Brown

ADVANCED TELECOMMUNICATOR
Jessamine County 911
Christopher Bowman

TELECOMMUNICATION SUPERVISOR
KSP Post 13, Hazard
Christopher P. Hays

CRIME SCENE PROCESSING OFFICER
Ludlow Police Department
Fred T. Roberts Jr.

Owensboro Police Department
Kenneth Bennett
James M. Parham Jr.

Paris Police Department
Kevin R. Anderson

LAW ENFORCEMENT OFFICER
ADVANCED INVESTIGATOR
Frankfort Police Department
Jeffrey A. Fogg
Michael W. Johnson

Insurance Fraud-Kentucky Public Prof./Reg.
Ronnie D. Mosby

Kentucky Department of Parks
Joey R. Sparkman

Lexington Division of Police
Thomas C. Howell

Louisville Metro Police Department
William A. Shingleton

Ludlow Police Department
Benny T. Johnson

Murray Police Department
Kendra F. Clere

Somerset Police Department
Michael R. Grigsby

Trigg County Sheriff's Office
Ronald D. Hughes

LAW ENFORCEMENT TRAINING OFFICER
Paducah Police Department
Ronald J. Merrick

Honoring Kentucky's Fallen

2011 MEMORIAL CEREMONY



Gov. Steve Beshear addressed the hundreds gathered at the annual memorial ceremony commemorating the lives of 24 fallen law enforcement officers who gave their lives in service to the commonwealth. Recognizing the solemnity of the occasion when family, friends and comrades of Kentucky's fallen officers remember their lives and honor their sacrifice, Beshear also expressed his pride and admiration of the diligence and courage the commonwealth's law enforcement officers demonstrate each day.

"There are men and women whose disrespect for the law and basic human decency jeopardizes the security and safety of our families and all that we hold dear," Beshear said at the ceremony. "But I do not fret and I do not despair because the threat of violence pales in the face of the courage, sacrifice and dedication to duty that we honor today."

Only one officer was killed in the line of duty in 2010. Lexington Division of Police Officer Bryan Durman, 27, was

killed in a hit-and-run incident on April 29, 2010, leaving behind his wife and 4-year-old son.

"A number of different emotions were expressed as we all tried to make sense of this horrible tragedy," said Lexington Police Chief Ronnie Bastin, recalling the night Durman was killed. "I had no idea what the hours and days that followed had in store. And it would have been very hard for our agency to get through it had it not been for the outpouring of support from fellow law enforcement officers from around the state and from citizens in our community."

Remembering Durman and all the men and women whose names are etched on the monument, Beshear reminded Kentucky's law enforcement community that they are never alone on the streets of their communities.

"It is no small decision ... to choose this career and to go out in the world and face violence, abuse, hatred, evil, greed and fear," he said. "But you do not stand alone. The memories of 485 brother and sister officers go with you." 🇺🇸

2011 Historical Additions

Chief Jerry Lee, Frankfort Police Department, died Sept. 18, 1882
City Marshal Ambrose Wilson, Sadieville Police Department, died Oct. 13, 1883
City Marshal Jesse Offut, Franklin Police Department, died Aug. 19, 1884
Sheriff Henry H. Winters, Hickman County Sheriff's Office, died Dec. 31, 1887
Constable W. F. Deskins, Magoffin County, died Jan. 3, 1893
Officer John Horan, Louisville Police Department, died Nov. 15, 1900
Deputy Nicholas J. Bodkin, Kenton County Sheriff's Office died Nov. 13, 1902
Deputy Bert Casteel, Laurel County Sheriff's Office, died March 21, 1903
Constable William M. Shelton, Clinton County, died April 17, 1904
Deputy James F. Day, Letcher County Sheriff's Office, died May 29, 1904
Constable J. Martin Wright, Letcher County, died Aug. 24, 1916
Deputy Walker Deal, Pike County Sheriff's Office, died Jan. 10, 1921
Officer William O. Barkley, Georgetown Police Department, died April 11, 1922
Deputy Foster Messer, Knox County Sheriff's Office, died Nov. 23, 1923
Jailer Charles A. West, Knox County Sheriff's Office, died Nov. 23, 1923
Chief James V. Gross, Lynch Police Department, died April 1, 1924
Sheriff James O. West, Fulton County Sheriff's Office, died April 11, 1925
Capt. William H. Poore, Paducah Police Department, died Nov. 29, 1928
Town Marshal J. Wes Perkins, Williamsburg Police Department, died Feb. 24, 1930
Sheriff John F. Cable, Pike County Sheriff's Office, died Oct. 2, 1940
Chief Pryor Martin, Eminence Police Department, died Feb. 25, 1951
Chief Ronnie C. Carter, Carrollton Police Department, died April 8, 1969
Sheriff William R. Wimsett, Sr., Nelson County Sheriff's Office, died May 6, 1972

Julian Mundo rubs his father, LaGrange Police Officer Eddie Mundo, Jr.'s etched name on the Kentucky Law Enforcement Memorial monument. Officer Mundo was killed in 2003 when Julian was just 14 months old.

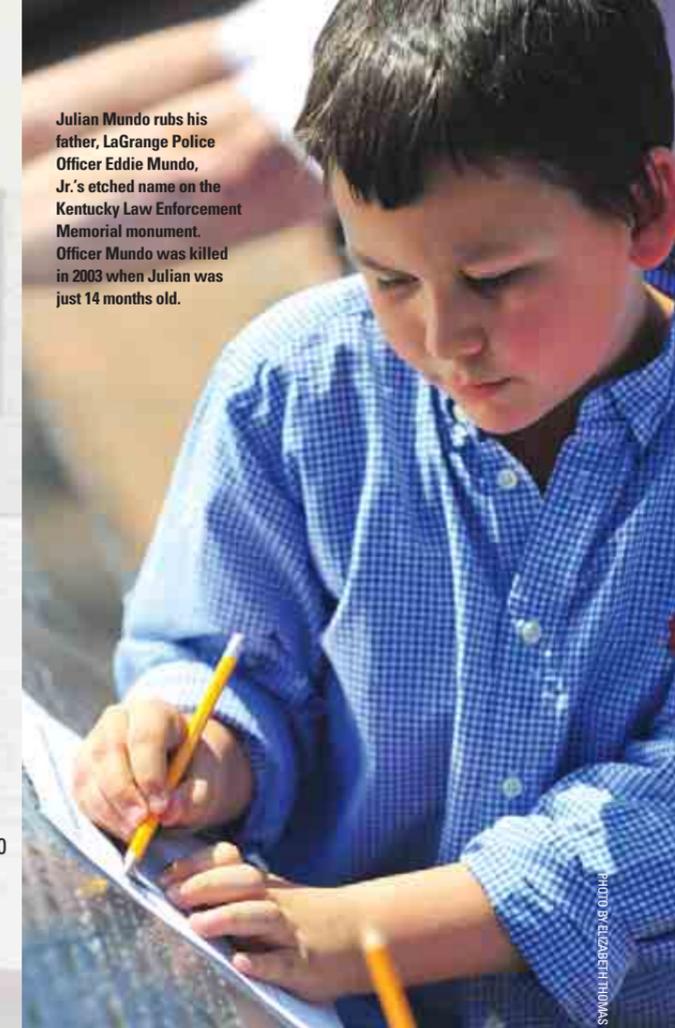


PHOTO BY ELIZABETH THOMAS

Brandy Durman, wife of fallen Lexington Division of Police Officer Bryan Durman, accepts a flag in honor of her husband.

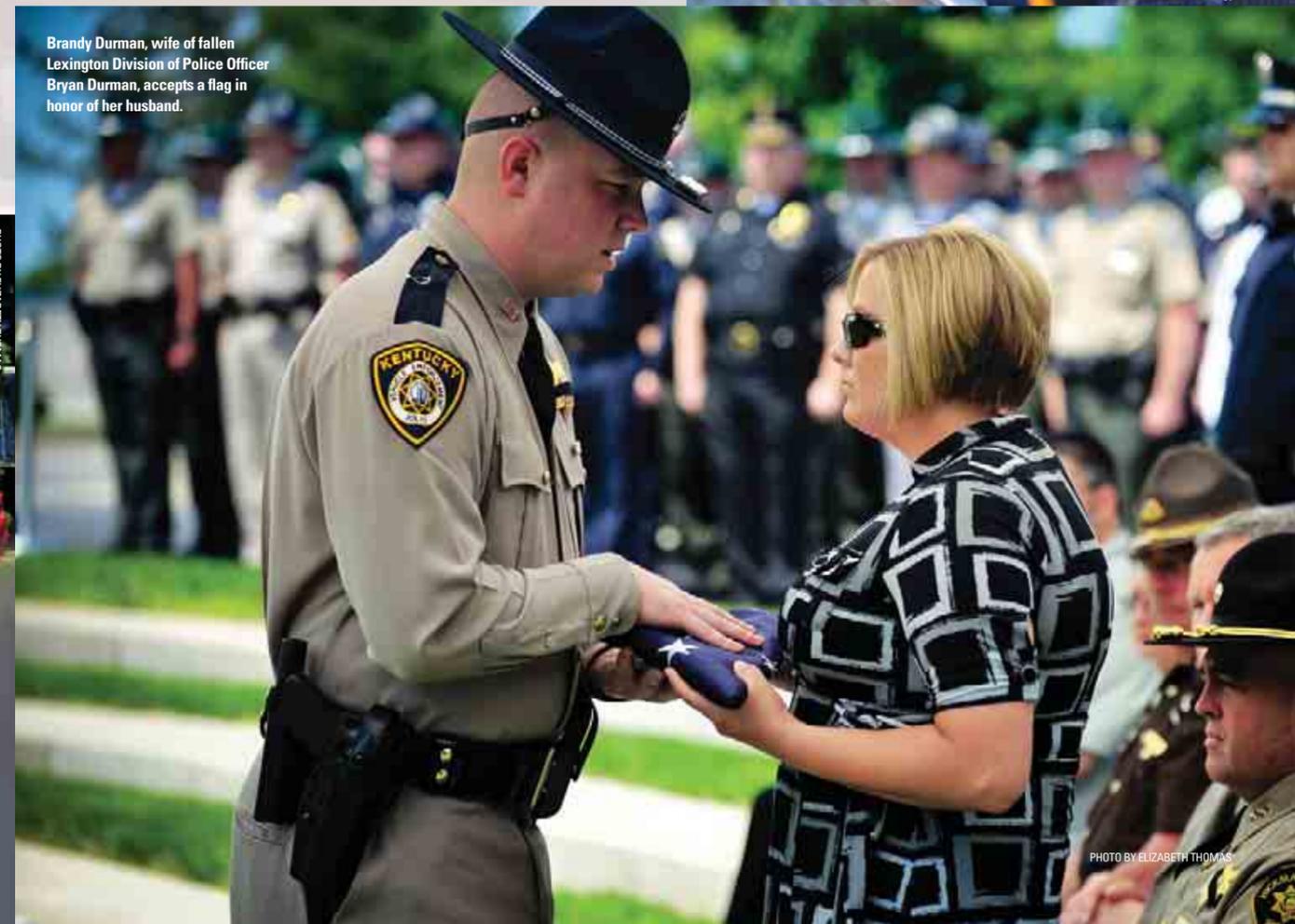


PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

Cutting Costs

Training Cops

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

FRANKFORT — A state prison facility will soon close its doors to inmates and be repurposed for use as a Kentucky State Police training facility, saving Kentucky millions and providing desperately-needed space for the state's troopers to train, Gov. Steve Beshear announced.

"Earlier today, I attended a ceremony at the Kentucky Law Enforcement Memorial Foundation on Eastern Kentucky University's campus," Beshear said during a press conference about the move. "Seeing the 485 names on that monument reiterates for me the importance of giving our officers the very best training and training facility that we can provide. There is no doubt that the plan we're unveiling today has many benefits. And it's indicative of the innovation and synergy we have seen from this cabinet since the very beginning of this administration."

The Frankfort Career Development Center, a 205-bed, minimum-security prison sits on 362 acres of land ready almost immediately for the state police to take up residence, Beshear said. The complex already has in place dormitory-style living quarters, a kitchen designed to feed more than 200, laundry facilities, meeting rooms, classroom space and exercise areas.

After a variety of legislative measures designed to reduce the state's prison population — including most recently House Bill 463 — Department of Corrections Commissioner LaDonna Thompson said it came to her attention that the state no longer needed the prison. The operating budget for FCDC annually costs the state roughly \$3.4 million to operate, Beshear said.

"We sat and looked at some photographs and we talked about some concepts," said Justice and Public Safety Cabinet Secretary J. Michael Brown of the considerations made to retrofit the prison. "[Gov. Beshear] gave me the go ahead to flesh it out and see if it could really work. We found that all the things which have posed barriers to an academy before, we didn't have to worry about in this situation."

Early estimates indicate repurposing the facility for KSP training will save taxpayers \$575,000 annually, the governor announced. But more importantly, retrofitting the prison will keep the state from spending the \$34.7 million it has budgeted for years in its capital outlay plan to construct a new facility for the agency.

"It hasn't been easy," Beshear said. "Government-wide, as we all know, we have cut more than \$1 billion in spending while

balancing the budget nine times in the last three and a half years. We are stretched thin everywhere. But I have made it clear that our state police is one of my priorities. Despite our efforts, however, KSP is at its lowest strength in 30 years, simply because recruit classes haven't kept pace with retirements."

The facility the agency has called home for 30 years has hindered recruiting opportunities, Brewer said. The Frankfort headquarters currently houses Brewer's office as well as offices of command staff and 11 administrative branches. The 44-year-old, 56,000 square foot facility only has enough space for 95 cadets at any given time.

"Today, the way we are structured at KSP, we cannot run a cadet class and an inservice class simultaneously," Brewer said. "So for 23 weeks out of the year, we're down. [Because of] mandatory [Peace Officer Professional Standards] training, that means we have to go off site. We're really piecemealing. That's the immediate benefit right now, is that we could conceivably run a cadet class and inservice class or classes at the same time."

Last year, Brewer said the agency also spent more than \$22,000 on alternate locations for off-site training, an expense that no longer will be necessary. Additionally, Brewer said he anticipates the new facility providing training opportunities for other law enforcement agencies.

"It's not many days that you get a 362-acre complex deeded over to you," Brewer said. "To say we're in dire need of a training facility is an understatement. We are extremely, extremely excited about it. I can tell you I have been a part of the state police since 1979 and I don't know of a bigger initiative that I have been involved in, or anything more important to our agency during my tenure."

REVERSING A STUBBORN PROBLEM

The inmates currently housed at FCDC are non-violent, non-sexual offenders who are nearing the end of their sentences, said Department of Corrections Commissioner LaDonna Thompson. Beshear assured the

public that none of the offenders were being granted early release or shortened sentences. Instead, the inmates will be absorbed into other facilities, such as county jails or halfway houses. All prison employees will be offered transfers to other nearby corrections facilities, he said.

The state's prison population has been one of Kentucky's most stubborn problems, Beshear said.

"Thanks to strategic efforts and initiatives over the past three and a half years, we have reversed Kentucky's inmate population trend, going from first in the nation in the rate of our felon population growth to a sustained drop in population of more than 1,600 inmates," Beshear said.

Over the course of the next several budget cycles, Brewer said a few projects will have to be undertaken to complete the facility, including but not limited to the construction of a firing range and driving track. While the costs still are being evaluated, Beshear estimated they would fall below \$4 million.

"This is a great opportunity to bolster training opportunities for the Kentucky State Police," said Department of Criminal Justice Training Commissioner John Bizzack. "This facility will undeniably benefit the Kentucky State Police's continuing efforts to meet or exceed the state's legislatively-mandated high standards for its law enforcement community."

Brown praised the collaboration between Brewer, Thompson and the governor, citing that the move is unconventional, but an exceptional use of resources in tight financial times.

"The best ideas that anyone can have are only as good as those who will listen and those who have enough nerve to act on them," Brown said. "Many times in government you see situations where people will come up with an idea and it seems to die because it's never been tried before. A few months ago I came to the governor with an idea that we have no model for. Because I know of no other situation where you take one step and close a prison and the next step you open up a law enforcement facility."

After Thompson approached Brown with the option of closing the prison, he said he began fleshing out the idea of retrofitting the facility for KSP after considering several other options. It seemed an unreasonable waste to "moth ball" it, leaving an accredited facility to dilapidate. Converting it to a medium-security facility would have cost millions.

"It will certainly save money, it will certainly take at least some \$30 million out of the capital plan, it will provide a state of the art training facility, it will result in no loss of job and no loss of services," Brown said. "To me, this is what we do. We protect the public and we manage our resources in the most effective way possible." ■

▼ Gov. Steve Beshear, left, Justice and Public Safety Cabinet Secretary J. Michael Brown, Department of Corrections Commissioner LaDonna Thompson and Kentucky State Police Commissioner Rodney Brewer inform the public of cost-saving measures that will lead to a new KSP training facility.



PHOTO BY ELIZABETH THOMAS

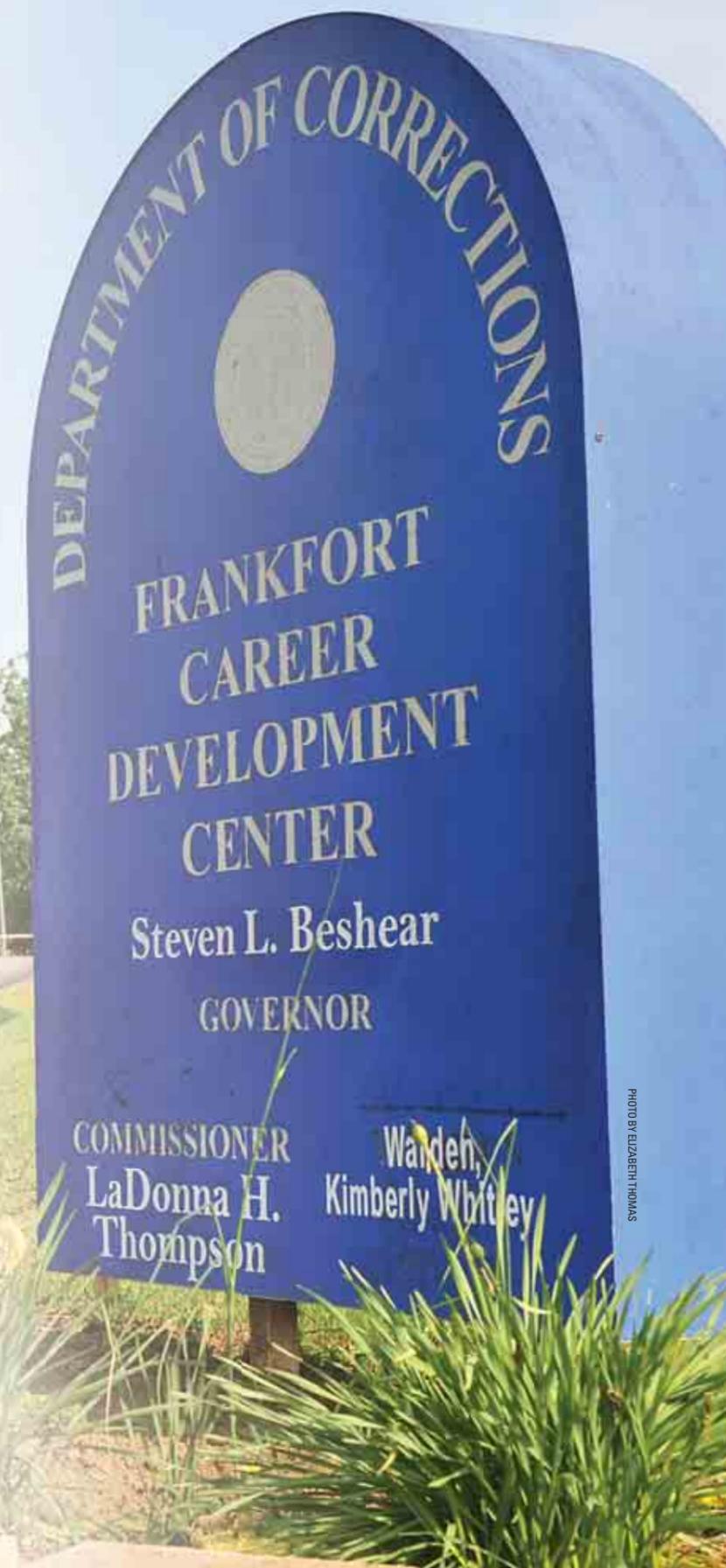


PHOTO BY ELIZABETH THOMAS



Helping shed light on the truth about sex crimes and getting victims the care and justice they deserve is the driving force behind the Kentucky Association for Sexual Assault Programs. Executive Director Eileen Recktenwald, Staff Attorney MaryLee Underwood and Program Coordinator Emily Tamas have dedicated their lives to the cause of sex-crime victims. Given that one out of every nine adult women, or more than 175,000 adult women in Kentucky, has been the victim of forcible rape sometime in her lifetime, KASAP plays a vital role in victim services throughout Kentucky. Charged with providing for the 13 rape-crisis centers in the commonwealth, KASAP not only serves victims across the state, but also offers poignant advice and training for Kentucky's law enforcement officers. >>

◀ Pictured are, from left, MaryLee Underwood, Eileen Recktenwald and Emily Tamas.

PHOTO BY ELIZABETH THOMAS

It's EVERYONE'S ISSUE

The Kentucky Association of Sexual Assault Programs joins with law enforcement to combat sexual assault in the commonwealth

ABBIE DARST | PROGRAM COORDINATOR

>> as a SART on a regular basis, it provides the basis for that emergency response.

We have our statewide SART meetings on a monthly basis now. We meet with DOCJT, Kentucky State Police, Crime Victims Compensation, Kentucky Hospital Association, Board of Nursing and the Attorney General's Office. I'll admit that sometimes I'm like, ugh another meeting — because where do you fit in another meeting — but every time we leave that meeting we're left with a better understanding of the direction we need to go to improve response so that it is improved for the victim and for community safety. It's really two fold. Yes, we want to support victims, but that's how we get to safer communities. That's how we get better cases. That's how we increase the number of successful prosecutions and really address this problem in a very real way.

EILEEN: One of the reasons we would like community-based SARTs, which is what she's talking about, is because the prosecution rate still is really low in Kentucky.

It's probably not high in any state. The prosecutors are not yet in the loop. There is a space for them in the SART, but that space is not filled. We want to get them involved. The whole purpose of this was not only response for the victims and to keep their trauma at a lower point, but also we want successful prosecutions. Because we want to make sure that people understand that if you do this in Kentucky, you will be punished and it's not OK. Prevention is our main goal — using prosecution as prevention, and keeping people who are doing this off the streets. Unless prosecution happens, that goal cannot be realized. So, prosecution has to happen, and you must have good forensic evidence to make sure that happens. You must have an engaged victim to make sure that happens. All that starts in the emergency room.

Does KASAP have any statistics on SARTs across the state?

EMILY: We don't have any hard and fast statistics yet. We have a lot of anecdotal

feedback. One of the first trainings DOCJT's Eddie Farrey and I did was in eastern Kentucky and because of several circumstances, neither of us left feeling like it was our best work. But we recently got some feedback. One of the advocates had taken a call and the officer who met the advocate and victim at the hospital had gone through that first training, and the officer just went on and on about how it changed his viewpoint and his work. The advocate said this officer was just the most amazing officer ever and it was this incredible, blissful feedback. Eddie and I were both incredibly satisfied by that.

