



Sheriff®

SEPTEMBER/OCTOBER 2014 • VOLUME 66 • NUMBER 5

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NSA 2014-2015 President's Message



Sheriff John Aubrey
NSA President 2014-2015

The first two months of my term of office as your President have been predictably busy. I think it's important to keep you informed of my activities on your behalf and current events that are important to our membership.

I met with our Executive Director Search Committee at NSA Headquarters July 9th. Committee members include NSA Past President Larry Amerson, Chairman, Mike Leidholt and Vice Presidents; Danny Glick, Greg Champagne and Harold Eavenson.

July 10th, I attended a meeting of the Law Enforcement Executive Forum (LEEF) at the DEA Office to receive an update on NDCAC and the progress of having the NDCAC Charter signed by AG Eric Holder. The meeting was chaired by Amy Hess, FBI and Harlan McEwen.

The following day was spent at our NSA Office working on committee assignments and future conferences, especially our winter conference to be held in DC next January. One of our goals is to reduce the length of the Annual Conference by at least one day and still take care of business and have ample time for committee meetings and our exhibit hall. John Thompson and Ross Mirmelstein have been very helpful and supportive in this effort.

Also, working with MCSA Executive Director Mike Ferrence, we have at their request, moved the MCSA Conference to immediately follow the NSA Winter Conference and be held Sunday, 25 January – Tuesday, 27 January, 2015. We welcome your feedback and suggestions on how our future conferences could be re-structured (after our current contracts with hotels are fulfilled) to encourage more Sheriffs to attend.

My wife, Bobbie, and I joined Retired Sheriff Jerry Wagner, Executive Director, Kentucky Sheriff's Association and his wife Corkey, at the Indiana Sheriff's Association Conference in Fort Wayne, July 19th & 20th. Special



National Sheriffs' Association President Sheriff John Aubrey speaks with Florida Governor Rick Scott while at the FSA Sheriffs' Conference at Sawgrass Marriot Resort in Ponte Vedra Beach, FL, about public safety issues.

thanks to Executive Director Steve Luce, and NSA Secretary, Sheriff John Layton for the hospitality and fellowship we enjoyed during our visit.

I attended the Florida Sheriff's Association Conference in Ponte Vedra Beach on July 27th & 28th. Many thanks to Florida Sheriff's Association Executive Director Steve Casey, Host Sheriff David Shoar, FSA President Sheriff Grady Judd, Sheriff Susan Benton (NSA Board of Directors) and MCSA Foundation Chairman, Sheriff Jerry Demings for their warm welcome and hospitality.

My next stop was San Antonio, Texas for the closing banquet of their Annual Conference on July 29th. Special thanks to Executive Director Steve Westbrook, NSA



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NSA 2014-2015 President's Message (continued)

This Vice President Harold Eavenson and Texas Sheriff's Association President Sheriff Maxey Cergiano, Gregg County, TX for taking good care of me during my visit.

July 30th, I flew to DC for a meeting at the Department of Justice, chaired by AG Eric Holder. We discussed Naloxone (NARCAN) and providing the kits to our deputies and police officers. I spent Thursday afternoon working in the NSA Office with John Thompson and staff.

I want to personally congratulate all the Award Recipients who were recognized during our Conference in Fort Worth, especially Sheriff Doug Gillespie, Clark County, Nevada who received the Ferris E. Lucas Award for Sheriff of the Year.

I received a great letter from Reserve Officer Bill Coyle, Jacksonville, FL, who was recognized as the very first NSA Reserve Deputy of the Year. The idea of having this Award of Recognition was initiated in the NSA Reserve Law Enforcement Committee about three years ago.

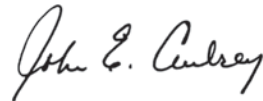
I would be very remiss if I did not thank and congratulate Sheriff Dee Anderson, Tarrant County, TX for hosting our outstanding conference in Fort Worth. All his personnel,

sworn and civilian who helped with the conference were the epitome of professionalism and great ambassadors for their community and Sheriff Anderson's Office.

A special welcome aboard to the Sheriffs who were elected to serve on the Executive Committee and on the NSA Board of Directors. I value your input, ideas and suggestions as we proceed through my term of office as President. Please do not be bashful about sharing your thoughts with me.

My plans are to stay in my local Office with no plans for travel during the month of August; but rest assured, I am available to you as a Sheriff and as your NSA President, 24/7. I consider the opportunity to serve as National President of NSA a privilege and the crown jewel of my law enforcement career and I am most appreciative of your confidence and support. ★

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Washington County Sheriff's Office



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Search for New NSA Executive Director

Search under way for Executive Director of the National Sheriffs' Association (NSA), located in Alexandria, VA, with a staff of 24 and an operating budget of \$4.3 million. Founded in 1940, NSA is a professional association of more than 20,000 members affiliated with the Office of the Sheriff and the 3,080 sheriffs nationwide. NSA provides education, training, and general law enforcement information resources and, as one of the largest law enforcement organizations in the country, is the leading advocate on law enforcement, criminal justice and public safety issues.

