

# LAW ENFORCEMENT

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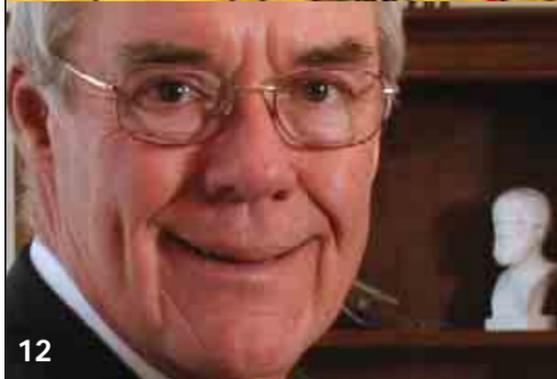
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The Kentucky Law Enforcement staff welcomes submissions of law enforcement-related photos and articles for possible submission in the magazine and to the monthly KLE Dispatches electronic newsletter. We can use black and white or color prints, or digital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



## Justice Cabinet Merger Will Benefit Law Enforcement

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

**O**n July 14, 2008, Gov. Beshear signed an Executive Order moving Kentucky Vehicle Enforcement to a newly created division of Kentucky State Police. The reorganization, which will allow KVE to focus on its unique, core mission – commercial and vehicle enforcement, – combines law enforcement resources and creates cost-saving efficiencies, is an obvious merger of two outstanding agencies with sometimes overlapping and similar missions. Moreover, the placement of the KVE function and officers under the umbrella of KSP will only serve to give KVE a permanent home within the law enforcement family.

The restructuring brings many advantages.

It will make our highways safer. It will strengthen how we protect our citizens – the whole nation, really – against terrorists. It will save money. It will increase state revenues. And it will have side benefits, such as lessening the wear and tear on roads from overweight trucks.

I will expand on those benefits below, but first let me offer reassurances.

Under the new division, KVE personnel will maintain their identity as the primary agents of driver and vehicle compliance and safety. The distinctiveness of the insignia, uniforms, markings, and line origination of KVE will remain intact. The primary mission of KVE will remain as stated in the KRS. KVE officers will not be required to become “troopers.”

Nor will the mission of the state police be diluted in any way. We're well aware we have high-quality and valuable personnel in both KVE and KSP, and we will not jeopardize their work.

KVE performs a vital and unique mission for the commonwealth – patrolling of commercial vehicles. The specialized training and enforcement capabilities provide an indispensable line of defense at our borders and on our roadways.

Since 9/11, the development of KVE into a publicly recognized branch of law enforcement has been steady and irreversible. Rigorous and focused commercial and vehicle enforcement is absolutely critical to the safety of our highways, the security of our homeland and the maintenance of our roads.

The heavy commercial traffic which flows through our state brings with it the added burden of ensuring that that traffic operates safely, legally, and without threat to the communities through which it passes.

This was not a hastily made decision, nor was it made primarily for budgetary reasons. Since accepting this appointment in December, I've looked at ways to streamline operations and ensure our agencies run as efficiently as possible. The natural complementary functions of the two agencies made it an obvious place to consider a merger, and the recent retirement of Commissioner Greg Howard and several other top level officers created opportunities to envision a department that combines the talents and resources of both.

Far from this being a takeover of one agency by another, it's a move that strengthens and institutionalizes the core functions of each. By folding KVE into our state police department, we're able to eliminate a layer of bureaucracy, and allow KVE to focus on vehicle and driver safety, and enforce compliance of vehicles operating in commerce.

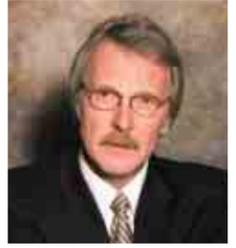
The reorganization will allow the new division to expand hours of operation at weigh stations, in some cases doubling or tripling the hours these crucial checkpoints are open. Longer hours will increase the inspection and records checks of hazardous cargo, expand the use of radiological and nuclear material, and increase contact with operators and drivers.

While enhanced public safety is the key reason for the merger, the reorganization is expected to save \$750,000 to \$1 million annually through efficiencies, by eliminating positions which are or will soon be open through recent retirements, reducing fuel costs, eliminating overhead costs of duplicative operations and programs, and centralizing offices and facilities.

In addition, the increased operation of weigh stations is expected to bring in higher revenue, such as tax compliance, licensing, as well as, permits, fines and fees.

Commissioner Rodney Brewer will be convening joint teams from both KVE and KSP to review the interface of the two organizations. He already has met with the command staffs, and the “re-engineering” teams are in progress under the supervision of Lt. Leslie Gannon.

I am personally asking for your cooperation in this important transition period. I truly believe that this action is in the best interest of KVE, KSP, and the citizens of the Commonwealth of Kentucky.



## Generating Leaders for the Future

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

**T**he public – and even many law enforcement officers – may be surprised at the consistent results drawn from several recent research studies that focus on how officers' time is consumed. Those research results, the experts tell us, reveal that approximately 8 percent of police time is spent actually enforcing the law; the other 92 percent of the time involves routine details that are not crime related.

Any realistic discussion of police work must be based on the reality that no one group of police, police executives, criminologists, elected officials or even the courts can define precisely the exact function of police in their communities. When we can't agree on what police should do then it is very difficult to agree on how to do it. Furthermore, if we cannot really agree on what police are supposed to do all the time, how can their actions be properly evaluated?

The idea that police are primarily crime fighters doesn't really hold as much water as it did in the past. Police seldomly influence the root causes of crime: poverty, a failing education system, deteriorating family structures, a shaky economy, substandard housing, despair, hatred and many other issues that affect crime and crime rates.

Police are certainly law enforcers and if only 8 percent of their time is spent on enforcement, it is amazing that prisons are packed or exceeding capacity in most states. What would today's prisons look like if police spent 50 percent of their time on law enforcement?

Obviously, much of the traditional role of law enforcement has, by necessity, changed. Perhaps today police are more apt to be considered order maintenance experts who must view themselves and their work from a much broader perspective. Policing today is service oriented with a range of services extending from answering calls for action, maintaining order and making their presence known, and of course, community policing. Community policing has broadened the police role in community life, extending responsibilities from various forms of traffic control to homeland security assessments, escort details, ceremonial duties, bailiff duties and official on-duty participation in community events and activities.

Political and social realities have changed for policing more in the past couple of decades than in other time in history. Indeed, nothing influences policing more than political and social realities, the very core of a free society. Freedom is a complex concept and policing it requires fluid adaptation and a broader view of how the community, an individual's rights and law enforcement must seamlessly dovetail for the good of all. While many steadfastly agree that police are primarily law enforcers who must be stable in their individual commitment to support and maintain freedom, balancing those concepts will always be a difficult task.

The weight of the responsibility in assuring the law enforcement community remains fluid and capable of adapting to the ever-evolving police function rests exclusively with law enforcement executives. These execu-

tives – typically at the level of chief, director, assistant chief, major and captain – represent the best educated, trained, seasoned and experienced administrators who lead the thousands of police departments across the country.

These are the people who through example, leadership and behavior, must consistently revise their responsibilities as their primary responsibilities continually change. Courts will continue to universally influence policing. Training will continue to universally influence policing. Politics will continue to influence training. Without stable, experienced, well-educated and reliable leadership, those influences create instability instead of well-thought-out integration of change.

Across the nation we see police departments being asked to do more with less. We watch politics assign functions to policing that are not suitable and then leave departments underfunded as more services are called for from the thinning ranks of trained officers. Recruitment burgeons into an unconquerable mountain and retention grows into a consistent problem. Fuel costs eat into operating budgets, leaving less funding for other essential services. Hot topic issues such as drugs, Internet fraud, missing and exploited children, gang violence, immigration, hate crimes, homeland security and other contemporary challenges now drive modern policing. Obviously, today's issues and today's police leaders cannot effectively manage nor lead with yesterday's methods. Even the most effective of police executives fail when they attempt to manage only with yesterday's tools.

As with everything else in business, government and private life, successful law enforcement comes down to a question of leadership. As all levels of government officials vie for attention to their unique and individual problems, scramble for budgetary relief, debate their mission and struggle to promote their agendas to the public and elected officials, police and their essential services no longer automatically bubble up to the top of the heap.

Today, more than just leadership is required from executives within police organizations. Now and well into the future, statesmanship is required to redefine and lead the charge in changing police priorities. Individuals with proven skills in the effective management of public affairs related to the world of law enforcement and public safety will be needed to effectively lead our march into the future. Will you be one of them?

Luckily, Kentucky has more than its share of police executives who may be considered statesmen. Hopefully, they will remain engaged and help bring the rest of the commonwealth's law enforcement leaders into the new roles they will be required to fill as policing evolves and budgets become tighter and tighter.

## Briefs

## Howard Announces Retirement at Annual KVE Awards Ceremony

Kentucky Vehicle Enforcement presented awards for excellent achievement and service at its annual awards ceremony June 3. The highest award, the 2007 Jason Cammack Officer of the Year Award was presented to Officer Anthony Bersaglia.

The award is in honor of Jason Cammack, the first and only KVE officer killed in the line of duty.

"In my 16 years of law enforcement service it was the greatest honor I have received," Bersaglia said. "I feel like that's the greatest honor an officer can receive on the road."

The awards ceremony came to an end with Commissioner Greg Howard's announcement of his retirement from KVE.

"I want you to continue to pursue the same excellence that you are working toward now and

you've been working towards all along, don't let this overshadow it," he said.

"He has taken us from a great department to an outstanding department," officer Phillip Frazier said. "He has made a lasting mark on the department."

Commissioner Rodney Brewer of the Kentucky State Police, was stunned by Howard's announcement.

"I was surprised and honestly a little disappointed both professionally and personally," Brewer said. "He has accomplished a lot."

In reference to the retirement announcement, Officer Charles Tinsley, recipient of the Meritorious Service Award, mentioned it was "a shock."

"He has been good not only to me but my family," he said. "He never forgets a name; he



never forgets my wife or my kids' names. We'll miss him."

Other awards and their recipients include: The DUI Award given to Officer Collett, Inspector of the Year Award and Federal Motor Carrier Safety Award for Inspector given to Inspector William Williams. The Drug Enforce-

ment Award (Special Operations) was given to officers Stephen Burke and Randal Honeycutt. The Drug Enforcement Award (Field Operations) was given to Officer Kelly Anderson. The Civilian of the Year Award was given to Amy Dempsey and the Outstanding Citizen Award was presented to Harold Wiggins.

## 'Click It or Ticket' Turns Up More Than Seat Belt Offenders

Fugitives, drunken drivers and people with stolen vehicles were among those detected and cited in this year's Click It or Ticket enforcement effort, coordinated by the Kentucky Transportation Cabinet and supported by more than 300 police agencies statewide.

The main objective of Click It or Ticket was enforcement of Kentucky's seat belt law, and more than 20,500 people were cited for not being buckled up, according to

reports from participating law enforcement agencies.

But officers who manned 883 checkpoints throughout the commonwealth also made 1,594 drunken driving arrests, 1,246 felony arrests and 1,581 drug arrests. They recovered 76 stolen vehicles and apprehended 1,312 fugitives. They also cited 15,460 people for speeding and 6,574 people for having no proof of automobile insurance.

"Our goal is to educate the public on the importance of wearing a

seat belt and to reduce deaths and injuries along our roadways," said Boyd Sigler, director of KYTC's Highway Safety Programs, whose office coordinates the campaign each year. "It's interesting, though, to learn what officers encounter when they're out there doing traffic patrols and check points and how working to reduce crashes also reduces criminal activity."

Bob Criswell, KYTC law enforcement liaison, said law enforcement agencies are an important

partner in reducing deaths and injuries in Kentucky.

"They care about their jobs, and when they see the numbers of deaths falling, they get excited, knowing that their efforts really do make a difference," he said.

Despite a wealth of data showing that seat belts save lives – and also despite implementation of a primary seat belt law – Kentucky remains at the bottom nationally in seat belt usage rates, at only 72 percent.

## Kentucky Meth Cleanup Law Amended

Establishes new notice requirements, appeal process, site tiering system

People who are considering renting, leasing or buying a residence must now be given written notice by the owner if the property has been contaminated by methamphetamine and has not properly been cleaned up by a certified contractor.

Failure to give potential occupants a written notice will be a Class D felony according to amendments to the current Kentucky meth lab cleanup law that went into effect July 15. Each violation could result in a fine of up to \$25,000 and/or imprisonment from one to five years.

House Bill 765, passed during the 2008 regular session of the General Assembly, also set up a four-tier cleanup system based on the level of meth production and the potential contamination. The range is from tier one, a small-scale, short-term meth lab, to tier four, a mass produc-

tion lab where large amounts of meth were produced and large volumes of wastes were generated.

"Chemicals and equipment used to cook meth in illegal makeshift labs create an immediate danger of explosion and fire and leave waste that poses a threat to the health of future occupants and to the environment," said Tony Hatton, director of the Division of Waste Management in the Energy and Environment Cabinet.

Based on evidence and observations made at the scene, the Kentucky State Police or other law enforcement will determine if the property is contaminated and make a recommendation regarding the tier level. The recommendation is final unless the certified contractor provides clear justification for the property to be assigned to a different tier.

Other changes in the law will:

- Allow law enforcement to post a meth contamination notice at the request of state or local health departments. Removing a notice without authorization will be a Class A misdemeanor, punishable by up to a year in prison and/or a fine up to \$500.
- Require establishment by the state Department for Public Health of disclosure requirements for property owners and a process for appealing a posting.

For more information about the contractor certification program, contact Kim Leingang, Superfund Branch, (502) 564-6716, [Kim.Leingang@ky.gov](mailto:Kim.Leingang@ky.gov), or go to the division's Web site, <http://waste.ky.gov/>. HB 765 is online at <http://www.lrc.ky.gov/record/08RS/HB765.htm>.

## New Law Helps Combat Metal Theft

Effective July 15, House Bill 106, designed to combat the theft of certain non-ferrous metals and all ferrous metals, requires metal dealers to record purchase transactions on a form and keep the form for two years. Upon request, dealers are required to provide forms to law enforcement agencies to identify the perpetrators of metal thefts.

The information contained on the form includes the seller's name, address and some form of proof of identity, such as a driver's license. It also includes the make, model, color and license plate number of the vehicle transporting the material, a description of the material, its weight and quantity, the amount paid to the seller, and the date and time of the transaction.

Under the new statute, the Kentucky State Police is charged with providing the tracking form to metals dealers. The form is available online at [http://www.kentuckystatepolice.org/pdf/ferrous\\_metals.pdf](http://www.kentuckystatepolice.org/pdf/ferrous_metals.pdf). Paper copies can be obtained at any of KSP's 16 posts throughout the state.

## Emergency Response Guide Book 2008 Now Available

The Emergency Response Guidebook was developed jointly by the U.S. Department of Transportation, Transport Canada, and the Secretariat of Communications and Transportation of Mexico for use by firefighters, police and other emergency services personnel who may be the first to arrive at the scene of a transportation incident involving a hazardous material. It is primarily a guide to aid first responders in quickly identifying the specific

or generic classification of the material(s) involved in the incident and protecting themselves and the general public during this initial response phase of the incident. The ERG is updated every three to four years to accommodate new products and technology. The next version is scheduled for 2012.

To obtain a copy of the guide book, please visit <http://hazmat.dot.gov/pubs/erg/guidebook.htm>.

## KSP Unveils Retro-Look Cruisers to Kick Off 60th Anniversary



▲ To officially kick off the Kentucky State Police 60th Anniversary activities, 17 limited-edition, retro-look cruisers were recently unveiled at KSP headquarters in Frankfort.

## ■ Kentucky Vehicle Enforcement to Become KSP Division

Kentucky Vehicle Enforcement will become a division of the Kentucky State Police under an executive order signed July 14 by Gov. Steve Beshear, returning KVE to its core mission while allowing the two agencies to combine law enforcement resources and create cost-saving efficiencies. Under the new division, KVE personnel will maintain their identity as the primary agents of driver and vehicle compliance and safety.

"Rigorous and focused commercial and vehicle enforcement is absolutely critical to the safety of our highways, the security of our homeland and the maintenance of our roads," said Gov.

Beshear. "By folding KVE into our state police department, we're able to eliminate a layer of bureaucracy and allow KVE to focus on vehicle and driver safety, and enforce compliance of vehicles operating in commerce."

The reorganization will allow the new division to expand hours of operation at weigh stations, in some cases doubling or tripling the hours these crucial checkpoints are open, Beshear said. Longer hours will increase the inspection and records checks of hazardous cargo, expand the use of radiological and nuclear material and increase contact with operators and drivers.

The move, which comes after former KVE Commissioner Greg Howard announced his retirement June 3, also enhances critical security measures, and the reorganization is expected to save \$750,000 to \$1 million annually through efficiencies, by eliminating top-level positions which are or will soon be open through retirements; reducing fuel costs; eliminating overhead costs of duplicative operations and programs and by centralizing offices and facilities.

In addition, the increased operation of weigh stations is expected to bring in higher revenue, such as tax compliance, licensing and permits, and fines and fees.

## ■ Kentucky Begins New Booster Seat Law

Gov. Steve Beshear signed a new child booster seat law that went into effect July 15. The law requires parents in Kentucky to take new measures to protect their children in the car. Any child under 7 years of age and between 40 and 50 inches tall must now ride in a booster seat. The new requirements are part of KRS 189.125, which set forth guidelines for child safety seats, booster seats and seat belts.

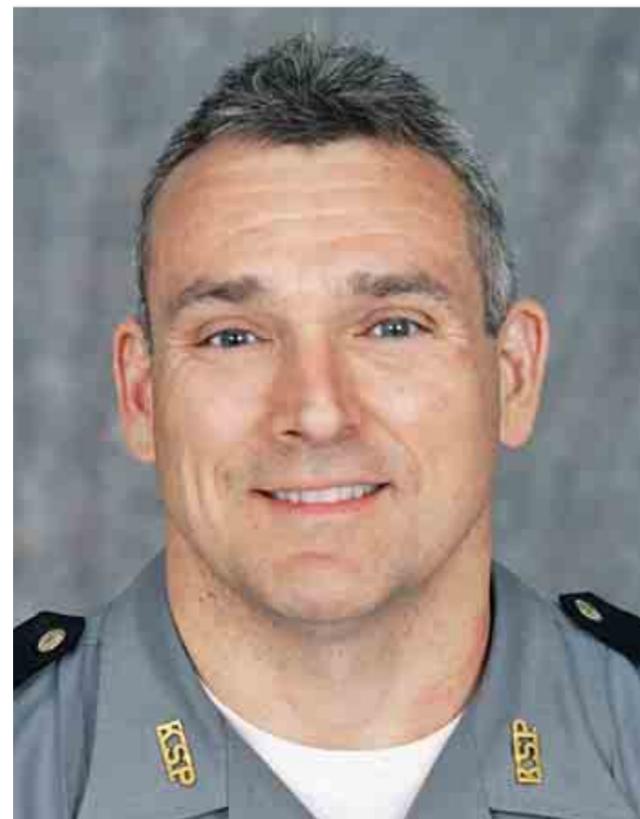
Capt. Tim Lucas, commander of the Kentucky State Police Highway Safety Branch said that the new law will be phased in during the next year, giving courtesy warnings through June 30, 2009 before issuing a \$30 fine.

Any person who has not been previously charged with a booster seat violation can have the charge dismissed by providing proof that they have acquired a booster seat for the child, Lucas said.

"More children die from motor vehicle crashes than from any single disease," Lucas said.

"More children in the United States are killed or crippled in car crashes than from any other cause of injury. Our goal is to save lives – and this law will better protect the children of the commonwealth."

For more information about vehicle passenger safety or to inquire about free fact sheets on a variety of health and safety subjects, call (502) 629-KIDS or 1-800-852-1770.



## ■ KSP Trooper of the Year Celebrates 20 Years With Agency

/ This article was written by Russ Cassady and reprinted with permission from the June 25, 2008 edition of the Appalachian News-Express.

ed itself, he started down that path, spending 10 years as an accident investigator, working about 100 collisions in Pike and Floyd counties each year, before going into reconstruction.

"I like taking all the evidence, bits and pieces, and putting it all together and coming to a conclusion as to what happened," he said.

In order to become a reconstructionist at the level Crum has reached, he began with an extremely intensive eight-week course.

"Each two weeks is like a college semester of courses," Crum said. "We have a really high attrition rate (from the course)."

Following that, Crum said, he has received 1,000 hours of extra training on the topic, including training on commercial vehicle, motorcycle and pedestrian accidents. Also, Crum said he is one of four KSP officers certified to download and analyze vehicles' event data records.

Crum is a member of the statewide accident reconstruction team and often is called out to go to collisions across the state.

Earlier this year, Crum was honored by the KSP when he was named Trooper of the Year, an honor given to those in the agency who go above and beyond their daily duties.

Through it all, Crum said, he enjoys what he does.

"I still enjoy getting up and coming to work today as I did when I first started," Crum said. "The workload gets kind of tough sometimes and so does the travel."

He acknowledges the job can sometimes be rough on his family, but said he hopes he can make a better community for them as well as the community as a whole.

"You hope everyday that you do something to make somebody's life a little better," he said. "I guess everyone wants to help the community they're from."

Crum, who could have retired two years ago, said that is why he keeps going and also why he has stayed in Pike County instead of moving to another post, where he could have a smaller workload.

"It makes me feel good to help people that I know and grew up around," he said. ■

Growing up on Elkhorn Creek, Eddie Crum had very little doubt as to how he wanted to spend his future.

"Ever since I was a kid, I wanted to be a (Kentucky State Police) trooper," he said. "As a kid, I always admired troopers, and it was a lifelong dream to become one."

In September, KSP Detective Crum will celebrate 20 years of serving with the agency, something he doesn't see ending soon.

Crum was 23 and had a background in mechanics and commercial vehicles when he finally got a chance to enter the KSP academy, then he came home.

"Straight out of the academy, I came to Post 9," he said. "It's a

busy post, but it's home to me."

Crum began his service to Post 9 in Floyd County, and, after about four years, came back to Pike County to serve, something that has its benefits.

"I think it's an advantage knowing the people," he said. "They feel more at ease giving me information or talking to me about things than they would a stranger."

Crum also has served as a field training officer, and estimates that he has trained about 50 new troopers over the course of his career.

Crum worked as a K-9 unit for a time, but was always interested in accident reconstruction and criminal investigation. When the opportunity present-

# CALEA Assessment



Assessors from the Commission on Accreditation for Law Enforcement Agencies, Inc. will arrive November 15, 2008 to begin a three-and-a-half day examination of all aspects of the Department of Criminal Justice Training's policies and procedures, management, operations and support services. As a part of on-site assessment, members will be provided an opportunity to offer comments by telephone. The time, date and telephone number will be published on the DOCJTWeb site in October. Persons wishing to offer written comments about the DOCJT's ability to meet the accreditation standards are requested to address their comments to: CALEA, Inc., 10302 Easton Place, Suite 100, Fairfax, VA 22030-2215

# KLEC Presents CDP Certificates

/KLEC Staff Report

The Kentucky Law Enforcement Council's Career Development Program is a voluntary program that awards specialty certificates based on an individual's education, training and experience as a peace officer or telecommunicator. There are a total of 14 professional certificates, nine for law enforcement and five for telecommunications. The variety of certificates allows a person to individualize his or her course of study, just as someone would if pursuing a specific degree in college.