EILEEN: We don't have an evaluation program around the SARTs. In a survey we did a couple of years ago we tried to figure out how many organized SARTs there are actually in Kentucky. We think there are about eight, but they are rather loosely defined. They all look a little bit different. A lot depends on the hospital and how much commitment they have to keeping a SART in place.

March was sexual-assault awareness month, and we gave out Sexual Assault Awareness Month awards. We gave one to the first SANE nurse in Kentucky who is in the Pikeville hospital and has been all this time. That SART was the first one in Kentucky. That hospital has been committed to that idea for 17 years. It takes the commitment of the hospital to make sure that there is someone on call to provide that service. The Kentucky Hospital Association is part of our statewide SART and every hospital in Kentucky is a member of that. They have been extremely helpful in getting the whole idea out that this is one of the best ways they know to respond to an assault.

Under HB 500, it was recently ruled that sexual assault forensic-medical examinations, or SAFE, must be provided to survivors even if the crime is not reported to law enforcement. How has this change affected Kentucky assault survivors? The law enforcement community?

MARYLEE: This is a big project we've been working on for the past year or so. We used to call them rape kits. Who wants a rape kit, right? So, we introduced a new idea with this project, calling them SAFE exams. Sexual assault forensic exam is what it stands for, but the whole idea is

“Prosecution has to happen, and you must have good forensic evidence to make sure that happens. You must have an engaged victim to make sure that happens. All that starts in the emergency room.”

that the experience should be safe for the victim. Many times it doesn't feel safe for the victim. Someone's just experienced trauma, their body has been traumatized. Some one has touched them, penetrated them, done many things they didn't want to have happen. They lost control of their body and now they're coming to seek help. But, what are we going to ask them to do but climb up on a table and lay there with their legs spread for three hours or so. So, we know by the nature of it that it is not really a pleasant experience, but we want to make it feel as safe as possible, so the person feels like they have as much control in that situation as possible. And, they do have control. There's no law that says they have to subject themselves to that.

However, when a person goes in, has evidence collected and participates in this process, they are really doing something for their community. They are giving us, as the community, the opportunity to prosecute this person so they don't keep doing this to other people. We're really trying to focus on the idea that this would be a safe exam, and we would use that as an opportunity to promote community safety.

But, there was a reason we did this project now, and that's the change in federal law. States are now required to ensure that victims can have a forensic exam, without being required to report to law enforcement officers. This has been a huge change. The policy idea behind that and the purpose is not to reduce reporting, but actually to increase it. It's a little counter intuitive. The idea is that the victim should have the right to decide whether or not to report and get the evidence collected regardless of what that decision is, in case they decide to report later. Historically, it was all or nothing. If you came in and you did not want to report to police, then there was no evidence collected. Or, in most places, they automatically called the police and the victim didn't get a choice and it could become sort of an adversarial situation. That's what we want to avoid.

EILEEN: They need time to process it and make the decision. But there's a 96-hour window to collect evidence, so that's the issue there.

MARYLEE: They can go ahead and have the evidence collected and have it held by the hospital for up to 90 days and have that period of time to decide. They can go home, rest, and get support in moving forward in this process. We don't need to make any bones about that. It is a hard process to go through. To have been traumatized and then to tell and retell and be questioned — those are all necessary steps in the criminal justice process. But, they are really hard on the person who has just experienced the trauma.

But we want to let officers know that we're not trying to interfere with reporting, but to actually give people another opportunity to report a little later on. Also, it gives the opportunity to increase the quality of evidence. Before, in those cases of delayed reporting, there would be no physical evidence. You can still make a case, oftentimes, on statements. But when you have physical evidence, that is a really good thing.

We did a pilot on this in 2009. Before we rolled it out statewide, we did the pilot in four communities, which are the three largest programs in the state — Lexington, Louisville and northern Kentucky — and one small town, Maysville. Those locations do probably half of the state's exams and in a year; they had 20 people who chose the non-reporting option. So, it's not like it undermined the system. Previously, some of those people would have walked out. That's what happens sometimes. When they are told the police have to be called, they turn around and say, 'I don't want to deal with that.' We had 20 people who initially chose that and a quarter of those people subsequently filed delayed reports.

EILEEN: There are about 1,200 exams done statewide, each year, but those places do the bulk of them. The issue is that this crime is very under reported. Many people never say a word. They'll go to their doctor maybe, but they won't come to the ER. Or, they don't tell anybody at all, and don't get any care. We wanted to encourage more of the people that don't report, to come in and get medical care. That's the point, because anything can happen. Victims can be exposed to AIDS and HIV >>

▼ One of the hallways in the building that houses the Kentucky Association of Sexual Assault Programs is lined with ads geared toward giving young women and men the confidence to speak up and out against sexual assault.

PHOTO BY ELIZABETH THOMAS



>> through rape, become pregnant through rape, and/or contract some nasty STIs. **EMILY:** I think it makes it more efficient for law enforcement who would otherwise potentially be called on these calls and be greeted with someone who doesn't want to talk to them or see them, when they could be doing other community safety things. I think that's always been a miserable thing for law enforcement officers when they get called, and the victim doesn't want to talk to them.

What do you see as one of the biggest hindrances law enforcement officers face in relating to sexual-assault victims?

MARYLEE: One of the challenges is the assumption that people will come in and report immediately and present in a certain way. There is a really high expectation of that around sex-crimes victims in particular. I have this slide that I like to use in my training that is from a law enforcement training manual from the 1990s and it says the true sex-crime victim will be disheveled, probably have torn clothing and be crying. So, I present this slide and usually

ask officers, 'Is this what you see?' and many of them will say, 'No.' But, we know that it was included in their training up through the 90s at least, so on some level that is, I think, pretty deeply ingrained.

But, what many of us know and what many law enforcement officers will tell you if we stop and break it down, is that they understand that sex offenders use instrumental violence. Only in about eight to 10 percent of cases are any weapons used such as guns or knives. Instead they use intoxication, or they target people who are less able to defend themselves or less likely to be believed. Or, they don't use a gun or knife, they use body weight to hold someone down. That type of instrumental violence is not going to leave a lot of cuts and bruises. So, if your measure of a real victim, if you will, is whether that person is bloody and battered, then you're not going to see to many "real victims" because that is not the type of violence that is used in these crimes. I think many of these officers understand that on one level, but have grown up in this culture that expects people to look a certain way.

And then there's the whole dynamic of how people present. There's an expectation that someone will be crying and sobbing, and many times they are. But, oftentimes, they're not. The majority of sex-crimes victims are women, and women use humor as a coping mechanism, so it's not really uncommon to see a victim trying to put her best face forward in that situation and maybe even letting a laugh out — nervous laughter.

Since victims don't necessarily present in the way that people expect them to, there can be a lot of questions about whether that person is being truthful and that gets in the way some. I think officers understand that, but they have the difficult job of trying to figure out what the truth is.

EMILY: The truthfulness is always such a careful, touchy subject in the training. But, officers come in, oftentimes, and are somewhat skeptical because they've worked a case and given it their all and, because of the high level of recanting of assaults, they feel they've been burned by a case. So, they carry that with them despite

“They wouldn't even think about investigating a computer crime if they didn't have training on Internet investigation. Why would they even think they could do a sex-crime investigation without training?”

how ever many successful cases they work. They come into the case with an 'I'm not getting burned again' attitude. There's so many parts of an assault investigation where either the victim recants or the victim leaves out part of the story — so maybe they're not telling the whole truth, but they are telling the truth as it is for them at that moment. They're not necessarily lying, even if what they're saying isn't the truth. And that creates a real barrier for the officer whose job is just to get at the truth.

Once we talk about that in training, you can see the advocates understand the difference between the false report, the recanted report, the unfounded report or the unsubstantiated report. But that's a barrier for officers and a very real and human one. They've given their heart and soul to an investigation and the victim turns around and for whatever reason says, 'Never mind, no, I take it all back.' They just want to get on about healing from their trauma. That's understandable, but then the officer's reaction is understandable, too. They carry that with them.

EILEEN: What we would recommend for law enforcement is to get trained. If they intend to investigate a sex crime, they need to have training. It's extremely important. They wouldn't even think about investigating a computer crime if they didn't have training on Internet investigation. Why would they even think they could do a sex-crime investigation without training. It makes no sense to me. Training is the most eye-opening experience they can have. It's eye opening to us every time we do it. The light bulbs go off over their head. Especially if they have already done some sex-crime investigation and then they come to training, they are like, 'Oh my God.' And several have said, 'I wish I had known what I know now, then.'

EMILY: We have had a lot of female officers who come to the training say that just because they are female, those cases get tossed to them automatically. It's a barrier because most

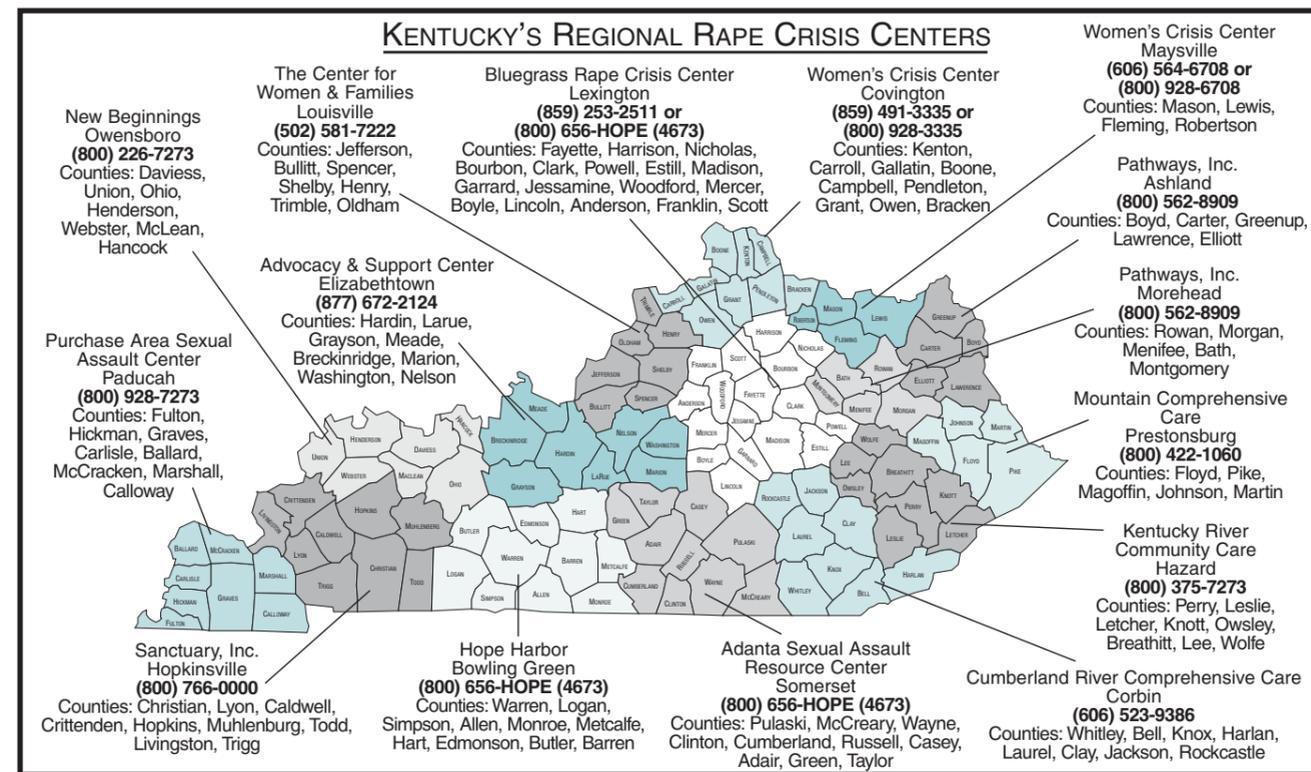
of the officers in the state are not a female. If it's only going to be tossed to the females, then we are taking out about 80 to 85 percent of our law enforcement. That's a huge barrier. Some think that men, who have been painted as the enemy, can't work these cases. Of course they can work these cases and they can do so incredibly sensitively, professionally and amazingly. When I worked direct care, I worked with officers who were male and were just incredible responders. I think that they think they can't because somehow it's a woman's issue and men shouldn't be involved. But, of course, it's everyone's issue and men need to be involved. They are our allies, and we need the men.

EILEEN: Actually, that's one of the crux of our prevention program, because we do need men. As far as we know, about 98 percent of perpetrators of sexual assault are men, but of the whole bunch of men that we have in Kentucky, 5 percent or less are perpetrators. So, where's the other 95 percent? We need them to be bystanders to the men who are actually perpetrating and say, 'Dude, not OK.'

EMILY: We need that 95 percent to be allies. **MARYLEE:** And most of them are, I think. Sometimes people think that advocates think men are the enemy. I love men, I'm married to one. We don't think men are the enemy. What we need is to make sure men know that and encourage them to be active bystanders, not passive and let this fly by the wayside, but take a stand. Because only when men take a stand will we really see a difference. The 5 percent of men who are perpetrators, they could care less what a bunch of girls have to say. The 95 percent that are good guys, their ears are open and they are the ones who can really make a difference.

EMILY: We know that it is their cause, too. At a recent training there was an officer that I happened to have gone to high school with, so I know about his life. I know that he has daughters, and I know his wife. So, I know that the cause is not only important to him because it can happen to men, but because he has a family, he also has a young son. These officers have people they care about, and so it is everyone's issue. It's not just some raving lunatic feminist advocate's issue. The men certainly can be incredibly helpful. 🌩

▼ There are 13 rape crisis centers across the commonwealth that offer free services to sexual assault victims throughout the state.



HB 463 — What Officers Need to Know

ABBIE DARST | PROGRAM COORDINATOR

Heralded as a landmark justice-reform bill, House Bill 463 is designed to decrease the state's prison population, reduce incarceration costs, reduce crime, increase public safety and save the commonwealth \$422 million over the next decade, according to Gov. Steve Beshear's office.

"The overhaul of Kentucky's penal code is the result of a multi-year effort involving members of the executive, legislative and judicial branches," Beshear said. "Over the past three years, we've made headway with aggressive efforts to bring common sense to Kentucky's penal code, and our prison population has dropped each of the past three years. House Bill 463 helps us be tough on crime, while being smart on crime."

The 150-page bill, which takes effect June 8, mainly focuses on corrections reform aimed at decreasing exorbitant prison populations and costs, while reinvesting the savings into treatment programs and probation and parole efforts.

There are two portions of the bill, however, to which Kentucky's law enforcement officers need to pay particular attention. HB 463 changes Kentucky's drug laws and officers' discretionary arrest powers.

"As law enforcement become more familiar with the provisions of HB 463, especially as they relate to our drug laws, I believe they will have more comfort with the bill," said Justice and Public Safety Cabinet Sec. J. Michael Brown. "Rumors about the bill are far different than what the final product turned out to be."

The house bill classifies possession of a controlled substance as a Class A misdemeanor for not only the first offense, but all subsequent offenses. Possession of marijuana has been lessened to a Class B misdemeanor with the maximum incarceration term being 45 days.

In addition, the amount of controlled substance an individual must possess to be considered trafficking has risen. For example, a person is guilty of trafficking in the first degree "when he or she knowingly and unlawfully traffics in: four grams or more of cocaine, two grams or more of heroin or methamphetamine or 10 or more dosage units of a controlled substance" classified in "Schedules I or II and is a narcotic drug ..." according to KRS 218A.1412. Trafficking in the second and third degree have also been altered.

The changes HB 463 makes to discretionary arrest powers amend KRS 431.015 regarding peace officers' authority to cite instead of making a physical arrest for misdemeanor offenses. Previously, officers could make an arrest for any misdemeanor committed in their presence or could issue a citation if they reasonably believed the subject would appear at the stated time and date for a court appearance. >>

“In “breach of peace” offenses, officers may arrest only if their post-arrest complaint contains specific language indicating how the arrestee posed the risk of danger.”

>> However, as amended, KRS 431.015 now specifies that officers **shall** cite instead of making an arrest for misdemeanors committed in their presence, with several limited exceptions.

“KRS 431 was enacted in 1962, so they are changing nearly 50 years of police officer authority,” said Jerry Ross, Department of Criminal Justice Training Legal Section supervisor. “In ‘62 they changed the statute to give police officers the authority to arrest for misdemeanors occurring in their presence. Over the years it was expanded to include 10 violations ... and now it’s being curtailed because they want to cut costs.”

HB 463’s amendments do not affect officers’ arrest authority for felonies, and also retains officer discretion to arrest for 19 misdemeanor offenses:

1. Fourth-degree assault (KRS 508.030)
2. Menacing (KRS 508.050)
3. Second-degree wanton endangerment (KRS 508.070)
4. Third-degree terroristic threatening (KRS 508.080)

5. Third-degree criminal abuse (508.120)
6. Second-degree stalking (KRS 508.150)
7. Violation of a stalking restraining order (KRS 508.155)
8. Second-degree sexual abuse (KRS 510.120)
9. Third-degree sexual abuse (KRS 510.130)
10. Sexual misconduct (KRS 510.140)
11. First-degree indecent exposure (first or second offense — KRS 510.148)
12. Second-degree indecent exposure (KRS510.150)
13. Carrying a concealed deadly weapon (KRS 527.020)
14. Defacing a firearm (KRS 527.030)
15. Possession of a defaced firearm (527.050)
16. Possession of a handgun by a minor (first offense — KRS 527.100)
17. Driving a motor vehicle while under the influence (KRS189.010)

Besides these 19 exceptions, HB 463 also states that an arrest can be made instead of issuing a citation if it is “an offense in which the defendant poses

a risk of danger to himself or another person ...” In “breach of peace” offenses, officers may arrest only if their post-arrest complaint contains specific language indicating how the arrestee posed the risk of danger.

For example, if an individual is guilty of alcohol intoxication, an officer must specifically state what risk is present, such as the individual was passed out or stumbling into the roadway — simply stating ‘stumbling’ does not show a risk of danger to him or herself or another person, Ross said.

Officers also retain the authority to arrest if “the defendant refuses to follow the peace officer’s reasonable instructions.” Likewise, in this situation, officers will have to be specific in a post-arrest complaint as to what their reasonable instruction was, as well as the defendant’s specific response to their instruction.

In addition, a citation to appear in court would be considered a reasonable instruction if a subject’s intent is to disregard the citation, shown by tearing

it up or crumpling it, for example. If properly documented, this type of intent to disregard the citation would justify a physical arrest, Ross said.

“Some officers have gotten content that less is more,” Ross said. “In the long run, I think there’s going to be a learning curve. I believe six to eight months from now, the same people will be going to jail for the same reasons — at least 80 percent of them, it’s just a matter that the officers now have to learn that ... you have to be specific and request them to leave. If they refuse, you take them anyway. You might have some colorful language on the post-arrest complaint, but that comes out from time to time.”

For more information about the ins and outs of HB 463’s amendments to officer arrest authority, please contact the DOCJT Legal Section at (859) 622-3801 or docjt.legal@ky.gov.

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

VINE

Sheriffs’ offices should be aware that with sentencing guidelines changing as a result of house bill 463, giving notices to victims and their families via the Victim Information and Notification Everyday system, or VINE, will be impacted due to earlier release of inmates. ■



Distance from school amended

House bill 463 also amended KRS 218A.1411, changing the distance from a school someone must be to avoid an additional drug trafficking charge, from 1,000 yards to **1,000 feet**.

“Any person who unlawfully traffics in a controlled substance classified in Schedules I, II, III, IV or V, or a controlled substance analogue in any building used primarily for classroom instruction in a school or on any premises located within 1,000 feet of any school building used primarily for classroom instruction shall be guilty of a class D felony. ... The measurement shall be taken in a straight line from the nearest wall of the school to the place of violation.” ■

New, Cheap & Deadly

Kentucky's drug abusers find new ways to get high with unexpected consequences

ABBIE DARST | PROGRAM COORDINATOR

Actions of insanity, disconnection from reality and extremely bad judgment characterizes nearly everyone addicted to the host of available drugs carousing the streets of Kentucky's communities.

Addicts, driven either by drug-induced, shrouded reasoning or a desperate need for their next high, have always challenged law enforcement, keeping them on their toes. But it seems as law enforcement fights back, cracking down on the biggest drug issues in their communities, the abusers gain ingenuity and turn to different or newly-concocted drugs to fulfill their manic substance desperation.

Often the new thing to hit the streets is simply a substitute to provide the abuser the same type of high as an old drug. Designer drugs, one of the newest drug fads, is a term used to describe drugs created or marketed to get around existing drug laws, usually by modifying the molecular structures of existing drugs to varying degrees. Last April, two laws were signed banning Salvia

and K2, previously legal versions of drugs somewhat similar to marijuana.

Designer drugs allow substances with extremely harmful side effects to be sold at local convenient stores, gas stations and "head shops." This 24/7 access can lead to deadly consequences. A sheriff's deputy from Mississippi, responding to a disturbance call, was killed reportedly by an offender under the influence of one of the newest designer drugs to hit the streets — psychoactive bath salts. In that case, six men allegedly were needed to subdue the assailant, who at one point broke free of heavy medical tape and straps binding him to a gurney.

Across the country, reports of the behavior of individuals under the influence of these bath salts ranges from a man who repeatedly slashed his face and abdomen with a skinning knife, to an extended skirmish in which a would-be burglar was Tased twice and twice yanked out probes while continuing to fight violently. In another instance, a 21-year-old male slashed his

throat then shot and killed himself after three sleepless days and nights on a bath-salts high. Paranoid and intermittently delirious, the last night he reportedly hallucinated that the family's house was surrounded by police helicopters and dozens of squad cars.

Here in Kentucky, a mother said to be high on bath salts was found wandering on Interstate-24 in Marshall County with her two young children, one of which she dropped on the side of the road at some point and was found with a large head laceration.

Abusers of this drug exhibit dangerously out-of-control behavior that is very similar to what officers have confronted in trying to deal with excited delirium subjects, said national excited delirium researcher Chris Lawrence. (For more information on excited delirium, see Issue 33, available on DOCJT's website.) Similar to excited delirium subjects, bath salts abusers in worst-case scenarios exhibit signs of profound paranoia, agitation, hallucination, super strength and energy, exceptionally high pain tolerance and potentially lethal combativeness, he said.

By mid February, the Kentucky Regional Poison Control Center said there had been 45 bath salt overdoses since the beginning of the year. Realizing the severity of the problem, in March, Gov. Steve Beshear signed emergency legislation banning MDPV and mephedrone, the two manufactured drugs found in the bath salts, which also have been marketed as plant food.

As if the mephedrone bath salts were not dangerous enough on their own, Marshall County Sheriff Office's Detective Kevin Mighell said some abusers are mixing bath salts and methamphetamine or using bath salts as a cutting agent for meth.

"The dangers with [bath salts] are so great ... it gives the same effects of Ecstasy," Mighell said. "My big concern right now is you've already got methamphetamine, which is an extremely dangerous drug by itself, and then you're going to mix it with these bath salts, which are extremely dangerous. I don't know what kind of effects we can expect with it. ... It's going to be extremely unpredictable."

Though the law has been in effect for several months, Ashland Detective Brian Clark said it may not curb the use of bath salts across the state.

"Sometimes when you make something untouchable, it becomes more attractive," he said. "I think people are just trying to find ways to get high, to become intoxicated, be under the influence of something, and they're willing to stick anything in their nose or smoke anything that you give to them. Who would have ever thought that you'd take bath salts and snort them up your nose?"