The Executive Director is responsible for administering the operations of the organization, its programs, products and services; managing the professional staff; supporting the Board of Directors and implementing its policies; growing, safeguarding and managing financial resources; overseeing and implementing the organization's advocacy efforts and programs; and serving as the official spokesperson for the organization on matters related to the Office of the Sheriff.

The ideal candidate will have executive leadership experience in law enforcement or a closely related enterprise; and experience in: 1) nonprofit association management; (2) advancing an association's advocacy agenda; (3) serving as an exceptional spokesperson; and (4) establishing and managing strong collaborative relationships with related organizations and entities. He/she will be an effective communicator and will possess strong public speaking, conflict-resolution and decision-making skills.

Search by Association Strategies, Inc., 1111 North Fairfax Street, Alexandria, VA 22314 (www.assnstrategies.com). Interested candidates may view the comprehensive position profile and apply online at: http://www.assnstrategies.com/current_searches.php. Deadline for applications is October 15, 2014.

Phoenix, Arizona (with host Sheriff Joe Rapaio) has been chosen as the location of the 2021 NSA Annual Conference!



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For more information about PAL visit <http://www.projectlifesaver.org/Pal-info/> or call 1-877-580-LIFE.

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Executive Director's Commentary

John Thompson

NSA Interim Executive Director

With the retirement of Executive Director Aaron Kennard, I have been given the privilege of holding down the fort at NSA until the new Executive Director is named. I have big shoes to fill since Aaron Kennard was a force to be reckoned with, a man of great integrity and loyalty to NSA and the best boss I've had the pleasure of working for. I will miss him!

Your executive committee has asked me to keep the organization on an even keel and to help make the transition for the new Executive Director seamless. With help from the staff, the organization is in good hands. As you can see from the notice on page five, the search has begun and will be handled by Association Strategies in Alexandria, VA. The Executive Committee hopes to have a new Executive Director selected by the Winter Conference in Washington, DC January 20-25, 2015.

After Sheriff Kennard's retirement, his executive assistant, Dianna Dix, has also decided to follow in his footsteps and retire. It is with mixed emotions that I announce Dianna's retirement, effective September 11, 2014. For NSA, it is a sad day, but for Dianna, it is the beginning of a new chapter in her life! She will be sorely missed!! Dianna has worked for NSA for the last twelve and a half years. She joined NSA on February 11, 2002, working for then Executive Director, Tom Faust and continued on to work for Aaron Kennard.

Dianna has run the Executive Office elegantly and with poise and has always provided the upmost professionalism to this office. Dianna's loyalty and personal attention to the Executive Office (including me) was the best. She also provided much-needed comic relief and was ALWAYS a positive force here in the office. It is with sadness that I wish Dianna the best in her future days of retirement!

As part of the National Neighborhood Watch program (www.nnw.org), NSA has partnered with ICE BlackBox and the Humane Society to launch an APP that will allow you to report animal abuse. We have also established the National Law Enforcement Center on Animal Abuse, (<http://www.sheriffs.org/content/national-law-enforcement-center-animal-abuse>) to provide law enforcement officer information on the realities of animal abuse, and to promote their proactive involvement in the enforcement of animal abuse laws in their communities. Through our partners, the Center will serve as an information clearinghouse and forum for law enforcement on the growing problem of animal abuse, its link to other types of crimes, including violence against humans and officer-dog encounter.

You will also find two articles in this issue on Office Involved Shooting of Dogs. Nationwide, stories of law enforcement officer shooting pet dogs are on the rise, and what is most disturbing are the constant claims and media hype that the dogs were shot although they posed no threat to the officer/responsible. This is worth reading; it can save you from a public relations nightmare. NSA is also excited about the expansion of the Farm Watch into Story County, Iowa and working hard to advance the Neighborhood Watch program. See the story on page eight. ☆

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Farm Watch Comes to the Heartland

By Janet Hawkins

The Story County Sheriff's Office partners with DuPont to launch Iowa's first rural crime prevention program.

Occasionally, we hear of a crime so bizarre that even seasoned law enforcement veterans are left shaking their heads in disbelief and asking themselves “Why on earth?” Such was the case one afternoon in March 2008, when Iowa farmer Dave Struthers learned a crime had been committed on his hog farm. Struthers’ brother-in-law, who also worked on the property, had arrived earlier that day to find the pigs running loose in a field. Upon further inspection, he discovered that some 30 animals had been injured or killed. Thanks to physical evidence found at the scene (and testimony from the perpetrator’s drinking buddy!) sheriff’s investigators soon learned that the cruel deed was the work of an intoxicated neighbor who let the pigs out of the barn and proceeded to chase them with his pickup truck.