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

**ADVANCED DEPUTY SHERIFF**  
**Boone County Sheriff's Office**  
 Roger Paul  
 Anthony Trimble

**ADVANCED LAW ENFORCEMENT OFFICER**

**Berea Police Department**  
 Randall Hensley

**Boone County Sheriff's Office**  
 Scott Dhonau  
 Gregory Faulkner  
 Michael Hall  
 Daren Harris  
 Christine Heckel  
 James Hill  
 Ben Huff  
 James Mann  
 Jerry Mitchum  
 Anthony Trimble  
 Anthony Vonderharr  
 Tracy Watson  
 Randall Hensley

**Danville Police Department**  
 Sally Bustle

**Elizabethtown Police Department**  
 Peter Chytl

**Harlan Police Department**  
 Michael Cooper  
 Henry Doan

**Independence Police Department**  
 Michael Richman

**Jeffersontown Police Department**  
 Michael Koenig

**Lexington Division of Police**  
 Thomas Howell

**Olive Hill Police Department**  
 Samuel Richmond

**Shepherdsville Police Department**  
 Kenneth Bernardi

**Simpson County Sheriff's Office**  
 Timothy Hancock

**University of Louisville Police Department**  
 John Tarter

**Warren County Sheriff's Office**  
 Timothy Robinson

**ADVANCED TELECOMMUNICATOR**  
**Madison County E-911**  
 Wendy Lynch

**BASIC TELECOMMUNICATOR**  
**Campbell County Dispatch**  
 Rebecca Bartel

**Jeffersontown Police Department**  
 Amanda Carter

**KSP Post 16 - Henderson**  
 Alexis McGee

**INTERMEDIATE LAW ENFORCEMENT OFFICER**  
**Anchorage Police Department**  
 Mark Hoskins

**Ashland Police Department**  
 Edward Sparks

**Berea Police Department**  
 Kenneth Fields

**Bluegrass Airport Police Department**  
 Steve Morris

**Boone County Sheriff's Office**

Christopher Carder  
 Michael Dehner  
 Jared Demoisey  
 Scott Dhonau  
 Carl Dover

Gregory Faulkner  
 Stephen Freeman  
 Joseph Gregory  
 Michael Gross  
 Michael Hall  
 Daren Harris  
 Christine Heckel  
 James Hill  
 Scotty Hill  
 Todd Hollandsworth  
 Ben Huff

Jerome Huff  
 Jason Keipert  
 William Kotzbauer  
 Douglas Mallery  
 James Mann

Mitchell Marksberry  
 Jason McGaha  
 Jerry Mitchum  
 Roger Nelms  
 Roger Paul

Jeremy Reed  
 Jeremy Rosing  
 Jeffrey Ruber  
 Kevin Schwartz  
 Gregory Spillman  
 Everett Stahl

James Thomas III  
 Anthony Trimble  
 Anthony Vonderhaar  
 Tracy Watson  
 Thomas Webster

**Elizabethtown Police Department**

Scot Richardson

**Harlan Police Department**

Michael Cooper  
 Henry Doan  
 Timothy Howard  
 John Noe  
 George Thomas  
 George Young

**Independence Police Department**  
 Michael Richman

**Jeffersontown Police Department**  
 Michael Koenig

**Lexington Division of Police**  
 Christopher Holliday

**Newport Police Department**  
 Floyd Combs

**Olive Hill Police Department**  
 Samuel Richmond

**Richmond Police Department**

Dusty Allen  
 Michael Bowles  
 Matthew Boyle  
 Teresa Culton  
 William Daniel  
 Joshua Hale  
 Roy Johnson  
 William Johnson  
 Matthew Morris  
 Garry Murphy  
 Benton Spaulding  
 Aaron Stidham  
 Rodney Tudor  
 Fred Waldrop

**Simpson County Sheriff's Office**  
 Timothy Hancock

**University of Kentucky Police Department**  
 Charles Brown

**University of Louisville Police Department**  
 John Tarter

**Winchester Police Department**  
 Daniel Thomas

**INTERMEDIATE TELECOMMUNICATOR**  
**Madison County E-911**  
 Wendy Lynch

**LAW ENFORCEMENT EXECUTIVE**  
**Boone County Sheriff's Office**  
 Ben Huff  
 Roger Paul

**Radcliff Police Department**  
 Ralph Craig

**LAW ENFORCEMENT MANAGER**

**Boone County Sheriff's Office**  
 Thomas Webster

**University of Kentucky Police Department**  
 Gregory Hall

**LAW ENFORCEMENT OFFICER INVESTIGATOR**

**Anchorage Police Department**  
 Mark Hoskins

**Campbell County Police Department**  
 David Halfhill

**Covington Police Department**  
 James Coots  
 Kenneth Holstein  
 Kevin Stivers  
 Ronald Wietholter

**Independence Police Department**  
 Michael Richman

**Jeffersontown Police Department**  
 Michael Koenig

**Madisonville Police Department**  
 William Hopper

**Newport Police Department**  
 Floyd Combs

**Nicholas County Sheriff's Office**  
 Benjamin Buckler

**Somerset Police Department**  
 Michael Grigsby

**University of Louisville Police Department**  
 John Tarter

**LAW ENFORCEMENT SUPERVISOR**

**Boone County Sheriff's Office**  
 James Mann  
 Paul Roger

**Erlanger Police Department**  
 Troy Vines

**Harlan Police Department**  
 Everett Johnson

**LAW ENFORCEMENT TRAFFIC OFFICER**  
**Ashland Police Department**  
 Jackie Conley

**Bluegrass Airport Police Department**  
 Steve Morris

**Boone County Sheriff's Office**  
 Scott Dhonau  
 Gregory Faulkner  
 James Hill  
 Everett Stahl ■



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# JUSTICE FOR ALL

/Abbie Darst, Program Coordinator

Following a lifelong dream and the footsteps of generations before him, Charles Geveden has lived the life of public service he always sought. Geveden, named deputy secretary of the Justice and Public Safety Cabinet in December 2007, served 17 years in the General Assembly as a House District 1 representative, as well as practiced law for nearly 40 years and served as the commonwealth's attorney for the First Judicial District. Geveden holds a bachelor's degree from Vanderbilt University and a Juris Doctorate from the University of Louisville School of Law. He resides in Frankfort with his wife, Patricia.

How has your 17 years experience with the Kentucky General Assembly, combined with your years practicing law in Kentucky, prepared you for your position as deputy secretary for the Justice and Public Safety Cabinet?

I was a member of the General Assembly from December 1987 through the end of 2004, and I represented the first legislative district, which is in far western Kentucky and includes Ballard, Carlisle, Hickman and Fulton counties, and the western part of McCracken County. If you go back even a little further than that, I spent nine years as a commonwealth's attorney prosecuting in the first judicial circuit from 1972 through 1981.

Then, of course, all that time until I came to work in Frankfort in 2005, I was a practicing attorney. From January 2005 to January 2008, I was executive director of the Office of Criminal Appeals at the Attorney General's Office. So, having been a prosecutor, a member of the General Assembly and knowing the legislative process, having been involved in criminal prosecutions at the appellate level at the Attorney General's Office, and my private law practice all fits exceptionally well into a position in the Justice and Public Safety Cabinet.

I served all 17 years in the General Assembly on the judiciary committee, so we received reports and dealt with legislation that affected the Justice and Public Safety Cabinet the entire time I was in office. So, I had a pretty good feel for what the cabinet did because all the legislation dealing with prisons came before us. As a matter of fact, in 1996, I was the sponsor of and worked for about two years on revising the juvenile code. The legislation that I sponsored and worked on for those years created the Department of Juvenile Justice. Before that, all those now served by juvenile justice, the >>

/Photos by Elizabeth Thomas

>> young people who were confined, the status offenders and others were taken care of through the Cabinet for Health and Family Services. The research we did and the experts we talked to strongly suggested juvenile justice needed its own focus.

They said you really can't have reform of the juvenile justice system until you create a department that deals solely with juvenile justice. That was done in 1996, and, for the most part, it has worked very well. Early on after we implemented it, it was used as a national model and other states came to the facilities to see what Kentucky had done. They took some of the things we had done and passed them in their own states.

**What do you see as the single most important issue facing the Justice and Public Safety Cabinet?** The single most critical issue facing the cabinet, in my opinion, is we have to do something to reduce the number of people we have incarcerated. We certainly want to ensure public safety – we do not want to do anything to compromise public safety – but there are many people who are in prison now who could be released sooner, and there are lots of folks in prison who could avoid prison with substance abuse treatment.

to the extent that if people complete their substance abuse treatment, their charges are either dismissed or delayed for awhile, pending good behavior, in what is called a pre-trial diversion.

Right now, it is a daunting task for the Justice and Public Safety Cabinet to deal with this because the cost of incarcerating prisoners in Kentucky is almost a half billion dollars. There was a movement back in the 1970s, 80s and early 90s to get tough on crime. So what we have done is increased and enhanced punishments, making it much easier for someone to be considered a persistent felony offender. This applies even on non-violent crimes such as check fraud. If an individual has two cold checks and two charges to which he or she is found guilty, that person can be considered a persistent felony offender.

We have people in prison for failure to pay child support. Prosecutors and judges give them multiple opportunities to pay, and prison is a last resort. But still, if the person is in prison, they cannot make any money and cannot earn wages to pay child support. Most likely, the children are going to end up being on some type of public support like welfare or Medicaid. So the state is paying twice. We are paying to house the father and also paying for the children's care. So there

“ The single most critical issue facing the cabinet, in my opinion, is that we have to do something to reduce the number of people we have incarcerated. ”

We feel if you stop some of the people on the front end from substance abuse then you could keep them out of prison.

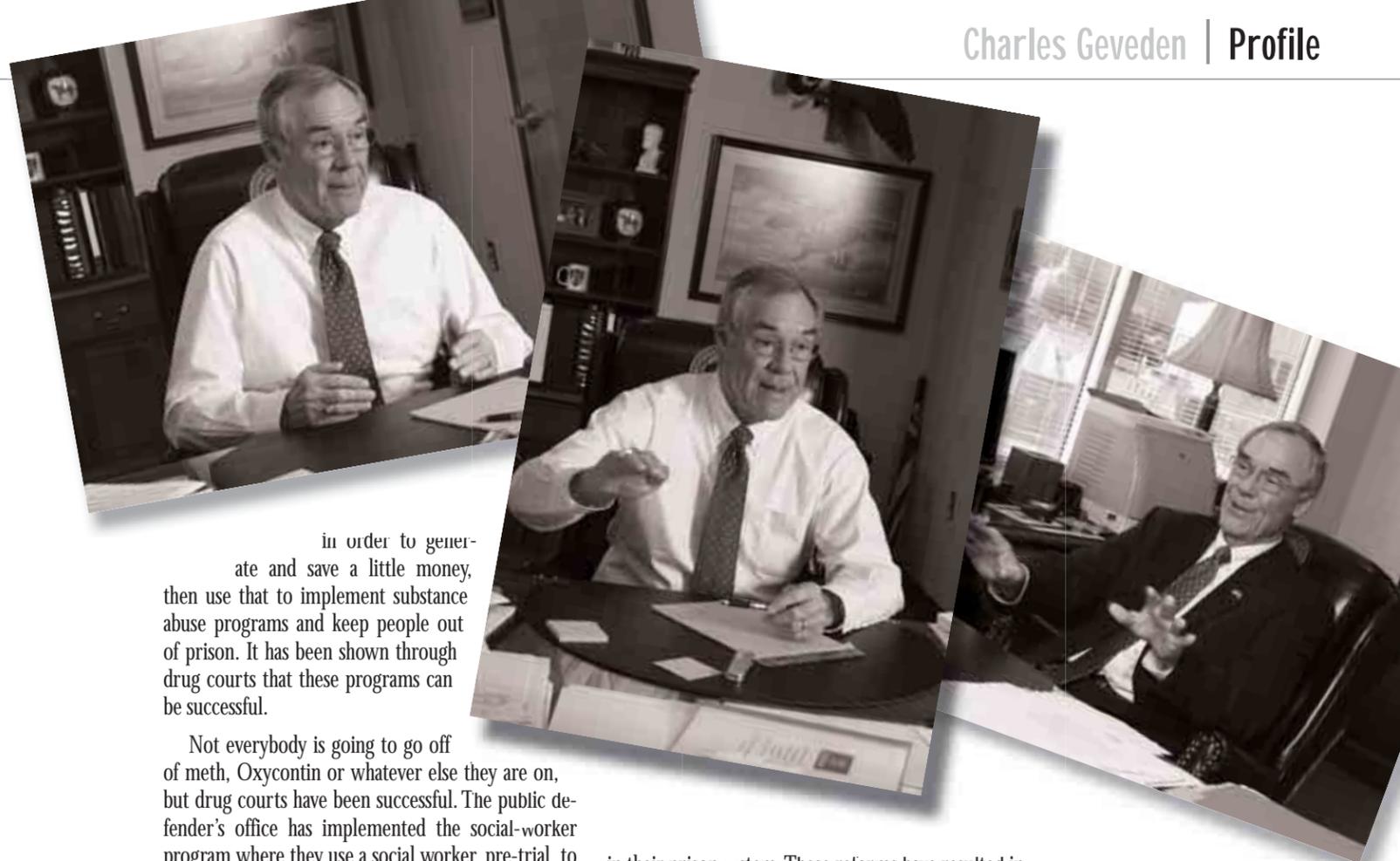
What we hope to do with some of the legislation that was passed is to set up substance abuse treatment programs and use home incarceration to reduce the prison population. In 1972, I believe, the prison population was 3,000. As of January of this year, there were 22,000 people incarcerated in Kentucky. The Justice and Public Safety Cabinet is in a position where we do not really have control over the number of people imprisoned. If the court system sends them to be put in jail or prison, we have to take care of them – no question about that – until they are out.

However, there has been some prison reform in other states, such as Kansas and Texas, that have relied a great deal on substance abuse treatment prior to incarceration. They have used treatment options even

you go, we lose both ways. If we can figure out a way, even if it is on home incarceration, to get these people jobs and paying child support, hopefully they will get insurance, the children will be cared for and not have to receive aid from the social system.

**What are the biggest obstacles in your path to overcoming this problem?** The biggest obstacle, right now, would be the budget. That seems to be an obstacle everywhere. It takes money to implement these programs. There are going to be some savings, but that is a long way down the road. We are supposed to implement programs by using funds from home incarceration. But we are hamstrung because while we want to do them, we cannot begin to generate savings without the money upfront to start the programs.

So we have to put people on home incarceration



in order to generate and save a little money, then use that to implement substance abuse programs and keep people out of prison. It has been shown through drug courts that these programs can be successful.

Not everybody is going to go off of meth, Oxycontin or whatever else they are on, but drug courts have been successful. The public defender's office has implemented the social-worker program where they use a social worker, pre-trial, to divert an individual from prosecution and help them get treatment.

I do not remember the exact statistic, but these social workers – who are paid \$35,000 to \$40,000 each year – can institute a savings of three times their salary by keeping people out of prison. So, those are little things that we can do, but we really need some money to start these programs.

**Is savings from home incarceration the only money you will have available for these programs, or is there any money in the upcoming budget to help with their implementation?** Well, we will have to find it some way. The budget says that home incarceration is supposed to be the vehicle. Specifically it says, 'If actions resulting from sub-section six,' which is home incarceration, 'achieve more savings than are contemplated in the appropriations in this act, funds may be expended by the Department of Corrections to increase funding for drug treatment programs in county jails and for a secured substance abuse recovery program.'

But we have to have more funds than is anticipated before we really start those programs. That is the difficulty we have. We are going to have some meetings, hopefully, with folks from the crime council and state governments who worked with Kansas and Texas, to get legislation in place and implement some reforms

in their prison system. These reforms have resulted in reducing the prison population and obviously saving lots of money. Those are the things that we are looking for, while maintaining the safety and security of the people of Kentucky.

**Like every cabinet, Justice faces some tight budgetary restraints. How do you think Kentucky law enforcement can best reconcile its lack of funding while maintaining services to the public and actively attracting new recruits?** That is a tough problem because I understand that the Kentucky State Police anticipated having a new cadet class and will probably not be able to do that because of the funding. There will be some retirements and, therefore, the state police may be somewhat undermanned – as they have been for awhile. The number of troopers with the state police has been about the same for a number of years.

I understand they are turning off their cars to save gas. When gasoline prices go up, that is an unbudgeted expense for governmental services, the state, schools – think of how much they have to pay for gasoline. They have to reduce other programs in order to compensate for that. We will have to do that too. One of the things being done statewide is limiting out-of-state travel.

I understand KSP Commissioner Rodney Brewer is trying to do some things to have some of the troop- >>



>> ers not be quite as active and on patrol at various times in order to save gasoline – that is a reality. Those are things that have to be done under these tight budgetary times.

It is going to be tough. Salaries are already low. With gas prices going up, the cost of food going up and the salaries staying the same, state employees really have less available money to spend from one year to the next.

The positive side is that state jobs are secure, they do provide health insurance for employees and some places do not. Health insurance is a big concern for people who want a job. So we do provide that and a stable retirement system. We still have people out there wanting state jobs, but, by the same token, with salaries staying almost flat, maybe we are not attracting the kind of people we would prefer.

Not to say that we do not have good state employees. I see it as a problem in the long run. We need to do something to ensure that we attract the best and brightest to state government. As long as salaries are low and compensation needs improvement, I think we will have trouble recruiting the best and the brightest.

For years, state government was thought to be the place for innovators. Not necessarily the federal government because it was so big and cumbersome, but state government was smaller and you could think and get things done a lot quicker in state government. I hope that does not

stop. I hope people who are bright, innovative and good thinkers will still want to come to state government, but you have to be able to pay them.

*To improve effectiveness and the delivery of services, how do you perceive strategically changing the face of Kentucky law enforcement?*

The Kentucky Law Enforcement Foundation Program Fund has been very good for law enforcement and its education. I used to be a city attorney for a couple of small towns and oftentimes, back in the 1970s, a policeman would resign and they would say, 'Well who can we get to be the policeman?' They would just hire somebody off the street with little, if any, training to be a police officer. Of course, that sometimes resulted in problems and complaints because the officer did not know how to handle things diplomatically. Sometimes they may have used some excessive force, which created lots of problems.

KLEFPF and the Peace Officers' Professional Standards Act have gone a long way toward helping the cities and counties have well-trained police officers, and I think that has been very good. People have to get their training before they can become involved in law enforcement – that has been a real positive for Kentucky.

Now, what we have to do is keep up with technology as it increases, which means there needs to be continued training for everybody. You also have to concentrate on Internet crimes. Obviously and unfortunately,

there appear to be a lot more sex offenders now than there were years ago. I think those are areas where the state is going to have to shore up its people and get them trained. Hopefully, through KLEFPF, we can do that, and I am sure there are other avenues of training in those areas too.

*Do you envision a time when KLEFPF will eventually be equipped to allow for additional training that officers will need?*

You would certainly hope so, but I know that the fund has remained level for the past few years and has not gone up as other things have increased. But again, you just have to wait and see what the market will bear.

I know there was an effort this time to include the Kentucky Department of Fish and Wildlife Resources and other state officers into KLEFPF, but that bill did not pass. So we will just have to see what happens. You would hope that those people could take advantage of and be involved in KLEFPF also, but we will have to see what the future holds. I would think at some point in the future we could get that done, but I would not want to predict when.

*One of the top priorities you mentioned is prison overcrowding and the cost of incarceration to the state. We understand the Kentucky Law Enforcement Council is studying that issue. What policy changes do you think will be implemented quickly? The passage of House Bill 683 will have an impact on this issue. Before HB 683, there were seven members*

*In what ways or through what initiatives are you and Secretary J. Michael Brown actively implementing the cabinet's "Protecting you through public service ... making your future safer and healthier" mission?*

Gov. Steve Beshear in his budget speech indicated the need for a study of the penal code to deal with prison overcrowding. Through the Kentucky Criminal Justice Council, we have begun to study the penal code, sentencing policy, probation and parole, Chapter 218A – which is the drug offenses chapter – and pretrial release.

The penal code was enacted in the early 1970s. It has been changed numerous times for various reasons with some of these so-called designer crimes – that is when an instance happens in a legislator's district and they say, 'well, we need the law changed to affect these certain types of situations.' The law contains these specific crimes, like desecration of a tombstone. A crime like that could always be put under criminal mischief.

Since it has been 30 years since the penal code was changed, we need to go through and modernize it and look at what affect the sentencing provisions of that penal code have on our prison population. We need to see what we can do to use probation and parole more – along with substance abuse treatment programs – to keep people on the street working and getting their treatment instead of being locked up in a county jail without treatment. We have started that process, and we are going to have a report ready this

“ Since it has been 30 years since the penal code was changed, we need to go through and modernize it ... ”

on the parole board. This bill added two members to the parole board for a total of nine members. The parole board has had seven members for years, even when the prison population was probably 10,000 or 12,000. Now the population is double that, but the parole board had not increased.

The parole board could not review the files or investigate that many cases. There are possibly many people currently in prison who could have been paroled years ago, but there was not enough manpower on the parole board to handle the case load. Hopefully, with those additional two members they can review more files.

fall and hope to have legislation ready for the 2009 short session.

With what is going on in the country and in Kentucky, these are certainly interesting and challenging times for the Justice and Public Safety Cabinet. Secretary Brown, myself and everybody else in the cabinet are working to solve the problems we have with prison overcrowding, modernization of the penal code and the juvenile justice programs already in place. So it is really challenging, but I think it can be very rewarding for us and very beneficial to the people of Kentucky. J

# A Growing Need

Kelly Foreman, Public Information Officer



Even at the tender age of 9, Tyler Adkins knew his life was somehow changed the day after Thanksgiving in 1995.

The man who coached his little league team, took him to basketball practice, picked him up from school each day and tucked him in at night was gone. For Tyler, soon everything changed.

"When you're 9 – I was old enough to know what was going on, but it didn't really hit me until a little bit later," Tyler said. "You don't really get the full ramifications of what happened, but I knew what had gone on, and it was devastating."

Tyler's dad, seven-year Kentucky State Police Trooper Johnny Adkins, was serving at Pike County's Post 9 when he was killed in the line of duty, Tyler said.

"He was trying to arrest a suspect in Martin County," Tyler said. "They wrestled around for like 100 yards, they said, and he tore a small hole in his heart. Five days later his aorta ruptured because of the tear."

Similarly, Bobbie Harris was 7 years old when her father was killed in the line of duty. Like Tyler, Bobbie said she

was too young to really understand what happened to her daddy. Edward Harris also was a KSP trooper, serving at Elizabethtown's Post 4.

Now, at 36, Bobbie said it still hurts to read about the events of November 7, 1979 – the night a criminal shot and killed her father while he attempted to make a traffic stop.

"That's the stuff I try not to read about," Bobbie said. "Now I've heard lots of great stories about my father from people who worked with him and admired him and thought a lot about him. And then I have heard from people whom he actually arrested – and they came to admire him. So I enjoy all of those."

But Bobbie and Tyler have more in common than the sudden loss of their KSP-trooper fathers at a very young age. Despite the loss of their parents, the two have moved on and earned college educations.

Both families realized the burdens of paying for school without the emotional and financial support of a father can be difficult. However, it was because of their fathers' sacrifices that Bobbie and Tyler were honored with scholarships from the Kentucky Law Enforcement Memorial Foundation to ease that burden.

"The memorial foundation seeks to help Kentucky's law enforcement officers and their families because of the sacrifices they make each day to better our communities," said KLEMF Executive Director Larry Ball. "Those who make the ultimate sacrifice are our top priority." >>

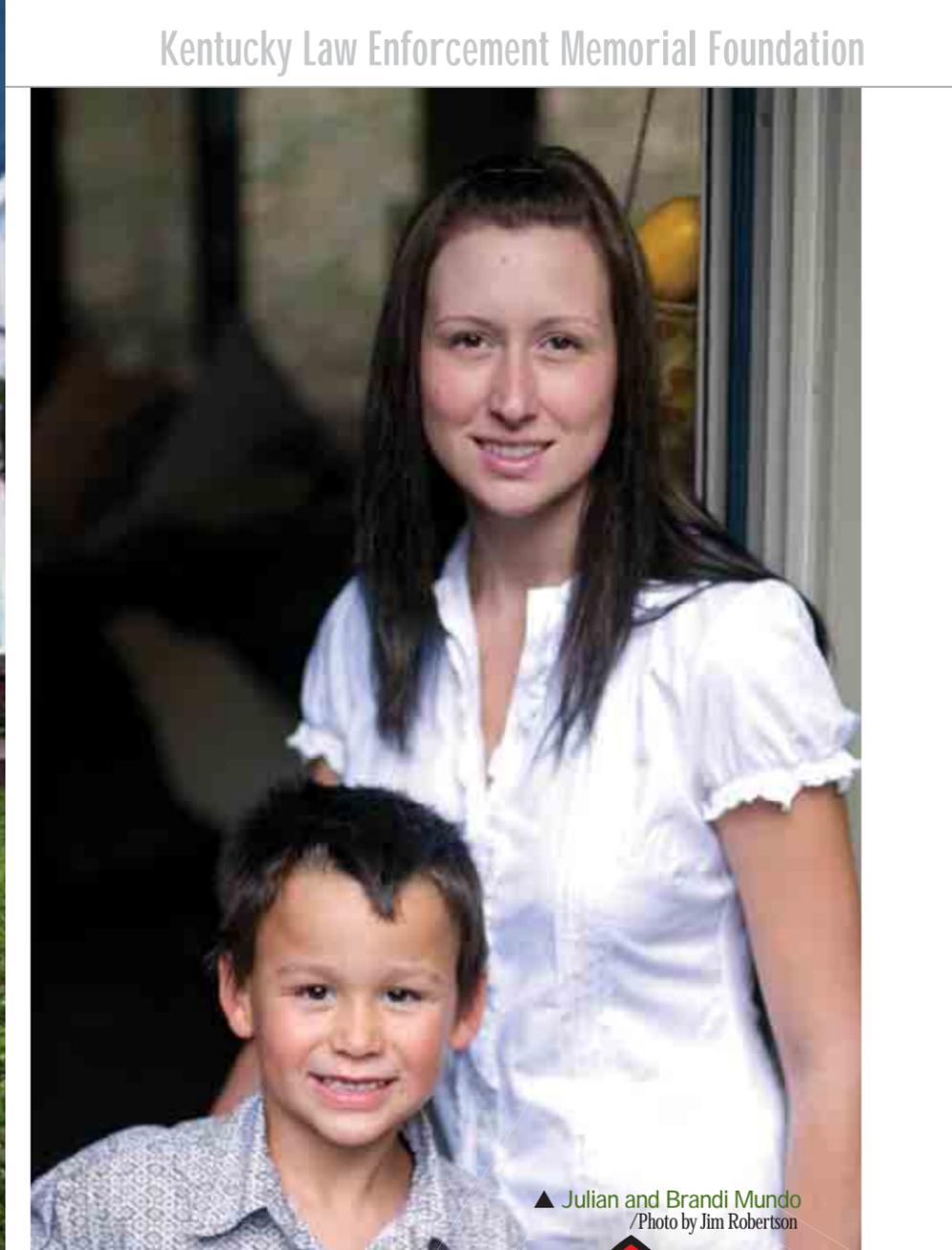


◀ Tyler Adkins

# Reaching out



◀ Jennifer Thacker



▲ Julian and Brandi Mundo  
/Photo by Jim Robertson

>> The foundation was established in 1999 with the goal of building a monument to honor fallen officers. Following the completion of a 17-foot by 10-inch black granite monument honoring officers killed since 1854 in the line of duty, KLEMF board members expanded their focus to reach out statewide to lend assistance to law enforcement, their families and survivors. Each officer's name is etched into stainless steel panels memorializing them forever.