"Law makers are not going to be able to make every chemical out there illegal," he continued. "What if you snorted Motrin up your nose, what's that do to you? You can make laws, but some common sense [has to be used.]"

LEGAL LOOPHOLE

From Fulton to Floyd County, Kentucky's most >>



▲ This container of Tranquilly concentrated bath salts is one of numerous types of a substance that contains MDPV or methadone that has recently been scheduled as a controlled substance. These type of containers had been sold legally at convenient stores and head shops across Kentucky.

>> widespread drug problem doesn't deal with illegal substances, but those that can be picked up at the local pharmacy — prescription pills. More than 80 people die every month from drug overdoses in Kentucky, Beshear announced in April, surpassing car crashes as the leading cause of accidental death in our state.

"The problem with prescription drugs is that they are legal to possess as long as the person has a prescription," Clark said. "A lot of people want to stay in that area. Plus there's a lot of money in prescription drugs. The risk is lower, the reward is just as good. ... It's just what they've been drawn to for the fact that it's easy to get them, they can possess them legally and they've kind of cornered the market on it.

"If I, as a police officer, go up to citizen X and they have a prescription bottle with their name on it, they can carry it all day long in their pocket and it's perfectly legal for them to do that," he continued. "If I find them and they have marijuana or crack cocaine, well I immediately can arrest them on that."

In an effort to curb abuse and fatal overdoses, Purdue Pharma, the makers of Oxycontin, recently reformulated the drug to make it difficult to manipulate. Instead of becoming powdery when crushed, it will break into chunks that cannot be snorted. If the pills are melted down for injection, they become gummy, one University of Kentucky researcher said.

"But they'll find a way," Clark said. "People are smart and they get a lot of information off of the Internet. Someone will put something out there about how to do it."

In the meantime, many Oxycontin addicts are looking for a drug to replace the sensation they get from the pills.

A mother of two young children in Louisville found that replacement in Opana, an extended-release formula of oxymorphone. After locking her two toddlers outside during a severe thunderstorm while she slept in a back bedroom, she admitted being addicted to Opana. Opana and alcohol also played

a role in the deaths of two former golf pros from Louisville in January.

"Opana is showing up like crazy," said Sgt. John McGuire, with Louisville Metro police's prescription investigations team. "It's going from something we didn't see at all to something anyone can get fairly easily."

Opana is not a new drug, though. It has been available for decades, mostly in liquid form in hospitals, prescribed for chronic pain. What is new is its availability since going to pill form in recent years, leading to higher levels of abuse and addiction across the commonwealth.

But Opana, or oxymorphone, has very different effects on users than Oxycontin. Similar to methadone, Opana has a much more depressing affect and is a respiratory depressant. Especially when taken with alcohol or other depressants, Opana can cause respiratory failure — a problem only heightened if the user has never taken an opiate before, McGuire said.

"My fear with Opana is in-custody deaths," McGuire said. "If an officer has someone in custody and he or she becomes lethargic or begins snoring loudly and the complaint involves Opana or something doesn't seem right, I would encourage officers to take the individual to a hospital.

"Many of the overdoses we've seen are people with a history of abusing narcotics, but they think [Opana] is like Oxycontin, but it acts totally different," he continued.

Like many other prescription medications, Opana is not just appearing on Kentucky's streets from Kentucky doctors' prescriptions and pharmacies, but is part of the pill pipeline from >>



“I think people are just trying to find ways to get high, to become intoxicated, be under the influence of something, and they're willing to stick anything in their nose or smoke anything that you give to them.”

► Prescription pills, like this 80 mg Oxycontin, have been heavily abused across the commonwealth. Prescription drug abuse remains the No. 1 drug epidemic plaguing Kentucky.

PHOTO BY ELIZABETH THOMAS



>> southern states such as Florida, McGuire said.

With Florida's lack of a tracking system, many of Kentucky's resident drug abusers are traveling to Florida to obtain and fill prescriptions to support their habit, Clark said.

"From somebody that is doing the dirt work so to speak ... [Florida is] making a lot of money off of people from Kentucky, Ohio and Tennessee — it's almost like that's another form of tourism for them," he said. "People are going down there and the trips may cost them \$500 or \$1,000, but that's money going to [Florida] and what happens down there doesn't necessarily affect [the state of Florida] because the problem comes here."

In April, Beshear testified before a congressional panel about the pill pipeline from Florida, after weeks of urging Florida Gov. Rick Scott to implement a monitoring system in the state.

"In October 2009, during the state's largest drug bust, Kentucky law enforcement officials arrested more than 500 people in connection with diverting prescription drugs, all of whom had a Florida connection," Beshear said.

Although Scott was initially against a monitoring system because of privacy concerns, at the April hearing he announced he was moving ahead with the implementation of a prescription-drug monitoring system.

"This is great news for Kentucky and could save thousands of lives," Beshear said of Scott's decision.

CHEAP BUT COSTLY ALTERNATIVE

But, such monitoring systems are only helpful for prescription tracking. In many places across the country, Oxycontin addicts have turned from the reformulated pill to a cheaper, stronger replacement — black tar heroin. Immigrants from Xalisco, in the Pacific Coast state of Nayarit, Mexico have brought a potent form of heroin into numerous cities and towns across the United States, including Kentucky-bordering Huntington, W.Va. Xalisco dealers have been particularly successful in areas where addiction to prescription painkillers like Oxycontin was widespread,

[Florida is] making a lot of money off of people from Kentucky ... it's almost like that's another form of tourism for them. ... the trips may cost them \$500 or \$1,000, but that's money going to [Florida] and what happens down there doesn't necessarily affect [the state of Florida] because the problem comes here.

because it is cheaper and more powerful than the pills.

Overall, Mexican heroin is becoming more pervasive in the United States than Colombian heroin and is not associated with the heightened violence of the larger cartels. Unlike traditional heroin cartels, the Xalisco business model hinges on convenient home delivery, customer service and satisfaction and discounts for referrals. However, because black tar is about 70 percent pure, its arrival to an area is said to be marked with a sharp rise in overdose deaths.

In Ohio, where Columbus is a central hub for Xalisco networks, black tar has contributed to one of the country's worst heroin problems. Over the past decade, heroin overdoses rose more than threefold to 229 in 2008, according to the Ohio Department of Health. The number of heroin addicts admitted to state-funded treatment centers has quintupled, to nearly 15,000.

While there is absolutely nothing new about drug abuse and addiction in Kentucky, the methods abusers are using and the types of substances they are experimenting with is a constantly-changing cycle that forces law enforcement officers to keep a keen eye on the market and trends. Whether manufactured in an eastern Kentucky trailer, grown on plains in Mexico, picked up at a local head shop or purchased at a pain clinic in Florida, Kentucky officers know the devastating effects these drugs have on the citizens they are sworn to protect. And it's not just Kentucky citizens — these drugs know no borders, forcing officers to constantly stay up to date on drug trends not just across the street, but also across the country and across the world. 📍

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UNITE Honors Law Enforcement for 'Rising Above' in Fight Against Drugs

DALE MORTON | UNITE COMMUNICATIONS DIRECTOR

Communities "breaking down silos" to effectively tackle the region's drug problem can't be underestimated, the nation's top drug official told UNITE coalition members during his visit to Kentucky.

"You can really see and really feel the power of people working together, trying to make sure young people aren't involved in drugs," said Gil Kerlikowske, White House Director for Drug Policy. "The important part is that so many community groups are working together and don't have barriers."

More than 375 people representing coalitions from across southern and eastern Kentucky attended the celebration dinner and roundtable to hear Kerlikowske speak about the nation's efforts to combat substance abuse — particularly strategies dealing with prescription drug abuse and diversion — and to help honor those whose leadership efforts inspire and motivate others.

"We are at ground zero. Our backyard is the battleground of the drug epidemic," said Fifth District Congressman Harold "Hal" Rogers, who created UNITE in 2003, in response to an epidemic prescription drug problem raging in his 29-county district. "You can't turn on the six o'clock news or pick up your morning paper without seeing a story about meth labs or drug-related crimes."

"At the same time," Rogers continued, "adversity is being harnessed into hope. UNITE volunteers have stood up and said: 'Enough! We are taking back our communities here and now. We are doing our part through law enforcement, treatment and education, but it's not enough. We need the full attention of (the Office of National Drug Control Policy) to get involved with us and walk shoulder to shoulder with us in this fight."

"We are not denying we have a problem — we laid our problems out on the table, on display for the nation to see. But Director Kerlikowske, we want you to understand we have a capable and willing army that stands ready to fight this battle," Rogers concluded. "I view Operation UNITE as a national model. It can be copied in any region of our country where communities are willing to work for a better future — like we have here. UNITE is reshaping our future generations and the way they think about drug abuse, and it's working."

Kerlikowske, who has served as director for the Office of National Drug Control Policy since May 2009, coordinates all aspects of federal drug control programs and implements the president's national drug control strategy, said substance abuse knows no boundary.

He hailed the three-pronged efforts of UNITE — investigations, treatment and education — as being a model for other areas of the country being hit hard by prescription drug abuse, and praised the spirit of "people so committed and willing to work together" for a common cause.

During Kerlikowske's visit, four individuals or agencies serving southern and eastern Kentucky

were honored by Operation UNITE for inspiring leadership in the field of law enforcement.

The Rising Above leadership awards were presented by Kerlikowske and Rogers.

Those receiving the honors were the London Residence Agency of the federal Drug Enforcement Administration, Kentucky State Police Detective Chris Fugate, Monticello Police Chief Ralph W. Miniard, and Letcher County Sheriff Danny Webb.

"The London Resident Agency of the Drug Enforcement Administration has been an invaluable resource not only to Operation UNITE, but numerous other city and county agencies that don't have the ability to combat illegal drug trafficking on their own," said Dan Smoot, law enforcement director for UNITE.

Accepting the award were Residence Agent In Charge Kyle Scott and Assistant Special Agent In Charge Tom Gorman.

Fugate, a 19-year veteran with the Kentucky State Police, is presently assigned to the Appalachia HIDTA Task Force in Hazard.

"Detective Fugate and his team have been highly successful in locating and dismantling several out-of-state pill pipeline trafficking organizations that were responsible for distributing hundreds of thousands of pain pills within eastern Kentucky," Smoot said.

Chief Miniard served his country as a U.S. Marine during the Vietnam War. After being wounded in action, he returned to Wayne County and has served with the Monticello police for more than 33 years. Information from Chief Miniard and his officers led to the discovery of 34 methamphetamine labs in 2010 alone, and he has assisted UNITE detectives on a daily basis to apprehend drug traffickers in the county, Smoot said.

Sheriff Webb served the commonwealth for three decades with the Kentucky State Police, rising to the rank of captain, prior to becoming Letcher County sheriff. Before that, he served in the U.S. Army during the Vietnam War where he was awarded the Bronze Star.

Now in his third term as sheriff, Webb currently serves as an Executive Board member for Appalachian HIDTA and is co-chairman for the Letcher County UNITE Coalition. 📍

For more information about Operation UNITE visit the website at www.operationunite.org.



Is It Legal... or Not?

SHAWN HERRON | STAFF ATTORNEY, DOJT LEGAL TRAINING SECTION

As part of the Controlled Substances Act of 1970, Pub.L. 91-513, two federal agencies, the U.S. Drug Enforcement Administration and the Food and Drug Administration, were tasked with the responsibility of assigning substances to classifications, called schedules. The criteria for scheduling drugs takes into consideration its potential for abuse, its accepted medical use and federal treaties. Inclusion on one of the schedules has an impact on how that medication may be prescribed, as prescribing controlled substances requires that the doctor or other prescriber have a DEA number.

Kentucky mirrors federal law in how it assigns drugs to schedules and lists the drugs that are controlled both by statute and regulation. In KRS 218A.020, Kentucky places the responsibility on the Cabinet for Health and Family Services to administer the chapter. However, many officers do not realize that statute also permits the CHFS to add, delete or reschedule any of the substances in the chapter, by regulation, and provides specific criteria for substances to be regulated. Specifically, the CHFS has the ability to adjust the list by regulation when notified that federal law has done so and has taken advantage of this statute to classify a number of drugs as controlled

substances under 902 Kentucky Administrative Regulations, Chapter 55. (<http://www.lrc.ky.gov/kar/TITLE902.HTM>)

As such, to discover if a particular drug is scheduled as a controlled substance under Kentucky law, an officer should first find out its actual active chemical composition. There are numerous Internet resources and even cell phone applications to assist in doing so. For example, Xanax, a Schedule IV drug by Kentucky regulation, has a high potential for abuse, but if it is identified, either by the individual in possession of it or by the label on the bottle as alprazolam, would it be immediately recognized by an officer as a controlled substance? With the multitude of prescription drugs available which have a high potential for abuse, identifying a prescription drug as a scheduled controlled substance can be difficult. In addition, plants, herbs or herbal concoctions that are sold as, or believed to be, legal may in fact contain

Websites

<http://www.rxlist.com>
<http://www.drugs.com/>
<http://www.webmd.com/pill-identification/default.htm>

regulated substances. As an example, khat, a green plant commonly chewed in African and Middle Eastern countries that has a stimulant effect, contains the active ingredient cathinone, a Schedule I controlled substance under 902 KAR 55:015. Ultimately, the substance may have to be tested before it can be determined to contain an

illegal substance. If the substance is controlled under federal law but not under state law, it may be necessary to take the case to federal authorities for possible prosecution.

Finally, individuals may also be in possession of, and illegally using, medication that is not a controlled substance. If the medication requires a prescription but is not a controlled substance, it is classified as a legend drug under KRS 217. Illegal distribution, trafficking or possession of such substances falls under KRS 217.182, with distribution and trafficking a class A misdemeanor upon a first offense. (Subsequent offenses would be considered a class D felony and possession of legend drugs is a class B misdemeanor.) Legend drugs need not be carried in their original container, however, as controlled substances must be under KRS 218A.210.

Enforcing Kentucky's drug laws can be a daunting task, and when it comes to new drugs or herbal substances, further investigation may be needed before charges may be placed. Making the additional effort to determine how and when a particular substance is scheduled can only result in stronger cases and more convictions. If a new or unusual drug or drug-like substance comes into your community, discuss the matter with your prosecutor or legal advisor and fully explore all options before making a decision as to the appropriate charge to place, if any. 🐾



PHOTO BY ELIZABETH THOMAS

What is that?

Codeine is regulated in several ways, depending upon how it is used. Cough syrup that contains codeine is usually classified as an "exempt codeine preparation" under KRS 218A.190 and may be purchased without a prescription. But it is kept behind the pharmacy counter and the buyer must be an adult. However, the CHFS may specifically prohibit one or more of these preparations from being sold without a prescription if they are identified as being abused.

Under Schedule, R indicates it is by regulation and S indicates it is by statute. ■

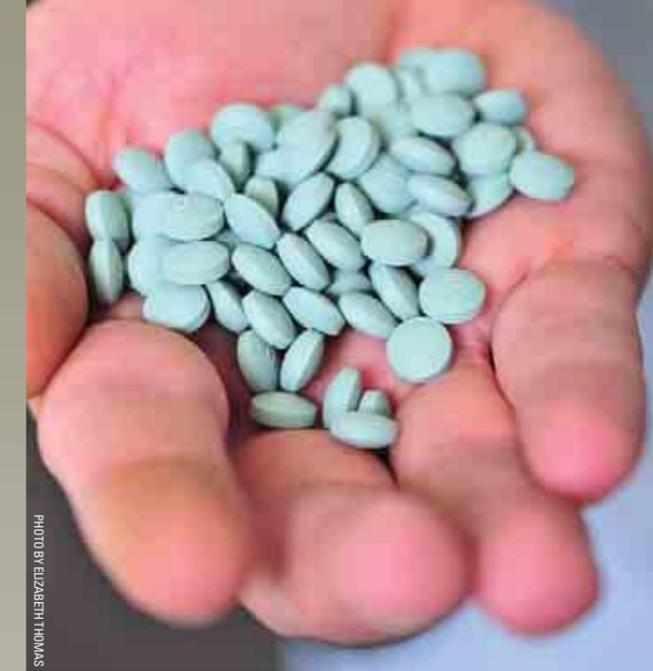


PHOTO BY ELIZABETH THOMAS

Generic	Brand	Form	Schedule	Purpose
Alprazolam	Xanax	Tablet	IV-R	Anxiety
Amitriptyline	Elavil	Tablet		Depression
Amphetamine	Adderall	Tablet	II-S	Attention Deficit Disorder
Buprenorphine	Burprenex	Injectable	III-R	Pain
see above	Suboxone	Sublingual Film	III-R	Opioid addiction
Butalbital	Fioricet, Esgic	Tablet	EXEMPT	Migraine headache
Carisoprodol	Soma	Tablet	IV-R	Relaxation (pre-surgery)
Chlordiazepoxide	Librium	Capsule	IV-R	Bipolar disorder
Clonazepam	Klonopin	Tablet	IV-R	Seizures, panic disorder
Diazepam	Valium	Tablet	IV-R	Anxiety
Fentanyl	Duragesic	Patch	II-S	Pain
Hydrocodone	Lortab, Vicodin	Tablet	II-R	Pain
Hydromorphone	Dilaudid	Liquid, Tablet	II-R	Pain
Lorazepam	Ativan	Tablet	IV-R	Bipolar disorder
Meperidine	Demerol	Tablet, Oral Solution		Pain
Meprobamate	Miltown, Equanil	Tablet	IV-R	Anxiety
Methadone	Dolophine	Tablet	II-S	Pain, opioid addiction
Methylphenidate	Ritalin	Tablet	II-S	Attention Deficit Disorder
Midazolam	Dormicum	Liquid	IV-R	Sedation (medical use)
Morphine	MS-Contin	Tablet	I or III	Pain
Oxycodone	OxyContin, Percocet	Tablet	II-R	Pain
Oxymorphone	Opana	Tablet	II-R	Pain
Pentazocine	Talwin	Tablet, Injectable	III-R and III-S	Pain
Promethazine	Phenergan	Tablet		Nausea
Propoxyphene	*Darvocet, Darvon	Tablet		Pain
Temazepam	Restoril	Capsule	IV - R	Insomnia
Tramadol	Ultracet, Ultram	Tablet	IV-R	Pain
Trazadone	Desyrel	Tablet		Depression
Zolpidem	Ambien	Tablet	IV - R	Sleep disorders

* Darvocet/Darvon is abused, but it is now off the market and officers will see it less and less.

SMALL TOWN — BIG PROBLEM

Law enforcement bands together in an effort to help change the culture of a small eastern Kentucky city

KYLE EDELEN | U. S. ATTORNEY'S OFFICE

What could cause a man to abandon his roots and plan to leave the area he's called home for 67 years?

The unfortunate answer — a city where he and other citizens felt so overwhelmed by fear that they confined themselves to their homes, guarded by locked doors to guarantee safety.

"These law abiding citizens felt like hostages," said Paris Mayor Michael Thornton. "Citizens were fearful to venture outside their homes after dark."

Thornton recalled the moment when he heard this man, a lifelong citizen of Paris, tell him about his plans to move away from the small Eastern Kentucky city.

"You could see the pain and fear that he was going through and that was very hard to deal with," Thornton said. Thornton asked the Kentucky Law Enforcement magazine to conceal the man's identity for the story.

Longtime drug dealers, some with steep criminal records, threatened peace and created a culture of fear that permeated throughout the city.

Some of these drug addicts were affiliated with gangs and congregated in the streets at all hours of the day executing drug deals that primarily involved cocaine and crack cocaine.

One citizen said she often spotted people from her bedroom window probing the streets for drugs at 6 a.m. while she prepared for work.

The heavy drug activity often led to numerous acts of violence. Several stabbings and some shootings transpired right before the eyes of lawful citizens.

"I personally have family and friends who have had their lives shattered because of this," said one resident, who maintains anonymity.

"This doesn't just affect the sellers and users [of drugs] but destroys families in the process."

The safety of teenagers worried parents and citizens as well. High school students routinely passed by a grocery store that served as a hub for the majority of the drug trafficking.

However, the concerned voices of the Paris community didn't fall on deaf ears.

Kentucky State Police (KSP) detectives listened to the complaints of citizens and the concerns of the Paris officials including Thornton.

"I told them whatever they needed to address the problem, I would authorize," Thornton said.

KSP detectives opened an investigation into the drug trafficking activity in 2008, and invited ATF to participate. Both agencies worked closely with prosecutors at the U.S. Attorney's Office and in Bourbon County throughout the investigation.

The two year investigation was keyed by a covert camera placed on a pole adjacent to the grocery store that allowed agents to monitor drug transactions and capture important events including a few shootings.

"The camera was invaluable," said KSP Detective Sergeant Mark Burden. "It allowed us to gather factual evidence to help us identify the major dealers and use as evidence in court."

Both KSP and ATF deployed informants and undercover agents into Paris

to perform hundreds of undercover drug buys.

"All undercover buys are dangerous, but this operation raised the danger level even more" Burden said. "With the shootings around the neighborhood and the fact that some of these guys were violent gang members, it worried us, because if things went awry we feared that an informant's life could be at stake."

The investigation culminated in a massive drug sweep where nearly a hundred law enforcement agents blocked off exit routes from the city so they could arrest drug traffickers inside Paris.

After several days, KSP and ATF handcuffed more than 50 individuals involved in drug trafficking. Three fourths of the individuals arrested had prior felony convictions; some of the convictions dated back more than three decades.

The roundup included everyone from low level narcotic dealers all the way up to the multi kilogram distributors.

"We wanted to take everyone out at once," said ATF agent Eric Mercer.

"We didn't want to just take the head off the monster and leave someone else on the street to fill the role and continue dealing drugs."

After the arrests, agents and detectives passed the torch to Assistant United

States Attorneys Hydee Hawkins, Rob Duncan and Lindsay Thurston with the U.S. Attorney's Office.

By January of this year, the three prosecutors negotiated and composed plea agreements with all 55 defendants charged in the case.

As of March, a federal judge had sentenced every defendant. One of the leaders received 18 years and more than half received five years or more in federal prison where they have to serve at least 85 percent of their sentences.

"It was the extraordinary amount of work by everyone involved prior to the arrests that allowed us to quickly resolve this case and hopefully enhance the quality of life for the law abiding citizens of Paris," Hawkins said.

For the time being, many residents are resting their anxiety.

"The streets are peaceful and calm now," one anonymous resident said.

"Our elderly can come out on their porches without worrying about someone fighting in the streets or even a shooting."

Perhaps no one was more satisfied than the man who nearly left 67 years of memories behind.

"He came to me with tears in his eyes to express his thanks," Thornton said. ■

Meth Lab Funding Cut KELLY FOREMAN | PUBLIC INFORMATION OFFICER

As the number of methamphetamine lab busts rise, the money Kentucky has to clean up the mess has come to a screeching halt.

Kentucky law enforcement agencies rely on about \$725,000 in federal funding to combat meth, said Kentucky State Police Lt. David Jude. About \$400,000 of that pays contractors to legally dispose of the confiscated materials. Roughly \$325,000 purchases equipment and supplies, provides training and pays overtime for officers tasked with taking down the labs, he said.

For 10 years, the clean up funding has been supplied through the Drug Enforcement Administration, but was eliminated recently in the federal budget bill. In a statement from the DEA, officials said the agency attempted to stretch the grant money, but it is now gone.