Disturbingly, Struthers’ experience is not unique. During the 2011 World Pork Expo, Kent Mowrer, field specialist for the Coalition to Support Iowa’s Farmers, presented examples of other acts of vandalism and theft that have occurred statewide in recent years—from liquid propane tanks damaged by a high-caliber rifle to a feed-poisoning case that killed 100 head of cattle. In another incident, Mowrer described how vandals plugged drains to flood a farm office and set paperwork on fire, destroying farm records.

One Iowa law enforcement agency hopes to reverse the rising rural crime rate by applying a concept that has proven successful in agricultural regions. Unveiled in February by Sheriff Paul Fitzgerald and Aaron H. Woods of DuPont, the Story County Farm Watch is the state’s first rural crime prevention program, and one its founders hope will become a template for other communities nationwide.

Designing a Template

Centrally located, Story County ranks among the Hawkeye State’s top corn producers. The county is also home to DuPont’s cellulosic ethanol facility, which is converting corn byproduct into biofuel with plans to commercialize this renewable energy resource. According to Sheriff Fitzgerald, local corn production is booming with area farmers planting “from roadway to roadway.”



While biofuel production boosts the local economy, corn byproduct, or stover, poses a safety risk as it is fire-prone and cannot be extinguished. To date, Story County sheriff’s deputies have investigated five stover bale fires: two caused by lightning strikes, two by arsonists, and one of undetermined origin. DuPont’s interest in Farm Watch arose from a desire to help local law enforcement ensure community safety as well as protect local farmers – its suppliers – and their mutual investment.

Like a traditional Neighborhood Watch, the Story County Farm Watch designates a leader, (i.e., “route captain”) from each of its 16 townships to meet quarterly with local law enforcement to discuss crime and safety issues. Using 911 and GIS information, the sheriff’s office is also working with the townships to compile a database of landowner and tenant names and



Photo Credit: Nevada Site Cellulosic Ethanol Facility, DuPont

contact information, which will be used to disseminate email alerts when natural disasters or crimes take place.

A distinguishing feature of the new Iowa crime prevention program is its reliance on the participation of service industry providers such as FedEx, UPS, rural mail carriers, and maintenance contractors versus block-level involvement. “There are two to three miles between Story County farmsteads,” said Sheriff Fitzgerald, noting that distance often prevents neighbors from keeping an eye out for one another. To encourage service community involvement, the sheriff’s office has distributed to area property owners free Farm Watch signs with contact information that can be posted near driveways. The sheriff’s administrative assistant has been trained to field calls from commercial drivers and other witnesses, allowing deputies to quickly respond to suspicious activity.

Isolated locales attract thieves, and farmers and ranchers occasionally fall victim to property crimes, especially equipment and metal theft. As part of Farm Watch, Story County Sheriff’s Office hopes to revitalize and promote its Operation ID program to encourage farmers to mark machinery, equipment, and tools with a traceable identification number.

Integral to Story County Farm Watch success are corporate sponsors, who provide vital financial support needed to purchase signage and promote services such as Operation ID.

Sponsorship also allows the sheriff’s office to build program awareness by placing newspaper advertisements and distributing informational fliers at the local farm co-operative and sale barns. “We wouldn’t have been able to get this far without DuPont,” said Sheriff Fitzgerald. FedEx recently joined DuPont as a sponsor, and the sheriff’s office is hoping to add farm implement dealers, seed companies, and other delivery services to its roster.

Launched just six months ago, Story County’s new crime prevention initiative received accolades both locally and statewide. “Farm Watch helps reduce opportunities for crime to occur in farming and rural communities,” Sheriff Fitzgerald told reporters at the program unveiling. “Essential to this is encouraging people to report suspicious incidents to law enforcement officials as they occur and also share information with other Farm Watch members. As well as helping to deter crime, this strengthens community spirit with everyone working together to protect their property.”

Farm Watch Models from Across the U.S.

Agricultural production accounts for over half of the United States land base and contributes nearly \$779 billion to the American economy. Variations of Farm Watch exist throughout California, Texas, and top-producing states to protect growers

and safeguard America's food resources. Below are rural crime prevention tips, adaptable to meet unique community needs. These were gleaned from law enforcement and government regulatory agencies located throughout the United States.

California, Here I Come

Early in the Farm Watch planning stage, Story County Sheriff's Office and DuPont representatives contacted the California State Sheriff's Association for guidance. As the nation's top grower, the Golden State vigorously protects its agricultural assets with support from organizations such as the California Rural Crime Prevention Task Force and the California Farm Bureau Federation (CFBF).

The CFBF provides an online two-page checklist (www.cfbf.com/cfbf/_documents/farmwatch.pdf) that outlines steps interested communities should take to kick-start their own crime prevention program development efforts (e.g., plan an informal meeting between neighbors and law enforcement liaisons, identify local crime trends, coordinate agency activities, and select a coordinator and block captains).