"This officers' program will provide financial emergency relief for Kentucky officers," said Ball. "In order to do so the foundation has been actively involved in fundraising to establish an endowment fund and provide emergency relief grants and loans to serve police officers and their families; provide scholarships to serv-

ing and retired officers, telecommunicators and their families; maintain the monument; specify grants for local monuments and provide necessary expenses of foundation administration and fundraising."

The state General Assembly in 2000 passed legislation creating a KLEMF license plate – the primary source of funding for the services KLEMF provides.

"I think it is an attractive license plate," said Jennifer Thacker, KLEMF board member and national president of Concerns of Police Survivors. "I really think the public needs to support our law enforcement and our law enforcement organizations because they are – I am obviously biased – but law enforcement is the most noble, I may say outside of being in the military profes-

sion, that you can go into."

Jennifer's husband, Alcohol Beverage Control Investigator Brandon Thacker, was killed on April 16, 1998, by a criminal who shot him through the window of his vehicle while driving on the Western Kentucky Parkway. Brandon's death left Jennifer with an 18-month-old baby girl, Kathryn, to raise on her own while dealing with the loss of her husband of less than three years. He was 27 years old.

"One thing people don't realize about surviving families is that they are very proud and they are not really going to be the kind of people typically that are going to just ask for money or ask for help," Jennifer said. "I mean, that's the whole law enforcement mentality – I'm independent, I can do this on my own, I'm the tough

person, I am the protector – and law enforcement families assume some of that from their officers."

Both Jennifer and fellow survivor Brandi Mundo hope that when their children apply to college, they will receive scholarships from the foundation.

Brandi's son, Julian, was 14 months old when her husband, LaGrange Police Officer Eddie Mundo Jr., was killed on April 16, 2003.

"He was responding to a domestic call and the guy was, I guess, assaulting his ex-wife and she called the police and he fled the scene," Brandi said. "So (the suspect) was drinking and on drugs and ... he was coming around a curve and trying to get out of the city and hit [Eddie]

head on. And my husband was killed instantly."

Brandi already is thinking about college for Julian, who is now 6 years old. Kentucky law mandates free tuition at state-supported schools for survivor families, but Brandi noted that there is a lot more to the price of college than tuition.

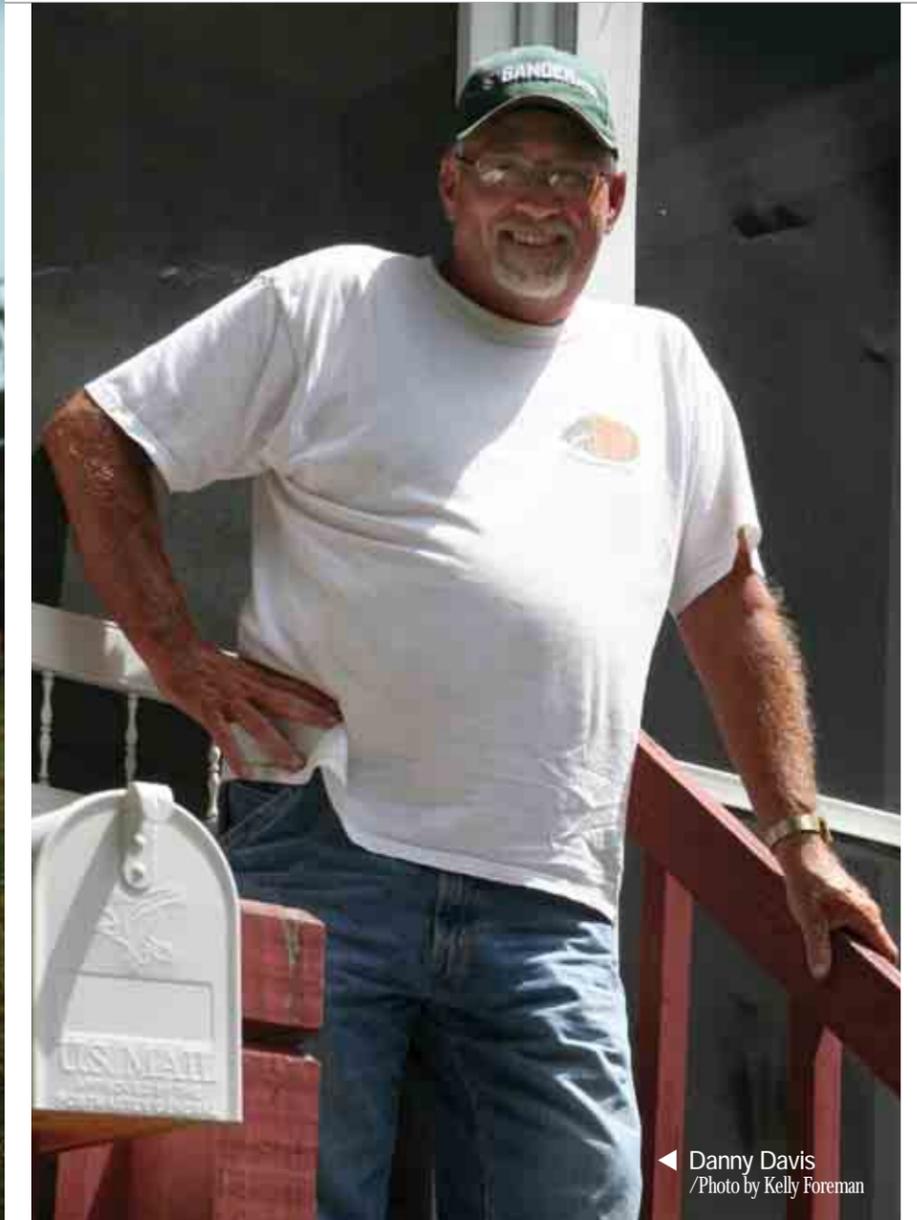
"It is so expensive," she said. "You have to pay parking which is, I don't know what it is now, but I think it was \$150 (when I was attending University of Louisville). They don't cover books and a book can be \$100 per class and sometimes you have to have two or three books. So even though survivors do get the tuition written off, it does not mean free college. So that is such a valuable resource to have those scholarships available." >>



# In their time of need



◀ Kio Sanford



◀ Danny Davis  
/Photo by Kelly Foreman

>> After serving the University of Kentucky football program as a standout wide-receiver under former coach Hal Mumme, Kio Sanford began his hometown service to the Lexington Division of Police in 2003.

But last summer as he was preparing to take a vacation, Sanford said he noticed a knot in his side.

"They removed it and that's when I found out it was a cancerous tumor," Kio said. "I have a rare form of cancer called Ewing's sarcoma. Normally it is found in Caucasian males between adolescence and like 18 to 20 year olds. I'm not 18 to 20 and I'm not Caucasian, so it was rare for it to be found in a black male."

For about a year, Kio said he had been un-

dergoing chemotherapy treatments – an expensive medical procedure necessary to save his life. One day, Kio said he opened his mail and it had a \$1,000 check inside with a letter from the foundation telling him to use the money for his medical bills.

"It helped a lot," Kio said. "You know, when you get medical bills in that are somewhere between \$500 and \$2,000 every time you go to the doctor, every little bit helps. No matter if it was \$1 or \$2, eventually it adds up. I'm grateful."

Former Allen County Sheriff's Deputy Danny Davis and Henderson Police Officer James Oakley understand that feeling of gratefulness.

Danny Davis had just begun his night on

third shift for the Allen County Sheriff's Office when he learned his Scottsville home of 18 years had just gone up in flames.

"We lost everything," Danny said. "Pretty much the fire only got the kitchen, but smoke and water got the rest of it. We thought we would either tear down and rebuild or buy somewhere else and then we finally decided we just tore the whole thing out down to the ground and up to the ceiling inside and rebuilt it. It was a mess, I know that. It was a mess. Some hard times."

Danny's wife, Donna, was in the garage outside the home when the fire started just a few days after Christmas 2007. The two had been on the phone talking about bass jigs when Danny said he got another call from the local constable.

Minutes later, Danny said his wife was calling again.

"She was screaming, 'The house is on fire!'" he said. "I just grabbed my mic and started hollering for Scottsville Dispatch to get a fire department over here. And when I got here, everybody, even the fire department, thought it was on fire upstairs because it was just rolling out from under the eaves and you couldn't open the doors and knock it down."

While the family was lucky that no one was hurt, they were left with only the clothes on their backs, nowhere to lay their heads and a pile of memories covered in soot.

"Things, especially as a man, that I never gave much thought to, I miss bad," Danny said. "Just little things. Family heirlooms and things

of that nature that I didn't know how much they did mean to me until they were gone."

Not long after the fire, Danny said the Allen County sheriff called and told him former Department of Criminal Justice Training director of Training Operations, Horace Johnson, wanted to see him.

"I still didn't know anything, and that is when he came up and he had a \$1,000 check from the memorial foundation over the fire," Danny said. "Nobody will ever know how important that \$1,000 donation was. I mean, nobody other than myself and my wife. You try to be strong, you try to pretend like it's not the end of the world – well, you know, it's devastating in ways that you would never know. It's devastating."

Like Danny, James and his family experi- >>



▼ Dottie Thacker, mother of deceased Alcohol Beverage Control Officer Brandon Thacker, also has received aid from the Kentucky Law Enforcement Memorial Foundation.



enced a devastating blow to their home and vehicles in November 2005 when an F3 tornado blew through the city of Henderson.

“My parents lost about \$500,000 worth of property during the tornado and [KLEMF] donated to help them out,” James said.

James’ parents, two sisters and three nephews were all at his parents’ home when the tornado sirens sounded.

“They were over there getting things together to come up to watch me graduate (from the police academy),” James said. “It happened on Tuesday and I graduated that Friday.”

When James first got the news of the tornado, he said his family had been unable to find his father. While most of his family had been safe in the basement when the tornado ripped through the home, James said his father was trying to make his way down the steps to join his family when the tornado took the roof off the home and took his father with it.

Amazingly, James’ father was found safe and unharmed by the disaster, but the clean up was formidable. During his graduation ceremony, James said the foundation presented his family with a \$1,000 check to aid them in the task.

“That \$1,000 bought a lot of the tools to start cleaning up out there, plus bought some clothes for them because they lost all their clothes other than the clothes on their back,” James said. “They lost everything.”

### A way to help

The stories of these officers and their families are among hundreds who have benefited from funds raised by the foundation. As more names tragically are added to the memorial each year, more families are left with financial struggles and needs.

“We definitely need to support those people who don’t stop serving just because their life is in turmoil,” Jennifer said. ... “When any kind of a crisis happens, who do you call? You call the police. How many times a day do you pass a police car and it makes you feel a little safer because you know that officers are patrolling your neighborhood? When an officer is killed in the line of duty, it doesn’t just affect that officer’s family. It doesn’t just affect the agency. It affects the community.

“When you hear of an officer killed in the line of duty in your area, you want to do whatever you can to support the agency and the family. Well, here is one way that you can do that, by buying a license plate.” J

## 2008 Golf Tournament

The annual law enforcement memorial golf tournament was conducted June 16 at Gibson Bay golf course in Richmond. The 144 participants made up teams from across the state. The golf tournament raised money and awareness to support the services that the KLEMF provides to law enforcement officers and their families across the state.

## 2008 KLEMF Scholarships

For the fifth consecutive year, the Kentucky Law Enforcement Memorial Foundation awarded 25 scholarships to students who will attend college this fall. The students who submitted the application by June 30, and are line-of-duty death survivors, dependents of current, retired or disabled law enforcement officers and telecommunicators or officers/telecommunicators themselves were considered. To provide educational assistance is one of the many services that the foundation hopes to continue in order to honor fallen officers in our state.

## Kentucky Conservation Officer’s Association donates to KLEMF

On June 12, the Kentucky Conservation Officer’s Association donated \$10,000 to the Kentucky Law Enforcement Memorial Foundation. The KCOA currently has a membership of 230 active and retired Kentucky Department of Fish and Wildlife Resources officers. Since the mid ‘90’s this organization has generated income by selling advertisements for their publication “Game Warden Diaries” to businesses in all 120 counties across the state. KCOA chose to give to the memorial foundation to honor all officers and particularly their own that are listed on the monument. President Jim Gibson said his organization desires to see a stronger bond between all law enforcement entities and he feels this presentation is a strong indication of the conservation officer’s desire to enhance that bond.

## Thacker Elected President of National COPS

Jennifer Thacker, surviving spouse of Kentucky Department of Alcoholic Beverage Control Investigator Brandon Thacker, was sworn in as the 13th President of Concerns of Police Survivors on May 16.

Thacker began her term by leading the national, non-profit, grief support organization at the National Police Survivors’ Conference, conducted in the Washington, D.C. area during National Police Week.

Thacker, a Louisville resident, served four years on the National Board of COPS as the Southern Region Seaboard Trustee. She is a founder and past president of the Kentucky Chapter of Concerns of Police Survivors, and the recipient of the “Gutsy Gal” award in 2007 by Louisville’s “Today’s Woman” magazine. The “Gutsy Gal” award was presented to her honoring excellent role models.

Thacker and her daughter, Kathryn, became members of COPS following the line-of-duty death of Investigator Thacker on April 16, 1998. Thacker and her daughter have attended National Police Week, COPS Kids Summer Camp, and the COPS Spouses’ Retreat. Brandon Thacker’s parents have attended National Police Week and the COPS Parents’ Retreat several times.

“Concerns of Police Survivors is responsible for my healing,” Thacker said. “Other surviving spouses showed me how to take the journey through grief and come out on the other side in a position where I can help others. I am so proud to have the opportunity to do just that as national president of COPS. I can have an impact not only in Kentucky but also across the nation. It also is exciting to serve as president during COPS’ 25th year of service to America’s law enforcement survivors.”

COPS now represents more than 15,000 surviving families of America’s fallen law enforcement officers. For more information about COPS, visit [www.nationalcops.org](http://www.nationalcops.org).

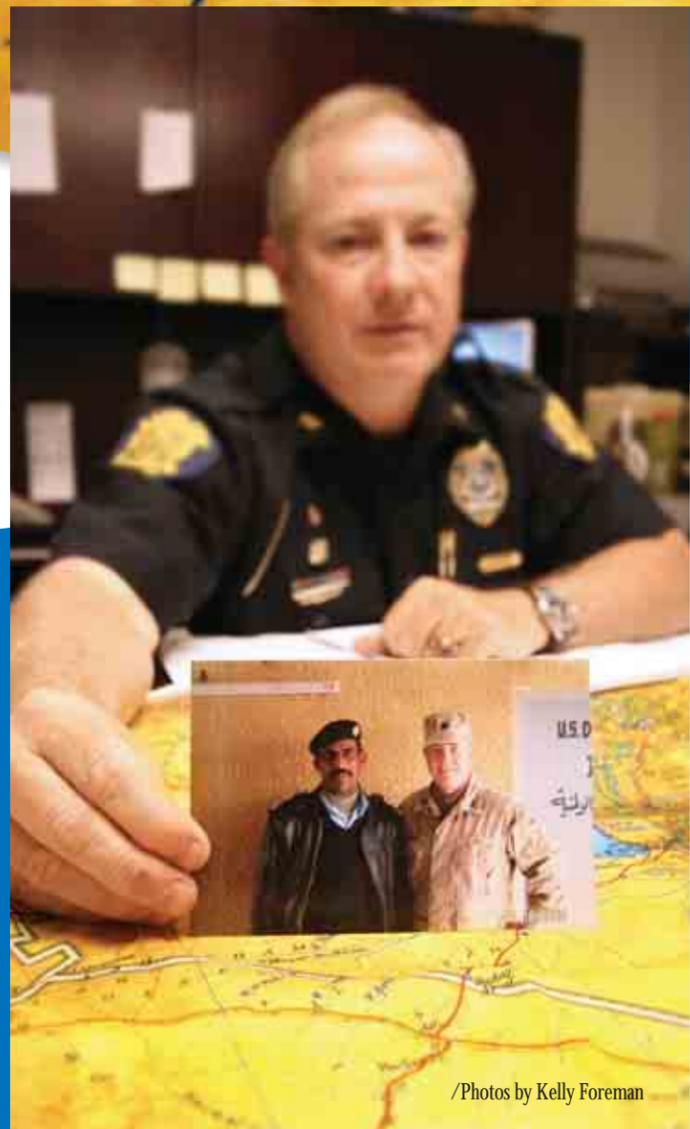
## Kentucky Law Enforcement Memorial Foundation 2008 Scholarship Recipients

- Adams, Skyler Brent**  
Morehead State University
- Adkins, Jonthan Tyler**  
Northern Kentucky University
- Bailey, Lakoi Deshae**  
Western Kentucky University
- Bland, James Garland**  
University of Louisville Law School
- Brewer, Matthew Barrett**  
Campbellsville University
- Brown, Joseph F.**  
University of Louisville
- Bryant, Lindsay Michelle**  
Eastern Kentucky University
- \*Clark, Tanya Leanna**  
Eastern Kentucky University
- Clements Jr., James Bernard**  
Campbellsville University
- \*Coyle, Jordan Taylor**  
University of Kentucky
- Dowell, Ryan C.**  
Western Kentucky University
- \*Edrington, Johnna Callie**  
Eastern Kentucky University
- Engle, Arielle Alexandra**  
Hazard Community College
- Filburn, Morgan Elizabeth**  
Elizabethtown Community College
- \*Hoffmeister, Kimberly Jane**  
University of Kentucky
- Howard, Stefanie Ann**  
Morehead State University
- Jewell, Joshua Lee**  
Western Kentucky University
- Jewell, Nicholas Paul**  
Western Kentucky University
- Marsh, Kelly A.**  
Eastern Kentucky University
- McGuire, Emily Jo**  
Western Kentucky University
- Meeks, Andrea Nichole**  
Western Kentucky University
- Payton, Katlin Elizabeth**  
Western Kentucky University
- Pohl, Jason Lynn**  
University of Louisville
- Prude, Angel Maria**  
Western Kentucky University
- Schmidt, Brittini Leigh**  
St. Catharine College

\* Funds for these scholarships were provided by the Keeneland Peace Officers Endowed Scholarship Fund.



► Ludlow Police Chief Wayne Turner holds a photo of himself and a friend taken during his time in Iraq. Above, Turner displays a coin made during Saddam Hussein's reign and a cloth map of Iraq that he brought home as souvenirs.



# TO IRAQ AND BACK

by Kelly Foreman, Public Information Officer

**W**ith the commanding 4-star general of the United States Army by his side, Ludlow Police Chief Wayne Turner built one of the first Regional Police Academies in war-torn Iraq amidst mortar attacks, political corruption and democratic barriers.

Now, Turner is using his Iraqi experiences and education to help the people of Ludlow take back their neighborhoods from crime, drugs and decline.

"I used some of the same tactics I used in Iraq, at a lower scale obviously," Turner said of his early work to rejuvenate the northern city of Ludlow, home to about 5,000 people. "You don't

have the supporting fire power and collateral damage, but the same principals apply when you go in and you take it back one house at a time. One house, one neighborhood."

Turner, 46, joined the United States Marine Corps in 1980 while still in high school because he wanted to fly Harrier jets. After briefly serving the marines, Turner transferred his branch of service to the Army to attend officer selection. He was commissioned as a second lieutenant and quickly climbed the ranks to serve in the highly competitive

military intelligence branch.

But he still couldn't settle on a career path.

"I never could make up my mind whether I wanted a career in law enforcement or the military," Turner said. "So I chose both."

Turner began work toward his bachelor's degree at Thomas More College, which he completed after joining the Fort Thomas Police Department in 1986. He later graduated from >>

>> the U. S. Army Command and General Staff College.

Just as in the military, Turner rose in the ranks of Fort Thomas, starting as a patrolman, but ultimately serving as a firearms instructor, hostage negotiator, detective, sergeant and lieutenant.

Following the Sept. 11, 2001 terrorist attacks, Turner was called to active duty in Iraq. He served with a National Guard unit out of Kentucky attached to the 16th Military Police brigade out of Fort Bragg.

“Where we actually went was to the ancient city of Babylon that I remembered reading about from the Bible,” Turner said. “It was really kind of fascinating because you are in an area that was once inhabited by King Nebuchadnezzar and King Hammurabi of Babylon. If you study criminal justice, you know that the laws we currently use in law enforcement, they have their beginning back there. This set of laws, called Hammurabi’s Code, was one of the first written codes of law in recorded history.

“That’s why it was so neat to me,” he said. “Here you are in the cradle of really Mesopotamia, the cradle of civilization, and here we are bringing – partly

because of our fault – we were trying to bring stability and security back into this historical region that gave the world the foundation for law and order – the Code of Hammurabi, considered by scholars to be the first codification of law.”

**Chaos**

Clicking through a slideshow of pictures from his service in Iraq, Turner paused on a photo of a fire raging far above the tops of Iraqi palm trees.

“That’s what we rolled into,” Turner said. “... You think you’re coming in to get police academies up and running, things go bad, the insurgency rose up and you go into combat operations.”

Turner served several missions in Iraq, including combat operations, which led to defeating the Iraqi insurgents. However, once the dust of defeat settled, Turner and the other troops realized they had destroyed the country’s only security and stability forces, he said.

As a result, Turner and his men were tasked with re-stabiliz-

ing Saddam Hussein’s forces by teaching them to police democratically without batons, cattle prods or senseless killings.

“We were assigned to a multi-national division, which was all of our coalition partners,” he said. “It was kind of unique because they really didn’t understand what a democratic society was like in a lot of cases. We found ourselves working in this case with Polish special forces, Ukrainians and former Soviet Union troops that really didn’t understand democracy, but yet were trying – because that was their area – to bring stability to it.

“Their way wasn’t working,” Turner said. “The bottom line was that people were dying, children were starving, medical resources weren’t being made available to people who needed them and they were in need of security and stability. Failure for us was not an option.”

The job of re-establishing the New Iraqi Security Forces fell to then-Maj. Gen. David Petraeus, Turner said.

“I was honored to have been able to

work for him,” Turner said. “He was the right man in the right place at the right time.”

Turner was sent to Al Kut, Iraq, a major smuggling route for arms, ammunition and terrorists who were coming into the country from Iran, he said.

“That was why it was so important for Gen. Petraeus to have stability in this region,” Turner said. “We had to stand up a viable, new Iraqi street force, different from what Saddam had done. Petraeus wanted a senior U.S. military person on the ground overseeing those efforts. I was that person who just happened to have been a police officer prior to being called on to active duty.”

Attempts to build academies in other parts of Iraq had struggled, and Turner said Petraeus began sending him resources from academies that were not making the grade.

“Gen. Petraeus gave me a tremendous amount of support to plan, organize and build the first fully-operational Iraqi Security Forces Training Academy outside of Baghdad,” Turner said.

But it wasn’t easy.

“It was extremely intimidating because there was no manual for it,” he said. “There was no procedure. Nobody had done it before.”

Turner started by finding common ground with the Iraqis, identifying the corrupt politicians and policemen, getting rid of them and utilizing the warriors, he said. If the Iraqis were successful, so were Turner and his team.

“... If you put the Christian/Islamic thing aside, what I always challenged every Iraqi and what we got common ground on was, ‘Do you want your children to grow up and experience what

you experienced under Saddam?’” Turner said. “And they would look at you and it was like instantly, the light came on.

“Do you want to be a lamb or do you want to be a lion?” he would ask. “What happens to the flock if you are a lamb? They get slaughtered. I am giving you the tools to be a lion.”

By the time Turner was ready to return home, what had begun as an open field across from the Tigris River had developed into a successful and sustainable academy.

“I’m really proud that of the regional police academies, this one will serve for years to come,” Turner said. “Not many people can say that. Following us leaving Iraq, the U.S. Office of the Special Inspector General went around and basically inspected every facility that was built. This one passed with flying colors. I can’t say that for all of them. It is still in existence and it is still in operation.”

After earning a bronze star conducting combat operations and serving in Iraq for nearly 14 months, Turner returned home to Fort Thomas in April 2005. The same year he retired both from the Army and Fort Thomas Police Department.

He briefly pursued other endeavors, but Turner said after being out of the policing business for just a short time he realized it still was in his blood.

**‘I love doing this’**

“I kept coming back to this,” Turner said of law enforcement. “I learned a long time ago in life that if you find a vocation centered around something you love, you never have to work again. And I love doing this every day.”