"We are out of money, and the prospect of getting additional funding is bleak," the statement said.

The majority of funds used for training, overtime and equipment has been supplied by a Community Oriented Policing Services grant, which Jude said the agency is hoping will be refunded.

"So, if that doesn't get renewed, we will have to pick up that expense as well," he said.

Last year, Kentucky law enforcement seized 1,080 meth labs, breaking a state record for the number seized in the state in any given year. Kentucky also recorded the third-highest number of labs in the nation in 2010. Labs in 2011 already are showing an increase of 20 percent from a year ago.

The cost to clean up a meth lab averages around \$2,600, Jude said. The process is extremely dangerous and includes hours of work to secure the highly volatile and combustible materials for disposal. Once that clean up is done, Jude said the disposal also is a complex process, and not one that can be easily done.

"Because of OSHA and federal guidelines, we just don't take it out in the backyard and dump it," he said. "It has to be stored, and these companies have to come and dispose of it properly."

Solutions to the problem are being discussed, Jude said. The brunt of the expense may have to be absorbed into the already thin-stretched state general fund. Some agencies which previously relied on the state police to clean up and dispose of their meth labs may have to take on the financial responsibility themselves.

But, Jude noted, that isn't always a possibility, particularly in smaller, rural areas that already struggle with limited resources. However, State Police Commissioner Rodney Brewer said regardless of the funding woes, the state will continue the fight against meth makers. ■

NO CRIME SCENE

Exception

MIKE SCHWENDEMAN | STAFF ATTORNEY, DOJT
LEGAL TRAINING SECTION

Methamphetamine continues to be a curse upon Kentucky, despite the enormous efforts of law enforcement to stamp it out. The cost to the commonwealth in terms of bulging and expensive prison populations, strained law enforcement resources, destroyed lives and related crimes is staggering. As officers and deputies continue their efforts to combat meth labs, they should ensure they are not only doing it safely (which is the No. 1 priority), but they are doing it in a manner consistent with the law.

One of the enduring legal myths that continues to exist despite all efforts to eradicate it is the idea that there is a “crime-scene exception” to the Fourth Amendment of the United States Constitution. It has seeped its way into popular culture. One of my favorite shows is “CSI,” set in Las Vegas and one of the reasons I enjoy it is that, generally, it is accurate in its portrayal of the law. However, the producers of this show have also drunk the crime-scene exception Kool-Aid. In the ninth season episode, “Young Man with a Horn,” two of the CSIs are on the grounds of a closed and padlocked casino searching for evidence of a homicide. Upon finding some evidence outside, they want to go into the closed casino to search further. When the junior CSI expresses concern about the legality of going inside, the senior CSI breezily assures him that, “It’s a crime scene, we don’t need a warrant.” There

is now a small dent in the ceiling above the couch in my living room where I hit the roof when I heard that statement.

A clandestine lab where methamphetamine is being manufactured is most assuredly a crime scene. Manufacturing meth is punishable per KRS 218A.1432 as a class B felony for the first offense, and a class A felony for subsequent offenses. Kentucky punishes offenders more severely for manufacturing meth than it does for trafficking it because of the enormous hazard it creates. A meth lab easily meets the statutory definition of a hazardous materials site. Peace officers in Kentucky should be aware of the dangers of meth labs and must take appropriate measures to ensure their safety in dealing with one. A meth lab must be properly cleaned up and necessary evidence collected by OSHA-trained personnel with appropriate protective gear and equipment.

When peace officers discover a meth lab, they typically arrest the violators, exit the area, and secure the scene. Specialized teams are summoned to process the lab and clean it up. The question that arises is, what may lawfully be done with the lab upon discovery, and when will it be necessary to obtain a search warrant? There is growing concern that the response teams may be violating the Fourth Amendment rights of defendants by entering these labs to process them without a search warrant. This could lead to suppression of evidence seized during the search.

The Fourth Amendment applies whenever a person has a reasonable expectation of privacy. It must be remembered that the Fourth Amendment protects people, not places. *Katz v. U.S.*, 389 U.S. 347, 353 (1967). May a meth response team enter the scene without a warrant to process it?

To answer that question, another must be asked: Does anyone have a reasonable expectation of privacy in the location? If so, the Fourth Amendment will apply. If the crime scene is somebody’s home, a motel room while they are renting it, or other structure in their possession, the answer is yes. A search of a place where there is a reasonable expectation of privacy without a search warrant is presumptively invalid unless it meets one of the exceptions recognized by the court.

One of the recognized exceptions is exigent circumstances. The idea behind these is that time is of the essence and that if officers have to get a warrant before entering a location or seizing evidence, it will be too late. Among the specific circumstances that fall under exigent circumstances are: hot pursuit of a suspect; evidence in imminent danger of loss or destruction, and human life in danger of death or serious physical injury. The mere fact that a location is a crime scene does not create an exigent circumstance. Likewise, just because it is a meth lab and a crime scene will not by itself create an exigent circumstance. However, any one of the three categories listed could exist at the discovery of a meth lab.

In a series of three cases, the Supreme Court of the United States firmly rejected the idea that there was a crime scene exception to the Fourth Amendment. In *Mincey v. Arizona*, there had been a shoot out at Mincey’s apartment. (437 U.S. 385 1978). Mincey was a drug dealer and the shooting was the result of a drug raid gone wrong. Mincey was shot, as was an undercover officer and several others. The officer was fatally wounded. The other officers who took part in the raid conducted a sweep to look for any other shooters and victims. When completed, they summoned EMS

▼ A variety of harmful chemicals are used in methamphetamine production.



and the wounded were transported. The officers left the apartment and secured it. Subsequently, detectives arrived, entered without a warrant and searched Mincey's apartment for evidence for four days. Mincey sought to have the evidence of the warrantless search excluded. Arizona argued that there should be a murder scene exception to the Fourth Amendment and that the detectives did not need a warrant. SCOTUS rejected that argument. The

Court had no problem with the sweep by the original officers to look for other shooters and victims recognizing this as an exigent circumstance and finding these actions legitimately necessary. On an exigent circumstance entry, officers are allowed to do whatever is necessary to deal with the emergency, but no more. An officer may remain there as long as necessary to deal with the exigency, but must leave when it is over. The exigency in Mincey ended after the scene was secure and the wounded had been transported. As this was Mincey's home, he had a reasonable expectation of privacy and a warrant was required to do any further searching.

SCOTUS reiterated this rule in the subsequent cases of *Thompson v. Louisiana* 469 U.S. 17 (1984) and *Flippo v. West Virginia* 528 U.S. 11 (1999). Indeed, in *Flippo* a plainly irritated Court asked, in as many words, what is it about the word no that you don't understand? There is no such thing as a crime-scene exception to the Fourth Amendment. The Court stressed that an exigency did not give officers the right to remain on the scene after the exigency was resolved. Evidence collected after the exigency as well as searches done exceeding the scope of what is permitted during the exigency without a warrant will be excluded.

How does this apply to meth labs? Consider the following scenarios:

(1) A fire breaks out in a residence. Firefighters extinguish the fire, and advise police that the cause of the fire was a meth lab. May officers now enter to secure evidence and clean up the lab? No. The firefighters had the right to enter the home without a warrant to extinguish the fire. That was an exigency. However, once the fire is out and the situation stable, the exigency is over. Officers cannot now enter to process the scene. Since the response team is also part of law enforcement, they cannot now enter, either. The scene should be secured and a warrant obtained. The information

from the firefighters would easily provide probable cause to support a search warrant.

(2) Deputies are executing an arrest warrant on a subject at his home. When the door is opened, they smell a strong odor of ether, and see an apparent meth-cooking operation in progress. They also observe small children in the home. What may the deputies do? They may make a sweep of the home to get all persons out and arrest the subject of the warrant. Assuming it is somebody else doing the cook, they may arrest that person as well. They must then secure the scene and get a search warrant. The entry into the home was a justifiable exigent circumstance. The meth cook posed a clear and present danger to the occupants of the home. It was justifiable to enter to get everybody out. Once everybody is out, the exigency is over, so the right of the deputies to be in the house likewise ends.

Officers should keep in mind that a person who has a reasonable expectation of privacy but who is not currently a suspect does not mean he will never be one. That was the case in *Flippo*. Officers initially thought *Flippo* and his fatally-injured wife had been attacked in their rented cabin by an invader. It was only after the *Flippos* had been transported to the hospital and the officers found no evidence of an intruder outside the cabin that they began to suspect *Flippo* in the murder of his wife. If anybody has a reasonable expectation in a crime scene, whether they are currently a suspect or not, the smart and safe play is to secure the scene and get a search warrant. Officers have the right to secure the crime scene and keep everybody out of it while waiting for the warrant. It is not going anywhere, so take the time to do it right. 🐾

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▼ Red Devil Lye is a chemical sometimes used in producing methamphetamine.

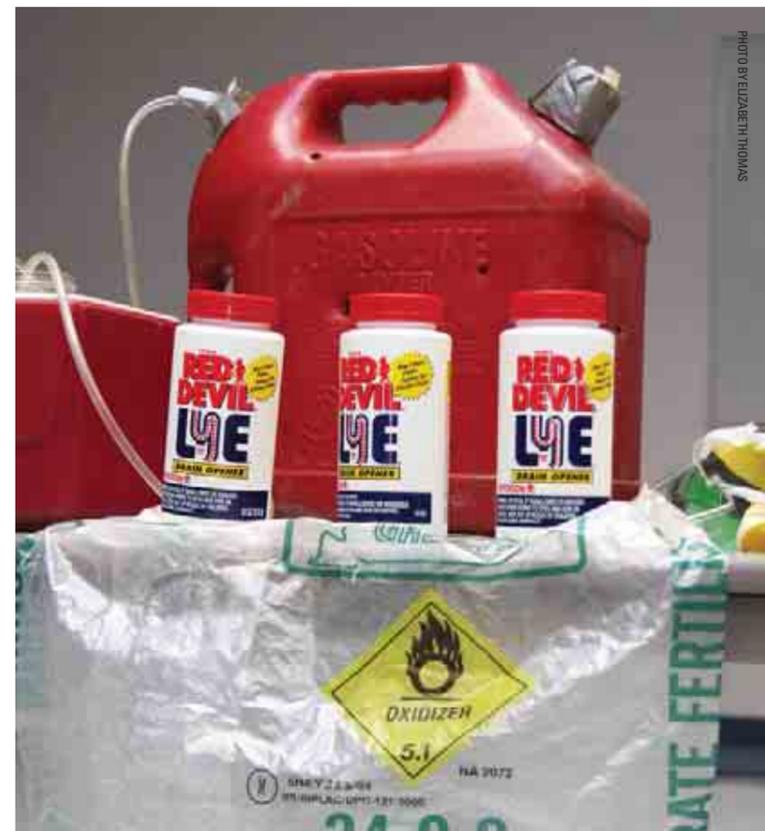


PHOTO BY ELIZABETH THOMAS

Book Review

Drexel Neal | DOCJT Staff Assistant



Lethal Shadow: *The Chilling True-Crime Story of a Sadistic Sex Slayer*

If you were asked to name the most notorious American sex-crime killers in the past 50 years, you might name Ted Bundy, Jeffery Dahmer, Albert DeSalvo, John Wayne Gacy, Jr., David Berkowitz or Richard Speck.

Outside of law enforcement and the victims' families, very few people recognize the name James Mitchell "Mike" DeBardeleben. DeBardeleben was described as one of the most dangerous serial-sex offenders ever identified. He was a serial sex offender/killer who was discovered to have photographed and videotaped himself torturing and sodomizing his victims. Many of the victims have yet to be identified. DeBardeleben was characterized as an "Anger-Excitation Rapist." Anger-excitation rapists are methodical and detailed planners who select complete strangers as victims, making it very difficult to link the offender and victim. The time span from DeBardeleben's first known murder until his arrest for an unrelated crime was 18 years, and he was known to have traveled to most of the eastern United States, as well as Texas and Arkansas.

The details of DeBardeleben's crime spree as a counterfeiter and serial killer, and the subsequent investigation by local police and Secret Service agents is well chronicled in Stephen Michaud's book, "Lethal Shadow."

DeBardeleben was dubbed the "mall passer" by the Secret Service due to his being an unknown suspect who was traveling around the country passing counterfeit \$20 bills at suburban malls. They estimate he had passed more than \$30,000 in fake bills in 38 states in two years. Various malls were targeted and

flyers of the "mall passer" were distributed to stores and mall personnel. On April 23, 1983, at a mall in Knoxville, Tenn., an alert clerk called security and police, and DeBardeleben was arrested.

After his arrest, a large amount of counterfeit cash, weapons, stolen plates and police identification were found in DeBardeleben's vehicle. The investigation then led back to the northern Virginia area where DeBardeleben had lived. In an attempt to find DeBardeleben's printing source and more counterfeit money, the Secret Service located his storage lockers in Virginia. Search warrants were executed on DeBardeleben's home, vehicles and rented mini-warehouses. When the warrants were executed, the Secret Service did not find printing presses or large amounts of uncirculated counterfeit currency, but instead, evidence of DeBardeleben's tools of the trade as a brutal sexual predator.

In the mini-warehouses, DeBardeleben had stashed handcuffs, bloody undergarments, duct tape, cassette tapes of recorded torture sessions with sexual-assault victims, writings and scripts for planned sexual crimes and fantasies, sex toys, pornography, hundreds of sexually-explicit photos of females, some believed to be victims of DeBardeleben's sexual assaults, rapes and murders.

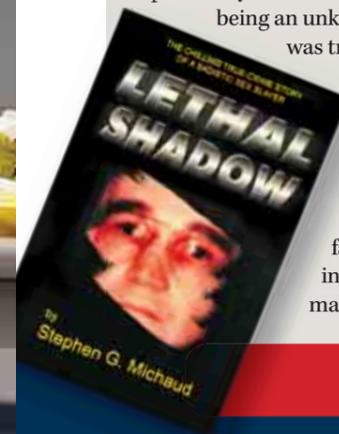
At this point, the Secret Service set up a special unit to work with local, state and federal law enforcement agencies in an attempt to identify victims and to catalogue the vast amount of evidence seized and linked to DeBardeleben. The unit was tasked with dispersing photographs, physical evidence and photos of DeBardeleben to every law enforcement agency possible. Agents of the Secret Service quickly linked DeBardeleben to two abduction and rape cases from 1979. They also assisted in identifying DeBardeleben as a suspect in

similar assaults and murders all around the country. DeBardeleben ultimately was indicted 11 times, including two murders, convicted in six cases and received two life sentences and 375 years in prison.

Unfortunately, DeBardeleben was never tried nor convicted of many of the state or local homicides and kidnappings. He refused to be interviewed, and most of the crimes occurred in the 1970s when DNA was not collected or preserved from crime victims. DeBardeleben used disguises, phony police identification and stolen plates, and he discarded his weapons after committing his crimes. Most prosecutors and investigators failed to proceed with their investigations without trace evidence, witness identification or a statement from DeBardeleben.

DeBardeleben died in prison on Jan. 26, 2011, without granting an interview to investigators since his 1983 arrest. Thanks to the persistence of some of the cold case investigators around the country, a DNA sample was extracted from DeBardeleben's corpse. Since the original agents and detectives have since retired, the Secret Service has initiated a new effort to digitize and distribute the original case files to a new generation of investigators working cold cases. After much searching, the Secret Service also located much of the original evidence seized from the storage locker in archives.

Stephen Michaud plans to write a third edition of his book to include recent developments, the death of DeBardeleben and the renewed interest in his prolific string of sexual assaults and killings. This book details much of the original investigation as well as insight into DeBardeleben's life, modus operandi and the victims he selected and stalked. It is a must read for any cold case investigator or person interested in serial sex offenders. 🐾



by Stephen G. Michaud, Authorlink Press, Dallas, Texas, 1994

Why Don't You Believe Me?

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

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Ashley's Story



PHOTO BY ELIZABETH THOMAS

Like all too many girls, a lifetime of attempts to tell someone — anyone — about the sexual abuse she suffered were ignored.

It happened first as a young child, when she wriggled free from a well-known man in her small, Kentucky community who was, “squeezing [her] and smothering [her] mouth with his, jabbing his tongue deep into [her] mouth.”

She was told, “Oh, that’s not what happened. He’s a nice man and that’s not what he meant.”

When she was a young teenager in a foreign country pursuing a modeling career, she was caught off guard by a “creepy Frenchman” who offered her a ride home.

“I was so young and confused that I had no idea that what followed was rape,” she said.

When she returned home, she told no one for fear that she would be the one in trouble. When her mother read about the rape in her diary, she sneered at the girl, saying, “I read all about you and your boyfriend ...”

“As was so often the case, I was shut down, my own experience and reality invalidated and denied,” she wrote. “I was punished once more for having been a vulnerable kid, when what I desperately needed was adult intervention, help and support.”

Later, left with the husband of a family member who was keeping watch over the girl while her mother and sister were away pursuing their careers, she found herself again in an unwanted and precarious situation.

“I was so slow in realizing this had been a classic, highly-abusive pattern of incest committed by a scheming and clever sexual predator, because in his very success as a perpetrator, he convinced me we were having an affair,” she said. “He insidiously made me believe that I wanted the relationship, even though it revolted and scared the hell out of me. ... Completely

freaked out, I told one of my parents about it, and their response was, “Well, is he your boyfriend?”

In a recently-published book detailing the accounts of her sexual abuse, the young girl reveals the trauma of her assault and how the effects of it have become engrained in her life. She balances her trials with her triumphs, in how she has chosen to deal with the abuse and reach out to help others through her diligent humanitarianism.

Yet, instead of being met with open arms by an understanding public, the girl now a grown woman, once again has been wrought with an outpouring of doubt, rejection and downright nasty responses to her story.

“I don’t understand the desire for people to whore this information out,” one anonymous Internet commenter wrote. “It just seems like a pathetic attempt to garner attention.”

“I don’t get a molested vibe from [this victim],” another wrote. “If she had sex with a guy, she would have done it to get something in return. She’s smart and bossy — not the victim type.”

“Sexual assault, white-trash mother, sexual trauma — isn’t this a typical Southern upbringing?”

The victim is a household name, particularly in Kentucky. Ashley Judd, a woman famous for her good looks, acting roles, turbulent family and love for Kentucky basketball, also is a survivor of sexual assault. In her book, “All That is Bitter and Sweet,” Judd reveals a darker part of her life.

Responses like these to Ashley’s story beg the question — if a famous and professionally-accomplished woman like Ashley Judd is doubted and chastised for revealing her victimization, what chance do young, troubled, high-risk victims have in our society? 🍷

SEX CRIMES SEX CRIMES SEX CRIMES

START BY

BELIEVING:

Addressing the unique nature
of investigating sex crimes
and showing justice to victims



PHOTO BY ELIZABETH THOMAS

Across the commonwealth in 2009, 1,567 victims reached out for help from local law enforcement, reporting they had been forcibly raped, according to the Kentucky State Police's Crime in Kentucky report.

Research has indicated that a small group — only about 20 percent — of those who fall victim to these horrific assaults ever actually reach for that help.

Given the gravity of these unreported crimes, statistics show that if rape was reported each time it occurred, a victim would be walking into a police station or sheriff's office somewhere in the state every hour, telling his or her story of pain, fear and shame.

Also in 2009, the most recent year for which data is available, the state police report that only 224 of the reported cases were cleared by an arrest. There is no data to show how many of those 224 cases were successfully prosecuted or led to prison time for the offenders. >>



PHOTO BY JIM ROBERTSON

The problem is clear. But, if less than 3 percent of Kentucky's victims are realizing any justice in our current system, what solutions can be made to bring more successful resolution in these cases?

Joanne Archambault, president and training director of Sexual Assault, Training and Investigations, Inc., has a few ideas. Archambault, who served the San Diego Police Department for nearly 23 years and founded the non-profit End Violence Against Women organization, recently presented those ideas to a group of Kentucky law enforcement and advocates during a week-long training.

It's true, these cases are complicated. What's more, Archambault argues that the more bizarre, the more implausible, the more obscure and the more unrealistic these cases appear, the more likely they are to be legitimate.

"The day you get a case and you say to yourself, 'This is impossible.' You better stand by," she said. "And I'm going to tell you why. Because they can't even make this stuff up in Hollywood. People just don't have the kind of imagination it takes to put these kind of cases together."

As a result, victims of sexual assault are plagued by an unbelieving public. Investigators and prosecutors pick apart every detail of a victim's story — assuming omissions, delays, inconsistencies and even lies mean the victim is filing a false allegation. Admissions of drinking a little too much, getting into the offender's car or even going home with him place victims in a suspicious light.

But no matter what poor decisions were made by the victim or what sketchy details are reported, two facts remain. First, it is an officer's responsibility to investigate the case, like any other, objectively and with an open mind, Archambault said.

And second, no one — no matter what — deserves to be raped.

START BY BELIEVING

After a thorough investigation into any case, evidence may prove some allegations are baseless. But, when confronted with a victim claiming sexual assault, Archambault said everyone is capable of starting the investigation by believing the victim is telling the truth.

"All of you can start by believing," Archambault said.

For years, Archambault said she was told that officers were too cynical and just not capable of "getting" the reality of sex

crimes. But, after years of working these cases, traveling the country and even several foreign countries educating law enforcement about sexual assault, she said it isn't just law enforcement who doesn't always get it. It's attorneys, medical professionals, juries and sometimes even the friends and families of these victims.

"I just want to get you thinking about why we respond differently to these crimes than any other crime," she said. "I have never in my life walked into a burglary and had a police officer or even a member of the community ask for a victim to prove they had a TV before we write up a burglary report on a stolen TV. ... I'm amazed that there is so much discussion still about victims and why they didn't resist. I mean, when you have somebody who goes into a bank to rob it and you know there's either a simulated or a real gun, we don't ever look at the teller and say, 'Well, why didn't you resist?'"

"This is a community issue," Archambault continued. "Because I swear, unless [she's] a nun, in church, praying at the time, what we do with these victims of sexual assault — including children — is absolutely tragic. We have to change that."

Archambault attributed the disbelief and stigma so many victims face to several factors. Among them is the way women historically were valued by their purity and how those values still ring true today. There also can be a perception that women lie and a belief that women are vindictive and may falsely make accusations to hurt their male counterparts. Both genders sometimes believe that sexual assault is a female issue, and that males don't suffer the kinds of abuse women endure, she said.

Despite the fact that women often are indoctrinated with the threat that they can be victims of sexual assault, many women still bring their own stereotypes and beliefs — often without realizing it — into a situation where they or someone they know has been raped, said Bluegrass Rape Crisis Center Crisis Counselor Leeann Hayslett.

"I'm taught to believe that in this culture, if I don't wear that, drink too much, hang out with those kind of guys, park there, walk there, run too late — if I don't break one of these rules, this will never happen to me," Hayslett said. "So, if my friend shows up and says she was raped, and I know that she likes to drink a little bit, and she's saying this about someone I know, well she must have broken a rule."

"Because if I'm going to accept that she did nothing wrong, then how vulnerable do I feel if I identify with her?" Hayslett continued. "Then I have to accept that I'm just as vulnerable. And most of us would prefer to say, 'You broke a rule.'"

Law enforcement often follow a similar line of thinking, Archambault said.

"You can have policy and procedures all day long, but what you have to understand is that we are human beings," she said. "And when we walk into a situation, we take our life experience and apply it to what we're seeing. And not just us as cops. It is all of us."