High beef prices have led to an increase in livestock rustling, threatening the livelihood of America's ranchers. According to the California Bureau of Livestock Identification, 1,317 heads of cattle were stolen in the state between 2012 and 2013. The California Cattlemen's Association has established a tip line and reward system for "substantial and accurate" information on cattle theft, abuse, or criminal slaughter. The state government has also passed legislation that authorizes law enforcement officials to stop and inspect all vehicles hauling cattle or horses.

Zoning Out in Florida

The Sunshine State boasts more than 47,700 farms, which comprise approximately 10 million acres. Seventy percent of all U.S. oranges are grown in Florida, accounting for \$1.5 billion in annual sales, while grapefruit, tangerines, and citrus fruits; sugarcane; and garden vegetables (e.g., bell peppers and sweet corn) bring in an additional \$2.1 billion in revenue each year. Property layout and size make it difficult to protect these valuable horticultural assets; thus, many growers have adopted a zone approach to rural crime prevention. This concept, as described by the St. Johns County Sheriff's Office, assigns property areas to one of four zones and outlines crime prevention steps for each zone, as described below:

Zone 1: The property perimeter is a rural landowner's first line of defense against crime. Actions include posting "no trespassing" signs along borders, ensuring fences and gates are locked properly, and installing alarm systems.

Zone 2: Outlying field and woodlands not visible from the home are particularly vulnerable to crime. Any machinery or tools that must remain in the field should be positioned out of sight from roadways or where it is visible from the home. Before calling it a day, operators should lock cab doors and fuel caps, remove keys and, if possible, disable equipment by removing the battery or distributor cap. Padlocking machinery to a large tree or other structure can also thwart "grab and run"-style thefts. Ranchers should tattoo, brand, or tag livestock

(remembering that tags can be easily removed); frequently inspect enclosure fencing for cuts or breaks; and lock all gates and loading chutes. A daily headcount also helps ensure herds remain intact. Timber theft, like livestock theft, increases when market prices rise. Landowners should mark valuable trees with a painted stripe down one side for identification. Neighbors can help by listening for and reporting unexplained chainsaw noise.

Zone 3: Basic Neighborhood Watch principles apply in central work areas: ample lighting, neatly trimmed shrubbery, and securely locked doors and windows discourage rural and urban criminals alike. Farm workers should also store machinery, tools, and supplies in a locked barn or other secure outbuilding. Finally, locking tanks or installing electronic shut-off switches helps prevent theft of expensive fuel.

Zone 4: Central storage areas are susceptible to break-ins if not adequately secured. Measures used to dissuade criminals include mounting hinges on door interiors or spot-welding external hinge pins, as well as reinforcing door jams with steel sheets. Sliding doors should be secured with a blocking mechanism, and windows should be pinned or barred. Fuel tanks should be locked and, if operated electronically, their shut-off switch should be located in the owner's residence or another locked building. Above-ground tanks should be visible from the residence but concealed from public roadways, if possible. Many rural law enforcement agencies offer owner-applied numbering (LOAN) programs, which assign a unique identification number that is stamped onto machinery to aid in its recovery if stolen. Crime prevention specialists also advise farmers to maintain a current property inventory that includes photos or videos.

Chemical Attraction

Each spring or fall, America's corn growers apply anhydrous ammonia as a fertilizer to boost nitrogen levels in the soil. Unfortunately, while this common agricultural chemical can increase crop yield, it is also a key ingredient used in methamphetamine production. Every few weeks, the Environmental Protection Agency receives reports of thieves breaking into fertilizer storage facilities, refrigerated warehouses, and ice manufacturing plants in an attempt to steal anhydrous ammonia. These thefts pose serious health risks to perpetrators, first responders, and farmers alike, who often suffer acute respiratory distress, eye irritation, and burns when exposed to this colorless, pungent gas. Flammable and highly explosive, anhydrous ammonia is responsible for thousands of injuries and deaths as well as millions of dollars in property damage.

Back in California, the CFBF is working to minimize the threat of chemical theft by advising farmers to take basic security precautions, which include installing locks, alarm systems, fences and other barriers, and lighting around buildings and storage tanks. The organization also suggests reducing the amount of chemicals on hand and locating storage units away from roads.

The Midwest remains the epicenter of the nation's methamphetamine epidemic. In Illinois, the state attorney general has created a MethNet website that teaches both property owners

and first responders to recognize the signs of methamphetamine production and offers the following tips to discourage would-be ammonia thieves:

- Have ammonia tanks delivered as close to the time of application as possible.
- Avoid placing tanks in remote areas. Tanks that appear to be unattended are often targeted for theft.
- Inspect the condition of each tank upon delivery and prior to return.
- Check tanks frequently for tampering. Ammonia thieves frequently leave behind buckets, coolers, duct tape, garden hoses, and bicycle tire inner tubes. Note any fresh tracks that may indicate someone has walked or driven around the tank.
- Return tanks immediately after use.
- Report signs of tampering to law enforcement and to the fertilizer dealer. Dealers will inspect the tanks to ensure that the equipment has not been damaged and is safe to use. ⭐



NSA, ICE BlackBox and the Humane Society partnering for Animals



Soon the National Sheriffs' Association in partnership with ICE BlackBox and the Humane Society of the United States will be launching a new feature within the ICE BlackBox app to report Animal Abusers.