In December 2006, Turner interviewed with the Ludlow Police Department and was hired two months later.

The new chief was met with the community’s desire to re-establish a Mayberry-esque atmosphere in a town where obstacles to meet that goal rivaled those of much larger cities.

“Ludlow is a small city, but it is a small city with big city problems,” Turner said. “We are

bordering Cincinnati and West Covington – there’s just a street that separates us. There are no walls, there are no rivers. Cincinnati and West Covington are high crime areas and it’s going to filter into Ludlow if left unchecked.”

When Covington and Newport began to develop river-front properties, Turner said a lot of government subsidized housing was torn down, pushing those people into smaller cities like Ludlow.

“So in essence what that did was it made an influx of low income rental units, where established neighborhoods and old Victorians that had been in families for years ... had either died off or moved off. Speculators came in and bought them up cheap, carved them into two, three and four family (apartments) and they’re getting rents of \$400, \$500 and \$600 a month. Well, you know what that’s going to bring with it – crime, drugs.”

To combat what Turner described as a “staggering” crime and drug problem, the new chief applied author Malcolm Gladwell’s theories from the book, “The Tipping Point: How Little Things Can Make a Big Difference,” which were used in the 1980s and 1990s to combat crime in New York City.

“It’s the theory of broken windows in a community,” he said. “Basically what it says is that when communities allow properties to deteriorate, they are not going to correct themselves. If a window is broken and left unrepaired, people walking by will conclude that no one cares and no one is in charge. Soon, more windows will be broken, and the sense of anarchy will spread from the building to the street on which it faces, sending a signal that anything goes.

“Generally what happens is when one house deteriorates, that deterioration will spread to multiple houses,” Turner continued. “The next thing you know, the block is gone. This is an over-simplistic theory of two criminologists based upon the notion that, if the block goes, so goes the city. It’s kind of the same thing as in Iraq, going house by house. That’s how you take



◀ Ludlow Police Chief Wayne Turner, left, talks with then-Maj. Gen. David Petraeus during his time in Iraq. Turner and Petraeus worked together to build a Regional Police Academy in Al Kut, Iraq.

/Photo submitted



/Photo by Kell Foreman

a neighborhood. House by house. That's how you make things positive here, house by house."

Using that concept, Turner reignited a dormant neighborhood watch program, enlisting community members to help the police help the community.

"A community that works together that establishes the term community and educates its citizens about what it means to have a community and why, gets people thinking outside of their own residence, taking pride in their neighborhoods – finding out who the problem people are, working with the police to identify where the drug activity is, where the drug houses are, where the crime is – and that is one of the processes with neighborhood watch," Turner said.

Each month, Turner leads the neighborhood watch meetings, covering special topics ranging from how to burglar-proof a home to what neighborhood watch is all about, emphasizing that it is not "vigilante justice."

"I don't want you out there at night with batons bringing me criminals and tossing them through my front door saying, 'Here, chief, I caught one,'" Turner said he tells citizens.

With a staff of only 10 officers – including Turner – using the community's eyes and ears is a crucial part of reaching that utopian Mayberry goal, he said. Next on the agenda is getting those citizens who already are involved to step up into leadership roles and become block-watch captains, starting their own meetings and spreading further into new neighborhoods.

"It works because we empower our citizens from within the community, within neighborhoods, to band together for a common purpose – not vigilante justice – but a common purpose of making the neighborhoods better, reducing crime, making streets safe for their families and kids, and that's just kind of how we started marketing it," he said.

**Community responsibility**

Additionally, Turner, together with the city manager and other officials, has worked to put into place and enforce a city ordinance placing the responsibility for crime inside those low-rent rental units on their landlords – an effort Turner said has been tried, tested and found successful.

"We couldn't evict people," he said. "But what we could do was establish codes and ordinances that would hold property owners accountable for things that happened at their units, basically making them maintain an orderly premise. We're telling you (the landlords) up front that this person is involved in drug trafficking. Here is where we arrested them, they are your tenant. Now we are telling you that you don't have to evict them, but you have 45 days to come up with a plan of how you're going to deal with this. If you chose not to evict them, the second time we have an encounter with them, we are going to fine you \$100 a day for criminal activity, criminal nuisance in that unit.

"The idea is that if I've got people dealing drugs out of a building and if I'm constantly running to that building, it is taking resources that are in short supply and taking those away from people who need it. And you (the landlord) are operating a business enterprise. If you are going to continue to do that, it is going to get expensive."

The city has had less than a dozen cases to progress to "phase two," Turner said. So far it not only has been successful, but also Turner said the community has been pleased with the progress.

"They are actually glad to see something being done about it," he said.

City Council Member Ken Wynn said he has been thrilled with Turner's progress and the changes he – and other community members –

have seen in Ludlow.

"I really think, through his actions and when he's on the job, that he cares about this town," said Wynn, a four-year councilman and lifelong Ludlow resident. "He has really been putting the effort in, trying to make a difference with the image of the police department, and I think he does a great job with motivating our officers. I really do believe we have a good staff as far as officers go, and that is due to leadership, if anything"

Ludlow assistant chief and Turner's friend of more than 20 years, Benny Johnson, agreed.

"He has come in with more of a community mind," Johnson said. "He wanted to come in and try to get a good feel for the community and see exactly which way he wanted to go. He has pretty much worked with the principals of COPS (Community Oriented Policing Services) and he is starting programs that have been dormant for quite some time."

Turner said some of his officers have really stepped up and participated in an effort to reach out to the community, but getting everyone on the same page to achieve the same goal still is a work in progress.

"Being new here, there is still some old policing [styles] and some of the guys are a little resistant to it," he said. "But we've got to overcome that. It is not us versus them (the community). They are us. We are here because of them. Without them, they don't need us." J

◀ Wayne Turner has served as Ludlow's police chief since early 2007 and is acutely interested in working toward the community's desired "utopian" atmosphere.

“ I learned a long time ago in life that if you find a vocation centered around something you love, you never have to work again. And I love doing this every day. ” – Wayne Turner, police chief

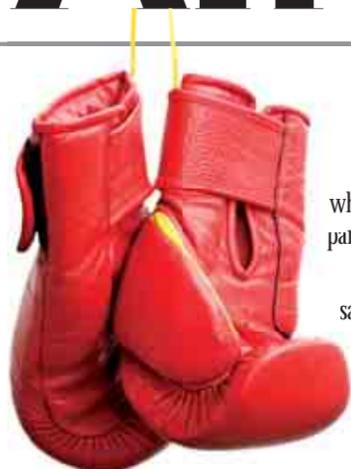
# YOUTH BOXING

/Kelly Foreman,  
Public Information Officer

**W**ith great care and precision, Kyle Ruff meticulously swathed his hands in soft, yellow, Ring-side hand wraps – stretching, rewrapping and tightening the material between his fingers until it enveloped his fists.

Then, with assistance from his coach, Lexington Division of Police Officer Jerry Loughran, Ruff pulled on the tight, leather, sparring gloves in preparation for his fight. Every week Ruff goes through this routine before practice with his Lexington Police Activities/Athletic League teammates.

For Ruff, boxing is more than something to do in his spare time. The opportunity to participate in the PAL sport has opened his eyes to



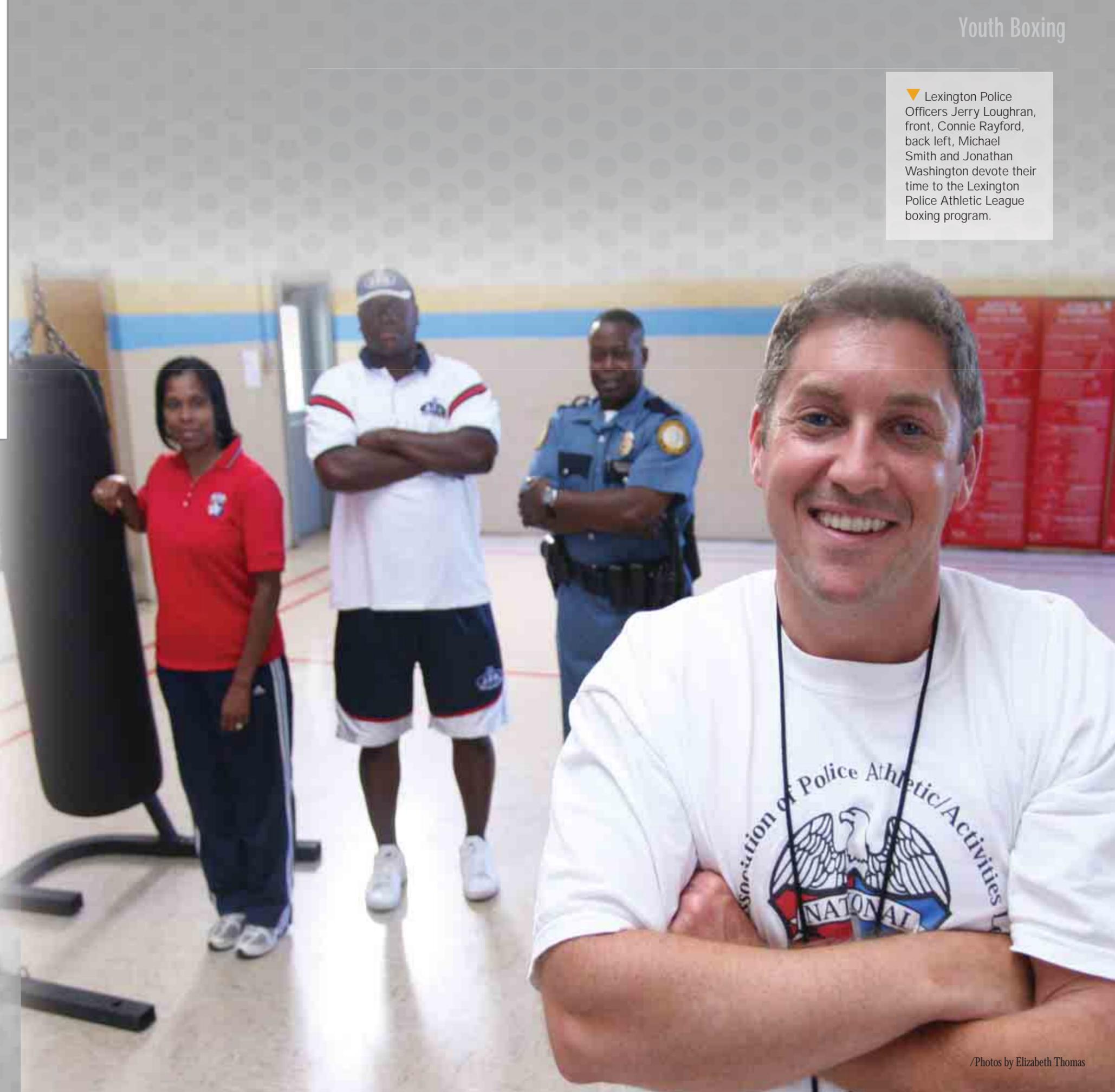
what he hopes will be a new part of his future.

“I don’t think I’ll ever quit,” said the 16-year-old police officer’s son. “I’m starting to fall in love with boxing, pretty much.”

It took nearly four months of fundraising, planning and recruiting, but in April, Lexington reignited the PAL boxing program that fell by the wayside many decades ago. The boxing league means something different to each of the spearheading officers – Loughran, Jonathan Washington and Connie Rayford.

But, the three agree that the newly created team achieves the same goal – bringing cops together positively with the community’s children. >>

▼ Lexington Police Officers Jerry Loughran, front, Connie Rayford, back left, Michael Smith and Jonathan Washington devote their time to the Lexington Police Athletic League boxing program.



## Interested?

Of the state's 411 law enforcement agencies, Kentucky is home to two Police Athletic/Activities Leagues.

Lexington Division of Police Officer Connie Rayford, who heads up the agency's PAL program, said she would like to see that change.

"We have another PAL that is in Louisville, but right now, Louisville police and Lexington are the only two police departments that offer PAL," Rayford said. "I would like to try to find ways to recruit other agencies."

Several agencies have called Rayford to ask questions, she said, and often just need help going in the right direction. Getting started is fairly simple, according to National PAL materials.

By visiting the National Pal Web site at [www.nationalpal.org](http://www.nationalpal.org), an application for membership can be completed. Along with it, interested agencies should submit a letter from the police chief or agency head, proof of insurance, articles of incorporation, non-profit status documentation and a check for \$400.

"As a membership organization, National PAL provides chapters with resources and opportunities to grow their own programs and enhance the quality of individual programming," the PAL materials state.

"These resources include funding opportunities through various grants, general liability protection programs, programming opportunities through affiliate organizations, and goods and services provided by corporate partners and supporting organizations," the materials state.

Anyone interested in more information about getting a PAL program started should call Rayford at (859) 258-3636 or contact by e-mail at [conniemdavis@excite.com](mailto:conniemdavis@excite.com). ■



### Giving back

"I am from this neighborhood," Washington said, inside the gymnasium of Lexington's Chestnut Street YWCA. "I always wanted to give something back. When the chance came for me to become a police officer, I said, 'This is my opportunity. This is what the Lord planned for me to do.' This is the perfect chance to give something back in my community."

Giving the community a chance to see police officers work in a different environment also is an important issue for Washington.

"Every time most people see the police, the big thing they always say is, 'Well, somebody's going to jail,'" he said. "Here, this is the police helping kids obtain a goal. We like to mentor them and be friends with them and everything because it is not just about taking people to jail. And that's really big to me."

Four days a week for two hours, local children ranging in age from 8 to 17 years old gather in the repurposed gym to practice their skills, condition and train. About a dozen kids regularly attend the league, with a total of nearly 20 signed up to participate. Of those, three youth recently attended their first USA Boxing competition.

"I was a nervous wreck," Loughran said.

But within four seconds of being in the ring, Loughran said Kyle scored a knock down, ultimately stopping his opponent – a move Loughran said earned the entire league legitimacy in the community.

"Boxing is a close-knit family," he said. "A lot of coaches have been around for years. For me to come around, I'm a young guy, still in my 30s ... a lot of times it is hard to get that respect from some of the other coaches who have been in it so long. To start out like that – the proof is in the pudding."

After 10 years of fighting around Kentucky as an amateur boxer himself, Loughran said the idea to rekindle the boxing program grew from his work with Lexington's Community Law Enforcement Action Response unit.

"I worked in the CLEAR unit where I was assigned to a neighborhood that has had a history of maybe more than its share of crime," Loughran said. "You are encouraged to be innovative and take a holistic approach, not just enforcement, what have you. So, one of the things I started looking at – me and another officer – was the PAL boxing program because I knew nationwide how big it is.

"I knew we had a PAL program here, but the question was, why have we not implemented the boxing?" Loughran said.

### Timing was right

During her 15 years working with Lexington's PAL program, Rayford said adding boxing had been discussed several times, but PAL coordinators often ran into road blocks, particularly when it came to funding.

"Some PAL clubs are just strictly boxing programs," Rayford said. "So because of all the good, positive things I have heard from them, that was one of the reasons why I really tried to tap into it and get it started. I have seen some of the great results they were having, especially for kids with discipline. I'm not saying boxing is just for kids that are necessarily in trouble. But it also just teaches self discipline.

"I felt like it would be a good activity to add to what we already have and to just enhance some of the things we are offering," Rayford said.

When Loughran brought it up again last year, things began falling into place.

"I put zero effort into it until they said yes,

► Javonte Thomas, 12, practices his boxing moves with his coach, Lexington Police Officer Jerry Loughran, during a regular practice of Lexington's Police Athletic League boxing program.

because I anticipated a no," Loughran said. "And [police officers] approved it and then we just went from there."

While Lexington's PAL offers more than a dozen sports and activities to local children and seniors, Loughran said boxing is different because it reaches a different group of children.

"I know there are a lot of kids who are not interested in basketball or football that would be interested in boxing," he said. "And maybe they are not gifted for those sports. Maybe they are not 6 feet tall. They may not be able to run a 4.4 (seconds) 40 (meter dash). But they may be able to box."

### No restrictions

Being able to offer the program for free also is a major benefit for the program. The only cost the boxers pay is \$35 if they choose to compete.

"A lot of programs will charge as much as or close to \$100 a month," Loughran said. "I had a kid say yesterday, 'I've wanted to box for years and I just didn't want to pay the money.'"

PAL does not have any income-based restrictions for participants, Rayford said. It is not intended solely for troubled kids or clean-cut boxers. Anyone who wants to box is welcome.

"We have kids of all shapes, sizes, backgrounds and ethnicities," Loughran said. "It is definitely about the kids – giving them an opportunity and seeing them blossom. We have been at it two months and we have kids who, when they came in here, had never thrown a punch before, correctly. And in two month's time, it is amazing. Yesterday, we had our first sparring match and it was way above what I expected.

"So that's what it is all about for me," Loughran said. "Just seeing them improve." J



# Breaking DOWN THE BARRIERS

/Abbie Darst, Program Coordinator

Identifying and combating communication barriers between Kentucky law enforcement and non-English speaking populations

**D**efined as anything that restrains or obstructs progress, a barrier is not an unfamiliar concept in today's society. There are natural barriers that often exist between different populations, cultures and individuals based on cultural and language differences. However, when one looks at how these particular barriers affect the ability of law enforcement officers to effectively communicate and serve the populations within their communities, one quickly sees how such barriers jeopardize the safety and efficiency of providing law enforcement services to the entire community.

Whether during a routine traffic stop or in a high-stakes homicide investigation, law enforcement officers need to be able to communicate effectively to do their jobs. Yet, as growing numbers of immigrants become more geographically dispersed throughout the United States, communication breakdowns are becoming more and more commonplace. Fortunately, having recognized how this issue has pervaded many aspects of American society, law enforcement around the country, and specifically in Kentucky, is responding with a variety of promising and effective new strategies for communicating with victims, suspects and witnesses who speak little to no English. Even where police departments and sheriffs' offices have limited resources and few or no bilingual officers, some have found ways to bridge the language gap and make services more accessible.

## A changing population

In recent years, the United States has seen the biggest wave of immigration since the early 20th century. The number of foreign-born U.S. residents increased by 57 percent between 1990 and 2000. While only 2 percent of Kentucky's population is foreign born, according to the 2000 census, certain areas in Kentucky have seen tremendous growth in the past decade, especially in more recent years since the census. The Louisville Metro area has experienced a 93 percent increase in the foreign-born population since 2000 and a 388 percent increase since 1990, according to an Urban Institute study. Nearly 80 different languages are spoken in Louisville Metro area homes and schools. These Louisville-Metro statistics are reflective of the changing demographic throughout the commonwealth.

As foreign-born populations continue to increase, various challenges face law enforcement personnel who police the ever changing and growing communities of which they are a part. The most obvious challenge is the language barrier that is present in the majority of individuals who migrate from other countries. Laws such as Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) make it mandatory for law enforcement agencies to find ways to overcome language barriers. According to Title VI, any police agency that receives federal assistance must take reasonable steps to ensure their services are meaningfully accessible to those who do not speak English

well. Not to do so could constitute national-origin discrimination. However, in Kentucky, many agencies are going beyond merely trying to follow laws requiring equal service provision and document translation. Instead, they are finding ways to break down barriers by building up relationships with limited-English proficient or LEP communities.

"I think probably over time the way we conduct ourselves, the way law enforcement conducts themselves with that ethnic group, I think that's a positive in the respect that they do feel as if they really can come to you if they really need you," said Shelby County Sheriff Mike Armstrong about the way his deputies respond to the Latino population in Shelby County.

In Boone County, building relationships, particularly within the Hispanic communities, is a high priority. Sgt. Dean Pattison is often referred to as the department's 'welcoming wagon' in the Hispanic community.

"Pattison is our outreach program," said Tom Scheben, public information officer for the Boone County Sheriff's Office. "He visits Spanish [Hispanic] businesses, talks to them, finds out their concerns and what we can do for them. It may not sound like much for one man, but if you saw him work and listened to him, he does a whale of a program."

Pattison, who began his career in law enforcement with the Boone County Sheriff's Office nearly 14 years ago, has been studying and speaking Spanish for many years. >>

>> “Speaking Spanish has opened more doors for me than I ever would have dreamt,” he said. “I thought in high school that it would be a good segue into law enforcement, so I started studying it in high school and college and studied at the University of Madrid in Spain for a while. But the doors it has opened are phenomenal – you get to be in on absolutely everything.”

Through his job and language skills, Pattison has formed a great relationship with the owners of a store called Abuelitos De Dios. The relationship, which started out with Pattison visiting the store as part of his community outreach initiative, has developed into a close friendship with the store owners, their children and grandchildren. The positive interaction he has within the store opens the door to positive interaction during outside encounters as well.

“Talking to [Hispanics] in the store allows them to get to know me and feel a little more comfortable with me,” Pattison said.

Fulfilling his lifelong desire of being an officer, Pattison enjoys every aspect of his job within the department, in particular that of being the main translator.

“My favorite part of being our translator is it’s kind of prestigious – if there is something that positively has to be done and done right, they grab me and it’s the neatest feeling in the world,” he said. “And it’s not always in a negative connotation; it’s not always chasing bad guys. You do get to help people out in a lot of situations.”

Pattison also served three years on a Drug Enforcement Administration task force at the Cincinnati/Northern Kentucky Airport

looking for drug and money couriers traveling from the east to west coast. Pattison recalled using his Spanish-language skills in an unexpected way during that assignment. He and his Hispanic partner often would converse in Spanish when dealing with non-Spanish speaking suspects if they had information they needed to discuss that they did not necessarily want the suspect to know about.

Though the Boone County Sheriff’s Office only has two other officers that speak Spanish at various levels, the department’s determination to form relationships within the Hispanic community goes further than just the abilities of those three officers.

In the six years since its inception, the department’s bike patrol has had a huge impact on relationship building within the county’s Hispanic communities. In Boone County, the majority of the Hispanic population is concentrated in mobile home parks and apartment complexes, prime locations for officers to ride their bikes into the communities and interact with families, Scheben said.

“Anytime kids see police, on a bike especially, it’s like a carnival ride – their eyes light up, they’re just excited,” said Boone County Deputy Chris Combs. “We never just keep riding no matter what we’re on. If I’m on a call, I’ll stop and talk to the kids, pass out stickers and you’d think they had won the lottery.”

As is commonly experienced by officers across the state, children in LEP populations are much more open than older generations to interact with law enforcement. For Combs, kids are the key to get the parents, but the parents tend to be very skittish of the police, he said.

Presenting a welcoming and inviting presence is what the bike patrol is all about.

“You don’t get to be a bike patrol deputy because you are super fit or look great on a bike,” Scheben said. “They are a problem-solving team. The bike is nothing more than a conveyance, so when we see an issue of distrust in apartment complexes or trailer parks, these are the people that are sent in because they don’t have 3,000 pounds of metal and glass around them. They’re sitting on a bicycle and they are open and vulnerable and they do stop and they talk to kids. That’s what they’re paid to do and that’s what they are good at.”

### Learning to trust again

Combs uses the inviting presence of his bike and the excitement of the children to help break down barriers already established in the Hispanic culture toward law enforcement.

“When we’re out there talking to the kids ... some parents will come out and speak to us without it being an emergency call, but the older generation is still too much afraid of the police that they won’t make any attempt to talk to us,” he said.

This fear and distrust of law enforcement stems from less than favorable interaction with law enforcement entities in the countries from which many LEP residents originate.

“In generations of where those people have come from, the police are corrupt and they’re dangerous and they’ll kill you and they are not there to help you,” said Boone County Lt. Col. Robert Reuthe. “So we have to find ways to get them to actually believe and trust us.”

Many places in the world have a very different standard for law enforcement than what is experienced in Kentucky, and officers across the commonwealth have to realize that previous negative experiences have a major impact on the way these populations respond

to law enforcement here.

“People from Mexico have [a] different feeling of police, don’t respect police and don’t trust police and that is [the] police’s fault because they are so corrupt, but when they come over here they sense that [the] police are different,” said Miguel Laguana, an alumnus of the Louisville Metro Police Department’s Latino Citizens’ Police Academy. “When they come to this class they become believers that the police are not [there] to harm them all the time.”

Immigrants from Mexico are not the only ones who tend to have a negative view of law enforcement officers. Various places across Kentucky also are home to refugee populations from war-torn countries all over the world, where perhaps they were not treated fairly or their human rights were violated.

In Bowling Green, these refugee populations, a large number of which are from Bosnia, are just as prevalent as the growing Hispanic population because of the International Center located within the city limits, which is part of the Western Kentucky Refugee Mu-

tual Assistance Association, Inc.

“For our purposes, it doesn’t matter how they came here. It might matter why because that tells us about what they experienced, where they came from and why they might not trust us,” said Officer Monica Woods, international communities liaison for the Bowling Green Police Department, new position for the agency. “I grew up here in the United States and Kentucky and I can’t relate to that, but I can appreciate it and be tolerant of that and know that it’s not going to be an overnight thing if they don’t trust me and believe in the police department or just people in general. There is going to be a trust issue for people who have experienced bad things and that’s true of everyone, regardless of whether you were born here and lived here your whole life and we have to remember that everyday as police officers. Everybody is not going to respond the same way to you.”