So, how do investigators take a step back from their own experiences and stereotypes and find the truth among the doubt?

It starts with the victim, and understanding why your offender picked them, Archambault said.

WHY WAS THIS VICTIM CHOSEN?

Sexual offenders are lazy and look for vulnerable people. Typically, this means the victims who report are going to be people who live high-risk lifestyles, Archambault said. The homeless, prostitutes, adolescents, runaways, the mentally ill and those who suffer from substance abuse often are — but not always — at the center of these crimes.

Sometimes it's the girl next door, who got a little tipsy after a ball game and went home with a guy from math class she thought she knew. Other times it might be the shy boy who walks home from school alone and takes a shortcut through a bad part of town.

"You don't get to pick your victims," Archambault said. "They are who they are. ... Where do offenders find victims? Wherever your throw-aways are. Because to get a kid in my car, or anybody, all I have to do is offer them a hamburger, a place to sleep tonight, offer them a chance to take a bath or a shower, and they get in my car. The chance that they're not going to report it, and if they do, the chance that you're not going to find them again is high. The suspects know that. They pick their victims pretty carefully, actually."

A victim's lifestyle can make prosecuting the case arduous. But, Archambault argued it is the investigating officers' job to investigate the case like they would any other, regardless of the victim's life choices. Investigators need to meet victims where they are and understand that vulnerability and why the offender chose them, she said. >>

By the Numbers

1 in 4 girls will be the victim of sexual assault before age 18

1 in 7 boys will be the victim of sexual assault before age 18

80 percent of victims are younger than 30

\$20 billion made in child pornography industry worldwide

1,567 forcible rapes reported in Kentucky during 2009

82 percent of victims said their sexual assault permanently changed them

98 percent of cases there are no weapons involved



>> “When you have a victim who is passed out drunk, or doing drugs or whatever the many things are that people do — instead of looking at that as a negative, what you have to do is understand why your offender picked that victim,” Archambault said. “That was no accident. Stop running away from what we consider to be bad facts and start focusing on our offenders, and why they chose those people.”

“It’s absolutely fascinating to me how few people ever think about what the suspect did,” she continued. “We focus on what the victim did or is doing, and we don’t even think about what else might be going on or why it’s going on.”

When you start by believing, and the victim senses that validation, Archambault said the second step of developing a rapport with the victim comes more naturally. It is important to understand that if the victim is talking with you about what they have endured, they currently are suffering the trauma.

“I don’t care if it occurred 30 years ago, the victim is in trauma if they are disclosing,” she said. “Sometimes a victim will be unable to participate at that time. Keep in mind they are just trying to survive. We think we are their priority — we’re not. Victims need validation. They need you to listen and believe more than anything else.”

BEYOND THE FACTS

There is a careful contradiction in sex crimes investigations that should be noted. It already has been said that officers investigating these crimes should treat them in the same regard as they do any other, without bias. Yet, Archambault suggested these cases cannot be investigated in the same manner one would a burglary or drug case.

“Drop the ‘just the facts’ routine,” Archambault said. “I know there are a lot of cops who go into an investigation with the mindset that ‘this didn’t happen, prove that it happened.’ I don’t believe in that philosophy.”

Instead, officers investigating a sexual assault should go into the interview with a sense of gaining the bigger picture. Instead of asking a victim, “Why did you wait three days to come in?” ask, “What was going on with you during that time?”

“What’s happening is when the first responding officers go out, they are trying to make sense of all the pieces,” Archambault said. “Don’t process all the information as you’re getting it. Just do your job. Just take

the information. You have to take 10 steps back to get the totality of the circumstances before you should try to start processing the information.”

How and where you begin talking with the victim also are vitally important, Archambault said. Once you have opened a rapport with them, taking them into the same interrogation room you’d use with a suspect is not ideal, she said. Obviously, many departments have limited space in which to do interviews, but Archambault recommends conducting the interview in a private, relaxed area, preferably with victim advocates involved.

“A police department is a scary place for the average person,” she said. “When you are doing an interview with a victim, you want them to be comfortable.”

Archambault also encouraged officers to take a different approach to interviewing a victim than they would a suspect.

“We send officers to interrogations schools, and they are using that with victims,” she said. “You are pushing them further into trauma.”

The effects trauma has on a victim’s ability to recount the assault are very similar to the effects an officer suffers after a traumatic incident on the job. Bruce Siddle, an expert in trauma’s effects on a person’s body has written at length about critical-incident amnesia experienced by law enforcement professionals, among others. Archambault shared some of Siddle’s studies and related them to sexual-assault victims.

Critical-incident amnesia involves a perceptual narrowing that occurs when an individual tunes into the input from one of the five senses, also known as tunnel vision, according to Siddle. Often, the individual will have a loss of cognitive and motor skills, which decreases the ability to concentrate and may cause them to show signs of irrational decision making.

“Because this form of amnesia is temporary, considerations should be made as to the time table necessary to recover the memory, including the effects that sleep has on this process,” Archambault said. “Before the first sleep period, a person will only be able to recall general characteristics of the incident. After the first sleep period, a person’s ability to remember will increase by 50 to 90 percent. A person’s ability to completely remember will not occur until after the second sleep period.”

As a result, officers who respond immediately to an assault that has occurred within the

(continued on page 48) >>



Disabled Victims Do Not Paralyze Sexual Assault Cases

Sexual-assault experts have expressed that victims of sexual assault typically are those who are vulnerable or at high-risk of being exploited. Few populations are more vulnerable than those who live daily with disabilities.

“The statistics are really overwhelming,” Kentucky Association for Sexual Assault Programs Staff Attorney MaryLee Underwood said. “One estimate is that 90 percent of folks with developmental disabilities will be sexually or physically assaulted — or both — within their lifetime.”

The startling statistics identify a need for law enforcement to be aware of the additional hurdles this group of victims have to overcome to realize justice in their cases.

“There’s a good chance that in the lifetime of a law enforcement officer, many of the sexual assaults they are investigating will involve someone who is disabled,” said KASAP Executive Director Eileen Recktenwald. “That’s a special population they need to be trained on how to work with.”

In 2003, the Office for Victims of Crime produced a grant-funded training DVD entitled, “Victims with Disabilities: The Forensic Interview” just for those purposes. The DVD identifies techniques for interviewing victims of sexual assault who have communication and/or cognitive disabilities, as well as helps to debunk some myths about this part of our community.

Like any sexual assault case, interviewing the victim of the assault can be a pivotal part of seeing an offender convicted. Forensic interviews of non-abled victims in many ways follow the same guidelines as those of any sexual-assault victim interview. Preparing for the interview, making the victim comfortable, gathering as much information as possible and developing a rapport are all necessary.

However, there are tools that can be used to successfully conduct an interview with a disabled victim, taking into account their abilities and limitations in aiding the prosecution, according to the OVC-presented training DVD.

There is a myth in our society that people with disabilities cannot be believed in criminal cases because their realities are distorted. In fact, those who have cognitive or communication disabilities often have excellent recall. An important first step in interviewing non-abled victims is to clear yourself from stereotypes.

“Many people fail to interview these victims because they believe they won’t be considered credible,” the DVD’s narrator said. “Many times this means the case won’t be prosecuted.”

The following are a few tips from the DVD for successfully conducting an interview with a non-abled victim.

- Prepare before the interview. The more personal information you know and understand about the victim, their disability and the way in which it affects his or her communication, the better chance of success. Learn how the stress of the interview might affect the victim. Learn his or her schedule and behavior plans so as not to distract their daily routines.
- Record it. Record the interview to avoid putting the victim through multiple interviews.
- Provide for their needs. Ask if they are thirsty, if they need to take a restroom break and anything else that might help ensure their comfort. Refrain from touching the victim. Ask about the victim and their needs to build their trust.
- Listen and remain focused. Keep in mind that their efforts to communicate can be exhausting. Use language appropriate for their age. Avoid “kiddie” words. Use plain language.

Most importantly, demonstrate compassion, respect, empathy, dignity and an openness to their needs.

“Being non-able shouldn’t be the end of the process for the victim,” the DVD’s narrator said.”

For copies of the *Victims with Disabilities: The Forensic Interview DVD*, please call the Office for Victims of Crime Resource Center at (800) 851-3420. ■

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>> past 24 hours should be prepared that information gathered during an interview with the victim at that time should be considered preliminary, and a report should be written stating such, Archambault said.

A follow-up interview at least two sleep cycles later will allow the victim to relay details he or she may previously not have been able to remember. These should not be looked at as inconsistencies, Archambault said.

“What we think are inconsistencies are not,” she said. “They are our own interpretations. What makes a great detective is when you can get information and be willing to change direction. If you walk in and get an idea, the next thing you know, the detective is doing an investigation to support his assumption. Don’t do that.”

Making assumptions about what to expect, how the victim should act or what they should say is dangerous. Victims in trauma coping with the grief and shock of their situation will never handle it the same way as every victim before or after them. People are different and, therefore, will respond differently to the circumstances of their assault.

After complaining about it for years, Archambault rewrote the International Association of Chiefs of Police policy about rape to illustrate this point. The policy previously said, “Generally, the action and the appearance of a legitimate rape victim leaves little doubt that a crime has been committed. Under those circumstances, the victim is highly agitated and emotionally distraught, often in a state of hysteria and may have sustained injuries,

cuts, bruises or wounds. The victim’s clothing is often ripped or torn off as evidence that it was forcibly removed. If the rape occurred outdoors, the victim is generally thrown to the ground and her outer garments stained or soiled.”

“Alright,” Archambault said. “You guys have already figured out that this is far from what we see. Yet, if we’re training our officers that this is what they’re going to see, we have a very serious problem.”

In most cases, roughly 88 percent, Archambault said weapons are not used in sexual assaults, and serious, visible injuries are rare. Archambault’s statistics showed that only about 3 percent of victims needed emergency medical care.

“Very few of these guys are sadistic, where they hurt their victims just for the sheer joy of hurting them,” she said. “They will only use the amount of force they need to get what they want. Victims figure that out very quickly, and of course, they don’t resist because they don’t want to be hurt. You have a real problem here if officers are going to go out there thinking they are going to establish the element of force by seeing a gun or a weapon.

“We like it to be clear,” Archambault continued. “We like guns, we like injuries. I mean, I’ll be the first to say that when I had a victim with injuries — I wasn’t happy they were hurt — but when I had an injury I’d say, ‘Oh, I have a good case.’ What I meant was, ‘Maybe this time I’m going to get this case prosecuted and convicted by a jury.’”

But, even without injuries, weapons or torn clothing, there are numerous ways to

improve the possibility that your suspect will spend some time in a 6- by 8-foot concrete cell. Among them are to be patient with the victim, listen actively and don’t interrupt them during the interview, encourage them to report everything without editing the details (even things they may not think are important) and to prepare for a long, detailed and emotionally difficult interview, Archambault said.

And once you have gathered all the information the victim can supply and identify a suspect, Archambault encouraged officers to bring that suspect in for an interview and sexual assault forensic exam.

“I’m disturbed by investigations where the suspect is never interviewed,” she said. “Ninety percent of these cases are not a question of identity, but of consent. Rape suspects will talk. They like to come to the station and be ‘good Samaritans.’ Why? Because they want to know what you know.”

INVESTIGATING THE OFFENDERS

Years of studying the data produced by her sex crimes unit in San Diego showed Archambault that between 70 and 75 percent of sexual offenses committed were by a person the victim knew. In addition to stranger and non-stranger cases, Archambault said she began to include a third and critical category into her files — brief encounter cases. These were cases in which the victim and offender met only briefly, sometimes within 24 hours of the assault.

In the past, she said officers checked the “acquaintance” box in these types of cases, not taking into account that the victim still considered the offender someone

he or she barely knew, if at all. This was crucial when it came to the prosecution, she said. Understanding what the victim believes about his or her own relationship with the offender helps the jury to understand his or her actions with the offender.

“It doesn’t matter what you think about the relationship,” she said. “What you have to understand is what your victim was thinking. So, those brief encounters are really critical.”

Once your suspect has been interviewed, Archambault also suggests collecting evidence from them.

“Look at the clothing,” she said. “Note it, photograph it and collect it. Even after a shower, you can get some fingernail cells. About 95 percent of the country is not collecting evidence from the suspect.”

WHEN THINGS STILL DON’T ADD UP

If after conducting both a preliminary and follow-up interview with the victim, interviewing the suspect, reviewing the evidence, seeking input from co-workers or supervisors for peer review and exhausting all other investigative measures, it appears the victim’s allegations are baseless, that’s OK, Archambault said.

“What’s important is to have a policy that all allegations are documented,” she said.

However, Archambault still argued that truly false allegations are much rarer than most people think. When rewriting the IACP policy on sexual assault, Archambault said the first question she was asked about was why information about false allegations wasn’t right up front in the policy.

“I said, ‘You know, false allegations really aren’t a problem,’” she said. “There is a perception that they are a big problem, but they really aren’t. Cops are pretty smart people, and we can usually figure these things out.”

It is hard to know how many false allegations are filed nationally because Archambault said she has seen no agency in the country that tracks false reports. There is a myth perpetuated by an old study that they represent 2 percent of cases, she said. However, she believes the number ranges somewhere between 2 and 10 percent.

Truly false allegations usually can be drawn out with a thorough investigation and often can be linked to high-profile cases, Archambault said.

“The B.S. we see are the muddy cases,” she said. “They are usually white women, strangers, include abductions, superficial injuries, weapons — somebody looking for an emotional response. Red flags are a realistic dynamic of sexual assault. You’re going to be dealing with high-risk stuff. If I can convince you to do anything, it is to at least start by believing and do your jobs,” she said. “Suspend judgment. Have your doubts, but do your job.”

“What we need to hear more often is when you do respond appropriately, the difference it makes for these victims,” Archambault continued. “That is the power you have, versus the power you can give the offender when you don’t believe.”

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

What not to do in a sex crimes investigation

From Joanne Archambault

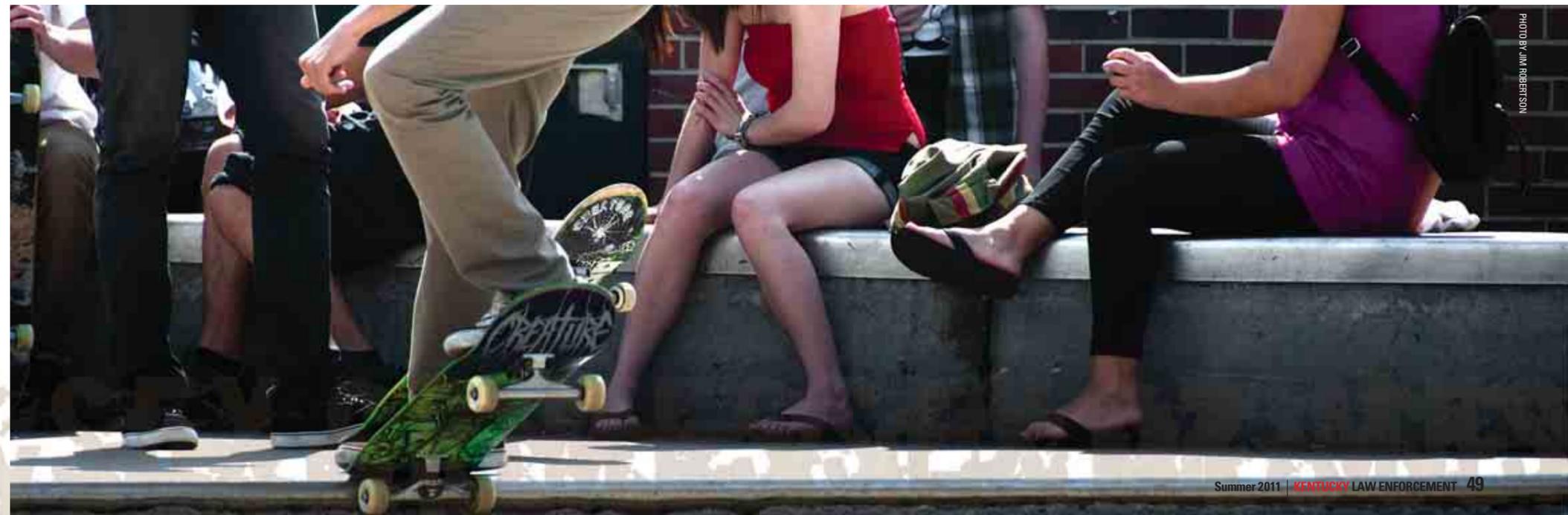
- Never ask victims if they want to prosecute. It is totally unfair. They have no idea if the case has potential to go further.
- Don’t get frustrated because a victim who reports doesn’t want to talk. People who have been victimized are in survival mode.
- Don’t ask victims to write down their own statement. It is a waste of time. They don’t know what’s important.
- Don’t ask, ‘Why did you wait to report?’ Ask, ‘What was going on during that time?’
- Don’t hammer victims about consent.
- Never ask victims how long the assault lasted. They can’t answer you. Like many dealing with post-traumatic stress, they often have tunnel vision and amnesia.
- Don’t take case struggles personal. Ask for peer reviews.
- Don’t call a case a false report if you don’t have evidence that it did not happen.
- Don’t use a delay in reporting as a red flag. Eight out of 10 victims never report.
- Don’t think that because a victim lies it is a false allegation. You are going to be dealing with high-risk stuff. Why might a victim stage evidence? To prove her story if she doesn’t think she’s believed.
- Never use a recantation as evidence of a false report.
- Stop trying to make sense of what these offenders or victims do. You can’t apply rationale. ■

Sex-crimes Investigations Course Offered

A sex-crimes investigations course presented as a joint training effort through the Department of Criminal Justice Training, Kentucky State Police and the Kentucky Association of Sexual Assault Programs will be offered Oct. 24 to 28 in Bowling Green.

The course is designed to enhance officers’ skills in reporting, investigating and prosecuting sex crimes. Topics include victim interviews, documenting sex crimes, investigating difficult cases, drug-facilitated sexual assault, sex offenders, false reports and interviewing individuals with cognitive and/or communication disabilities. National experts in sex crimes investigations and forensic interviewing, retired Detective Joanne Archambault and Forensic Interviewer Nora Baladerian, Ph.D., will be the featured trainers.

The training is approved for 40 hours of KLEC in-service credit. Most meals and lodging at the conference centers are provided through a unique grant. For details, contact Eddie Farrey at eddie.farrey@ky.gov or (859) 622-8432. ■



GUARDIANS OF THE FUTURE:

Law enforcement's role in protecting the innocence of children

What is known about the sexual abuse and exploitation of children closely parallels the tenets understood about the abuse of adolescents and adults. They are vulnerable, they typically don't report the abuse and they often are hurt by someone they know.

Yet, the real crime is that when a child is sexually abused or exploited, the victimization never stops. The pictures, once released into the hungry bowels of the Internet can never be recalled or erased. The scars that penetrate the deepest values of an abused child's trust and self worth never fade.

Studies have shown that some abused and/or exploited children suffer in school, have under-developed social abilities, lack confidence in the workplace and can be incapable of healthy romantic relationships. Worse, the cycle of violence in a startling number of cases is known to continue into adulthood, where the victims are plagued by their own delinquency and criminality, according to the National Center for Victims of Crime.

Even those children who move on to lead normal lives may never know when something they experience, on any given day, will spark a memory that sends them back into the trauma.

"Children who have been sexually abused are more likely to abuse alcohol and are 3.8 times more likely to develop drug addictions, Kentucky Attorney General Jack Conway said. "The consequences of child sexual abuse are significant and can last a lifetime."

UNDERSTANDING THE PROBLEM

Recent research conducted by the National Center for Missing and Exploited Children indicates that one in seven children ranging from 10 to 17 years old have received sexual solicitation via the Internet. Thirty-four percent of those surveyed were exposed to unwanted sexual material, including indecent and pornographic images.

Additionally, in a survey conducted by the national Campaign to Prevent Teen and Unplanned Pregnancy, 51 percent of girls said they felt pressured from a guy to send nude photos. Fifteen percent of teens admitted to sending sexually-suggestive content such as text messages, email, photos or videos with someone they only know online. Thirty three percent of boys admitted to looking at nude or semi-nude images originally meant for someone else.

"Kids do stupid stuff," said Cristina Fernandez, NCMEC CyberTipline supervisor. "They are supposed to do stupid stuff."

Technology is permanently memorializing those decisions."

These statistics don't include those children who are tricked or forced into sexual abuse, and whose images ultimately end up in the hands of strangers. NCMEC reports that one in five girls and one in 10 boys will be sexually victimized in some way before adulthood.

CONNECTING THE IMAGES TO THE VICTIMS

It's easy to lose sight among the virtual worlds and faceless networks that somewhere on the other side of the computer there is a child being victimized, or there would be no child pornography.

During a conference last fall hosted by Kentucky's Eastern District United States Attorney's Office, Assistant U.S. Attorney Hydee Hawkins discussed statistics resulting from a study conducted by the U.S. Marshals Service and a psychologist. The study was done at a federal prison housing offenders charged with child pornography-related crimes.

In the study, often referred to as the Butner Study, Michael Bourke and Andres Hernandez determined that 80 percent of offenders viewing child pornography also were committing physical crimes against children.

(continued on page 52) >>

Responding to a report of child sexual abuse

- Establish contact with the child.
 - Speak privately, away from other adults.
 - Avoid using a location where the alleged abuse may have occurred.
 - Explain your job.
- Assess imminent risk of harm.
- Assess whether the child needs immediate medical care.
- The non-offending caregiver should be advised that a forensic interview and/or medical examination may take place at your Children's Advocacy Center.

TIPS FOR SPEAKING WITH AN ALLEGED CHILD SEXUAL ABUSE VICTIM

- Show interest in what the child is saying.
- Use open-ended questions:
 - Use invitational statements such as "Tell me what happened," "Tell me about that," and "What happened next?"
- Encourage the child to provide a free narrative account.
- Do not interrupt the narrative with questions. Allow the child to use free recall.
- Use the child's language for body parts. Do not introduce your own terms for body parts or sexual acts.
- Ask when the abuse occurred:
 - First time
 - Last time
 - Frequency
- Remember, it is always best to limit the number of times a child is interviewed. ■

ILLUSTRATIONS BY FAITH FOREMAN

>> "Our findings show that the Internet offenders in our sample were significantly more likely than not to have sexually abused a child via a hands-on act," Bourke and Hernandez wrote in an article summarizing their findings. "They also indicate that the offenders who abused children were likely to have offended against multiple victims, and that the incidence of 'crossover' by gender and age is high."

One hundred and fifty-five offenders who participated in the study ranged in age from 21 to 71 years old, with education levels ranging from middle school to doctoral degrees. All of the offenders voluntarily participated in the intensive sex offender-specific treatment program.

"Based on Presentence Investigation Reports, the combined group of 62 child pornography and interstate travel offenders perpetrated contact sexual crimes against 55 victims," Bourke and Hernandez reported. "After participation in the treatment program, these offenders reported perpetrating contact sexual crimes against an additional 1,379 victims."

"We found that the 40 subjects who had known histories of hands-on sexual

offending at the time of sentencing disclosed an average of 19.4 victims during their treatment period. In comparison, the 115 subjects with no known histories of these crimes ultimately disclosed an average of 8.7 victims."

Assistant U.S. Attorney Erin Roth said the study is not without controversy, but that more times than not, it has proven true that offenders found to be participating in some way with child pornography often also are abusing children.