This feature will allow anyone to use the app to record abusers in the act. When the video is submitted to the NSA, an agent funded by the Humane Society of the United States will go into action and alert the

local authorities, local county animal services to retrieve the animal and the district attorney to file charges. The process and procedures are currently being developed to make this initiative a very successful deterrent to Animal Abuse.

This is a big step to stopping animal abusers who, according to statistical data, eventually become abusers and killers of people.

For more information on the app and this feature, please visit NNW.org and ICEBlackBox.com.



METALS THEFT: Is this billion dollar crime on YOUR radar?

By Brady J. Mills, Director of Law Enforcement Outreach, Institute of Scrap Recycling Industries, Inc. and Sheriff (et.) Aaron Kennard, NSA Past President 2004-2005 and Member, ISRI Law Enforcement Advisory Council (LEAC)



In Glendale, Arizona, police find a man in an abandoned commercial yard with burns covering 100 percent of his body. Apparently, the deceased was trying to steal copper from a transformer. His attempt cut power to 1,400 residential and business customers.

In Northeastern Ohio, seven people are indicted in federal court for conspiracy to steal copper from two-dozen First Energy and Cleveland Public Power substations. The FBI says the defendants sold the materials for \$15,000. Eventually, courts order the men collectively to pay \$242,626 in restitution and to serve more than 16 years in prison.

In Miami, a woman is struck by a car as she crosses the street at night. According to local news, “A 30-block stretch of road was unlit because copper wiring had been stolen from the streetlights, rendering them inoperable.” Before the woman dies, a Miami Fire Rescue official adds, “We all feel if the streetlights were on, she wouldn’t be fighting for her life.”

In Elizabeth, New Jersey, four men exchange gunfire with police before being arrested for stealing a truck’s worth of catalytic converters for the metal they contain. Police give chase and bullets fly through rush-hour traffic on Routes 1 and 9 North until a collision stops the truck.

Metals theft is a big problem: \$1 billion annually in the U.S. alone, the U.S. Department of Energy estimates, when factoring in damages and lost revenue. While the crime may

involve de minimus property content, the repair and replacement costs dwarf the value of the stolen items. The results are also aggravating (or worse) to customers, property owners, and other stakeholders as well as dangerous to first responders, utility workers, and more.

There were 41,138 insurance claims for the theft of copper, bronze, brass, and aluminum in 2011, 2012, and 2013, according to the National Insurance Crime Bureau (NICB). Of these reported incidents, 97 percent involved copper. The NICB notes that “the number of claims filed is found to have a statistically significant correlation with the price of copper.”

Scope of the Problem

Copper is valuable: \$3.16 a pound in May, down from \$3.42 a year before but up from \$1.25 in 2009 and \$0.60 in 2002. It’s also versatile, used in everything from electronics to fiber optics to plumbing and utilities. It’s literally overhead and underfoot, from electrical lines to construction sites to telecom cables, cell towers to railroad switchyards to ordinary buildings. These have gone after both old parts and new equipment – and most of the time get away with it.

Utilities, scrapyards, and railroads get hit often because of their abundant supply of copper and other metals and perceived lack of preventive security measures. In a 2009 survey by the Electrical Safety Foundation International, 69 percent of utility

markets reported copper theft in the previous 12 months. Nearly 8,000 incidents involved energized equipment. (According to the National Rural Electric Cooperative Association, media reports showed that two dozen would-be thieves died at power lines or substations in 2007 and 2008.) These utility thefts represented some \$20 million in value alone—not to mention repair costs, business losses, and human problems when electricity service is cut.

However, anywhere and anyone with visible copper is a target. These include churches for anything from air conditioners and weathervanes to organs and heat pumps. Electricians and plumbers are great targets for thieves looking to pilfer copper pipe and other material regularly used in those trades. Even cemeteries are not immune as thieves disregard any sacred or sentimental beliefs for copper, brass, and bronze in urns, markers, and ornaments—even prosthetic body parts in gravesites.

Criminals look for easy marks. Metals theft is a crime of opportunity, and churches cemeteries, and remote substations – often empty – fit the bill. Vacant properties are an obvious target, and in the wake of the Great Recession (2007 – 2009), foreclosure filings number in the millions. Detroit, one of the nation’s most economically hard hit cities, has fallen victim to thieves who strip wiring and parts from houses, schools, businesses, and streetlights, leaving nothing but empty shells. Lately this trend has extended to homes vacant at day and offices vacant at night.