Bowling Green Chief Doug Hawkins created Woods’ international communities liaison position as a way of breaking down more than just the language barriers in their com-

## Best Practices for Gathering Demographic Data in Your Area

For an accurate picture of a jurisdiction’s residents, agencies can look at demographic data collected by the U.S. Census Bureau, city and state agencies such as departments of education and city planning, state and municipal court systems, local hospitals, and even marketing and research companies. Specifically, departments may want to look for information on race/ethnicity, language spoken at home, English proficiency and education levels of the people in the command area. Keep in mind, however, that data on race and ethnicity cannot always tell precisely what language is spoken. For example, there are as many Asian languages as there are Asian countries, and some countries have more than one language group. In India, for example, more than 30 languages are spoken.

It also can be helpful to supplement this demographic data with information gathered from community- and faith-based organizations and social service providers. These organizations – particularly those that serve new immigrants – can help identify emerging demographic trends that are too recent to be documented by formal counts such as the U.S. Census. ■

◀ Bowling Green Police Officer Monica Woods, international communities liaison for the agency, talks with a non-English speaking citizen in Bowling Green. Woods’ position is new to the department.



/Photo by Abbie Darst



/Photo by Abbie Darst

>> munity, by using true relationship building to change the perception different cultures have toward law enforcement. In Hawkins' concept, building relationships is the key to solving issues in the community.

"Monica's position is initially designed to create relationships," Hawkins said. "First and foremost to create relationships in international communities that we don't have a lot of contact with, and that it would be beneficial for that community and law enforcement and/or local government to have relationships within that community. But to take it a step further and to extrapolate from those relationships – use them to solve problems. Whether they are issues that we have that need to be resolved within a community or issues that the communities have that local government can be part of the solution to their issues. But without those relationships, those communications don't take place and those problems never get solved effectively."

Woods, who has held the international communities liaison title since early July, was chosen to fill Bowling Green's new position for her skill set and personality, Hawkins said. The fact that she is fluent in Spanish allows her to communicate effectively with the approximately 5,000 Spanish-speaking individuals residing in Bowling Green. Woods also has the personality it takes to effectively relate to other people, he added.

"Monica has the right personality in a job where personality can make all of the difference," Hawkins said. "Monica is friendly, outgoing, easy to talk to and easy to get along with. Those qualities are valuable when you're making friends – since that's her job, I needed someone who had that ability naturally. ... Even though she wears a uniform, she doesn't come across with that over-authoritative presence."

The department's hope is that by seeking relationships with community leaders within the various international communities in the city, Woods will make her uniformed image

one that is welcomed and trusted, and in turn, change these communities' perceptions of uniformed officers.

"We're not all about knocking on doors and dragging people away, matter of fact, that is the smallest part of what law enforcement does," Hawkins said.

The same concept of changing perceptions of law enforcement does not resonate solely in Bowling Green. In Louisville, former members of the Latino Citizens' Police Academy believe there are many positives to having uniformed officers speak to their classes.

Seeing them in uniform is "even better because people gain more respect for the uniform – say he's a policeman and he's not here to harm me, but to tell me that we are welcome, that they need our help – we need

relationships, explaining laws, explaining our position and building that relationship."

Woods plans to target pastors and other religious leaders in the community as one of the prime ways to begin building those relationships within the international communities, specifically the Hispanic communities where religion tends to be very important. Since the religious leaders have already earned the trust of the community, by developing a relationship with them, they can introduce Woods to others who are leaders in the Spanish-speaking communities and build from there, Hawkins explained.

### Tangible barrier breakers

In a society where population dynamics are continually growing and changing, law en-

◀ Bowling Green Police Officer Monica Woods position as international communities liaison initially was designed to create relationships, said Bowling Green Police Chief Doug Hawkins. However, Hawkins said he hopes to take those relationships and build on them to solve problems more effectively in non-English speaking communities.

forcement agencies also may want to look at specific options for defining how their department and officers will relate to and work with foreign-born and LEP populations.

Officers building relationships in their communities is not a new concept. The basic principles of community oriented policing have been around for many years, though they may not have been focused primarily on LEP populations.

"What's wonderful about this department and others around the state and the Department of Criminal Justice Training's teaching is the idea of community oriented policing and using community members to solve problems in other ways," Woods said. "It will last much longer than the immediate punishment. With police, we don't always have the luxury of discussion – sometimes things have to be done and people need to go to jail. But in my position I have the luxury of trying to build those

relationships, explaining laws, explaining our position and building that relationship."

The Vera Institute of Justice's study "Overcoming Language Barriers: Solutions for Law Enforcement," establishes several different specific methods that law enforcement agencies of any size can use to combat communication barriers among the LEP populations in their jurisdictions. Law enforcement agencies across the country already operate within a culture of policies and procedures. Most agencies have policies on almost every aspect of an officer's job, including uniform dress code, procedures for making arrests and use of force protocols. So, it's not surprising that a growing number of agencies are developing policies for interacting with persons who are LEP. Without a written policy or protocol, a program or service is at risk of being imple-

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>> mented incompletely and, perhaps, incorrectly. A written language access policy can guide officers and civilian staff on how and when to use language services. It also formalizes a department's commitment to ensuring access for residents who do not speak English well.

The Lexington Division of Police put together a communication barrier policy in May establishing standard protocol for the department in dealing with "LEP, deaf/hard

of hearing and blind/vision impaired members of [their] community" to ensure that the department is taking "reasonable steps to provide timely, meaningful access to ... all services and programs provided by the division," the policy states. Lexington's policy lays out specific procedures relating to requesting interpretation services; translating documents; public notification and communication services; training; and tracking contact with LEP, deaf/hard of hearing and blind/vision impaired individuals.

▼ Kentucky Vehicle Enforcement Officer Chad Mays assists Alcoholic Beverage Control officers on a detail in Lexington. Mays was called to help administer a field-sobriety test to an Hispanic driver.



/Photo by Elizabeth Thomas

In addition to creating a language access policy, departments also can identify and train bilingual staff. Some agencies have been able to successfully recruit, hire and/or compensate staff with foreign language skills. However, since levels of bilingualism among individuals can vary, the best way to ensure that a person is truly bilingual is to test his or her spoken and written proficiency in the other language. Some agencies in Kentucky have chosen to build on the bilingual skills with which officers have come to the department.

Even with limited staff and resources, in Shelby County the sheriff's office allowed Deputy Tim Gilbert, who is fairly fluent in Spanish, to go to Mexico for a few weeks to become even more fluent and get a good understanding of the way that culture looks at things, Sheriff Armstrong said.

Other agencies have sent numerous officers to language training in an attempt to create a pool of officers that can communicate with the Spanish-speaking population in their communities. The Boone County Sheriff's Office partnered with Gateway Community and Technical College for a 10-week Spanish language training class. The agency sent 14 officers to the program, which met one night each week, in order to train deputies with enough Spanish to at least get introductions made and gather the basic who, what, when, where and why information, if they come across a non-English speaking individual, Reuthe said.

After many attempts and program trial and error, the Lexington Division of Police took officer and staff training a step further with the creation of what they now call the Advanced Language Program. Lexington's public information officer, Ann Gutierrez, recalled how 10 years ago the agency really started noticing an influx of people who could not communicate with the officers. At the time, the department only had two officers who could speak any Spanish at all. Chief Ronnie Bastin, who was the head of training at that time, thought it would be

useful to teach recruits what he called 'survival Spanish' in the academy. Gutierrez, who was part of the first classes to learn survival Spanish in basic training, said after recruits left the academy, if they did not use their Spanish skills on a consistent basis it did not stick with them well.

"We had officers on the street who knew they should know something in Spanish, but couldn't remember," she said. "It really didn't work."

It was around this time that the department partnered with Murray State University and came up with the Advanced Language Program. This program, which was first offered in 2000, consists of five semesters of college Spanish condensed to two intense semesters. With class every day for three to four hours each day, officers have said that they are much more likely to retain the information than if they attended a class only once or twice per week. At the end of the two semesters of classroom training, members of the class can choose to take a five-week trip to Mexico, giving them the opportunity to be immersed in the language and gain knowledge about cultural traits and attitudes that may prove helpful to them while patrolling the streets of Lexington.

"This program has been well worth it because we are seeing a huge turn around in how cooperative our Spanish-speaking population is being with our police officers now," Gutierrez said. "It's a big difference. They trust us more because they know that we've put forth an effort to be able to communicate with them a little more effectively."

Since its inception, 124 officers have completed the program and taken their skills into Lexington's communities. Detective Aundria Burkhart, who completed the program in 2003, said the best part of completing the program is that it allows her to communicate directly with victims and build a relationship that is impossible to build through a translator. In one case in particular, Burkhart came across a young woman who had been raped by

her father and was reluctant to talk about the situation or give any details to officers. But, Burkhart was able to speak to her in Spanish, build a positive, trusting rapport with her, and eventually officers were able to get the young lady out of the situation and put her father in prison.

"If you have to rely solely on an interpreter, in many situations that relationship is never built, that rapport is not there, and that can really hinder an investigation," Burkhart said.

However, an interpreter is often the only option an officer has to communicate with a victim, witness or suspect. Even at a department with more than 100 officers who speak a second language, there will never be an officer available who speaks every language, from French to German to Croatian, that may be encountered while in the field. For this reason, some agencies take advantage of what is called the Language Line. The Language Line is a bank of interpreters that are accessible 24/7 and offers translation from more than 150 languages into English. An officer can call the Language Line number and, if they know the language the individual is speaking, ask for interpretation in a particular language. Officers can also put the individual on the phone and after the individual speaks just a few words, the service will identify the spoken language and provide an interpreter within minutes.

"It's effective for that short interview and it's a great tool to have especially for an obscure language for someone that you can't find an interpreter for," Gutierrez said.

In Lexington, the Language Line was originally used in the communications centers for dispatchers to communicate with anyone who may call in, but more recently, all Lexington officers have been made aware of the Language Line and guided on how to use it while out on duty. In the 2005-2006 fiscal year, Lexington Division of Police officers made 1,700 calls to the Language Line. >>

# BY THE NUMBERS

**135%**

Increase in Kentucky's foreign born population from 1990 - 2000. The 10th highest increase in the nation (U.S. Census Bureau)

**2%**

Population of Kentuckians of Hispanic or Latino origin. (U.S. Census Bureau)

**3.9%**

Kentucky's population which speaks a language other than English at home (U.S. Census Bureau)

**21,287**

Current inmate population in the Kentucky state prisons. (Department of Corrections 07/08/08)

**57**

Number of inmates who list Spanish as their primary language in Kentucky prisons and require an interpreter. (Department of Corrections)

**81**

The number of Kentucky law enforcement agencies reporting officers who can converse in Spanish (DOCJT 2007 Comprehensive Survey)

**171**

Foreign born offenders in Kentucky state prisons (Department of Corrections 07/08/08)



Photo by Abbie Darst

>> Likewise, the Bowling Green Police Department has been using language line-type services since the mid 1990s, and its last Language Line report showed officers accessing 11 different languages.

"I thought we might have four or five, but not 11," said Barry Pruitt, Bowling Green Police Department public information officer. "It's a good litmus test to see how diverse our population is that we have to utilize that many different languages during the day or night."

While the Language Line service is particularly helpful with more obscure languages, some departments, especially smaller departments with fewer officers, may also find it helpful to pool language resources with other area agencies or institutions.

Kentucky Vehicle Enforcement Officer Chad Mays assisted Lexington-area Alcoholic Beverage Control officers during a late-night detail in one of Lexington's high-Hispanic populated areas. The Hispanic driver had been stopped at a drive-through liquor store window because he did not have proper identification. It quickly became evident to the ABC officers that he may be intoxicated, but because of their inability to effectively communicate with him, they called Mays to help administer a field sobriety test.

Using liaisons and interpreters from other areas outside of law enforcement also is an option for departments wanting to create a pool of reliable translators. The Lexington Division of Police has informally partnered with the University of Kentucky language program and officers are able to call them and ask if they have someone who can help them out in various situations. A UK interpreter will usually respond within 30 minutes, Gutierrez said. The department also is looking at having a language bank in Lexington where different service agencies would be part of one language bank.

"It's not up yet, but that's where I see us moving for those more in-depth interviews/

interrogations where we need someone who is impartial and can just sit and do their role as an interpreter," Gutierrez said.

The LMPD is one of several agencies across the state that has created programs to proactively tackle the communication and cultural barriers that exist between law enforcement and LEP populations. The agency has numerous different citizens' police academies that target different areas of Louisville's diverse communities. Like other departments, Louisville offers a Latino Citizen's Police Academy specifically geared toward the Hispanic community. Each academy session, which is 12 weeks long and accommodates up to 50 participants, focuses on a different area of law enforcement and explains how participants

◀ Boone County Sheriff's Deputy Chris Combs, left, talks with a group of children during one of his shifts. Combs said children are an important key to getting to their non-English speaking parents and helping them to understand that law enforcement is there to help. Combs, a bike patrol officer, said a welcoming and inviting presence is what the bike patrol is all about.

can benefit from various services or how to report different types of crime or problems.

"The most beneficial part [of the academy] is that they understand that police are not out to get them. ..." Louisville Latino CPA graduate Laguana said. "Even though the community comes in with that impression."

In addition to the Latino CPA, the metro police also offer an international CPA each February. In the international CPA everyone speaks English, but they are immigrant community leaders or they work in an area that has a lot of immigrants or diversity, said LMPD Officer Minerva Virola, who heads up all of the agency's citizens' police academies. In this particular academy, Virola said she focuses on different information, especially laws.

"An American doesn't have to worry too much about how to get a driver's license or ID, but the immigrant community can't do that and they don't know if they are supposed

to have one," she said. "Participants can go back to their communities and share what they've learned and if they have any questions they can call me and I'll come do a special presentation on an issue."

The international CPA also focuses on how Metro government works and the participants are invited to the Mayor's Conversation, conducted once a month.

Communication barriers break down cooperation and relationships and in a field like policing these two concepts are immeasurably important. Likewise, their lack has a significant impact not only on the job of each officer, but also the quality of service offered within the community, which affects in some shape, form or fashion, every citizen of the

commonwealth. As the cultural makeup of the country continues to evolve, issues of effective communication between different language groups will not disappear any time soon, however, many agencies across the country have taken great strides to make big and small changes to better accommodate the population they serve. Kentucky agencies have taken a giant step forward in establishing best practices for breaking down the existing language barriers in their communities and all law enforcement agencies can do something to ensure their commitment to justice and service is not lost in translation.

"Before it was like the band-aid on the gunshot wound – doing a little here and there," Gutierrez said. "We needed officers that would be here and would work in the areas that had the high LEP populations and [training and educating our officers] has allowed us to do that." J

▼ Kentucky State Police and Lexington Division of Police together with the Kentucky Commission on the Deaf and Hard of Hearing developed visor cards, seen below, to aid law enforcement officers in communicating with those who cannot hear them speaking. The laminated cards feature traffic signs and special instructions to assist in the communication.

# A DIFFERENT CHALLENGE

Recently the Louisville Metro Police Department took notice of a group that faces many communication issues within society. The hearing impaired

lutions. Last September, the LMPD offered its first Deaf and Hard of Hearing Citizens' Police Academy, graduating 27 students. The agency brought in interpreters from a deaf and hard of hearing school, who volunteered their time for 12 weeks of the class because they thought the program was so important to that community, LMPD Officer Minerva Virola said.

"The deaf/hard of hearing community really took the opportunity to embrace this program because they had never been given the opportunity before," she added. "They appreciated the attention, education and opportunity for them to become partners with and learn about the police department, and it also educated our officers because we didn't know their issues because we've never tapped into that community or resource."

The LMPD is not the only agency taking specific action to ensure that the deaf/hard of hearing community is no longer excluded and to improve communication with that population. The Kentucky State Police and Lexington Division of Police have partnered with the Kentucky Commission on the Deaf and Hard of Hearing to create visor cards for deaf/hard of hearing individuals to use during a traffic stop to inform the officer that he or she is hearing impaired and to allow the officer to communicate to the individual the reason for the stop.

The laminated cards, which feature simple traffic signs on the front, with specialized instructions for law enforcement on

the back, are being distributed to deaf, oral deaf and hard of hearing citizens throughout Kentucky. The cards are thin and lightweight and designed to fit under the sun visor for quick communication access in traffic stops or other interaction with law enforcement. In addition to citizens, state and local law enforcement throughout Kentucky are being trained to spot the cards and understand their significance. KSP and KCDHH also have made a training video on the existence and use of the visor cards for law enforcement agencies to use in preparing officers.

Educating officers about interaction with the hearing impaired community is an extremely important and often overlooked necessity, said Ann Gutierrez, Lexington Division of Police public information officer. When the Lexington Division of Police began putting together its communication barrier policy, representatives met with members of the hearing impaired and blind communities to talk about issues and things that could be done to improve communication, she said.

Across the country, similar issues arise when law enforcement officers encounter deaf/hard of hearing individuals. For example, when an officer turns on his sirens to pull over an individual, if that person is hearing impaired, the officer's sirens will not be heard and he or she may not pull over immediately. The perceived non-compliance gives the officer the impression that the individual is trying to run from the police. In the same vein, if the officer then addresses the driver over a public announcement system from the cruiser telling him or her to exit the vehicle, the individual will probably not respond, which escalates the misperceived situation even further. Training officers not only about the use of the visor cards, but also about being aware that situations of seeming non-compliance from a motorist may be a simple communication barrier with a hearing impaired person is vital, Gutierrez said. J

## How to Create a Language Access Plan

The Department of Justice identified four factors that should be considered when developing a language access policy and plan: demographics of the population served, frequency of contact with LEP persons, nature of the contacts with LEP persons and agency resources.

Most law enforcement language access plans generally include the following:

- A glossary of commonly encountered terms (such as language access, limited English proficient, etc.)
- A procedure for officers and staff about how to access language assistance services under different circumstances, including when receiving and responding to requests for assistance, making enforcement stops, conducting field investigations and witness interviews, conducting custodial interrogations, carrying out intake and booking responsibilities and performing other law enforcement operations
- A protocol for training personnel about the language access policy and effective use of the agency's language assistance services
- Information about training and certifying interpreters and bilingual personnel
- Information about how the public will be notified about the department's language assistance services

The Department of Justice Civil Rights Division has created a planning tool available online at [http://www.lep.gov/Law\\_Enforcement\\_Planning\\_Tool.htm](http://www.lep.gov/Law_Enforcement_Planning_Tool.htm), which guides law enforcement agencies in creating a language access policy and plan. ■

## Glossary

- Bilingual** – Able to speak effectively in two languages.
- Immigrant** – A person who leaves one country to settle in another. Motives for immigration can include economic, religious, political or social factors.
- Interpretation** – The process of orally rendering communication from one language to another. Interpretation deals with oral or signed speech. Someone who interprets is called an interpreter.
- Language Access** – A term used to describe an agency or organization's efforts to make its programs and services accessible to LEP individuals.
- Limited English Proficient (LEP)** – A person is LEP if his/her native language is not English and he or she has limited ability to speak, read, write or understand English.
- Telephonic Interpreting Service** – An over-the-phone interpretation service in which off-site interpreters assist public and private organizations in communicating with people who are LEP.
- Translation** – Changing a written text from one language into an equivalent written text in another language. A translator performs the act of translating. ■



# KNOW WHO YOU ARE SERVING

According to the Vera Institute of Justice's study "Overcoming Language Barriers: Solutions for Law Enforcement," in order to be effective in fighting crime and protecting residents, a law enforcement agency needs to understand the changing demographics of the communities in its jurisdiction. Obviously, building relationships with the various populations is crucial to knowing the changing demographics of the population the agency serves. But there are other resources that may prove valuable in helping an agency determine whether its services are being properly and effectively administered to and used by all aspects of its surrounding population.

Agencies can compare demographic data from the U.S. Census Bureau or other city and state agencies, such as departments of education and city planning, with data about how often police have contact with LEP individuals. The Institute's study recommends gathering this information from front desk logs for station walk-ins, by routinely polling officers during roll call training and analyzing call information from telephonic interpreting-service providers or other language-service providers. This comparison could shed light on whether LEP populations are fully accessing services.

Some agencies across the state have already found that there tends to be an under reporting of crime in the majority of LEP communities. There are several possibilities for why this trend exists. One prevalent reason is the inherent fear and distrust of law enforcement that pervades the first generation of some immigrant populations.

Some departments also identified the cloud of illegal immigration that hovers

over the Hispanic population in particular. According to the Pew Hispanic Center, in 2005, an estimated 28 to 56 percent of the foreign-born population in Kentucky was made up of illegal immigrants. However, how an individual came to reside in a given community does not impact the fact that individuals should not have to tolerate crime being committed against them.

"Irrespective of that perception, we still have to provide law enforcement services to that community and, in as much as we can, include them in our community," Bowling Green's Hawkins said. "It's not about dealing with illegal immigration, but an issue of dealing with the reality of having a specific population in our community that does have a demand on our police services. ... I think we have an obligation – whether they are legal or illegal – if they are a victim of crime,

## Tips and Tools

Whether an agency interacts with LEP individuals only occasionally or on a daily basis, it is useful to plan and identify language resources. Executive Order 13166 Limited English Proficiency Resource Documents: Tips and Tools for the Field is a report developed by the Department of Justice's Civil Rights Division and includes information about language access tips, tools, and practices identified in informal surveys of court personnel, social service providers, police departments, 911 call centers and several other agencies. For more information visit the Web site <http://www.lep.gov/index.htm>.

to provide policing services. And if they are afraid to report that crime then we can not provide those services."

Hawkins hopes that as relationships are formed between the Hispanic community and the police department, the comfort level of the Hispanic community as a whole will improve and the department will see more crime reported as a result.

The issues created by illegal residents can pose challenges to law enforcement in other ways as well. Those in the country illegally don't have reliable identification, making it hard to keep track of who they are and where they are from, many officers said.

"It's hard to police an entity that can be so anonymous," Boone County's Pattison said. "However, there's not much local officials can do about Hispanic legality. ... We run across them every day. We can contact Immigration and Customs Enforcement, but they aren't going to spend thousands of dollars on each individual person we grab."

A third possibility for under reporting crime in LEP populations is simply the difference in cultural norms. In some cultures, certain issues like domestic violence are tolerated and almost never reported. For Boone County officers, this is especially true in the Japanese population that resides in the county because of the Toyota headquarters located in Erlanger. Understanding these cultural differences is vital for law enforcement when dealing with these populations.

"Some people are just here on short work visas for Toyota and they will go back and you won't change their culture, but we should be respectful to understand what their culture is," Boone County's Reuthe said. "It helps us build that partnership and helps us out a lot." J



# HOMELAND SECURITY COST-FREE TRAINING

To learn more about homeland security training offerings, both in state and out of state, go to the Kentucky Office of Homeland Security's training page at <http://www.homelandsecurity.ky.gov/firstresponse/training/default.htm>. Registration and course information for all of the following training courses is available at <http://www.homelandsecurity.ky.gov/firstresponse/announcements.htm>.

- **Public Information in a WMD/Terrorism Incident (MGT-318)**  
August 27-28, 2008, Hazard, Kentucky  
October 1-2, 2008, London, Kentucky  
October 16-17, 2008, Hopkinsville, Kentucky  
November 18-19, 2008, Frankfort, Kentucky

Two-day course examines the role of public information in WMD/terrorism incident management and provides practical training in crisis communica-

tion techniques.

- **Weapons of Mass Destruction: Threat and Risk Assessment (Local Jurisdictions) (MGT-310)**  
September 9-11, 2008, Lexington, Kentucky

Prepares emergency responder managers and community leaders to conduct a comprehensive, capabilities based threat and risk assessment for a weapons of mass destruction (WMD)/terrorism/all-hazards incidents under the National Response Plan and Presidential Directives.

- **WMD Crime Scene Management for Emergency Responders (CSM) (AWR-103)**  
September 13, 2008, Lake Barkley State Park

A one-day course providing response personnel with proper procedures and guidelines for crime scene management when responding to a Chemical, Biological, Radiological, Nuclear or Explosive (CBRNE) incident.

- **WMD Radiological / Nuclear**

### Awareness Train-the-Trainer (AWR-141)

September 14, 2008, Lake Barkley State Park

Prepares trainers to deliver a six-hour WMD Radiological/Nuclear course (AWR-140) for first responders on the scene of a radiological/nuclear incident.

- **Pandemic Influenza Preparedness Program (PIPP) (CDP001-06)**  
Date & Location TBA

A three-day training course providing an overview of pandemic influenza and planning that will enable a community to effectively respond to a pandemic influenza event.

- **Introduction to the Computer-Aided Management of Emergency Operations (CAMEO) Suite (PER-229)**  
Date & Location TBA

A three-day course designed to demonstrate how emergency responders work together to collect, manage and share emergency planning and response information. J

# COMMUNICATING CARE

/Kelly Foreman,  
Public Information Officer

As each Emergency Medical Dispatch class begins, Department of Criminal Justice Training Instructor Jason Pirtle hands out an admonition to his students along with their Powerphone Dispatcher's Medical Desk Reference Manual and name tags.