"We certainly consider people who are involved in child pornography offenses to be victimizing real children whose pictures they possess, so we treat them all as active exploitation cases," she said.

GETTING HELP

"Technological innovations also have enabled offenders to utilize complex methods for avoiding detection by law enforcement," wrote Bourke and Hernandez.

"Such methods include using software to erase electronic 'footprints,' surreptitiously gaining access to wireless networks to download pornographic material, finding secretive locations for data storage and

utilizing hardware to 'bypass' a computer's hard drive with the intention of obscuring certain activities from computer records."

Not only are child exploitation cases involving the Internet complex and often overwhelming, no one wants to work cases in which children have been hurt or violated. But the good news is that you don't have to do it alone.

During the conference, investigators from both state and federal agencies discussed just a few of the ways they can help local law enforcement.

The U.S. Postal Service offers a variety of services, including controlled deliveries and mail monitoring services, said Postal Inspector Denver Haught. The Kentucky State Police's Electronic Crimes Unit is a great resource for questions about search warrants for digital evidence. They also can assist with difficult evidence obtained from cell phones and other devices, said KSP Detective and FBI Task Force Officer Mike Viergutz.

The Kentucky Attorney General's Office has extensive experience in the investigation of file-sharing networks, also known as peer-to-peer (continued on page 55) >>

What is child sexual abuse?

An Excerpt from "Why Me? Help for Victims of Child Sexual Abuse (even if they are adults now)" By Dr. Lynn Daugherty

WHAT IS SEXUAL ABUSE?

Sexual abuse occurs when a person is tricked, forced or bribed into participating in a sexual act.

WHO SEXUALLY ABUSES CHILDREN?

Sexual abuse is usually done by someone older than the child. This person may have some position of authority over the child. They might be an older relative, neighbor, family friend, adult stranger or older child. Eighty percent of child victims are abused by someone they know and trust.

HOW DOES CHILD SEXUAL ABUSE HAPPEN?

The sexual abuse of children most often involves the use of subtle force. It may involve bribery, special privileges, threats of harm or telling on the child for another misdeed. Children are often tricked into sexual situations. This can involve touching in the form of horseplay. A child might also be tricked by an adult who tells them that sexual acts are OK or a normal part of growing up.

WHY DOESN'T THE CHILD REPORT SEXUAL ABUSE?

Younger children often don't realize what the abuser is doing to them is wrong. Older children might not tell because they are scared. Sometimes when children try to report the abuse they aren't believed or they are ignored. Children then give up trying to tell. This is often true in cases where they tell a parent and the parent does nothing.

STAGES OF TRAUMA

People go through three stages when something traumatic happens to them: crisis, suffering and resolution. The stages are often connecting or overlapping. Sometimes victims move back and forth between the stages.

1. The crisis stage

When a trauma occurs, the crisis stage begins. Behavior becomes erratic and disorganized. Shock, panic and denial become paramount. Over-the-top reactions may be seen or no reaction at all. Many sexual abuse/trauma victims become immobilized and present with no emotion at all. This stage can last from minutes to days or longer.

2. The suffering stage

The reality of the abuse/trauma sets in and the victim starts to suffer emotionally. Some common reactions to sexual abuse are excessive fear, nightmares, changes in sleep patterns, physical pains (headaches, stomach aches), irritability/anger, mood swings, bedwetting, anxiety, isolation and depression. Some victims have flashbacks of the abuse; others may temporarily forget details of the abuse. This is a time of suffering and emotional pain for the victim. The suffering stage is longer in duration than the crisis stage. Even after the abuse ends, the suffering goes on. Over time, as the victim starts to work through and process what happened to them and the feelings involved,

the suffering subsides. At this point, the victim moves on to the third stage.

3. The resolution stage

While the child does not forget what happened to them, the abusive episode is no longer in the forefront and its effects start to diminish. The abuse can be remembered without great pain and anxiety. The child/victim learns to accept and live with what happened and starts to go on with life. The child comes out of this stage as a stronger individual and resumes the normal activities of daily living. Resolution should be a positive experience.

If resolution is a negative experience, the child continues living, but has difficulties in numerous areas of life. The child remains a victim. Negative feelings stemming from the abuse may stay with the child well into adulthood. Feelings of fear, guilt, depression, shame and anger may remain. These feelings can cause low self-esteem and may cause the child/victim to believe he or she deserves to be treated badly.

Difficulties may emerge later in life. Sexual-abuse victims often have difficulty trusting. With help, these negative feelings can be overcome and a positive resolution can take place. ■

PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

>> networks. While AG investigators self initiate 95 percent of their cases, they are also interested in assisting any agency that needs it, said Bill Baker, investigator and forensic examiner with the AG's Cyber Crimes Unit. As long as the AG is involved in some part of the investigation, officers can take advantage of the AG's forensic lab, and can be assisted with subpoenas for Internet service providers.

If you have an offender in another state or one who is traveling, the Federal Bureau of Investigations can help augment your investigation with bodies and create a partnership, said FBI Special Agent Kimberly Kidd. While child exploitation is not a core violation for the U.S. Secret Service, Agent Paul Sims said the agency will help whenever they can, particularly if the U.S. Attorney believes a case can be federally prosecuted but needs an agency to handle it. The Secret Service also pays for a select group of investigators to attend the Hoover School, a national computer forensic institute, each year. The training represents an investment of more than \$95,000, and the agency can assist with attendance nominations.

Many crimes may start at the local or state level, and once the full conduct of an offender is revealed, become the subject of federal investigation, Roth said. All the agencies work diligently to maintain open levels of communication for the most successful results in the courtroom.

"We all work well with each other," said Kidd. "If we can't help, we will call someone who will." ■



How can the National Center for Missing and Exploited Children help you?

There is a myth about the National Center for Missing and Exploited Children that they can't help unless a child is missing. That couldn't be further from the truth.

You may already know that for 27 years, the National Center for Missing and Exploited Children has served as a congressionally-mandated clearinghouse for child protection. It grew in 1996 to include the Exploited Child Division as a resource for law enforcement and the public in cases of child sexual exploitation.

But, do you know the extent of services NCMEC can offer your agency — including but not limited to additional people — free of charge in such cases?

NCMEC's analysts offer both technical and informational resources for law enforcement at any level. While they work with cases in your jurisdiction stemming from their CyberTipline, they also will assist with any case you're working of child exploitation in which you request assistance, said Cristina Fernandez, CyberTipline supervisor.

"Our analysts make sense of the crazy," she said.

Analysts can assist with case analysis to include searching the NCMEC extensive databases, external sources and geographic databases, as well as by tracking leads, identifying patterns among cases and helping to coordinate investigations by linking cases together.

"NCMEC also offers its Team Adam consultants free of charge to law enforcement agencies that are investigating cases of child sexual exploitation," its website states.

Since its inception, NCMEC has handled more than 2.5 million phone calls and assisted law enforcement in the recovery of more than 157,720 children. The Child Victim Identification program has analyzed more than 41 million child pornographic images and videos.

For more details about how NCMEC can help you, visit www.cybertipline.com or call (800) 843-5678. ■

Project Safe Childhood

Project Safe Childhood began in 2006 as an initiative aimed at preventing abuse and exploitation of children through the Internet.

"As pedophiles become desensitized to the horrors contained in child pornography images, the images are becoming more violent and graphic and often with extremely young children," according to training materials provided by the U.S. Attorney's Office, Eastern District. "The trend is also increasing the offenders interest into the production of child pornography and child molestation."

PSC was designed to bring together all the resources available through federal, state and local agencies, including investigators and prosecutors. The program also engages in community outreach with education and prevention components, said Erin Roth, PSC coordinator for the U.S. Attorney's Office, Eastern District of Kentucky.

"While we try to prosecute these cases as aggressively as we can, we would, of course, rather they never happened," she said.

Because child exploitation cases tend to be cross jurisdictional, Roth said PSC partners have begun meeting monthly to maintain open streams of communication.

"We use that as a forum not only to discuss where is the appropriate place to prosecute, but also for idea gathering and resource sharing," Roth said. "... That has been able to progress real cases we have had that I truly think would not have been able to be successfully completed but for the ideas and assistance of so many different partners joining their resources and efforts."

For more information about Project Safe Childhood, visit www.projectsafechildhood.org. For details about how to get involved in monthly PSC meetings, contact Erin Roth at (859) 685-4872 or erin.roth@usdoj.gov. ■



PROSECUTION RATES CAN BE IMPROVED THROUGH PARTNERSHIP, PREPARATION

No one wants the bad guys to get away with their crimes. Yet, we know that in sexual-assault investigations that is the case more times than not.

Victims know this, too. Sex crimes expert Joanne Archambault argues low conviction rates are the reason roughly 80 percent of victims never report their assaults.

“Of course, their reasoning is, why should they report if nothing is going to happen?” she said of victims. “In fact, what happens is their reputations, their anonymity, their confidentiality, their privacy, their medical records, their mental health records — all of that is exposed and used against them.”

Sex-crimes prosecutions have long been a source of contention between law enforcement, prosecutors, advocates, researchers and politicians alike. But, nearly everyone believes the prosecution rate of sexual-assault cases can be improved. And there are things officers can do to help reach that goal.

The following are tips from some people who know how to improve those rates.

THE COMMONWEALTH

After 20-plus years with the Jefferson County Commonwealth Attorney’s Office, Carol Cobb has prosecuted her fair share of sex-crimes cases. When it comes to why the state prosecution rate of these crimes is mediocre, Cobb agreed that public prejudice plays a big role.

“Sometimes it is just hard to convince a jury that this person who has led this very risky lifestyle has actually been assaulted,” she said. “Sometimes there are prejudices among some of our jurors that [the victim] put themselves in this position, so what do they expect? So, those are some of the things that we have to overcome. It doesn’t mean we shouldn’t prosecute.”

For investigators seeking a successful prosecution, Cobb said starting off on the right foot with the victim and gathering all the information possible up front are key pieces of the puzzle. Sometimes we don’t want to know all the gritty details of a person’s life choices, she said. But, you have to know.

“It is better to know everything you can about the victim and her lifestyle from the git-go so you’re not surprised by it,” Cobb said. “I have prosecuted cases where

someone was a prostitute or a drug addict or a stripper, or had some of those lifestyle problems. But the investigations were very good, the victim wanted to follow through with the prosecution and we have been successful with a number of those.”

Knowing up front what the bad facts are in a case allows a prosecutor to be proactive about how and whether or not the jury hears them at all, allows them not to be presented through the defense and even allows prosecutors to prepare the jury through voir dire for some things they might have to consider objectively.

“I think sometimes, not police necessarily, but prosecutors and just the public in general have a tendency to write off those kind of cases as not worthy of our attention, which, of course, couldn’t be further from the truth,” Cobb added.

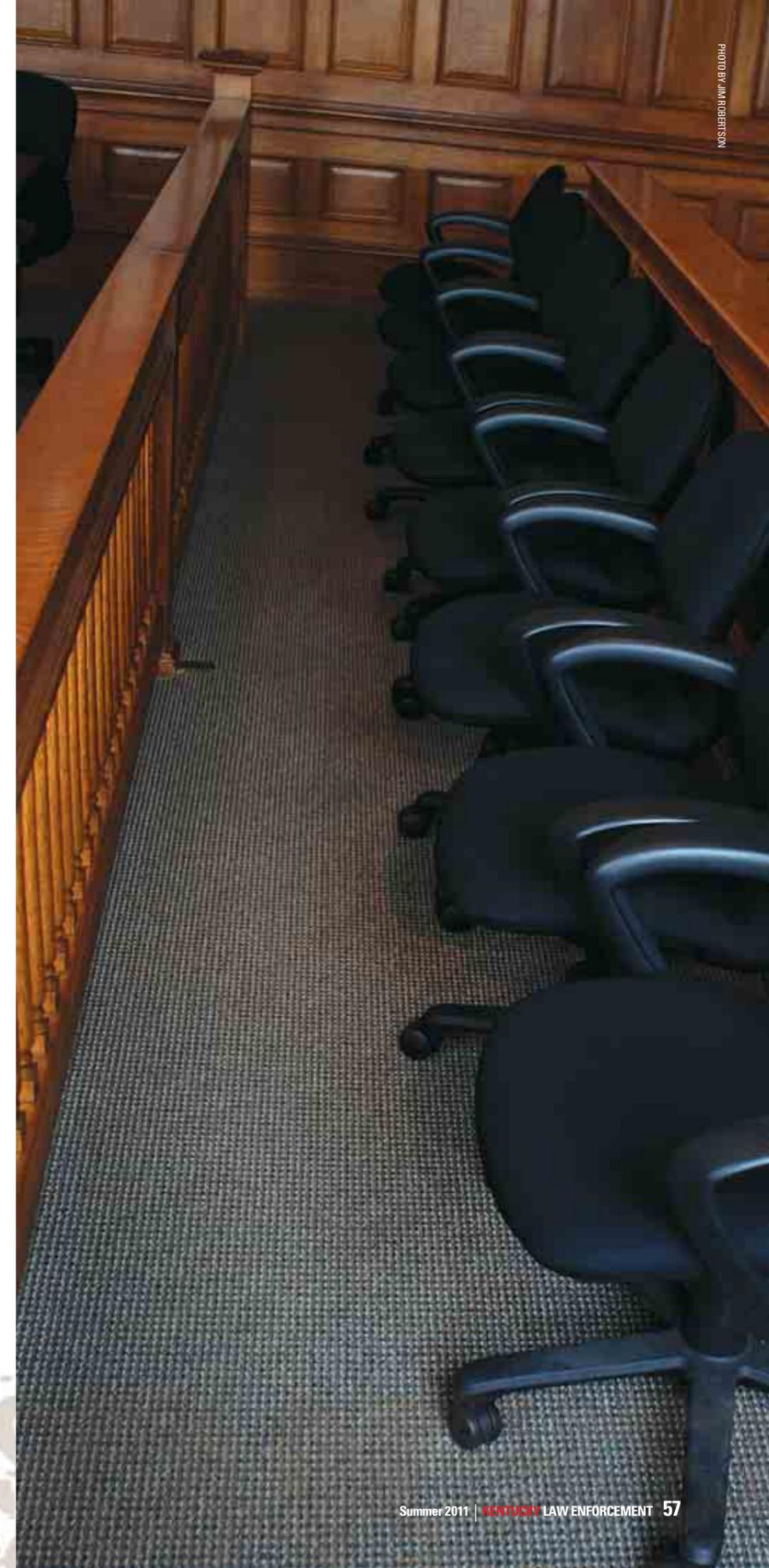
One tip she emphasized is the importance of the follow-up victim interview to secure some of that much needed information.

“A lot of times, depending on the trauma, [the victim doesn’t] know what’s important for the prosecution or for the investigation,” Cobb said. “They may not just volunteer the first time the things you need to know. Of course, you can ask questions. But I think a follow-up interview is really good. It is also good because it helps to build a rapport with the victim and helps her feel like you’re interested in her case and doing a good job investigating. Which down the line, is going to encourage her to follow through with the prosecution before she ever meets the prosecutor.”

When asked about other tips law enforcement could heed to improve prosecution, Cobb provided a consistent theme of the importance of specifics.

“Documenting the victim’s demeanor can be very important,” she said. “If the police officer was not the first one to see her, let’s say ... Whoever that first person was that the victim told, to document through them her demeanor, when she first began telling what happened. Sometimes by the time the investigator is called [the victim] has already told what happened maybe two or three times, so it might not have the same impact on the officer as it did the first person she told.”

Including details in the investigation about what the victim was doing up >>



>> until the moment of the assault, and interviewing any collateral witnesses who may have seen or talked with the victim around the time of the incident can help.

“Verify each and every thing by some independent means,” Cobb said. “Often it is the victim’s word against the defendant’s, especially in consent cases. So, everything you have, I mean, if she called her mother while she was with him and there is a phone record that shows that, that shows she is telling the truth about that, so she’s telling the truth about other things as well. So, it’s not just investigating the assault, it’s also all the surrounding circumstances and time frame that you can prove by some independent means.”

Many of Cobb’s suggestions for improving prosecutions aren’t novel, new ideas, she said. But, fostering those tried and true strategies can help everyone see an increase in convictions for sexual offenders.

“I think a lot of it has to do with better educating the prosecutors and investigators about what’s possible,” she said. “Maybe celebrating those few successes that we have so that people know about that, and that encourages other people to go forward on cases that are similar. If you prosecute these cases, you’re going to lose some of them. You can’t base whether to do it or not on your record.”

THE REAL HURT

Joanne Archambault, sexual-assault crimes authority and nearly 23-year veteran of the San Diego Police Department, paralleled Cobb’s theory about not relying on the record for motivation to prosecute.

“If convictions are your measure of success, you’re going to burn out,” she said.

Early in the training class Archambault presented to a group of Kentucky law enforcement in March, she talked at length

about the case of a woman who was brutally, sexually and physically assaulted during Archambault’s tenure with SDDP. During the course of the 911 call after her assault, the victim became verbally aggressive with the call taker who was doing little to help her.

“She is a white woman, she is educated, she is a professional woman and yet, even with all that going for her, she is not believed,” Archambault said. “And even when we have a series of sexual assaults in the county, the prosecutor is afraid of how a jury is going to perceive [the victim]. That’s how tough these cases are.”

Being aware of the prejudices juries have about sexual-assault cases and the assumptions they make about victims helps to know how to prepare them for what to expect. (Cobb cautioned, however, that there is a fine line between being realistic and being so pessimistic that the

victim doesn’t want to proceed with the prosecution.)

Understand that unless you focus on the suspect, your victim is going to be filleted, Archambault said.

“We know from empirical research that the more information the jury has about a party, the more responsibility they will put on that person,” she said. “Well, you guys have to understand that we have a system that is set up against the victim. Suspects don’t have to take the stand, do they? They don’t have to make statements, do they?”

“Along with the prejudices juries have about victims, they also have preconceived notions about how the victim is supposed to look, act and speak.”

So, of course, we end up having a lot less information about the suspect. So, just based on that research it tells you the way the cards are stacked. [The prosecution] has to start focusing on what the offender did.”

Along with the prejudices juries have about victims, they also have preconceived notions about how the victim is supposed to look, act and speak, Archambault said.

“The victim doesn’t ever appear the way the jury thinks,” she said. “We might be going to trial years after the assault occurred, but the victim is either too hysterical or too flat — people have these expectations and for some reason victims never seem to fall into the right place.”

The best way to get around these expectations is to show the jury beyond the assumed trauma of the assault and impending prosecution, how the incident changed the victim’s life.

“The jury thinks the victim is going to show the most trauma when they’re talking about the rape,” Archambault said. “They’re not. You have to know who the victim is and show them what happened after. How does a [victim] go outside and help someone and not fear being hurt? The impact on their life is where the real hurt is.”

FEDERAL PROSECUTION

When a child becomes the victim of sexual assault, nothing is more tragic than a light or absent prison sentence for the offender.

When the child has been exploited through pornographic images or video in addition to being abused, Assistant United States Attorney Erin May Roth, Eastern District, said the partnering of state and local prosecutions can lead to significant justice.

“A lot of times we partner with commonwealth attorney’s offices in situations where there has been physical, sexual abuse of the child, and they prosecute the physical portion of the crime and we prosecute the pornography part of the crime,” Roth continued. “So, if someone has been raping a child and taking pictures and documenting it, oftentimes we go forward almost in a parallel fashion, where we both have charges against that defendant. We have been very successful in working together to come up with a good outcome for the victim and the defendant, where generally they end up pleading to both offenses.”

There are a great number of benefits to pursuing federal prosecution if the circumstances of your case warrant it. If during the course of the assault, for example, your victim was transported across state lines, your offender traveled to another state to meet the victim to engage in the sexual assault, or was involved in the production, distribution, receipt or possession of child pornography, the U.S. Attorney’s Office can employ resources unavailable at the state level.

The most enticing of those resources is the ability to put the offender in a federal penitentiary for a very long time.

“People just aren’t aware of the difference they may be looking at based upon where the person is prosecuted,” Roth said. “We have some very significant penalties ... for second offenses particularly. If somebody is taking pictures of themselves engaged in some sort of sexual act with a child or taking lewd and lascivious pictures of a child, they would be looking at 15 to 30 years — no less than 15 — pursuant to statute for a first offense.”

Additionally, federal supervision of sex offenders after release is top notch, Roth said, and in many cases requires offenders to be a part of a treatment plan. Depending on the circumstances of the release, some offenders are enrolled in supervision that could span their lifetime.

If you aren’t sure about whether or not your case can be federally prosecuted, Roth encourages investigators to call with any questions. The U.S. Attorney’s Office can help direct local and state officers to federal investigators who may be able to assist or adopt a case, give advice about the law or direction about what’s necessary to pursue federal proceedings.

The most important thing, though, is to call in the early stages of the investigation, Roth said.

“A lot of our requirements may be different than the state requirements,” she said. “And what we hate to see happen is for an investigation to proceed through the end, and then somebody is contacted, but the procedures haven’t been followed to an extent where we’re able to actually prosecute it.”

Particularly in the case of search warrants, Roth said making sure that the warrants are done to meet the standard for federal prosecution may make the difference between whether or not the case is able to be federally prosecuted.

“So, I think the biggest thing is contacting early if you’re even questioning [federal prosecution],” Roth said. “It may be where you don’t know for sure how it is going to play out until you get the evidence. It still does not hurt to contact us early and we can make sure that all those procedures are followed.”

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



PHOTO BY AM ROBERTSON

Search Warrant Liability:

Sixth Circuit upholds a judgment against an officer in her *individual* capacity, as well as denying the officer qualified immunity

THOMAS W. FITZGERALD | STAFF ATTORNEY,
DOCJT LEGAL TRAINING SECTION

The Sixth Circuit Court of Appeals upheld a judgment against an officer in her individual capacity in a case decided Nov. 12, 2010. In *Ellison v. Balinski*, 625 F.3d 953 a homeowner brought a 42 U.S.C. § 1983 action against a police investigator, alleging violations of his Fourth Amendment right against unreasonable searches and seizures. Ronald Ellison was awarded \$100,000 in compensatory damages after a jury trial, and then moved for attorney's fees pursuant to 42 U.S.C. § 1988. The trial court awarded Ellison \$102,480 in attorney's fees.

This case actually began with a rent dispute involving non-parties to this case. In February 2006, Zotis and Kimberly Harris began renting a residential property in Detroit, Mich. Soon after the Harris moved in, a dispute over the payment of rent arose. This dispute eventually resulted in two suits filed in landlord/tenant court, where Asia Thomas (the landlord) sued Kimberly Harris for nonpayment of rent. Both suits were dismissed. Four days after the first suit's dismissal, Zotis Harris walked into the Detroit Police Department and stated he wanted to file a fraud report, relating the couple's recent victory in landlord/tenant court. He further alleged that in July 2006, an unknown man knocked on the couple's door and accused the couple of "squatting" on property that, he alleged, was not actually owned by their landlord.

The case was then assigned to Balinski, an investigator for the Detroit Police Department. Unable to locate Thomas, Balinski first attempted to identify the owner of the property by obtaining a deed from the Wayne County Register of Deeds. She discovered a deed reflecting the conveyance of the property from MyaBrooke Properties, LLC, owned by Ellison, to Thomas for the price of \$90,000, and a previous deed reflecting a conveyance to MyaBrooke Properties by

Kimberly Green, for the price of one dollar.