The collapse of the housing market, which began slowly in the mid-2000s, certainly contributed to the trend for a number of reasons. First, as homes began losing value, foreclosures and other problems led to vacancies, which led to crimes of opportunity. Second, as unemployment and related economic issues rose and municipalities’ budgets were strained, there were furloughs among first responders, and law enforcement had a hard time keeping up even as more properties were being hit.

Some in law enforcement have blamed copper thefts on drug abusers, but in reality the problem is much larger in scope and cannot be labeled as a simple drug crime. High metals prices, lax security and protection of many objects of theft, their frequently untraceable nature, a poor economy and continued unemployment, have all contributed to the problem. For instance, as San Joaquin (California) Farm Bureau Federation program director, Kory Campbell, said in 2011: “Theft moves with the price of metal. When the economy’s bad, criminals are more desperate, and couple that with the increase in the price for copper, the crime rate rises.”

In its latest report, which covers thefts claims through last December, the NICB says the 41,138 metals theft insurance claims over the past three years came largely from Ohio, Texas, California, Pennsylvania, and Georgia. The top five metro areas for claims were New York/Newark/Jersey City, Chicago/Naperville/Elgin, Philadelphia/Camden/Wilmington, Atlanta/Sandy Springs/Roswell, and Dallas/Fort Worth/Arlington. The news is good in the report. The overall numbers have been decreasing each of the past two years, 26 percent overall. However, these statistics only reflect reported insurance claims

which are said to underestimate the number of thefts. As a result, there is no statistically valid data available to determine the scope of the problem. Metals theft is not the least bit new, but it arose in awareness – with the public and would-be thieves – along with metal prices in the mid-2000s.

But, metals theft is not relegated solely to the urban areas as cited in the NICB report. In rural areas, thieves target farms vulnerable for both their stationary and mobile equipment, from tanks to turbines, not to mention their unprotected remote irrigation systems. Batteries found in tractors and other heavy farming equipment are also favorites. Thefts can often go unnoticed for extended periods due to the seasonal use of equipment. Stricter city ordinances in some localities have also meant rogue recyclers relocating to remote areas to avoid enforcement. The results put a further strain on the budgets and manpower of county sheriff’ offices.

What’s Being Done

All 50 states have laws requiring scrap dealers to keep records of certain sales, and many go further than that – by mandating photographic records of sellers, vehicles, items sold, and so on. In some states, scrap sellers must be fingerprinted; in others, there is a tag and hold period (when items are required to be held for a set number of days before being processed), or the seller may be paid only by a check, with a few states mandating further that the check be mailed to a physical address. Some states have established transaction databases and electronic reporting requirements. Yet, none of these practices have proven to put any discernable dent in the crime.

Laws and practices may try to limit theft by focusing on items frequently stolen rather than on transactions. For instance, in Virginia, anyone dealing in secondhand building fixtures – particularly plumbing, heating, and wiring – must have a permit from the local sheriff or chief of police. This April, Michigan passed a law covering the state’s three most stolen scrap items: air-conditioning units, copper wire, and catalytic converters. However, laws alone cannot significantly impact the crime unless enforcement and prosecution follow. In budget-conscious sheriff’ offices police departments and prosecutors’ office “property crimes” take a back seat to crimes against persons. While understandable, the perception of metals theft as a “typical” theft case has to change. The damage done to electrical and communications facilities can threaten a community’s critical infrastructure.

What has proven more effective than more legislation is when all stakeholders coordinate and communicate with each other and take each of their roles as part of the solution seriously. For instance, scrapyards not only maintain the required records and report suspicious transactions to law enforcement, but have also fallen victim to thieves. They have erected fences, installed cameras, hired guards, and more to stop thieves, who bring stolen goods to the desk by day and filch bales of wire from the lot by night. Property owners who are frequent victims, such as utilities and private industry, also have taken action to discourage thieves, using DNA water solutions, nanotechnology and laser-etched wiring for identification, and

copperweld wiring – with a steel core – to create a clear deterrent to theft by notifying potential thieves that they are likely to get caught with identifiable stolen property. But property owners and scrap recycling yards are not the only stakeholders that are part of the solution.

Law enforcement and prosecutors are essential, which sometimes is difficult given the misconception that metals theft is a “victimless” low-level property crime. Enforcement, prosecution, and prevention are key to reducing the problem. No doubt businesses must be held accountable and abide by existing laws. However, some recyclers express frustration when they feel the focus is on the industry and not the thieves. There are plenty of laws, says Danielle Waterfield, assistant counsel and director of government relations at the Institute of Scrap Recycling Industries (ISRI). What’s really going to bring results, she says, is when all stakeholders come together to figure out how each can contribute to a solution.

Often, additional legislation placing further restrictions on recyclers is seen as the solution to reduce metals theft. The problem is how to properly evaluate what works and what does not. An independent study conducted by the Knowledge Center of the Council of State Governments (CSG), released in May 2014, concludes that “no state is comprehensively tracking metal theft crime statistics, and while some local jurisdictions are reporting their own data, the data has a number of limitations when it comes to evaluating the impacts of state legislation.” The collection of data is further complicated by the fact the Uniform Crime Reporting Program does not have a specific code for metals theft to allow for accurate reporting by law enforcement agencies.