"I tell them the first day of the class that the stories are all true and that they do pertain to the block of instruction we are talking about at the particular time," Pirtle said. "... I like telling stories."

During a recent EMD class, Pirtle told a group of telecommunicators a story about his experiences as an emergency medical technician turned obstetrician, relating them to the importance of emergency medical dispatching.

"Actually, I have had to deliver three and a half (babies)," Pirtle said. "We got to the hospital quickly one time, but it was still in the hallway at Central Baptist (Hospital). Just as we were going through the labor and delivery hall she started crowning."

With a laugh, Pirtle explained that among the most bizarre delivery stories was his first birth experience.

He was still training to become a paramedic and was interning in Louisville, he told the students. It was an early Sunday morning when he got the call.

"Dispatch called us for a lady in labor, is what it came in as," he said. "No specifics."

Pirtle and his partners were dispatched to the Americana apartment complex, a neigh-



/Photo by Kelly Foreman



borhood known at the time for housing Cambodian and Vietnamese refugees. After arriving at the home, Pirtle said he was met by a Cambodian woman and her toddler – neither of which spoke

English.

While the language was an obstacle, Pirtle said the cultural differences he observed made the event the most memorable.

"She didn't say a single word," Pirtle told his class. "All she did (when she had contrac-

tions) was squeeze the bed sheets and close her eyes."

"When we laid her down on the bed and pulled her to the edge of the bed so we could take a visual, her son, who was probably around 15 months old, kept getting between me and mom. ...

"It was kind of funny because I was gloved up, trying to stay as sterile as possible and I kept elbowing this little boy in the head saying, 'move him over to the side!'" Pirtle said. "She looked at him and said a few words and then laid back down on the bed. ... And that was the last word she said until we got

to the hospital."

After delivering the baby in the apartment, Pirtle said he and his partners loaded the new mother, new baby and the 15-month-old boy into the ambulance and took them to the hospital, where they eventually located a translator.

"They let me sign the birth certificate," Pirtle said. "My preceptor and other partner, they both said, 'We've done that quite a few times, so go ahead and sign it since it is your first time.'"

### 'Here's the baby'

"It was awesome," he said. "It was a neat experience, especially being the first time. Then the next week we did two more in various stages. One had delivered just as we walked in the door and the mother was actually standing ... holding up her dress and had one hand – thumb and index finger – pinching off the umbilical cord."

An older woman met Pirtle at the door holding the crying, vernix-covered baby in her arms.

"[She was] saying, 'Here's the baby. They named the baby after me, I'm the grandmother,'" Pirtle said. "... I was trying to get the story straight. When did she have the baby? She said her belly hurt, she stood up at the end of the bed and the baby went plop on its head. She was standing right over the spot still."

But not all of Pirtle's delivery stories result in happy, healthy newborns. The third delivery that first week brought with it a pre-term baby delivered in her mother's bathtub.

Weighing only in ounces, Pirtle said the baby was pronounced dead after arriving at the hospital.

"That was scary," he said. "She (the mother) was laying there and she had the baby wrapped up in a towel saying, 'I think the baby is already dead.' I uncovered the baby and kind of looked at it and I thought I saw the baby kind of gasp for air. I looked at my partner and said, 'Did you see what I just saw?' She said, 'I think so.'"



After watching for another second and seeing the baby take another gasp, Pirtle said he and his partner quickly began working to save her life.

"We snatched the baby up and cut the umbilical cord and ran to the truck with her," he said. "Me and the other partner packaged the lady up in the bathtub, got her on the cot, started an IV on her and got to the hospital with her while the other partner took care of the infant."

"She (the baby) did make it to the hospital, but we were doing resuscitative efforts on her all the way to the hospital."

The mother was only in her fourth or fifth month of pregnancy when the baby was born after she had some difficulty during the day, Pirtle said.

### 'National standard of care'

Telecommunicators stayed on the line with the woman's husband performing emergency medical dispatching while waiting for Pirtle and his team to arrive – something Pirtle said can be crucial in situations such as those he described.

Unfortunately, Pirtle estimated only 30 to 40 percent of Kentucky's dispatch centers are performing emergency medical dispatching.

"It is [critical], especially in this day and time where we teach our children when they begin understanding that if they need help they call 911 – help from either law enforcement, fire services or emergency medical," Pirtle said. "Telecommunicators across the state need to understand that. Not just telecommunicators, but their administrators need to understand that because it is a standard of care."

The thanks for creating that standard can be given to William Shatner's television show, "911," which showed dispatchers giving pre-ambulance-arrival instructions to those in need, Pirtle said. Some agencies are concerned about the liability of giving medical advice over the phone. Others argue they



cannot provide the service because they are not fully staffed, he said.

"They don't want to be sued for giving the medical advice, but the liability now is resting on the agencies who are not offering it because it is a national standard of care. ... It is sad to say that it is probably going to take a lawsuit in Kentucky to get that rolling. I hate to see that happen, but, I'm surprised, really surprised, that it has not happened already."

"If we are teaching our children that that is what they expect, that is what they need to be getting," Pirtle said.

### 'A good hobby'

Pirtle is the proud husband of Renee, to whom he has been married 18 years. The two have a 2 ½ -year-old daughter, Kylie Mason Pirtle. After graduating from high school in Paducah, Pirtle joined the Air Force and was stationed in Valdosta, Ga. and served for 30 months before being honorably discharged.

Now, instead of actively serving in the military, Pirtle pretends to be a soldier – a Civil War soldier, that is.

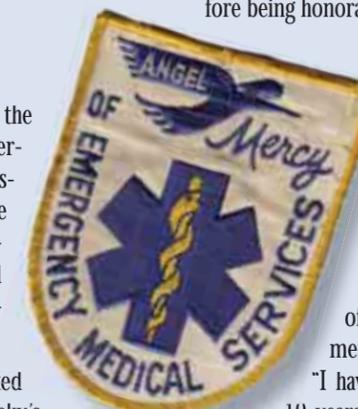
"I am a member of a Civil War reenactment group," Pirtle said.

"I have been doing about 10 years now. My rank in is corporal and my unit is the second Kentucky confederate unit."

Pirtle always has been a history buff, he said, and particularly is interested in Civil War era American history. While serving in the Air Force, Pirtle said he met several other military men who were actively involved in reenactment groups.

"During the summer months we do at least one outing a month," he said. "We've got everybody from doctors to lawyers to truck drivers to store clerks to students."

"Most of us have ancestors who probably fought on both sides of the conflict, like myself," Pirtle said. "I had members both at Camp Douglas and Anderson, which were both Civil War (Prisoner of War) camps. So we do it mainly for the heritage of it. ... It's fun, though. It's a good hobby." J





## Sheriff Todd Cooper

Ballard County Sheriff's Office

Todd Cooper joined the Ballard County Sheriff's Office in 1990. Cooper served as a deputy until he was elected sheriff of Ballard County in July 1995. He holds an associate's degree from West Kentucky Community and Technical College, and a bachelor's degree from the University of Louisville. Cooper is a graduate of the Department of Criminal Justice Training Basic Class No. 215 and graduated from the DARE Instructor School Class No. 29.

**"It is vital that in serving our community better that we maintain good working relationships with other agencies."**

**What impact do bordering states have on your department and how are you able to join with them to combat the war on drugs?**

The past few years we have developed contacts within agencies from surrounding states. Crime and other law enforcement issues do not know boundaries. It is vital that in serving our community better that we maintain good working relationships with other agencies. We have built contacts with drug task forces and drug enforcement officers from Illinois and Missouri. In the past we have been able to help each other with tips, search warrants and arrests of persons perpetrating drug crimes.

**What is your mission statement and how do you achieve it?**

Each officer will be encouraged, empowered and assisted to implement problem solving in the Ballard County community. This is a commitment to excellence in service to the citizens in Ballard County. Citizen input will be a main ingredient of community mobilization for a modern, efficient community service agency. The partnership created between the sheriff's office and the community will benefit all Ballard County citizens. With the development and assistance of community contacts, we have established in the past 10 years, we have accomplished our mission statement by:

- taking citizen surveys of the county to obtain input on where we can focus our attention.
- publicizing through the Internet and newspaper media the need to report suspicious activity and

crime, no matter how small. Our calls for service have tripled from 1998 to 2007. We quit advertising the need to report, because the volumes of calls have become so heavy.

- getting out of our cars and into local stores and places has increased reporting as well.
- giving officers the time needed to work to the root of a problem when answering quality-of-life problems in the community
- being a Kentucky Law Enforcement Foundation Program Fund-certified agency, each officer in our department has become proficient in many law enforcement areas. With the increase in professional development, pay and morale have increased.

**Tell us about your working relationship with the Kentucky State Police?**

We were notified in the summer of 2004 about the possibility of assigning an officer to the Kentucky State Police Drug Enforcement Special Investigations Unit, a unit that investigates large drug trafficking sales, methamphetamine manufacturing and other illicit drug use and abuse. A position became available and we placed an officer on the unit in October 2004. Since the officer has been assigned, more than \$1.75 million in illegal drugs and assets have been seized during cases developed by our officer. This again shows how cooperation between agencies can help bring criminals to justice. J



## Chief Tom Haynes

Flatwoods Police Department

Tom Haynes is a graduate of Russell High School and attended Ashland Community College and Eastern Kentucky University. He and his wife, Doris, have been married for more than 18 years and have a daughter, Devra, 28, and a son, Logan, 25. Haynes is a member of the Kentucky Association of Chiefs of Police and the Kiwanis Club, and is an avid golfer.

**"Knowing I make a difference in my community gives me a satisfaction I could not have gotten in just about any other career."**

**Was law enforcement your first career path?**

Law enforcement was not my first choice for a career path. While growing up, my favorite television show was *Perry Mason*, and I wanted to become an attorney when I got out of school. After high school I decided I was not ready to commit the extra years necessary to become an attorney. My father worked at the local steel mill and I can remember him saying at the breakfast table that he hated to have to go to work. To his credit, he still went to work to provide for his family. I made myself a promise I would find a career where I looked forward to going to work every day. When I got into law enforcement, I fell in love with it. I actually look forward to going to work every day. I realized there was not much money to be made, but there are more important things in life than how much money you make. Knowing I make a difference in my community gives me a satisfaction I could not have gotten in just about any other career.

**What are your long term goals?**

The long-term goals I have for the police department are: putting mobile data terminals in all police vehicles (installed this year), providing TASERS to our officers, going through the accreditation process and re-implementing the home-fleet program. The home-fleet situation does not look promising with gas prices going through the roof right now. I certainly hope this will change, but I doubt it.

**How does the Flatwoods Police Department keep youth safe?**

Child safety is a priority with our police department. One of our area churches has a Child Safety Day, and we have an officer speak every year at this outing. We strictly enforce our curfew ordinance (12 a.m. to 5 a.m.) and are pro-active instead of

reactive with respect to juvenile crimes as well as crimes committed by adults. Many times during the year our officers speak at churches and schools on a myriad of subjects including child safety, home safety and school safety. Our officers train with school officials during lockdown drills to be prepared for any incident that could occur in our school system.

**As a member of the Kentucky Association of Chiefs of Police, what impact does KACP have on advancing law enforcement?**

As a member of KACP, I think the organization has a great impact on advancing law enforcement in Kentucky. KACP is a strong supporter of the accreditation program and lobbies our legislature for improvements in our laws. I have been going to Barren River for my Police Executive Command Courses through DOCJT. This has allowed me to network with the chiefs from western Kentucky and I find most of the problems we encounter in eastern Kentucky are the same in the west. I try to attend the KACP conference every year. They do an outstanding job in providing training appropriate to our positions within law enforcement during the conference.

**What is FADE, and how is your department involved?**

The Flatwoods Police Department was a founding member of the Fivco Area Drug Enforcement Task Force in 1988. We have continued to assign an officer to this task force each year. Without the help of FADE, I don't even want to think what our area would be like. It would be very difficult for each agency to attempt to control the drug problem. With a joint effort through five local agencies, we have had a lot of success, and FADE is ranked as one of the top task forces in Kentucky. J

## New Chiefs of Police Across the Commonwealth

### STEVEN HADDEN, ADAIRVILLE POLICE DEPARTMENT

Steven Hadden was appointed chief of the Adairville Police Department in January. He began his law enforcement career at the Logan County Sheriff's Office in 1995. Hadden also served the Russellville Police Department before coming to Adairville. His goals are to raise community awareness by community policing and having an open-door policy. He also plans to have a more proactive department.

### JAMES DAVIDSON, CUMBERLAND POLICE DEPARTMENT

James Davidson was appointed chief of the Cumberland Police Department on June 13. Davidson began his career in law enforcement 31 years ago with the Kentucky State Police as a trooper. After retiring from KSP in 1997, he served as the sheriff of Leslie County from 1999 through 2003. Davidson's primary goal is to make the Cumberland Police Department the best police department in the state.

### GUY HOWIE, HOPKINSVILLE POLICE DEPARTMENT

Guy Howie was appointed chief of the Hopkinsville Police Department on May 1. Howie comes to Hopkinsville from the Ocala Police Department, Florida, and has more than 28 years of law enforcement experience. He is a 2001 graduate from the FBI National Academy. Howie is a firm believer in community policing and looks forward to enhancing the quality of life in Hopkinsville and moving the department forward to be the best in Kentucky.

### ADAM CRUM, INEZ POLICE DEPARTMENT

Adam Crum was appointed chief of the Inez Police Department on May 21. He began his law enforcement career in

2003 with the Martin County Sheriff's Office. He looks forward to the department growing and serving the citizens of Inez for which he says are the greatest people and city to work.

### JAMES MATT SPARKS, MOREHEAD STATE UNIVERSITY POLICE DEPARTMENT

James Sparks became the chief of Morehead State University Police Department on April 21. Sparks has 22 years of law enforcement experience with most of his career spent with the Kentucky State Police. He served KSP in Ashland, Hazard and Frankfort, but the majority of his career was spent at Morehead, Post 8. Sparks' goals are to keep the ship moving toward where the former chief, Joe Cline, had it steering. He will also continue to maintain campus safety and continue to improve the working relations with faculty, staff and the student body of Morehead State University.

### CHARLES PARKS JR., PERRYVILLE POLICE DEPARTMENT

Charles Parks Jr., became the chief of the Perryville Police Department on May 1. Parks has 22 years of law enforcement experience. He served the U.S. Marine Corps for 6 1/2 years before taking a job with the Fayette County Sheriff's Office in 1978. Parks then became employed at the Danville Police Department, where he retired in 1999. His goals for the Perryville Police Department include helping the department grow and seeking grants to purchase new vehicles and equipment.

### JOSEPH RENZI, STRATHMOOR VILLAGE POLICE DEPARTMENT

Joseph Renzi was appointed chief of the Strathmoor Village Police Department on April 15. Before coming to Strathmoor Village, Renzi served the city of Graymoor-Devondale as its chief for 28 years. Renzi graduated from the University of Louisville in 1981, receiving a Bachelor of Science degree in Police Administration. He looks forward to keeping the people safe in his city and has initiated a foot and bike patrol with his officers. Renzi also looks forward to more house-watch programs. Last year Renzi was honored to be inducted into the Kenpo Hall of Fame for Chinese martial arts. ■



## Book Review

# PSYCHOLOGICAL ASPECTS OF CRISIS NEGOTIATION

by Thomas Strentz, CRC Press, Boca Raton, Fla., 2006

Reviewed by, Kris Bowerman, DOJT Network Analyst II

**W**hat is the role of a negotiator and a crisis negotiation team, and where does this individual and the team fit within the structure of a police department?

The preservation of human life and the successful resolution of a hostage crisis is the primary objective for the negotiator and negotiation team. Thomas Strentz's book, *Psychological Aspects of Crisis Negotiation*, is an excellent resource for command staff and crisis negotiation units. Strentz, an FBI agent and crisis negotiation instructor, has provided a five-part resource that defines the necessary fundamentals a negotiator must have to do his or her job.

The topics in Part I discuss the basic concepts of negotiation. What are the characteristics of an effective hostage and crisis negotiator? Strentz states that a negotiator should have five or more years experience in law enforcement, an ability to relate to people, training in suicide prevention, be a good listener and be adaptable. In addition, Strentz discusses the pros and cons of an agency cross-training negotiators and the use of non-law enforcement negotiators.

Chapter five outlines a crisis negotiation team as not being a one-man job because of what the job entails. Further, the author discusses the team concept in setting up or developing a crisis negotiation unit, explaining individual roles in the unit and how that unit works to accomplish the objective. Strentz points out that, ideally, a team should consist of a team commander with the equivalent rank

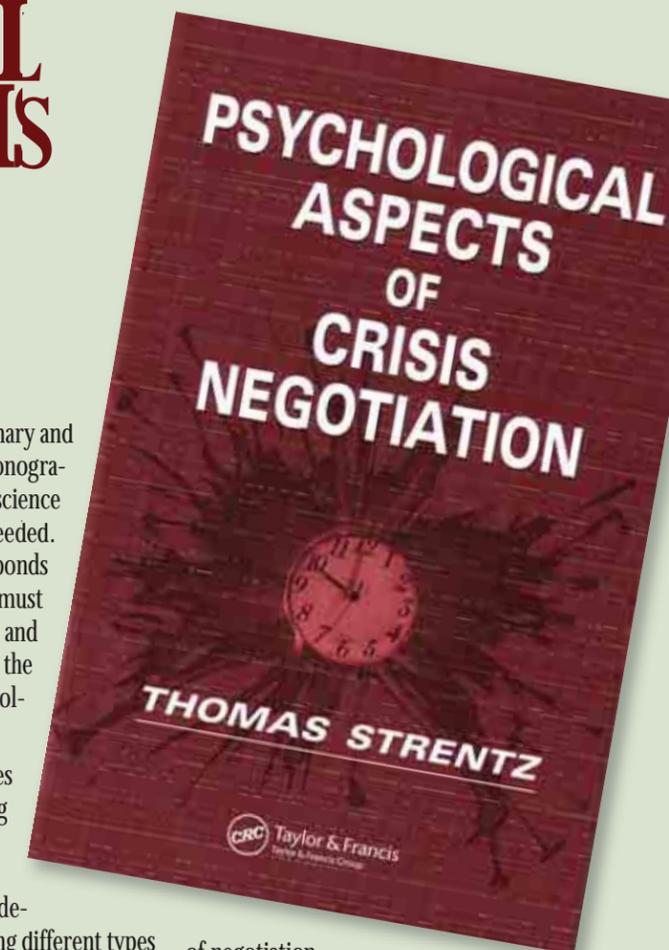
of a SWAT commander, primary and secondary negotiator, chronographer, technician, behavioral science expert and interpreter if needed. Just as a full SWAT team responds to a crisis, each negotiator must have the same personnel and training allocated to avoid the loss of life and millions of dollars in civil damages.

In Part II, Strentz describes how to react when dealing with certain hostage takers. He provides the resources for negotiators such as guidelines and rationale for handling different types of hostage takers.

With this in mind, in Part III Strentz discusses situational indicators as they pertain to subject surrender and volatile negotiations that involve the violent and suicidal. Using example cases, Strentz details the specific strategies that will aid the negotiator by providing a list of factors that have been associated with violence in hostage situations. He emphasizes the purpose of understanding predictors of violence during a hostage crisis.

Strenz compiles together examples from past cases and experiences, with both successful and tragic endings, with the hope that they will be used as learning tools to avoid repeat errors.

Part IV discusses group dynamics through examination of two highly publicized incidents in Waco, Texas and Ruby Ridge, Idaho. In addition, it looks at and gives creative criteria for constructive deviation for the guidelines



of negotiation. The function of group think, Stentz explains, is a means of seeking concurrence with, not the correctness of, the decision. Stentz states that when managers involve a knowledgeable group in the decision-making process, better recommendations are made than when one works alone.

Finally, Part V illustrates hostage issues such as the Stockholm Syndrome and what to communicate to a hostage. Stentz lists the type of hostage takers and gives the negotiator an overview of those who take hostages in order to better cope with the demands they might make.

While the negotiator will never know to what type of situation they are responding, Thomas Strentz's book *Psychological Aspects of Crisis Negotiation* is a valuable resource to have. It is equally useful for those in the field or those who are responsible for a negotiation team. J



# THE DEVIL IS IN THE DETAILS

Education and Experience Merge for Elizabethtown Detective During KCA Training

/Angela Townsend, Administrative Staff, Elizabethtown Police Department

Silence greeted investigators as they exited their vehicles in front of the two-story brick structure. The absence of childish voices and laughter would have testified to tragedy had school been in session and were the crisis a reality instead of a training exercise.

“Our team was called out to investigate a mass casualty murder suicide,” said Elizabethtown Police Detective Peter Chytla, one of 10 investigators who responded to the scene.

None of them had ever responded to a crime scene of this magnitude.

The scenario was staged at an abandoned Madison County elementary school. Mannequins had been posed throughout hallways and vacant rooms to represent victims of a school shooting. The investigators were responsible for processing the scene – photographing and sketching the site and identifying and collecting evidence that included blood, fibers, shell casings and the remnants of a detonated explosive

device. Each carefully documented step, every piece of evidence, held the potential to speak of what had been done, and by whom, in the school that day.

The assignment was one of many practical applications implemented by the 10 law enforcement officers and staff from across the state who comprised the inaugural class of the Kentucky Criminalistics Academy at the Department of Criminal Justice Training last September.

Chytla, a 12-year veteran of the Elizabethtown Police Department and a detective since 2001, participated in the intensive 10-week program. Training that might appear redundant for someone with his level of experience and knowledge proved far more than a review of basic information.

“Evidence processing, scene sketching, photography, all of it was much more in-depth than any course I had taken before,” he said. “KCA gave us the benefit of learning new techniques in the classroom and practicing those methods hands-on in the lab and in the field.”

CAD, or computer-aided design software, has been used by Elizabethtown police for years to produce accident reconstruction diagrams. A total station consisting of a transit and an electronic distance meter is used to survey the site and determine key points and positions. The investigator then enters this information into computer-design software to create accurate drawings of the scene.

At the KCA, Chytla used similar technology to map out a crime scene.

The KCA introduced investigations in a variety of fields the students had not previously encountered. Car bombs represented new territory for Chytla.

“We were divided into two five-person teams to investigate and reconstruct the post-blast scene,” he said.

Two vehicles were bombed. Students photographed each scene and conducted a grid search to find and collect evidence that would prove explosives had been used.

“We located a timer among all the shrapnel,” Chytla said. “The challenge was figuring out which pieces of debris came from the car, and which were fragments of the explosive device.”

Classroom instruction included profiles of bombers and discussions about prominent cases. An Alcohol, Tobacco, Firearms and Explosives agent who had worked on the scene of the

Oklahoma City bombing shared his experiences and knowledge with the class.

“The biggest thing I got from KCA was the experience and knowledge of the instructors. Their exposure to crime scenes, the things they have learned and the mistakes they have made, their willingness to share those experiences, helped us tremendously,” Chytla said.

Reading blood stains and blood spatters is comparable to interpreting a map created by a stranger who violated a human life. Mock-crime scenes in a series of rooms offered students some clarification of this obscure language. Bullets and blunt instruments, velocity and trajectory, were illustrated by instructors who struck blood bladders on mannequins and fired a variety of weapons of different calibers through blood-soaked sponges.

“I had had no formal training this extensive,” said Chytla. “I wish I could have had this training in the past, because I have worked a number of violent crimes in which this information would have been a tremendous benefit.”

Perhaps the most unique aspect of the KCA was the week students spent at the Forensic Anthropology Center, known informally as the Body Farm, at the University of Tennessee in Knoxville.

It was 70 degrees and sunny, one of those lovely autumn days the Ohio Valley might advertise on a postcard, when KCA students walked through a gate in a chain link fence capped with a tangle of razor wire and passed through a second gateway in a wooden privacy fence.

“It was surreal,” Chytla said. “Some bodies lay in plain sight. Some were nothing more than bones. And some had been buried for a long time.”

Dr. William Bass, founder of the FAC, met with the class for an initial presentation.

“Dr. Lee Jantz and her staff introduced us to forensic anthropology,” Chytla said. “We talked about entomology. We learned how to determine age, stature, sex and ancestry from human bones and how to recognize signs of trauma and disease.”

Students handled skulls and bones in a lab, seeing for themselves how deceptive appearances and impressions can be to the inexperienced responder. One of these skulls had suffered significant damage that might have been the result of a fatal blow to the person’s head. Cancer was revealed to have been the true culprit. Students

also learned that weathered bones scattered across the surface of the ground can look so much like rocks and twigs that the untrained eye will glance right over them.

The class then moved from the lab to the field for practical exercises.

“It was an eye opener,” Chytla said. “It is a long and painstaking process to exhume a body.”

Investigators have numerous means at their disposal with which to look for disturbances in the soil that, even more than 10 years after a body is placed in the ground and covered over, will indicate a possible burial site. Once a grave is identified, investigators mark the perimeter, rake the surface, and prepare to excavate. Brushes are used instead of shovels to preserve bones and other evidence from further damage. With all of the student’s senses engaged, education becomes experience.

“There is a certain smell that accompanies death,” Chytla said. “Once you experience it, you never forget it. I have worked several death investigations where the deceased were in various stages of decomposition. This training brings all of those elements together.”