These transactions, specifically the fact that two properties were bought by MyaBrooke for one dollar and sold to Thomas for \$90,000, aroused the suspicion of Balinski, who, based apparently on previous experience with fraudulent deeds, "thought something was wrong" and suspected "fraud." In an effort to find the closing documents related to the sale of that property by MyaBrooke to Thomas, Balinski contacted Ellison and asked him whether he owned the property; he responded that he had sold it. Balinski then requested that he bring her documents proving this transaction, and refused to answer when Ellison inquired about the reason for the investigation. Ellison subsequently ignored further phone messages from Balinski repeating her request for the documents, and he never provided her with them.

Armed with this information, the allegedly-suspicious transactions, the Harris' two victories in landlord/tenant court, and Ellison's refusal to provide her with requested documents, Balinski applied for a warrant to search Ellison's residence, which public records identified as the location of MyaBrooke Properties. The affidavit in support of the warrant indicated that Balinski was investigating "a fraud complaint," and related the history of the Thomas/Harris landlord/tenant litigation and Harris's report about the man accusing them of "squatting."

As to Ellison's role in the investigation, Balinski provided in the affidavit:

"Writer in the meantime was still investigating this case in attempt to find out who the owner of the property was. Writer contacted Mr. Ronald Ellison (President and owner of MyaBrooke Properties) who sold the property to Ms. Asia Thomas on 02/02/05 for the amount of \$90,000. (The property had previously been Quit Claimed from Kimberly Ivory

(Green) to MyaBrooke Properties for the sum of \$1, according to the Wayne County Register of Deeds). Writer has contacted Mr. Ellison many times by phone in an attempt to get paperwork on this property. Mr. Ellison has refused to cooperate in this investigation. His company sold the property yet he refuses to show this writer any paperwork in regards to this purchase and sale."

As the areas to be searched, the warrant specified Ellison's entire residence, including any vehicles. As the items to be seized, the warrant specified:

"Any and all computers, computer accessories, any software, any and all paperwork pertaining to MyaBrooke Properties, LLC, and or Ronald Ellison ... [or] 13959 Grandville, any and all documents relating to the property at 19473 St. Louis, any and all documents regarding Asia Thomas, Raynard Anderson, or indicia of any crime."

The warrant was reviewed and signed by a Wayne County prosecutor and a 36th District Court judge. Balinski and unknown police officers then executed the warrant at Ellison's residence. Ellison arrived when the search was in progress, was advised he was not allowed to enter, and waited outside for at least 45 minutes, where he anxiously observed several curious neighbors and drivers of passing cars watching the events. At some point, Ellison's wife and young daughter drove by the residence, but, seeing him there with the police, they drove away.

The combination of the wide authority granted in the warrant and the apparent disorganization of Ellison's home office gave the searching officers some difficulty in determining which of Ellison's documents to seize. During the search, Balinski seized a large plastic bin found in Ellison's bedroom closet containing clothing and shoes, emptied >>

>> it of its contents, and began filling it with documents; since, as she testified at trial, “there was so much stuff we just started gathering things up.” Officers also seized Ellison’s desktop computer, and, after Ellison’s arrival, a laptop computer discovered after a search of his car. Ellison then brought the lawsuit against the police.

Balinski maintains that her warrant was supported by probable cause. The Fourth Amendment provides that:

“no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

In determining whether probable cause exists to support a search warrant, the magistrate asks whether “given all the circumstances set forth in the affidavit ... there is a fair probability that contraband or evidence of a crime will be found in a particular place,” according to the Court citing *Illinois v. Gates*, 462 U.S. 213, (1983). Also, **the affidavit must establish a nexus between the place to be searched and things to be seized, such that there is a substantial basis to believe that the things to be seized will be found in the place searched.** Any review of the sufficiency of evidence supporting the probable cause determination is limited to the information contained in the four corners of the affidavit.

As an initial matter, the Court said “it is unclear from the face of the affidavit” prepared by Balinski exactly what crime was being investigated, much less what crime she had probable cause to suspect had occurred. The sole clue in the affidavit is Balinski’s reference to her investigation of the “fraud complaint” made by the Harrises. As the trial court recognized in denying Balinski’s motion for judgment as a matter of law, most of the information contained in the affidavit concerns an investigation of whether Asia Thomas owned the property rented to the Harrises.

The Court went on to say, “even assuming the existence of probable cause as to the occurrence of a crime, the affidavit failed entirely to establish a nexus between the material to be seized and the place to be searched. The affidavit did not state how Balinski came to know

that MyaBrooke Properties was located at the residence, or, more critically, why documentation of an allegedly fraudulent mortgage might with a fair probability be found there. Given these rather stark defects in the affidavit, a reasonable jury could conclude that Balinski lacked probable cause when she applied for the warrant to search Ellison’s residence.”

Balinski urged the Court that, “even if a Fourth Amendment violation did occur, the trial court erred in its determination that qualified immunity did not apply.” Qualified immunity protects government officials from civil liability in the course of performing discretionary functions unless they violate clearly established constitutional rights.

An official enjoys qualified immunity as a matter of law unless the facts alleged would permit a reasonable juror to find that (1) the defendant violated a constitutional right, and (2) the right was clearly established. As discussed above, sufficient evidence was introduced to permit a reasonable juror to find that Balinski violated Ellison’s Fourth Amendment rights in applying for and executing a warrant based on an affidavit failing to establish probable cause.

As to whether the right was clearly established, the Supreme Court has framed this inquiry as whether “it would be clear to a reasonable officer that his conduct was unlawful in the situation he confronted.”

While police generally are entitled to rely on a judicially-secured warrant for immunity from liability for unconstitutional searches, qualified immunity is not appropriate “**where the warrant application**

is so lacking in indicia of probable cause as to render official belief in its existence unreasonable.” Here, a jury could reasonably determine that this affidavit, mentioning no specific crimes thought probably committed, making no link between Ellison’s residence and any crime, yet seeking broad authority for a search of Ellison’s entire residence for any document “pertaining to” Ellison, was so lacking in indicia of probable cause to render Balinski’s belief in its existence **objectively unreasonable.**

The Court affirmed the trial court’s judgment against Balinski in her *individual* capacity, as well as denying her qualified immunity with her actions.

Law enforcement officers who have questions concerning the requirements of a search warrant affidavit or search warrant, as well as the concept of qualified immunity should contact their local legal counsel. 📞

NEW LEGISLATION FOR 2011

STEVE LYNN | ASSOCIATE GENERAL COUNSEL

The 2011 Regular Session of the Kentucky General Assembly adjourned on March 22. The following bills of interest to law enforcement were passed during the session. Unless otherwise noted, all of the following bills will become effective on June 8.

Senate Bill 103 This bill amends KRS 61.886 to authorize the Tennessee Valley Authority and Breaks Interstate Park Commission to apply for commissions of peace officers from the governor. The bill further grants the authority to carry weapons and the power of sheriffs in making arrests of offenses committed upon, about, or against TVA or Commission property.

House Bill 34 This bill permits a coroner or deputy coroner to equip a private or public vehicle with red and blue lights and a siren, with the permission of the legislative body of the county. The bill restricts the use of the lights and siren to responding only to the scene of an emergency involving the reported death of a human being.

House Bill 41 With the approval of the legislative body of the county, this bill authorizes publicly-owned jail vehicles to be equipped with blue lights. It further authorizes the elected jailer to equip one personally-owned vehicle with blue lights. The bill prohibits use of sirens.

House Bill 121 This bill creates new provisions and amends others in KRS Chapter 218A to prohibit and criminalize the trafficking, possession, and manufacturing of naphthylprovalerone, 3,4-methylenedioxypyrovalerone, 3,4-methylenedioxymethylcathinone, or 4-methylmethcathinone, more commonly known as

“dove” or “bath salts.” This bill was passed as an emergency and went into effect upon Gov. Steve Beshear’s signature on March 16.

House Bill 272 KRS 15.400 was amended in 2007 to permit peace officers with “grandfathered” certification to transfer to other employment and retain that certification if the transfer was made within 60 days. In 2008, Kentucky retirement system statutes were amended to require that a retiree be retired at least 90 days before returning to employment with an agency that participated in a Kentucky Retirement System. House Bill 272 amends KRS 15.400 to extend the time that a grandfathered peace officer could return to duty to 100 days. It further includes a retroactive clause for those peace officers who retired on or after July 1, 2008.

House Bill 301 This bill exempts a license or certification holder in Kentucky from the payment of dues or from having to obtain continuing education credits while serving on active duty with the U.S. Armed Forces. KRS 15.440 already exempted certified peace officers from annual in-service training while serving on active duty, but House Bill 301 will be applicable to law enforcement officers as well.

House Bill 308 This bill creates a new section of KRS Chapter 17 to permit citizens to request a name-based background check or fingerprint-supported background check on their own behalf. The name-based background check is a statewide search based upon name, date of birth and social security number. Neither the name-based check nor the fingerprint-supported background check includes a national check by the FBI.

House Bill 313 This bill amends KRS 527.020 to authorize the director of the Division of Law Enforcement and conservation officers of the Department of Fish and Wildlife to carry concealed deadly weapons at all times within Kentucky when authorized by law or the government employing the officer. It further amends that statute to authorize the carrying of a firearm or other deadly weapon in any enclosed container or storage space installed as original equipment by a motor vehicle manufacturer, including glove compartments, center consoles, and glove pockets.

House Bill 333 This bill defines the terms fireworks, consumer fireworks and display fireworks. It further establishes storage requirements of fireworks at retail, storage and manufacturing facilities and the requirements for one to be a “competent display operator,” as well as legalizing the purchase of certain fireworks defined as consumer fireworks.

House Bill 463 This bill, called “The Public Safety and Offender Accountability Act,” makes many changes to the statutes relating to the classifications and penalties for drug offenses, pre-trial release, drug treatment programs, and probation and parole. Most significantly for law enforcement were amendments made to the statutes regarding when an officer should issue a citation for an offense, as opposed to making a physical arrest. DOCJT staff have requested an opinion from the Office of the Attorney General about certain parts of the bill and will provide an update to agencies as soon as that opinion is received. For more information on HB 463, see article on page 22. 📄



Owsley, Martin and Clay sheriffs talk about rewards, challenges of policing Kentucky's poorest counties

A lack of money and manpower are common themes in law enforcement agencies across the country. Three Kentucky counties, however, face a difficult economy with what one federal agency considers unreasonable means.

The U.S. Census Bureau ranked Owsley, Martin and Clay counties among the 20 poorest communities in the nation. And while the sheriffs of the three modest regions recognize their plight, each of them considers it a privilege to serve their communities.

Rarely does a night pass that someone in Owsley County isn't looking for Sheriff Kelly Shouse. Like most officers of the law, Shouse responds to complaints ranging from triple homicides to citizens infuriated by their neighbors' pets.

"People think Kelly can fix everything," said Sheila Dooley. Dooley serves as the agency's 911 operator, secretary, tax collector, bookkeeper, female deputy and any other duty that comes her way. "If we took only serious calls, it wouldn't be a bad job at all."

But Shouse and his staff truly wouldn't have it any other way. While the foolish calls and barely-dripping stream of revenue could stand to be improved, Shouse is proud of his community and those who work hard to make it a place to call home.

Clay County Sheriff Kevin Johnson also realizes his agency's biggest challenge is its tax base. The largest of the three counties, Johnson is responsible for a population of 23,629. And while the average household income reaches just over \$22,000 annually, Johnson said only about 37 percent of the county is active in the workforce.

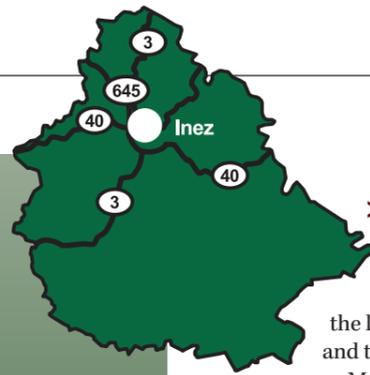
Johnson leads a team of 17 sworn deputies, eight of which regularly work the county's mountainous terrain. Of the three census-identified counties, Clay is considered the poorest — a fact Johnson argued based on the ample business and industry the community supports. >>

▲ A little more than 38 percent of Owsley County's citizens fall below the national poverty level. Without good roads to bring business into town, the local economy has suffered. But Owsley County Sheriff Kelly Shouse says the people of the county work hard to do the best they can with what they have.

PHOTO BY ELIZABETH THOMAS

KELLY FOREMAN | PUBLIC INFORMATION OFFICER

For love of the county



Martin

Population 2009	13,070	Kentucky
Population change since 2000	3.90%	6.70%
Citizens 65 or older	10.60%	13.20%
High school diplomas	54%	74.10%
Bachelor's degree	9%	17.10%
Average travel in minutes to work	29.8	23.5
Median household income	\$22,841	\$41,489
Persons below poverty level	35.30%	17.30%
Land area in square miles (2000)	230.7	n/a
Disabled citizens	4,400	n/a
Average home value	\$62,100	\$86,700
Home ownership rate	79.40%	70.80%

>> Clay's options for everything from fast food to medical services far outweigh the charming valleys of Martin County, in which the largest employers are coal mines and the Big Sandy Federal Prison.

Martin ranks between Clay and Owsley both in population size and scale of poverty. Home values are higher in Martin than its counterparts with the largest percentage of citizens who own their own property. Martin also is the only county of the three that reported growth between the current census data collection and the previous one in 2000.

Martin County Sheriff Garmon Preece employs four full-time deputies and assures his community 24-hour law enforcement coverage. However, he is quick to say that the sheriff's office has many responsibilities that take priority over enforcing the law.

RANGE OF DUTIES

Preece was born in a small doctor's office not far from where his sheriff's office sits in

the center of Inez. One of 14 children, a smile creeps across his face as he talks about the old businesses and people who once lined the small-town streets.

As a child, Preece said his father could only afford one pair of shoes for the kids a year, and when the soles were worn out, his daddy fixed cardboard in the heels to make them last. His family would have fallen within the impoverished threshold — but they didn't know it.

Preece believes a great deal of Martin's current lower-income communities don't know they're impoverished, either. They just do the best they can with what they have.

"If you drive around the county, we have some very wealthy people," Preece said. "You will see a lot of fine homes. And we have a lot in poverty. Anywhere you go you are going to have poor people. But [regardless of their incomes] we have a lot of good people."

Martin County's biggest problem is the same as that of most small towns these days — drug abuse. Preece's deputies work a lot of driving under the influence cases, in which 95 to 97 percent of the offenders are intoxicated by drugs, not alcohol. The county also has a high theft rate, a statistic Preece also attributes to those stealing to buy more narcotics.

And while Preece makes enforcing the law a priority, it is one that falls behind his other commonwealth-mandated duties.

"The number one job of the sheriff is to collect taxes," Preece said. "The number two job is court security and to make sure that the judge and everybody in the courtroom is safe. The third job is to serve papers. You can get in trouble with those three jobs more so than doing law enforcement. Law enforcement is kind of secondary to the sheriff's office."

Preece also is convicted by a duty to serve the people of Martin County, a conviction he says led him to seek office in the first place. After 18 years in the coal mines, Preece spent several years pastoring churches in neighboring communities.

"[In the Bible,] Romans chapter 13 says everyone is subject to a higher power. The higher power in that text is the government. It says people who hold that job are ministers of God. I preached it, so I ran because I think Christians should be in government office."

It is that service that keeps him committed to Martin County's citizens — regardless of their income. >>



► Martin County Sheriff Garmon Preece is proud of his community — the place he has called home most of his life. Many of the county's citizens have known his family for years, and they depend on him to help with their problems.





▲ Owsley County Sheriff Kelly Shouse, left, Sheila Dooley and Owsley County Jailer Robert Cope discuss ongoing activity in the county. Resources are slim in Owsley County, but the sheriff's office works together with Cope and other local emergency services to provide the best service possible.

PHOTO BY ELIZABETH THOMAS

“If you drive around the county, we have some very wealthy people. You will see a lot of fine homes. And we have a lot in poverty. Anywhere you go you are going to have poor people. But [regardless of their incomes] we have a lot of good people.”

>> “It’s good for people to know who you are and where you came from,” he said. “People have a lot of confidence in you. They tell you things, personal things sometimes because of that confidence. You have to do everything you can to help them.”

JUGGLING IT ALL

In Owsley County, Sheriff Shouse’s commitment to his life-long neighbors has sent him out at 3 a.m. after citizens’ would-be-burglars and at 6 a.m. to counsel teens about the importance of going to school.

Shouse has operated most of the four years he has served Owsley as sheriff with only one other deputy. In addition to his law enforcement duties, that deputy is responsible for helping with court security at least once a week. Shouse also is answerable for transporting all offenders to the closest jail, which is in Lee County, as well as state prisoners, juveniles and mental health patients.

And when a member of the community passes, Shouse said it isn’t uncommon for the

family to personally call and ask him to lead the funeral.

With the fewest deputies to assist him of the three counties, Shouse bears the brunt of citizen complaints. But, even when the weight of his responsibilities becomes unbearable, Shouse continues to work hard. It’s a concept he says many locals understand, despite an undeserved reputation of apathy.

“I do the best I can,” he said. “There comes a time when you can’t go [to late-night calls] even if you want to. And I’ve gone before when I shouldn’t, really and truly.

“[A citizen] called me one night saying somebody was trying to get in the back of her house, so I hurried and run out there,” Shouse continued. “It was her big, white cat scratching. Now, to her, it was somebody trying to get in. She’s an old, widow woman who lives by herself. Do I tell her I don’t have time to go? Or do you get up and go? I don’t have to [police]. I can do other stuff. But I actually like it.”

Like Preece, Shouse understands the plight of many of his neighbors because he has spent his life in Owsley County. He has seen businesses come and go — but mostly go. Because of windy, dangerous roads leading into the quaint and cozy community, many businesses refuse to take root because it isn’t safe, or in some cases even possible, for tractor trailers carrying supplies and equipment to reach the town.

At one time, Shouse himself worked for a group of builders who constructed an industrial park full of beautiful, solid buildings, but no one ever filled them. Instead, the buildings have sat unoccupied for years, gathering dust and slowly dilapidating.

And it’s not just industry. There really is very little business of any kind to speak of in Booneville. Children in the community have to ride about 25 miles to even smell the familiar aroma of a McDonald’s Happy Meal, Shouse said.

It’s that lack of business that leads to non-existent revenue to operate the sheriff’s office. There are plans in place to reconstruct and relocate Ky. Route 30 to create a more solid road and attract more business.

“If that road came close to Booneville, it would help us,” Shouse said. “You could live here and be in London in 30 minutes.”

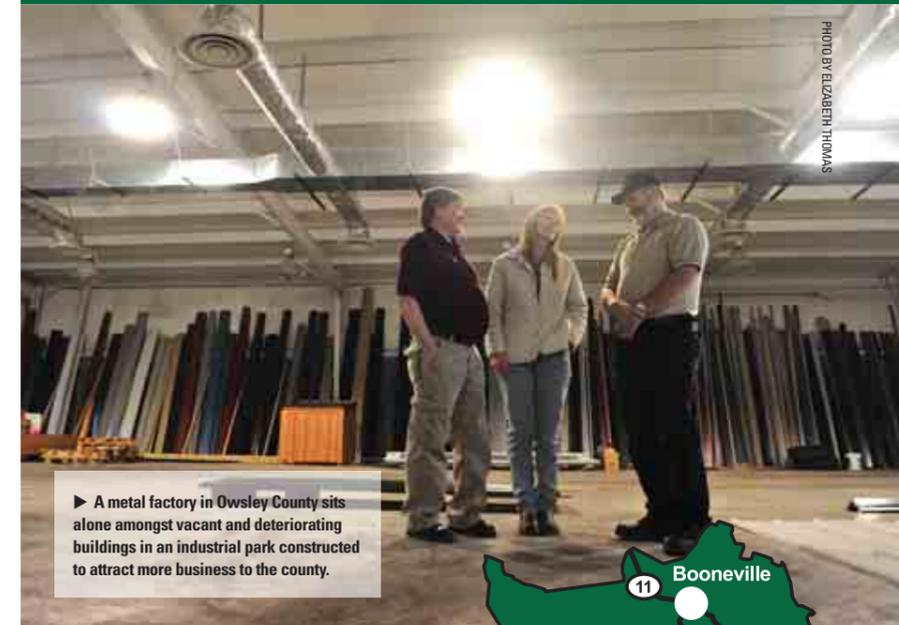
But until that happens, Shouse said he and his staff are going to keep on keeping on. From parades and fairs to trail rides and Christmas outreach programs, the sheriff’s office works hard to be a part of the community. >>



The Census Bureau measures poverty using a set of income thresholds that vary based on a family’s size and composition. For example, a family with two adults younger than age 65 and providing for two children met the poverty guidelines if the family’s total income was less than \$21,756. The thresholds are reevaluated each year and are determined by changes in the Consumer Price Index. ■



For more details, visit www.census.gov.



► A metal factory in Owsley County sits alone amongst vacant and deteriorating buildings in an industrial park constructed to attract more business to the county.



Owsley

Population 2009	4,619	Kentucky
Population change since 2000	-4.90%	6.70%
Citizens 65 or older	16.50%	13.20%
High school diplomas	49.20%	74.10%
Bachelor’s degree	7.70%	17.10%
Average travel in minutes to work	28.7	23.5
Median household income	\$19,829	\$41,489
Persons below poverty level	37.60%	17.30%
Land area in square miles (2000)	198.09	n/a
Disabled citizens	1,676	n/a
Average home value	\$40,800	\$86,700
Home ownership rate	78.50%	70.80%

Clay



>> "It's tough," he said. "It is. But we manage to kind of juggle it all."

GETTING THE JOB DONE

On paper, Clay County's population is poorer than Owsley's. However, Sheriff Johnson argues statistics are just a game of numbers.

It's true, he said, that there is a large part of the community that suffers from disabilities or are otherwise unemployed. Tax collection itself is not a problem, but he said there just aren't that many taxes to collect. The census reports that nearly 7,500 of Clay's 23,629 citizens are disabled — a number Johnson considers low. Those who collect disability are exempt from paying the same property taxes a working citizen pays, he said.

"So then, obviously, if they own a certain amount of property, we have lost that revenue," Johnson said.

The county's tax base is by far Johnson's biggest hurdle, he said.

"The tax base is what runs the sheriff's office," he said. "The biggest challenge is there's

Population 2009	23,629	Kentucky
Population change since 2000	-3.80%	6.70%
Citizens 65 or older	12%	13.20%
High school diplomas	49.40%	74.10%
Bachelor's degree	8%	17.10%
Average travel in minutes to work	31.2	23.5
Median household income	\$22,365	\$41,489
Persons below poverty level	38.30%	17.30%
Land area in square miles (2000)	471.01	n/a
Disabled citizens	7471	n/a
Average home value	\$43,800	\$86,700
Home ownership rate	74.70%	70.80%

not enough revenue coming in to be able to hire manpower, buy equipment and things of that nature. But we do what we do with what we've got."

Johnson has been in law enforcement for more than 22 years. After 18 years with the Manchester Police Department, he ran for sheriff hoping to see a change in policy and move the sheriff's office in a more positive direction.

"I don't have the luxury of some sheriffs in larger counties who sit behind a desk all day and push papers," he said. "I do that, but I also have to go out and work the wrecks and accidents and cases, too. When I became sheriff, my number one thing here was to combat the drug problem. Have we solved that problem? Absolutely not. But do we fight it on a daily basis? Absolutely.