One legislative solution that seems to have almost unanimous support among most of the stakeholders involves the legislature providing more resources for law enforcement and teeth to the law to incentivize prosecution of metals thieves. It is no secret that prosecution of a felony is more likely than a misdemeanor charge, which is more commonly pled out if there is a charge at all. The scrap recycling industry supports changing states’ criminal codes so prosecutors can consider damages rather than simply the value of the metal when determining whether to charge a criminal with a misdemeanor or felony. “There is so much damage done in the retrieval of those products. In other words, if someone goes into a house that is under construction, they may do \$10,000 to \$20,000 worth of damage to retrieve maybe \$200, \$300 worth of recyclable metals,” Kurt Wall, director of the criminal division of the Louisiana attorney general’s office told WAFB-TV this spring. In South Carolina, penalties are based on the total cost to replace an item that’s stolen or destroyed; a court may fine a convicted thief, impose a 3-to-10 year jail sentence, or both, regardless of the crime’s monetary value. Sentences jump when injuries are involved. North Carolina and several other states have enacted similar statutory amendments to assist with enforcement and prosecution.

For its part, law enforcement can’t be effective until officers on the ground know the applicable laws and the nuances of metals theft crimes. “Training of law enforcement regarding their state’s laws is essential to addressing this crime,” Rick Arrington, crime

prevention coordinator for the Virginia Department of Criminal Justice services, wrote on IACP.net. “Likewise, only recently have prosecutors recognized the unique nature of the crime and the need to provide training for investigators on specific evidence needs, evidence collection, and presentation.”

Outreach

ISRI is an organization that represents more than 1,600 U.S. companies that process, broker, and industrially consume scrap commodities of all sorts. ISRI, the scrap recycling industry, and law enforcement are joining forces to conduct training specific to metals theft. In 2012, for example, ISRI and Virginia’s Department of Criminal Justice Services conducted a joint training program that also included prosecutors and covered crime prevention. This training included an overview of the recycling industry, to include yard operations and metal identification, applicable laws, and evidentiary requirements.

This past January, ISRI formed the Law Enforcement Advisory Council (LEAC) made up of 10 law enforcement officer security personnel, and prosecutors from around the country experienced in metals theft. Its first task was to develop a multilayered training program to help law enforcement.

LEAC members have helped ISRI reframe its strategy to better meet the needs of both law enforcement and the industry. For instance, they strongly suggested scaling down a proposed local, state, and national training outreach program on metals theft to something easier, inexpensive, and closer to home. This translated to videos and trainings for recyclers on how to help prosecutors build a metals theft case. The council also suggested that ISRI develop best practices for scale operators – the front line in scrapyards – on how to help identify and catch thieves in a reliable manner.

Law enforcement agencies have many demands on available resources. Some sheriffs and police chiefs have recognized the impact the crime is having on their communities and have made enforcement of metals theft laws a priority. One such example is in Anne Arundel County, Maryland, located midway between Washington, DC, and Baltimore, MD. Here, county police developed a six-person metals theft unit early in 2014, in response to an increasing problem. In April alone, the unit busted multiple suspects for stealing boat batteries from at least 15 properties as well as copper pipe, a water heater, and “junk metal.” It is understood that not all departments have the ability to form such units, but this should not diminish the need for situational awareness.

Awareness can come through both training and spreading the word. Collaboration and cooperation among the stakeholders has produced the most effective outreach and subsequent results. For instance, groups such as the East Texas Copper Theft Task Force (four electric cooperatives that lost \$4.3 million to thieves), along with a utility and an insurance company have mounted billboards, run newspaper ads, and held a “media day” to encourage the public to watch for suspicious behavior.

Law enforcement training and stakeholder outreach is greatly enhanced when officers understand the business of recycling

which often is best conveyed by a simple tour of a recycling yard. Many state recycling associations and individual recycling companies invite law enforcement and other stakeholders in for facility tours. Police, prosecutors, and legislators are frequently surprised when they learn that scrap recycling yards are not dirty “junk yards” that haul in random stuff with no value. A typical tour of a facility enlightens the visitors to the fact that scrap recycling is a legitimate sophisticated business operation run by people who require all sellers to produce valid identification and submit to photographs of themselves, their vehicles, and their goods. Prior to taking a tour, law enforcement generally does not realize the extent of the records maintained by recyclers and how these records can help law enforcement catch thieves and track down stolen material within hours or days.

The key components for a successful arrest and prosecution of metals thieves is communication and trust. It is essential that law enforcement understands that ISRI members and other honest recyclers are part of the solution and should be viewed as partners in dealing with metals theft, not as the bad guys.