Chytla said his experiences with the KCA have influenced the way he approaches an investigation.

“As a police officer, you respond to a call, take care of business, and move on to the next call quickly,” he said. “Investigative work takes more time and attention. Going through the KCA has encouraged me to slow down even more and to take a closer look at details, especially at those types of evidence that aren’t always visible to the naked eye.”

Since graduating from the KCA in November 2007, Chytla has applied new techniques while processing a number of burglaries and a homicide.

“KCA training has made these scenes a lot clearer,” he said. “We had excellent instructors who were willing to use the benefit of their experience to make us aware of what to do and what not to do. I commend the Department of Criminal Justice Training and the Kentucky Criminalistics Academy for creating an outstanding training program.” J

◀ Detective Chytla sets up a cyanoacrylate, or Crazy Glue fuming chamber, to recover fingerprints during a recent investigation.

# 2007-08 Supreme Court Updates

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

**T**he Kentucky Department of Criminal Justice Training provides the following case summaries for information purposes only. As always, please consult your agency's legal counsel for the applicability of these cases to specific situations. This summary may be copied, for educational purposes only, with attribution to DOCJT.

A longer summary of each of these cases may be found on the DOCJT Web site at <http://docjt.ky.gov/legal>. Full text of the cases may be found at <http://www.findlaw.com/cascode/supreme.html>. Please note, the latest cases in this summary have not yet been assigned official citations.

## **Danforth v. Minnesota** 128 S.Ct. 1029 (2008)

**ISSUE:** May states make the *Crawford* rule retroactive in state proceedings, even though it is not retroactive under federal law?

**HOLDING:** At the outset, the Court noted that the passage of the 14th Amendment, in 1868, applied the provisions of the Bill of Rights to the states. In the years since, the Court has addressed various cases concerning the Sixth Amendment, including the "basic ... right of confrontation." With respect to retroactive application, however, the Court found it necessary to determine "whether a violation of the right that occurred prior to the announcement of the new rule will entitle a criminal defendant to the relief sought." The "serial incorporation of the amendments in the Bill of Rights during the 1950s and 1960s imposed more constitutional obligations on

the states and created more opportunity for claims that individuals were being convicted without due process and held in violation of the Constitution." Until 1965, however, the Court construed "every constitutional error, including newly announced ones, as entitling state prisoners to relief on federal habeas." In that year, however, the Court ruled that "the retroactive effect of each new rule should be determined on a case-by-case basis by examining the purpose of the rule, the reliance of the states on the prior law, and the effect on the administration of justice of retroactive application of the rule."<sup>1</sup> Finally, in *Teague*, the Court ruled that retroactivity would not be the general rule, and that new rules would not be applied to "those cases which have become final before the new rules are announced." One of only two exceptions to that general rule would be for "'watershed' rules that 'implicate the fundamental fairness of the trial.'"

This decision, however, did not address whether the states might "provide remedies for a broader range of constitutional violations than are redressable on federal habeas." In some cases following upon this decision, the state courts chose to give retroactive effect to various federal decisions. The Court concluded that its precedent did "not in any way limit the authority of a state court, when reviewing its own state criminal convictions, to provide a remedy for a violation that is deemed 'non-retroactive' under *Teague*."

The Court ruled that Minnesota was "free to reinstate its judgment disposing of the petition for state post-conviction relief."

## **Virginia v. Moore** 128 S.Ct. 1598 (2008)

**ISSUE:** Is an arrest made upon probable cause unlawful under federal law if the state in which the arrest is made would not permit the arrest on other grounds?

**HOLDING:** After reviewing the history of the Fourth Amendment in respect to arrest, the Court noted that:

In a long line of cases, we have said that when an officer has probable cause to believe a person committed even a minor crime in his presence, the balancing of private and public interests is not in doubt. The arrest is constitutionally reasonable.

Although the Court said states are "free 'to impose higher standards on searches and seizures than required by the Federal Constitution,'" whether a particular action is valid "within the meaning of the Fourth Amendment" has never been dependent "on the law of the particular state in which the search occurs."

Moore also argued that even if the arrest was lawful, the subsequent search was not. The Court noted, however, that it had "recognized ... that officers may perform searches incident to constitutionally permissible arrests in order to ensure their safety and safeguard evidence."<sup>2</sup> The Court agreed that it "equated a lawful arrest with an arrest based upon probable cause" even though state law may define that differently. Since the officers in this case actually placed Moore in physical arrest and custody, they faced the

same risks that other officers making an arrest might encounter. As such, the Fourth Amendment does not demand the exclusion of the evidence in this case.

The Virginia Supreme Court decision was reversed, and the case remanded for further proceedings.

*NOTE: To emphasize, this case held that the arrest and subsequent search could not be overturned on Fourth Amendment (federal) grounds. This leaves open the argument that the arrest and subsequent search might be ruled unlawful on state grounds. Logically, if the arrest is overturned on state grounds as an invalid arrest, the arrested party would also not be successful in filing a federal lawsuit under 42 U.S.C. §1983 on the grounds of an unlawful arrest and/or search.*

## **U.S. v. Williams** 128 S.Ct. 1830 (2008)

**ISSUE:** May an officer charge (under federal law) for pandering (offering or requesting) child pornography even when the item may not actually exist?

**HOLDING:** The Court began its opinion by noting that it had "long held that obscene speech – sexually explicit material that violates fundamental notions of decency – is not protected by the First Amendment."<sup>3</sup> However, the Court agreed that it was also important to "protect explicit material that has social value" and as such, it had "limited the scope of the obscenity exception" and "overturned convictions for the distribution of sexually graphic but non-obscene material."<sup>4</sup> In addition, the Court has addressed the "related and overlapping category of proscribable speech, child pornography."<sup>5</sup> The Court has previously ruled that "a statute which proscribes the distribution of all child pornography, even material that does not qualify as obscenity, does not on its face violate the First Amendment" and that the "government may criminalize the possession of child pornography, even though it may not criminalize the mere possession of obscene material involving adults."<sup>6</sup>

With respect to the statute at issue, the Court noted that the "broad authority to

proscribe child pornography is not, however, unlimited." In *Ashcroft v. Free Speech Coalition*, the Court had found two provisions of the Child Pornography Protection Act (CPPA) of 1996<sup>7</sup> to be "facially overbroad." First, it reversed the provision that banned the possession and/or distribution of materials that depicted what appears to be minors engaged in sexual activity, even if, in fact, the actors were "only youthful-appearing adults or virtual images of children generated by a computer," since "the child-protection rationale for speech restriction does not apply to materials produced without children." Second, it overturned the provision that "criminalized the possession and distribution of material that had been pandered as child pornography, regardless of whether it actually was that," which meant that someone who was in possession of "unobjectionable material that someone else had pandered" as child pornography could be prosecuted.

Because of that earlier opinion, Congress had revisited the issue and produced the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today (PROTECT) Act of 2003.<sup>8</sup> 18 U.S.C. §2252A was modified to add a new provision relating to pandering and solicitation. It is under this new section (referred to as 503<sup>9</sup>) that Williams was charged, and has appealed. The Court concluded that it was obvious in the enactment of this provision that "Congress was concerned that limiting the child-pornography prohibition to material that could be *proved* to feature actual children ... would enable many child pornographers to evade conviction."<sup>10</sup> The Court stated that the "emergence of new technology and the repeated re-transmission of picture files over the Internet could make it nearly impossible to prove that a particular image was produced using real children" although at the current time the creation of realistic virtual images is "prohibitively expensive."

The Court first looked at the re-enacted provision to analyze if it was constitutionally overbroad. The Court noted that the statute in question "prohibits offers to provide and requests to obtain child pornography," but

does not "require the actual existence of child pornography." The statute has a mental state (scienter) of "knowingly." The "string of operative verbs" listed in the statute can be "reasonably read to have a transactional connotation" and "penalizes speech that accompanies or seeks to induce a transfer of child pornography – via reproduction or physical delivery – from one person to another." The Court concluded this would include both commercial and non-commercial (such as trade, barter or gift) transactions. Further, the revised statute requires both a subjective and objective belief that the material is child pornography, based upon how the material is described. Finally, the conduct depicted must be sexually explicit, rather than suggestive, but might include simulated sexual conduct, and must involve "actual children."

In the second part of the analysis, the court examined whether the statute criminalized "a substantial amount of protected expressive activity." The Act does not prohibit the "abstract advocacy of illegality" – child pornography – only the specific "offers to provide or requests to obtain it." The court found that the "pandering and solicitation made unlawful by the Act are sorts of inchoate crimes – acts looking toward the commission of another crime, the delivery of child pornography" and equated to "other inchoate crimes – attempt and conspiracy, for example – [in which the] impossibility of completing the crime because the facts were not as the defendant believed is not a defense." For this statute to apply, the "defendant must believe that the picture contains certain material, and that material in fact ... must meet the statutory definition."

The Court further found that the statute was not so vague as to void it. The Court concluded:

Child pornography harms and debases the most defenseless of our citizens. Both the state and federal governments have sought to suppress it for many years, only to find it proliferating through the new medium of the Internet. This Court held unconstitutional Congress's previous attempt to



meet this new threat, and Congress responded with a carefully crafted attempt to eliminate the First Amendment problems we identified. As far as the provision at issue in this case is concerned, that effort was successful.

The 11th Circuit decision was reversed, and the current version of the PROTECT law was upheld.

**Rothgery v. Gillespie County, Texas**  
--- S.Ct. --- (2008)

**ISSUE:** When does the right to counsel attach in a criminal case?

**HOLDING:** The Court began its discussion by noting that it had – “for purposes of the right to counsel, pegged commencement to ‘the initiation of adversary judicial criminal proceedings – whether by way of formal charge, preliminary hearing, indictment, information or arraignment.’”<sup>11</sup> In this case, the Texas trial courts, as a matter of practice, did not assign appointed defense counsel to a defendant until they were indicted, and in this case, this left the defendant, Rothgery, in legal limbo and without counsel, for more than six months between his initial appearance upon his arrest and his indictment. (Once he was indicted and appointed counsel, his attorney quickly was able to prove there was a mistake and the case against him was promptly dismissed.)

The Court found that the lower Texas state courts had “effectively focused not on the start of adversarial judicial proceedings, but on the activities and knowledge of a particular state official who was presumably otherwise occupied.” The Court found this to be in error. Instead, the Court looked to its decisions in Brewer v. Williams<sup>12</sup> and Michigan v. Jackson,<sup>13</sup> both of which held that the “right to counsel attaches at the initial appearance before a judicial officer.” No matter the actual name for that proceeding, it is “generally the hearing at which ‘the magistrate informs the defendant of the charge in the complaint, and of various rights in further proceedings,’ and ‘determine[s] the conditions for pretrial release.’” Clearly, the hearing in question in this case, a 15.17<sup>14</sup>

hearing, is an initial appearance.

The Court noted that Rothgery alleges that he was unable to find a job after his arrest because potential employers “knew or learned of the criminal charge pending against him.” The Court found it fair to assume “that those potential employers would still have declined to make job offers if advised that the county prosecutor had not [yet] filed the complaint.”

The Court concluded that its holding in this case was narrowly focused and “merely reaffirm[ed] what [the Court] ha[d] held before and what an overwhelming majority of American jurisdictions understand in practice: a criminal defendant’s initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction, marks the start of adversary judicial proceedings that trigger attachment of the Sixth Amendment right to counsel.” The case was remanded back to the lower courts for further consideration of whether the delay resulted in prejudice to Rothgery.

**Giles v. California**  
--- S.Ct. --- (2008)

**ISSUE:** May testimonial statements made by deceased subjects some time prior to their murder, be admitted against the suspect in their murder, when there is no evidence the murder was committed to prevent them from testifying against the suspect?

**HOLDING:** First, the Court accepted, as did California, that Avie’s statements to the officer were testimonial. To decide the case, however, the Court asked “whether the theory of forfeiture by wrongdoing accepted by the California Supreme Court is a founding-era exception to the confrontation right.”

The Court had previously accepted “two forms of testimonial statements” as admissible – one being those “declarations made by a speaker who was both on the brink of death and aware that he was dying” and the other being the statements made by a witness “who was ‘detained’ or ‘kept away’ by the ‘means or procurement of the defendant.’”<sup>15</sup> The Court engaged in a lengthy discussion of the meaning of various terms used

in such cases, with the intended purpose to determine whether an intentional murder of the witness was “conduct *designed* to prevent the witness from testifying.” From that series of cases, the Court concluded that “[i]n cases where the evidence suggested that the defendant had caused a person to be absent, but had not done so to prevent the person from testifying – as in the typical murder case involving accusatorial statements by the victim – the testimony was excluded unless it was confronted or fell within the dying-declaration exception.”

The Court concluded that to permit the admission of the statement would, in effect, overrule Crawford and would lead back to the adoption of “an approach not much different from that in Ohio v. Roberts.<sup>16</sup> It noted that the “common-law forfeiture rule was aimed at removing the otherwise powerful incentive for defendants to intimidate, bribe and kill the witnesses against them ....”

Because the California trial courts did not consider Giles’s intent in killing Avie, the Court declined to rule on that aspect of the case. Giles’s conviction was vacated, and the case remanded back for further proceedings, including the possibility that his intent in killing Avie was to prevent her from testifying against him.

**Kennedy v. Louisiana**  
--- S.Ct. --- (2008)

**ISSUE:** May an individual convicted of child rape be subjected to the death penalty?

**HOLDING:** The Court reviewed the history of the Eighth Amendment with respect particularly to capital punishment. In 1972, in Furman v. Georgia, the Court invalidated most state statutes that had existed prior to that year which authorized the death penalty for rape and other non-homicide crimes. Following that year, several states, including Louisiana, reenacted its law authorizing capital punishment for all rape, but that was modified to only apply to child rape. (Specifically, six states that authorized the death penalty at all had the death penalty for child rape and 30 did not) In precedent, the Court had ruled that the death penalty must “be

limited to those offenders who commit ‘a narrow category of the most serious crimes’ and whose extreme culpability makes them ‘the most deserving of execution.’”<sup>17</sup> Further, in Coker v. Georgia, the Court had ruled that the death penalty was unavailable for the rape of an adult woman.<sup>18</sup>

The Court also recognized that there are “serious systemic concerns in prosecuting the crime of child rape that are relevant” – specifically the “problem of unreliable, induced and even imagined child testimony means there is a ‘special risk of wrongful execution’ in some child rape cases.” The Court mentioned the studies that concluded that “children are highly susceptible to suggestive questioning techniques like repetition, guided imagery and selective reinforcement” – “even on abuse-related questions.” Also, the fact that child rape and sexual abuse are believed to be dramatically underreported means that the availability of the death penalty for the crime “may not result in more deterrence or more effective enforcement.”

Finally, “by in effect making the punishment for child rape and murder equivalent, the state that punishes child rape by death may remove a strong incentive for the rapist not to kill the victim.” Although “[e]ach of these propositions, standing alone, might not establish the unconstitutionality of the death penalty for the crime of child rape,” that “[t]aken in sum, however, they demonstrate the serious negative consequences of making child rape a capital offense.”

The Court ruled that:

Based both on consensus and our own independent judgment, our holding is that a death sentence for one who raped but did not kill a child, and who did not intend to assist another in killing the child, is unconstitutional under the Eighth and 14th amendments.

**District of Columbia v. Heller**  
--- S.Ct. --- (2008)

**ISSUE:** Is there an individual constitutional right to possess a firearm in one’s home?

**HOLDING:** Yes. The U.S. Supreme Court reviewed the history of the Second Amend-

ment, and the history of ownership of firearms, including handguns, in the United States. The Court also used amicus<sup>19</sup> briefs provided by historical linguistic experts in reaching its decision, to determine the usage of language at the time of the Second Amendment. After extensive examination, the Court concluded that the Second Amendment guarantees “the individual right to possess and carry weapons in case of confrontation” – separate and apart from any membership in a militia. The court noted:

... history showed that the way tyrants had eliminated a militia consisting of all the able-bodied men was not by banning the militia but simply by taking away the people’s arms, enabling a select militia or standing army to suppress political opponents.

Turning to the specific issue presented in this case, the Court found that “the inherent right of self-defense has been central to the Second Amendment right.” The D.C. ban prohibited the precise type of weapon “overwhelmingly chosen by American society for that lawful purpose.”

The Court concluded:

Undoubtedly some think that the Second Amendment is outmoded in a society where our standing army is the pride of our nation, where well-trained police forces provide personal security and where gun violence is a serious problem. That is perhaps debatable, but what is not debatable is that it is not the role of [the] Court to pronounce the Second Amendment extinct.

The Court found the D.C. law to be unconstitutional, and ordered that the District “permit [Heller] to register his handgun and ... issue him a license to carry it in the home.” The Court agreed, however, that the right to keep and bear arms was not unlimited, and upheld “longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or law-imposing conditions and qualifications on the commercial sale of arms.” J

<sup>11</sup>Linkletter v. Walker, 381 U.S. 618 (1965).

<sup>12</sup>See U.S. v. Robinson, 414 U.S. 218 (1973).

<sup>13</sup>See Roth v. U.S., 354 U.S. 476 (1957).

<sup>14</sup>Miller v. California, 413 U.S. 15 (1973); Jenkins v. Georgia, 418 U.S. 153 (1974).

<sup>15</sup>Ashcroft v. Free Speech Coalition, 535 U.S. 234 (2002); Osborne v. Ohio, 495 U.S. 103 (1990); New York v. Ferber, 458 U.S. 747 (1982).

<sup>16</sup>Stanley v. Georgia, 394 U.S. 557 (1969).

<sup>17</sup>P.L. 104-208.

<sup>18</sup>P.L. 108-21.

<sup>19</sup>The relevant portion of the statute reads:

Any person who –  
“(a) knowingly –  
“(3) advertises, promotes, presents, distributes or solicits through the mail, or in interstate or foreign commerce by any means, including by computer, any material or purported material in a manner that reflects the belief, or that is intended to cause another to believe, that the material or purported material is, or contains – an obscene visual depiction of a minor engaging in sexually explicit“(i) conduct; or a visual depiction of an actual minor engaging in sexually explicit“(ii) conduct.  
\*shall be punished as provided in subsection (b).” §2252A(a)(3)(B).

<sup>19</sup>Emphasis in original.

<sup>11</sup>U.S. v. Gouveia, 467 U.S. 180 (1984); Kirby v. Illinois, 406 U.S. 682 (1972).

<sup>12</sup>430 U.S. 387 (1977).

<sup>13</sup>475 U.S. 625 (1986).

<sup>14</sup>This is the number of the court rule in Texas that applies to this type of hearing.

<sup>15</sup>The Court cited to a series of old English common law cases dating as far back as 1666.

<sup>16</sup>448 U.S. 56 (1980).

<sup>17</sup>Roper v. Simmons, 543 U.S. 551 (2005), regarding juveniles; Atkins v. Virginia, 536 U.S. 304 (2002) regarding the mentally retarded.

<sup>18</sup>433 U.S. 584 (1977).

<sup>19</sup>Amicus curiae – “friend of the court” – are those briefs submitted by non-parties to a case to assist the court by offering specialized information about a particular point in a case.

# Off Inchoate Offenses.

## The Forget-Me-Not Charges

/Kevin McBride, Staff Attorney, DOCJT Legal Section

Let's talk about inchoate offenses. You may be asking, incho-what offenses? The word inchoate literally means in an initial or early stage.<sup>1</sup> Essentially, an inchoate offense is one that has begun but remains, for whatever reason, unfinished or incomplete. That is, the underlying offense never quite makes it to the result sought or intended by the offender. These crimes are often forgotten charges because they easily can be overlooked. This may happen in a variety of situations and for various reasons.

In Kentucky, inchoate offenses include solicitation, conspiracy, attempt and facilitation and are located in Chapter 506 of the Kentucky Revised Statutes. Although facilitation is lumped in as an inchoate offense, it actually requires a completed crime and therefore is not a true inchoate offense.

Why even bother charging someone with an offense when the offense has not been completed? Would that not be charging someone for a crime that never happened? Actually, sanction(s) or punishment is imposed for inchoate offenses because the defendant has the culpable mental state to commit a crime and has essentially performed every required act. He is simply un-

successful. In other words, the defendant's failure was not for a lack of trying.

It may help in understanding the inchoate offenses if you think of them generally in the following ways:

solicitation as asking  
conspiracy as agreeing  
attempt as trying  
facilitation as helping

### **Criminal solicitation (asking)**

What comes to mind when you hear the word, solicitation? Many people think of prostitution or some other kind of sex offense. This can help in understanding criminal solicitation because generally, when soliciting for purposes of prostitution, one person is asking another person to engage in sexual conduct in exchange for money. According to KRS 506.030 "a person is guilty of criminal solicitation when, with the intent of promoting or facilitating the commission of a crime, he commands or encourages another person to engage in specific conduct, which would constitute that crime or an attempt to commit that crime or which would establish the other's complicity in its commission or attempted commission." So basically, criminal solicitation in the inchoate sense is one

person asking, requesting, encouraging or commanding another person to engage in conduct that would constitute a crime or an attempt to commit a crime.

### **Criminal conspiracy (agreeing)**

According to KRS 506.040, in order to be guilty of conspiracy, "a person having the intention of promoting or facilitating the commission of a crime agrees with one or more persons that at least one of them will engage in conduct constituting that crime or an attempt or solicitation to commit such a crime or agrees to aid one or more persons in the planning or commission of that crime or an attempt or solicitation to commit such a crime." The statute makes it appear that once the agreement is reached, the offense has been committed. However, KRS 506.050(1) adds the requirement that "no person may be convicted of conspiracy to commit a crime unless an overt act in furtherance of the conspiracy is alleged and proved to have been committed by one of the conspirators." This means that any act done to help or advance the conspiracy will be sufficient to establish the overt act. Therefore, the linchpins of conspiracy are an agreement between two or more people and an overt act committed by one of them in furtherance of the conspiracy.

### **Criminal attempt (trying)**

An attempt to commit a crime is just that, a failed or unsuccessful effort. Attempt is the closest a person can come to completing a crime without actually succeeding. Think of attempt as trying to do something but coming up just short of your goal.

There are three ways for someone to commit an attempt. First, is by intentionally engaging in conduct, which would constitute the crime if the attendant circumstances were as the defendant believes them to be.<sup>2</sup> One example of this is a defendant trying to steal a person's wallet from that person's coat pocket but the pocket is empty. Another example is a defendant thinking a person is a government official and trying to bribe them when the person is not an official at all.

Second, by intentionally doing or omitting to do something which, under the circumstances as he believes them to be, is a substantial step in a course of conduct planned to culminate in the commission of the crime.<sup>3</sup> The substantial step element ensures that persons are not punished for equivocal or innocent conduct. The substantial step element requires that there be no reasonable doubt as to the defendant's intentions.<sup>4</sup>

Finally, a person is guilty of a criminal attempt when he engages in conduct intended to aid another person to commit a crime, even though the crime is not committed or attempted by that other person, as long as his conduct would establish complicity under KRS 502.020 if the crime were committed by the other person.<sup>5</sup>

### **Criminal facilitation (helping)**

Criminal facilitation involves providing the means or opportunity for another person to commit a crime with knowledge that the person is going to commit a crime.<sup>6</sup> The individual providing the means or opportunity does not necessarily intend for the crime to be committed, he simply provides the means or opportunity with the knowledge that the recipient will commit a crime with what he has provided. A good example of this is that of a gun dealer who sells a shotgun to a customer whom he knows is going to use it to hunt illegally. The customer uses the shotgun to hunt illegally but also uses the shotgun to murder his wife. The

gun dealer would be guilty of facilitating the illegal hunting because he knew the customer was going to hunt illegally and provided him with the means to accomplish it, but the gun dealer would not be guilty of facilitating the murder because he had no knowledge of the customer's intent to kill his wife.

### **Defenses**

The defense of renunciation is available for the offenses of solicitation, conspiracy and attempt as long as it is a voluntary and complete renunciation of criminal purpose and the defendant abandoned his effort to commit the crime.<sup>7</sup> It is not a renunciation if the defendant abandons his attempt only because of a risk of being caught or detected. Abandoning the crime due to the risk of being caught or detected is more akin to a rescheduling than a renunciation.

### **Conclusion**

It is possible to forget about inchoate offenses when a completed offense has happened right in front of you. However, inchoate offenses should be kept in mind since it is also possible that one of them may be applicable. Inchoate offenses should be considered in circumstances when a suspect has taken all the actions necessary to commit a crime but has been unsuccessful (attempt), or when it is apparent that the suspect intended that a crime be committed and he encouraged another to complete it (solicitation), or entered into an agreement with at least one other person that one of them would commit or attempt to commit a crime (conspiracy).

The inchoate statutes are a valuable charging tool for law enforcement and prosecutors. Without them, suspects would only be accountable for crimes actually completed. Unsuccessful offenders would go unpunished even though they had actively pursued the commission of a criminal offense and demonstrated the dangerousness of mind needed to commit a crime. Inchoate statutes help protect society by punishing offenders who have manifested all the actions and thought processes needed to complete a crime, but due to circumstances, failed. Make their failure your success by using the inchoate offenses to bring them to justice. J

*The American Heritage® Dictionary of the English Language, Fourth Edition* Houghton Mifflin Company, 2004. 23 Jan. 2008. <Dictionary.com http://dictionary.reference.com/browse/inchoate>

<sup>1</sup>Kentucky Revised Statutes 506.010(1)(a).