"I know this is going to sound crazy, and I'm not trying to be arrogant," Johnson continued. "But we don't look at things as a challenge. We're going to do what needs to be done. I don't look at it as, 'Well, man, this is a challenge — we don't have enough men, we don't have enough of this, we don't have enough of that.' We are obviously limited by our financial resources. But we take and stretch everything out.

"It's always going to be about money, regardless of how you look at it," he said.

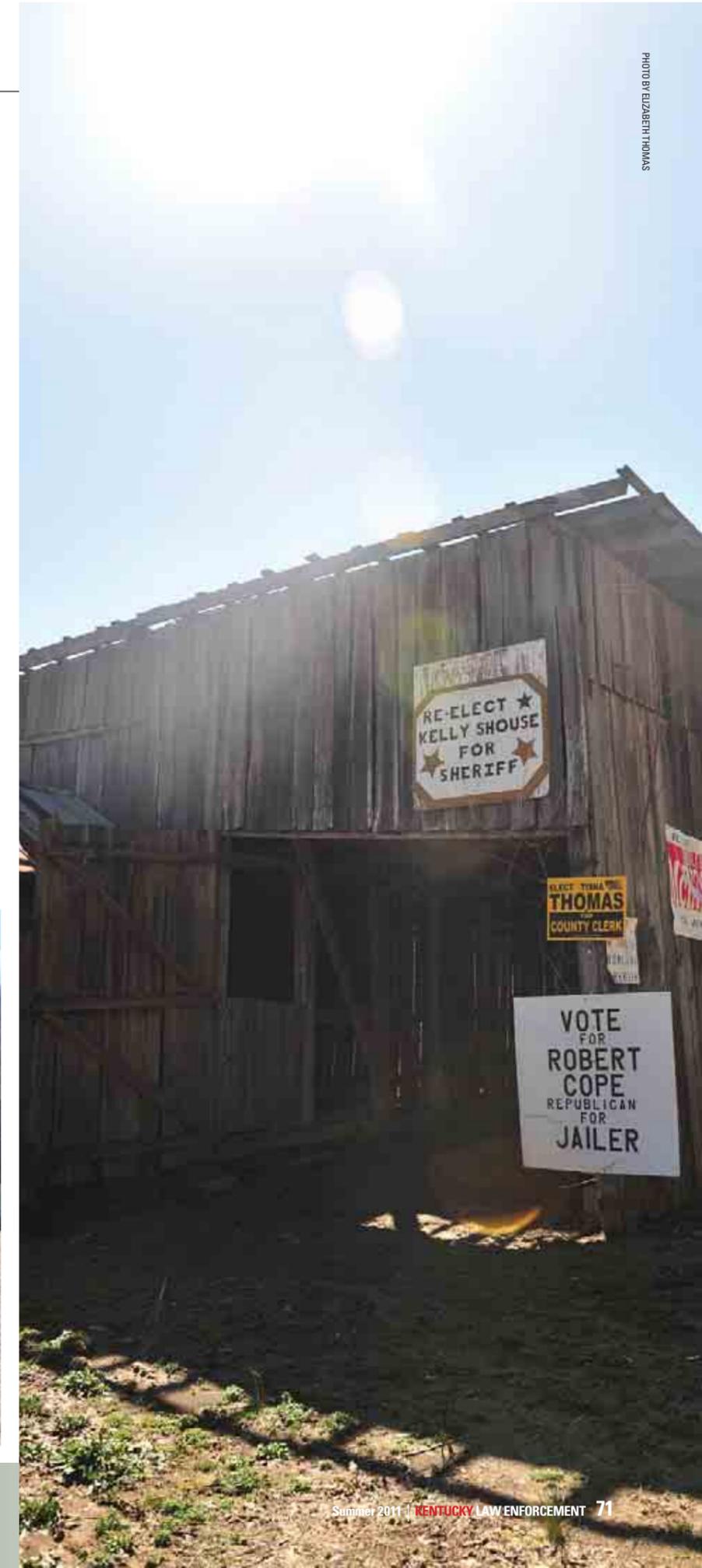
Kelly Foreman can be reached at kelly.foreman@ky.gov or (859) 622-8552.



► Clay County Sheriff Kevin Johnson talks to a citizen while patrolling a local neighborhood. Johnson said because of limited resources in his county, he has to be a very active part of the community's daily law enforcement.



◀ A citizen's dog barks protection of its owners while Clay County Sheriff Kevin Johnson and his officers investigate suspected drug activity.



LOOKING FORWARD

ELIZABETH THOMAS | PUBLIC INFORMATION OFFICER



◀ Danville Detective Robert Ladd works the scene of a traffic accident. In 2010, Danville had 970 reported collisions.

PHOTO BY ELIZABETH THOMAS

Danville Police Department

Situated just north of the intersection of U.S. 150 and U.S. 127, Danville is home to Centre College, Pioneer Playhouse, a regional medical center and a large part of the commonwealth's history.

"It's a beautiful town to patrol," said Chief Jay Newell, who rose through the ranks, beginning his career in law enforcement at Danville in 1995. Newell has been chief since 2007.

Because the city is a college town, a historical tourist spot, has a regional medical facility, an industrial area, and now is a retirement community, Danville police officers respond largely to calls of theft and traffic collisions. In 2010, there were 970 reported collisions in Danville.

"Twenty percent of those involved an out-of-town vehicle," Newell said.

With a population of more than 16,000 over 15 square miles, Danville is a centrally-located hub to surrounding counties.

"People come from all around to work here, eat here in the evenings, visit the hospital. ... I can guarantee that our population is much higher on evenings and weekends," Newell said. >>

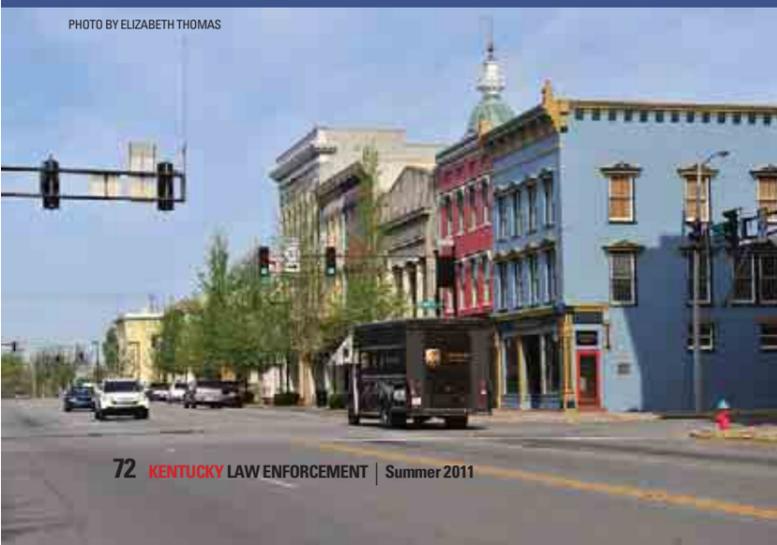
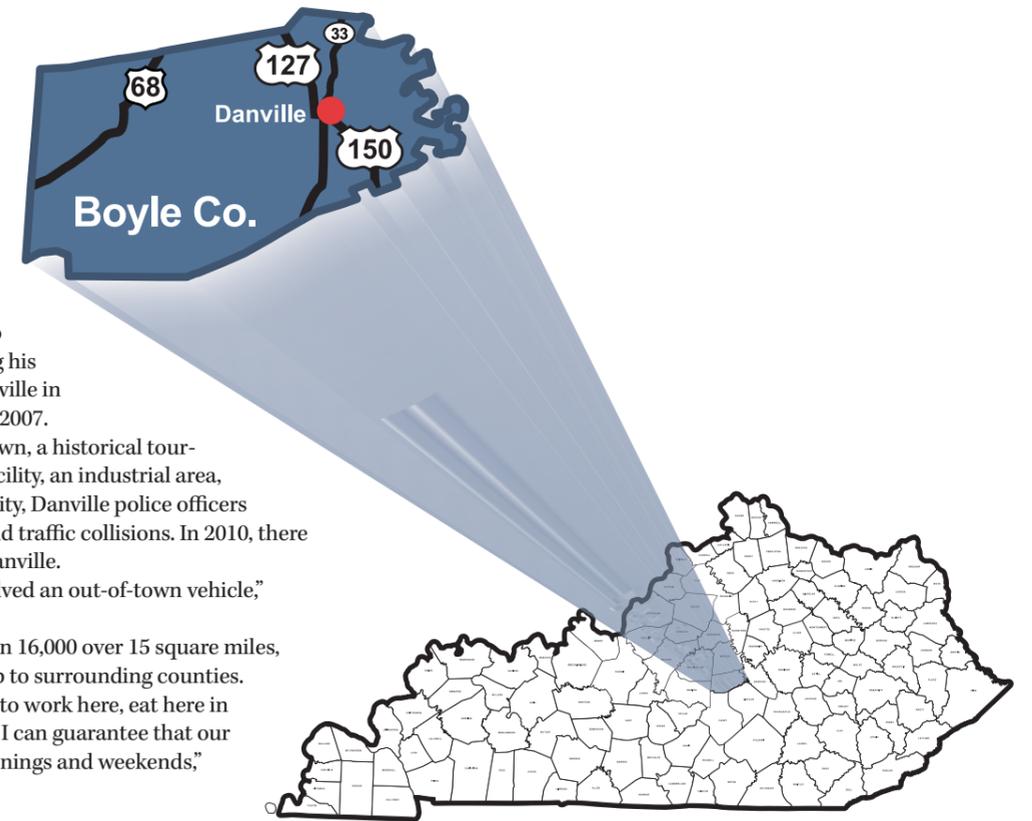


PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

“We are putting in a lot of extra time to reduce collisions and make Danville safer for visitors.”

>> And, traffic collisions come with commuters. “People wreck just looking for the hospital,” he added. Newell serves on a traffic committee in town, trying to alleviate traffic issues by improving signage. He also is working with the National Highway Traffic Safety Administration to find solutions to Danville’s traffic issues. “We are putting in a lot of extra time to reduce collisions and make Danville safer for visitors,” Newell said. In addition to traffic accidents and theft issues, Danville has also seen an influx in sexual assault crimes, according to Detective Robert Ladd. Ladd and other officers, as part of the Sexual Assault Response Team, have been attending meetings with Growing Up Safe and training with a sexual assault nurse examiner or SANE. “In the past, you could get a bunch of guy officers together, mention the word ‘rape’ and they’d all point to the female officer, with the unfair assumption that she could relate better to the victim,” Ladd said. According to Ladd, that is changing and they are all being trained to respond to sexual assault cases. “I’m just as apt to take a rape case now, and that’s what the entire investigations section is doing,” he said.

▼ Ladd makes an early morning stop at the The Hub Coffee House and Café for the daily brew.



PHOTO BY ELIZABETH THOMAS



PHOTO BY ELIZABETH THOMAS

▲ Ladd records proof of insurance on a vehicle that was recently involved in a traffic collision.

Ladd has also been involved in implementing a computer program which profiles sexual predators. “Our children are definitely being solicited on the Internet,” Ladd said. “In a matter of minutes, predators are asking questions about virginity and sexual experience ... some are just asking questions, some are ready to swap pictures and some are trying to arrange meeting the child.”

MOVING FORWARD

Danville Police Department, for years, was bursting at the seams. Housed in a basement below the city’s fire department, the agency’s break room, roll call room, interview room and prisoner processing room was one in the same.

Today, however, Danville shares a new building with the city administration — a building that boasts computer-operated and timed doors, a dedicated evidence room, a sally port, officer lockers, a training room, roll call room, and the list goes on.

“Our space has increased three times and we work more efficiently because of it,” Newell said.

“The move from the old building to this one has been a major step for this department,” Newell added. “Security has improved. Access to the public has improved. We have a gym now. It’s really nice to update the image we had with the old building.”

Newell soon plans to incorporate workouts into workdays. As with many Kentucky agencies, Danville is short staffed while

waiting for new officers to finish the academy and complete field-officer training. When staffing returns to full strength at 33 officers, the department will move from 8-hour shifts to 10-hour shifts. With that change comes an overlap between shifts. Newell plans to use that overlap with a 30-minute workout for officers.

“I see significant benefits for the officers — mental as well as physical,” Newell said. “The officers can decompress after a shift so they can leave their job here and go home to their families.”

Danville is embracing the changes and opportunities that come with a better facility.

Its officers are enthusiastic about the move and about the department.

“Coming from a smaller department, there’s more opportunity here,” said Ladd, who has been with the department since 2005. “Danville is looking forward and branching out into other policing efforts, although we’ve had our struggles. And, I really think the community wants a progressive police department.”

Not unlike most departments across the commonwealth that face budget crises and officer turnover, Danville’s community-policing efforts, like the bike patrol and the citizens’ police academy, have temporarily taken a back seat.

Danville Police Department is “looking forward” and will be ready when things turn around.

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



Sheriff Marty Elliott Boyle County Sheriff

Marty Elliott began his law enforcement career in September 1993, and has more than 17 years of law enforcement experience. He graduated from the Department of Criminal Justice Training's Basic Training in October 1994. Elliott has a bachelor's degree in counseling from Clear Creek Baptist Bible College and is currently working toward completing a master's degree in education. He and his wife, Bonnie, have been married for 26 years and have three children and one grandson.

WHEN DID YOU BECOME SHERIFF OF BOYLE COUNTY?

I was appointed by County Judge-Executive Harold McKinney in December 2009 because the former sheriff retired, and I was appointed to finish his term. I ran for office in 2010 and was elected to my first full term in January 2011.

WHO INFLUENCED YOUR CAREER IN LAW ENFORCEMENT AND HOW?

Former Sheriff Karl Luttrell influenced my career in law enforcement. I was hired by Sheriff Luttrell as a deputy. He always made himself available to the community with a hands-on approach. The day I was sworn in, he told me to treat people like you want to be treated. This is how I approach being the sheriff of Boyle County. I have an open-door policy and I'm a working sheriff. I don't just sit at my desk and serve administratively. I take calls with my guys and issue search warrants. There is nothing that I would ask my staff to do that I wouldn't do. I won the election by 79 percent of the vote, and I approach that position very humbly. If I'm needed, the community feels comfortable stopping by my house if they have

"I believe in community-oriented policing where law enforcement and community work together to support community partnership."

questions, and they call me at home. I try to be present at events such as the county fair and parades. I believe in community-oriented policing where law enforcement and community work together to support community partnership. Everyone is treated with respect, and I enjoy offering a personal touch.

IN YOUR COMMUNITY, WHICH PROBLEM IS MORE SIGNIFICANT, ADULT OR CHILD SEX CRIMES?

I believe the biggest problem between the two age groups is definitely children. With the Internet and the social networking of Facebook and Twitter, our children are more likely to be targeted by perpetrators. Warren Lanham, who is a retired captain and one of my senior deputies, is assigned to the state's task force and he has done a great job targeting predators online. He specifically hunts the predators that are targeting children in this area and does a great job.

WHAT NEW PROGRAMS HAVE YOU IMPLEMENTED SINCE BECOMING SHERIFF?

I have implemented the first School Resource Officers program with Boyle County schools. It has been a project of mine for the past three years. We basically gave the Boyle County school system an SRO free of charge for the first year so they could establish an office to obtain money. The program helps the school system make a safer school, cut out the criminal aspect for the schools and get the students in court if needed. It's about officer presence, especially for our troubled

kids. The assigned officer developed educational programs, and we have had a great response from our schools and community. We've noticed a drastically lower rate in juvenile transports from Boyle County to Elizabethtown. It has also been cost effective. Students know our SRO because he helped set up the safety programs for the school and is there for sports medicine when needed during school functions.

We also formed an investigative unit. The sheriff's office has never had an investigative unit, and it has been a passion of mine and a need for a long time. A unit is now assigned to do nothing but investigations, and has received specialized training in this area. We have seen a direct impact in the community with solving crimes such as burglaries and drug cases, instead of a patrol unit trying to do the work of investigator plus his or her own duties. We saw the advantages immediately.

WHAT ARE YOUR LONG-TERM GOALS FOR YOUR DEPARTMENT?

I would like to add more manpower in patrol and another detective. I would like to continue improving the image of the department to run more efficiently and effectively.



Chief A. Todd Holder Franklin Police Department

Todd Holder began his law enforcement career in 1983 when he graduated from the Army Military Police Academy in Anniston, Ala. He joined the Cave City Police Department in 1985 as a patrolman. Holder was then hired by the Western Kentucky University police after which he attended the Department of Criminal Justice Training. Holder was then hired by the Glasgow Police Department, where he worked until he was accepted into the Kentucky State Police Academy. Holder was assigned to the Bowling Green Post and worked there until he retired in December 2008. Holder has been the chief in Franklin since March 2009. He and his wife, Missy Jo, have three children, Chris, Megan and Seth Kagan.

"It reminds me of the sacrifice that so many of our brothers and sisters were willing to make and how much they were willing to give for others."

incident, while normal police operations continue unabated.

Logan, Simpson and Allen County sheriffs' offices along with Russellville, Scottsville and Franklin police are the participants lending time, training, manpower, equipment and expertise to the containment team concept. The goal of the team is to contain a critical incident area until the KSP Special Response Team arrives, deploys and decides on an appropriate course of action. The other function of the Kentucky 100 is to act as a regional riot squad for the six principle agencies as well as respond to active-shooter situations.

WHY IS THE LAW ENFORCEMENT MEMORIAL IN WASHINGTON, D.C. SO SIGNIFICANT TO YOU?

It reminds me of the sacrifice that so many of our brothers and sisters were willing to make and how much they were willing to give for others. I think about how close I came to my name being on that wall. On August 3, 2002, while doing a welfare check in Butler County, I was shot six times by Lemuel Garrison. I was struck in the right forearm, left elbow, twice in my abdomen, once in my lower groin and once in the right side of my neck, an eighth of an inch from my carotid artery. I still have two rounds lodged in my back and one in my neck. This year, Franklin

police honored a fallen brother from long ago. His name took its place on the wall in this year's memorial ceremony, which was long overdue. The police officer memorial etched the name of Franklin City Marshal Jesse Offut who was shot to death during an arrest on August 20, 1884.

HOW DID WORKING FOR THE KENTUCKY STATE POLICE HELP YOU IN YOUR CURRENT POSITION?

Every good thing that I have, everything good that I am, can be directly traced back to my career as a Kentucky state trooper. KSP gave me opportunities to attend the Spanish Immersion Program with the Kentucky Institute for International Studies, in Moralia Michoacan, Mexico, and respond to Waveland and Bay St. Louis in Miss., for Hurricane Katrina relief.

As a trooper, I was assigned to work the Kentucky Derby many times during assignments with the governor of Nevada, in Millionaires' Row, and in the Winner's Circle. KSP gave me the privilege to watch the University of Kentucky play at Rupp Arena while I stood on the playing floor and to meet presidents, governors, speakers of the house and dignitaries of all types. Being a trooper let me do all those things, and many more. Most of all, KSP gave me the opportunity to make a real difference in the lives of real people that needed help.

I work every day at Franklin police to make our agency as professional and more like the standards that KSP has long established. I find myself as chief, relating difficult situations that I encounter on a day-to-day basis back to the past decisions of my post commanders, remembering how they dealt with situations and the impact of their decisions on the agency.

WHAT IS KENTUCKY 100?

The Kentucky 100 is a containment team that is currently in the infancy stage. The name Kentucky 100 comes from the state highway that connects the six principle agencies participating. The idea was born from incidents in the past where one agency encounters a barricaded subject and all of the resources of that agency must be focused on the incident at hand. To smaller agencies, that means normal calls for service must be put on hold for hours. The Kentucky 100 containment team will allow officers and deputies from six municipal and county agencies to pool their resources to respond to the critical





Hidden Apps EQUAL Hidden Evidence

STAFF REPORT | DEPARTMENT OF CRIMINAL JUSTICE TRAINING

In this day and age, everyone knows cell phones and smart phones can be used to take pictures and videos — and not always the kind users intend to share with grandma. Usually these files end up intermingled with everyday photos. As long as law enforcement officers looking to make a child pornography case, for example, obtained the phone, the pictures would be relatively easy to find.

That's not the case anymore. New apps are available for free or as little as 99 cents that allow individuals to hide pictures and videos in vaults that are pass-code protected. These apps can disguise themselves as everyday apps, such as a working calculator.

One such app, SpyCalc, hides both pictures and videos, can do keyword searches and copy files to multiple albums, and because it masks as a calculator, leaves most unsuspecting snoopers in the dark. But when the secret number combination is entered into the calculator, it reveals the private pictures, videos, documents and recordings.

There are other photo-hiding apps that look like safes, but the safe icon on the phone immediately alerts suspicious eyes that something is being hidden.

- SpyCalc features include:
- Ability to transfer photo/video from an iPhone camera roll instantly.
 - Wi-fi transfer of any picture/video from computer to iPhone without using any cable.
 - Storing full-length movies. (must be converted to iPhone supported format)

The application is easy to get up and running for the average person, and it is like having a secret room — but instead of being in someone's house, it is in the iPhone behind a secret door.

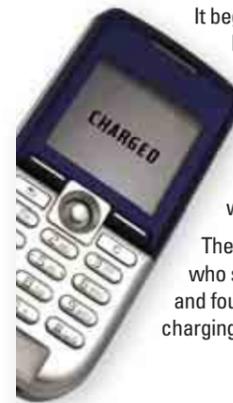
Law enforcement officers should make themselves aware of applications such as this during investigations, searches and seizures in cases where images and videos may hold much needed evidence.



STRANGE STORIES FROM THE BEAT

» Maryland Suspect's Phone Found At Scene Of Burglary

Police in Maryland arrested a man after finding his cell phone charging at the scene of a burglary.



It began when a homeowner's son arrived as a burglar was going through rooms in the home. Startled, the burglar jumped out a window and fled.

The son called police, who searched the home and found a cell phone charging in an electric socket.



Taser Fails To Slow Roaming Alaska Moose

A Taser may not be enough to stop a moose.

Biologists with the Alaska Department of Fish and Game failed in their attempts to stun a cow moose to remove a rope from around its neck that was used to rescue it from a river.

Biologists said the moose appeared to react only to the sound of the Taser going off, and it started running.

Biologists decided to leave the cow, which was accompanied by a calf. They said the rope was not hindering her ability to breathe, eat or walk — and may just fall off eventually.

« Police refuse to return baby pig to owner

A Pennsylvania man said police refused to tell him the whereabouts of his 10-week-old Vietnamese micro potbellied pig.

The 6-pound pig, Steve, got out of his yard and was picked up by local police.

"He doesn't really have a neck, so he never had tags," the pig's owner said.

Police cited an ordinance preventing farm animals from being kept in city limits and refused to turn over the pig.



« Happy Birthday to Me?

A woman reported her mail stolen because she did not receive birthday cards from her friends.



« Potential narcotic thief gets the beans

A Mississippi pharmacist tired of thieves stealing narcotics said he outsmarted burglars by replacing a huge bottle of narcotic pills with red beans.

The Pascagoula pharmacist had been hit by thieves targeting the narcotic pain killer Lortab three or four times in six months.

Clark said he set the decoy bottle of red beans out as bait and the thieves took it.



» IF YOU HAVE ANY funny, interesting or strange stories from the beat, please send them to elizabeth.thomas@ky.gov



KENTUCKY

LAW ENFORCEMENT

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