<sup>2</sup>Kentucky Revised Statutes 506.010(1)(b).

<sup>3</sup>Kentucky Revised Statutes 506.010(2).

<sup>4</sup>Kentucky Revised Statutes 506.010(3).

<sup>5</sup>Kentucky Revised Statutes 506.080.

<sup>6</sup>See Kentucky Revised Statutes 506.020 and 506.060.

# CASTLE DOCTRINE

## Brings Change to Kentucky's Justification of Force Law

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In 2006, the Kentucky General Assembly adopted a version of what is commonly known as the Castle Doctrine, addressing a person's right to the use of force. The Castle Doctrine has widely been supported across the country, and variations of it have been adopted in many other states.

This legislation made a number of changes to KRS Chapter 503 regarding the justification of use of force. The Castle Doctrine has been somewhat problematic in that the General Assembly did not completely reconcile the language of the model law, which had been used in other states, with the existing law in Kentucky when it adopted provisions of that model law. While some of the changes arguably should have no significant impact on the state of the law and law enforcement, certain changes may prove to be very significant. Depending upon how they are applied in the courts, they could have great impact and also may expose officers to civil liability for making arrests in certain cases.

Despite having been in effect for two years, anecdotal evidence indicates that many Kentucky law enforcement officers are unaware of these changes in the law and of their potential liability.

### Justification

Chapter 503 sets forth who is justified in using what otherwise would be unlawful force, how much they may use and under what circumstances they may use it. The chapter generally applies to all persons in the commonwealth.

The legal defense of justification in the event that any person is charged with an offense alleging an unlawful use of force, is addressed in KRS 530.020. When a person is claiming the justification defense, they do not deny they used force. Rather, they admit the use of force, but claim they are justified under the circumstances. If the court agrees that they were justified, they are acquitted of the charge.

In addition to the provisions permitting force, including deadly force, to defend oneself or another, KRS 503.090 provides law enforcement officers with the ability to use physical force, including deadly physical force, to make an arrest or capture a dangerous, violent subject. It was not amended by the Castle Doctrine.

The overall intent of the Castle Doctrine is to broaden and clarify the range of situations in which a person threatened with unlawful force would be justified in responding with deadly force. The doctrine also makes it more difficult to prosecute or bring a lawsuit against an individual who claims justification in using deadly force.

Two definitions were added to KRS 503.010 as a result of the Castle Doctrine, and the definition of "dwelling" in subsection 2 was modified. The definition of dwelling now "means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night." This change does not specify that the

structure actually be occupied, only that it must be able to be occupied by people overnight.

A definition for "residence" was added – "a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest." This broadens the prior provision that presumed that an individual could only use deadly force to defend their own dwelling.

The final definition added is that of "vehicle," which states it is "a conveyance of any kind, whether or not motorized, which is designed to transport people or property." This would cover automobiles, boats, aircraft, buses, trains and anything propelled by muscle power, which would include animal drawn vehicles and bicycles.

### Self-protection

The use of physical force in self protection is provided for in KRS 503.050. Subsection 2 provides for justification in using deadly force in self-protection. As modified by the Castle Doctrine, it reads as follows, with the changes underlined:

The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that such force is necessary to protect himself against death, serious physical injury, kidnapping, or sexual intercourse compelled by force or threat, felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055.

Two circumstances have been added un-

der which a person may be justified in using deadly force for self-protection. The first is if the defendant believes he or she is being threatened with a felony involving the use of force.

This broad language includes felonies in which the person may or may not be in danger of death or serious physical injury. These would include, but not be limited to, second-degree assault, third-degree assault, first-degree sexual abuse, first-degree robbery, second-degree robbery and assault of a sports official.

In all of these crimes, the victim might perceive himself to be in danger of death, serious physical injury, kidnapping or forcible sexual intercourse, and would have been justified under both the Castle Doctrine and the prior version of the law in using deadly force for self-protection. The Castle Doctrine language arguably extends the justification to use deadly force in self-protection against such forcible felonies, even when the victim perceives no danger of death or serious physical injury to himself.

### Defensive force

KRS 503.055, which addresses the use of defensive force, is a significant, but potentially confusing, addition to Chapter 503. To a certain degree, however, it is redundant, merely restating justifications already set forth elsewhere in the chapter.

One issue it creates is that it uses the term "great bodily harm," but provides no definition for the phrase. The term "serious physical injury" is defined in KRS 500.080(15) as "physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ." Physical injury is defined in KRS 500.080(13) as "substantial physical pain or any impairment of physical condition."

The courts will have to apply some meaning to the term "great bodily harm." Logically, it cannot mean exactly the same thing as the definition of serious physical injury,

although, in states that use that phrase, it is obvious the meaning is essentially the same. Kentucky law presumes the use of different phrases or terms to indicate different meanings. Since one aspect of serious physical injury is that a person could die as a result of it, logically there is no injury more serious than that.

Furthermore, since physical injury covers any impairment of physical condition, however minor, that is presumably the lowest level of harm. The use of the word "great" in the term plainly intends a significant injury. Therefore, great bodily harm may be interpreted by the courts to mean some level of injury between physical injury and serious physical injury.

What the courts may conclude great bodily harm means could greatly affect which uses of force are found to be justified and which are not.

### Reasonable fear

KRS 503.055(1) states that:

[a] person is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:

(a) The person against whom the defensive force was used was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered a dwelling, residence, or occupied vehicle or if that person has removed or was attempting to remove another against that person's will from the dwelling, residence or occupied vehicle; and (b) The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry was occurring or had occurred.

The next subsection of that statute sets forth exceptions to the above presumption. In these exceptions, the person using force will not have the benefit of presumption if the person against whom the defensive force was used falls into one of the categories listed in subsection 2.

These categories include (a) a person who

"has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee or titleholder," and there is no domestic violence order or pretrial release order or any sort of no contact order; (b) "[t]he person sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used"; (c) the actor using defensive force is engaged in unlawful activity or using the dwelling, residence or vehicle to further an unlawful activity; or (d) the person against whom the defensive force is used is a peace officer "who enters or attempts to enter a dwelling, residence, or vehicle in the performance of his or her official duties, and the officer identified himself or herself in accordance with any applicable law or the person using force knew or reasonably should have known that the person entering or attempting to enter was a peace officer."

### No duty to retreat

A person who is not engaged in any sort of unlawful activity who is attacked in any place he has a lawful right to be, does not have a duty to retreat and may stand his ground and meet force with force, according to KRS 503.055(3). This includes the right to use deadly force if he or she "reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another, or to prevent the commission of a felony involving the use of force."

This codifies and elaborates upon what Kentucky case law generally held, which was that there was no duty to retreat when confronted by a threat. However, it did not add anything to the existing state of the law in Kentucky regarding a person having no duty to retreat in self-protection.

In *Gibson v. Commonwealth*, the Court of Appeals of Kentucky, then Kentucky's highest court, held that a self defense instruction to a jury was wrong because it included language that they had to find the defendant had no reasonable means of escaping in order to claim justified self defense. The Court stated: "It is the tradition that a Kentuckian never





runs. He does not have to.”

Subsequent cases generally have upheld the “no duty to retreat” ruling, but did not require it to be included in jury instructions when a defendant claimed to be acting in self-protection.

The fourth subsection addresses burglars, stating that “[A] person who unlawfully and by force enters or attempts to enter a person’s dwelling, residence or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence.”

This subsection codifies and broadens the existing presumption regarding burglars, their presumed felonious intent and the clear and present danger they pose to the occupants of the dwelling. Deadly force was thus justified in dealing with the burglar. The language of subsection 4 applies the presumption of danger to any forcible intruder in a dwelling, residence or occupied vehicle.

#### Protection of another

KRS 503.070, Protection of Another, also was amended by the Castle Doctrine. Subsection 2 addresses use of deadly force as it relates to protection of another. The same language that was added to KRS 503.050(2) was added to KRS 503.070(2)(a). That paragraph now reads “[T]he defendant believes that such force is necessary to protect a third person against imminent death, serious physical injury, kidnapping, sexual intercourse compelled by force or threat or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055.”

The impact of these changes in 503.070(2) is the same as discussed for 503.050(2). The requirement in KRS 503.070(2)(b), that deadly force is only permitted when under the circumstances as they actually exist the person whom the defendant sought to protect would have been justified in using such protection, was not changed. Subsection 3 of this statute also provides that a person has no duty to retreat if he or she is in a place where they have a right to be.

#### Protection of property

Justification of force in the protection of property also was modified by the Castle Doctrine. The justification of using physical force in protection of property in KRS 503.080(1)(a) was changed as follows, with the new language underlined:

The commission of criminal trespass, robbery, burglary or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, in a dwelling, building or upon real property in his possession or in the possession of another person for whose protection he acts; . . .

Arguably, however, this language makes no substantive change in the law. Under the pre-existing statute, a victim already was privileged by law to use physical force to defend his dwelling or building against a burglar, to defend himself with physical force against an attacker, including a robber and to protect any sort of property of his or another’s on whose behalf he acted against any sort of crime against it.

The justification in using deadly force to defend property under KRS 503.080(2) was amended at paragraph b. As amended, it provides as follows, with the new language underlined:

Committing or attempting to commit a burglary, robbery, or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, of such dwelling; . . .

Again, the statutory changes may have little impact on the applicability of the justification defense. A burglary, as defined in KRS Chapter 511, has the criminal entering or remaining unlawfully in a building or dwelling with the intent to commit a crime. That language is very broad and not limited to felonies or any crime of violence. Therefore, such conduct would have encompassed crimes contemplated by the Castle Doctrine language.

Under KRS 503.080 prior to enactment of the Castle Doctrine, the law did not con-

sider any fear by the defendant that he or another was in physical danger of the suspect. If the defendant was acting in self protection, he would have invoked KRS 503.050 (the self protection law) as justification. Even if the suspect had been invited in and somehow never becomes a burglar within the meaning of KRS Chapter 511, it is hard to envision a scenario not covered by the pre-existing statutes. Subsection 3 of this section also restates that a person does not have a duty to retreat if the person is where he or she has a right to be.

#### Legal immunity

The most important, and potentially the most problematic change made by the Castle Doctrine for law enforcement, is the enactment of KRS 503.085. This new statute provides for legal immunity from criminal prosecution and civil actions. The statute reads as follows:

(1) A person who uses force as permitted in KRS 503.055, 503.050, 503.070, and 503.080 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force, unless the person against whom the force was used is a peace officer, as defined in KRS 446.010, who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law, or the person using force knew or reasonably should have known that the person was a peace officer. As used in this subsection, the term criminal prosecution includes arresting, detaining in custody, and charging or prosecuting the defendant.

(2) A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (1) of this section, but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

(3) The court shall award reasonable attorney’s fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by the plaintiff if the court finds that

the defendant is immune from prosecution as provided in subsection (1). (Emphasis added)

One of the primary purposes of the Castle Doctrine was to protect people who justifiably used deadly force in defense of themselves, others or their homes from the costs and stress of criminal prosecution and civil litigation, when they ultimately would prevail. KRS 503.085 is intended to provide that protection, although it does not serve as a complete shield. It effectively creates a rebuttable presumption that when a person claims he or she was justified in using deadly force according to the law, that he in fact is justified. It shifts the burden of proof to law enforcement or the prosecutor to show that he was not justified in that belief.

The following hypothetical situation may be useful to illustrate the point.

Officers are dispatched to a shooting call. When they arrive, they find a subject dead of an apparent gunshot wound and the apparent shooter still at the scene. The shooter is cooperative and readily talks to officers. He claims he believed that the decedent was about to kill him, so he used his own weapon to shoot and kill the decedent. After interviewing other witnesses and collecting physical evidence at the crime scene, the officers conclude that there is probable cause to believe this was a criminal homicide, and that there is probable cause to believe the shooter committed the homicide.

Prior to the enactment of the Castle Doctrine, the officers would probably have arrested the shooter at that time. However, subsection 1 provides that the person is immune from criminal prosecution – which includes the actions of arresting, detaining in custody and charging or prosecuting him.

Subsection 2 does permit officers to arrest the shooter, but only if they “determine that there is probable cause that the force that was used was unlawful.” This is a fundamental change in the usual way such situations are handled by most law enforcement agencies.

#### Affirmative defenses

In criminal cases, affirmative defenses are

what a suspect might raise when they admit they committed the act but claim some legal justification for committing the act. Officers can and should take a suspect’s affirmative defenses into account in determining if they have probable cause to believe both that the crime occurred and that the suspect committed it. The mere existence of a possible affirmative defense does not ordinarily bar an arrest. Usually it is the defendant’s responsibility to raise the affirmative defense in court.

With the Castle Doctrine, that usual process is cast aside. Officers must now have probable cause not only to believe the offense was committed and that the suspect did it, but also probable cause to believe that the affirmative defense will fail before they can arrest the suspect. In many cases, this will not be a problem in that the suspect’s claim will clearly be weak. The problem arises in cases where the claim is more credible.

A likely result of this will be that officers have to contact the prosecutor to seek guidance as to how to proceed before arresting a suspect who is claiming justification under KRS Chapter 503. That contact will provide some shield from liability for the officers.

#### Civil liability

Further, KRS 503.085 creates potential civil liability for officers who arrest a suspect claiming legal justification for their action. If the suspect’s justification ultimately is accepted by the court or the case is dismissed, the suspect may sue the officers for false arrest. This is an issue that apparently is not well understood by the law enforcement community. Due to the newness of the law, Kentucky does not have any reported court cases that provide guidance on how the statute should be applied.

All officers need to be familiar with the changes created by the Castle Doctrine to KRS Chapter 503. Caution is the byword in responding to deadly force cases where the suspect is claiming justification under the new laws. It is recommended that law enforcement agencies discuss the matter with their legal advisors and local prosecutors now to be prepared to deal with such cases before they arise. J

<sup>1</sup>34 S.W.2d 936 (Ky., 1931).

<sup>2</sup>Id.

<sup>3</sup>Hilbert v. Commonwealth, 162 S.W.3d 921 (Ky., 2005)

<sup>4</sup>KRS 503.085(2).

# Call for Cell Phone Forensics

NLECTC Winter 2008 Tech Beat

The functionality of cellular phones today rivals that of personal digital assistants and even laptop computers. Cellular phones can perform all of these tasks and more: voicemail, music/MP3 player, camera, video camera, voice recorder, Web browser, e-mail appliance, text/instant messenger, address book, calendar, notepad and games. They also send and receive phone calls.

Any technology that can be used for legitimate purposes can be used to accomplish illegal aims as well. State and local law enforcement officials responding to emergencies and criminal complaints almost inevitably discover the presence of a cell phone. These cellular phones should not be overlooked as a potential source of evidence and intelligence in any type of criminal investigation. A quick look at the headlines will reveal criminals using cellular phone technology as a network for coordinating a criminal enterprise, a means to send harassing text messages to a victim, a method of producing photographs viewed by a pedophile or a way for international or domestic terrorists to detonate devices.

Knowing a cellular phone may contain useful information and being able to extract that all-important data, however, are two different matters. Cellular phones present many hurdles to the investigator, including custom designed operating systems and varied network providers with an almost infinite number of operating systems – all combining to produce unfamiliar file systems and hardware, and using proprietary cables, chargers and connectors. Law enforcement investigators need to learn about all of the potential sources of evidence that may be found in cellular phones, as well as mastering the options for reliably seizing the devices and methods available for locating cellular phone forensic information.

Cellular phones present a number of potential sources of evidence:

- Media devices such as MicroSecureDisk (MicroSD) cards, present a very straightforward source of evidence for a forensic examiner to process because standard forensic tools will work to recover this type of data.
- SIM (Subscriber Identity Module) cards are present in all GSM (Global System for Mobile communications) phones. All GSM phones contain one or more SIM cards. SIM cards also can be read through a fairly straightforward process since the type of data held

on SIM cards and the manner in which it is stored is clearly defined by GSM standards. Similar technology is also emerging for CDMA (Code Division Multiple Access) phones.

- Memory chips, located inside the handset, use the same type of memory found in compact flash cards and thumb drives. However, the storage of the data typically is proprietary and standard forensic tools usually will not decipher the data. This makes forensic examinations of cellular phones extremely difficult.
- Network providers such as T-Mobile, Cingular, AT&T, Verizon and others present another source of forensic information.

When seizing a cellular phone, investigators need to realize that when a phone is turned on and connected to a provider's network, the data on the phone constantly changes and, potential evidence could be lost. Officers must immediately sever a phone's connectivity to a provider network in order to preserve this vital data. This can be accomplished in several ways; all methods have advantages and disadvantages, and only proper training will determine which method is right for a particular situation.

It is vital that investigators obtain any keyboard lock codes or PIN codes used to access a phone. If a power charger, data cable, original box or bills can be found, they should be seized immediately. Document all identifying information so that an investigator can identify the phone to the network provider when requesting information on its subscribers in addition to any other information that could be useful in an investigation.

The type of cellular phone, an investigator's training, and an agency's access to hardware and software will dictate the best methods for forensic examination of a particular cell phone. If it is necessary to turn a phone on to examine it, an investigator should be aware that the phone will connect to the provider network and the received missed calls, voicemail notifications, and/or software updates, any or all of which will cause the phone's internal memory to be reorganized. Steps should be taken therefore to isolate the cellular phone during an examination.

## Cellular phone forensics

In some cases, investigators will glean data from the cellular phone by turning on the phone and perusing various screens and settings, recording information displayed via video, photograph or handwritten

notes. It is important that investigators, through training and experience, know all their options when confronted with a seized cellular phone.

Devices such as project-a-phone can facilitate this process. However, this is probably the least favorable way to examine a cellular phone and should be done only as a last resort. Using methods like this one make it very easy to miss data and impossible to retrieve deleted information.

Investigators can also retrieve cellular phone data by using a data connection from a computer to a cellular phone along with software that understands the phone's data storage. Many different tools can be used to accomplish this purpose, some phone specific, others able to examine a wider range of phone makes and models. Investigators using this method, however, will not see deleted data or data that may reside in memory but cannot be accessed by this particular tool (much like the problems that may arise when investigators perform forensic analysis of logical files from a hard drive).

The most favorable method for examining cellular phones is not always an option for all cellular phone types. Ideally, an investigator can read data directly from the memory chips on the phone's circuit board and store this data in a file. The contents of this file can then be examined with a hex editor or interpreted with software such as Cell Phone Analyzer, allowing extraction of both active and deleted data. Another advantage is that this method can be used with the cellular phone powered off, so there is no change to the data in the phone's memory.

A thorough examiner will use one, or all, of the methods described above when examining cellular phones for valuable evidence. Some cellular phones, however, simply defy any examination beyond direct viewing.

Investigators who find this information



tion overwhelming should know there is help available. State, local and federal agencies continually endeavor to build their resources and create strategies that work for handling cell phone technology. Listservs and bulletin board forums for cellular phone forensics may provide answers to questions. There are also software packages and training courses that specifically target law enforcement. Investigators need to reach out and find these resources quickly, before their next investigation that hinges on data from a cellular phone.

For more information, visit BK Forensics at [www.bkforensics.com](http://www.bkforensics.com), or phone (888) 781-7178. J

## Basic Resources

The following list of resources, which may not be all inclusive, may be helpful to law enforcement officers looking to learn the basics of cell phone forensics.

### TRAINING

- BK Forensics ([www.bkforensics.com](http://www.bkforensics.com))
- Forensic Telecommunications Services (FTS) ([www.forensictcs.co.uk](http://www.forensictcs.co.uk))
- Mobile Forensics Inc. (MFI) ([www.mobileforensicstraining.com](http://www.mobileforensicstraining.com))
- Paraben Corporation ([www.paraben.com](http://www.paraben.com))
- Software and Hardware BitPim ([www.bitpim.sourceforge.net](http://www.bitpim.sourceforge.net))
- Compelson Laboratories ([www.mobiledit.com](http://www.mobiledit.com)): MOBILedit! Forensic
- Fernico ([www.fernico.com](http://www.fernico.com)): Zippy Reporting Tool
- Guidance Software, Inc. ([www.guidancesoftware.com](http://www.guidancesoftware.com)): Neutrino device acquisition tool and Neutrino WaveShield™ signal-blocking bag
- iCardForensics ([www.icardforensics.com](http://www.icardforensics.com)): .XRY Logiccube ([www.logicubeforensics.com](http://www.logicubeforensics.com)): CellDEK
- Oxygen Software ([www.oxygensoftware.com](http://www.oxygensoftware.com)): Oxygen Forensic Suite
- Paraben ([www.paraben.com](http://www.paraben.com)): Device Seizure, Device Seizure Toolbox, SIM Card Seizure
- Susteen, Inc. ([www.datapilot.com](http://www.datapilot.com)): DataPilot, SecureView for Forensics

### REPORTS

- Cell Phone Forensics: An Overview & Analysis Update, NIST, <http://csrc.nist.gov/publications/nistir/nistir-7387.pdf>
- Guidelines on Cell Phone Forensics, National Institute of Standards and Technology (NIST), <http://csrc.nist.gov/publications/nistpubs/800-101/SP800-101.pdf>



# DEPARTMENT OF CRIMINAL JUSTICE TRAINING'S FIELD INSTRUCTOR COURSE

**H**ave you ever thought about training other personnel within your agency in the skills and knowledge necessary to do their job more effectively? Does your agency need additional training other than what is currently offered by the Department of Criminal Justice Training but do not have people who are trained as instructors? Then the job of field instructor is just for you.

The Department of Criminal Justice Training's Field Instructor course is offered two times each year. ***This course is NOT***

***the Field Training Officer's course (FTO)*** that was offered for several years. ***Instead, the Field Instructor course is a course designed to provide agencies with in-house instructors who are trained to be able to create and present trainings based on agency specific training needs.***

Students learn how to effectively use adult-learning concepts, determine training needs, prepare course objectives, use various methods of instruction, develop lesson plans, use research methods, identify evaluation techniques, manage classroom issues and recognize legal issues relating to the training

function.

***This course does NOT certify participants to teach at the academy level,*** but it does give a good foundation to any instructor who wishes to train other officers. Agencies looking to provide in-house training on topics specific to their needs should consider sending officers to this course. J

**For further information please contact: Patrick V. Miller, Supervisor Instructional Design (859) 622-5930**

## VACANCY: FIELD INSTRUCTOR CLASS

<b>WANTED:</b>	<ul style="list-style-type: none"> <li>Officers assigned to conduct training within their own agency or current Kentucky Law Enforcement Council-certified instructors who wish to transition from the traditional lecture method to an adult-learning style of instruction</li> </ul>
<b>KNOWLEDGE/SKILLS REQUIRED:</b>	<ul style="list-style-type: none"> <li>Able to relate well with other officers within your agency</li> <li>Competent typing and computer skills to prepare the required lesson plan</li> <li>Capable of using Microsoft Word 2003 or above</li> </ul>
<b>JOB DESCRIPTION:</b>	<ul style="list-style-type: none"> <li>Develop and document content for agency approved training programs</li> <li>Conduct training on a variety of law enforcement topics based on current agency needs</li> <li>Deliver presentations to administration and personnel relating to training updates</li> </ul>
<b>TRAINING REQUIREMENTS:</b>	<ul style="list-style-type: none"> <li>Field Instructor course requiring a 30-minute student-centered learning project including written objectives and a lesson plan developed during the week</li> </ul>

## STRANGE STORIES FROM THE BEAT



**D**on't Drink and Drive – to work: A woman drove drunk to a police station. She actually worked at the station as a cleaning woman. –Associated Press ■ **Crime doesn't pay for cab fare:** A bank robber took a cab to commit his caper. Authorities claim he had a cab pick him up, take him to the bank and then back to his apartment. –Associated Press ■ **An Unfortunate Cookie:** In Tulsa, police arrested the burglar of several Chinese restaurants after they caught him with some of their fortune cookies. Police responded to a burglar alarm at one Chinese restaurant and then another one just down the street. Officers found the man not far from the scene with fortune cookies from both restaurants. –Associated Press ■ **Closed but no Cigar:** A man tried to rob a bank that had already closed. The man showed up at the bank in a mask and wielding a shotgun but couldn't open the doors because they were already locked. Some people who were still inside the bank saw his license plate number and that the plate, ironically, was bolted to the car upside down. Police tracked him down and arrested him. –Elmira Star-Gazette ■ **A Real Shocker:** A man was shocked trying to steal copper wire. He attempted to steal it from a power plant. –The Desert Dispatch

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



# PREPARE

[www.homelandsecurity.ky.gov](http://www.homelandsecurity.ky.gov)



DEPARTMENT FOR PUBLIC HEALTH

DEPARTMENT OF MILITARY AFFAIRS



**KENTUCKY**

## LAW ENFORCEMENT

Department of Criminal Justice Training  
Kentucky Justice and Public Safety Cabinet

Funderburk Building Eastern Kentucky University  
521 Lancaster Avenue  
Richmond, KY 40475-3102

615-010