While many recycling yards and scrap dealers are on the up-and-up, a common theme heard from the industry is that legitimate dealers feel at a competitive disadvantage from rogue or unscrupulous dealers who don't follow the laws. For example, a legitimate recycler will turn away what he or she knows to be stolen, say, a utility meter or manhole cover, but stolen items eventually find a home. Legitimate recyclers require identification; a “customer” unwilling to provide it will take stolen goods somewhere that does not require ID.

Since 2008, ISRI has offered ScrapTheftAlert.com, a website that lets law enforcement, corporate security personnel and other registered users post alerts that are sent to users within 100 miles of a theft location. In its first six years, the site led to 236 arrests or warrants issued and helped recover \$1.3 million in property. In March 2014, the site was upgraded to include an easier user interface for registering and submitting alerts; the ability to see user statistics via an interactive U.S. map; the ability to choose multiple locations to receive alerts; better customizable search capabilities by material, date, region, and keyword; extractable search results; additional materials categories to include vehicles, batteries, and cargo theft; and greater capacity for downloading images and information.

The website also allows for success stories. Among recent postings:

- The Washington Department of Transportation issued an alert about the theft of three 100-foot rolls of six-inch copper strap worth \$17,200. The next day, a scrap dealer contacted the DOT. Police made arrests, and 95 percent of the materials were recovered.
- When two 55-gallon drums containing copper pipe and wire disappeared in Elyria, Ohio, police contacted ScrapTheftAlert.com. A nearby salvage yard was able to supply clear still images of the transaction, the vehicle, and the suspect. Police issued warrants for the man's arrest.
- Florida's Polk County Sheriff's Office issued an alert about two pipe saddles valued at \$2,000. Within minutes, a

recycler was in touch to say it had purchased both and had plenty of data on the transaction. A suspect was arrested on multiple charges, and the owner recovered the property.

Success through partnership

Successful partnerships are becoming abundant across the country as metals theft is being recognized as a serious threat to individuals as well as to our critical infrastructure. In September 2013, Maria Bundock, an investigator with Time Warner Cable initiated a group that met on an informal basis in response to thefts incurred by her company. The group, now known as the North Texas Metals Theft Intelligence Group, consists of law enforcement; public utilities; prosecutors; government relations officials and other telecommunications carriers, and now meets on a monthly basis to share information on trends in metals theft. The group also receives briefings from the recycling industry.

Working together has also been making a difference in legislation across the country, as the following examples show:

“When theft really got out of control, we came to the table with law enforcement, and it paid off” says Rose Mock, president of the Florida Recyclers Association and of Allied Scrap Processors in Lakeland. The two interests approached legislators to develop solutions that have driven metals thefts down significantly.

Before 2008, Florida metals dealers merely had to copy a seller's ID. Then the state passed a law involving electronic reporting; photographs; getting the make, model, and year of the seller's vehicle, identifying details of the seller's person, and more. If the transaction involved more than \$1,000 in nonferrous metal, the dealer had to pay by check.

In 2012, Florida tweaked the law. Now even more rules apply, but only to a list of 21 “restricted metals,” including aluminum copper radiators, grave markers, and agricultural sprinkler heads – things that stakeholders statewide could agree on. The list grew out of “sitting down with law enforcement and asking, what are the most stolen things?” Mock says. The tweak seems to have worked. Since July 2012, metals theft has fallen 45 to 75 percent, depending on the region.

Working with both law enforcement and legislators pays off she says, because “they don't think of you as the outlet for stolen material. They see that we're on the same side here.” For instance, Florida Recyclers invites law enforcement to its biannual meetings to build relationships. “They know the majority of us are legitimate and cooperative, so they're willing to get the state attorneys on board,” Mock explains.

The Florida effort serves as an example of what can be accomplished when all stakeholders work towards a common goal. Though the legislative changes made in Florida might not be effective in other jurisdictions, the lesson learned is that cooperation works.

Much the same thing has happened in the small town of Coshocton, Ohio, where Ty Smith, manager of Lity Scrap Yard, told the Coshocton Tribune this spring that government regulations, including a new requirement to report all transactions through an electronic database, have brought metals theft down.

“We work very closely with surrounding counties’ law enforcement agencies,” he said. “We really haven’t seen any [stolen goods] this year. That’s not to say there haven’t been people who tried that in the past.” In Ohio, dealers also have to copy sellers’ ID, photograph the sellers and the items, and record license plate numbers.

In 2008, Georgia law was changed to specifically address metals theft, rather than charging theft by conversion, and stiffer penalties were enacted. But that was just one strand of wire in a bundle of efforts to combat the theft problems. As the new law was being crafted, Chip Koplin, now governmental and public affairs manager for Schnitzer Steel’s southeast region in Macon, became alarmed at the uptick in high profile thefts. Working with the Macon Police Department, he put together a group of recyclers and stakeholders to address the issue and the results were positive. One step taken by the group was to issue theft alerts which included a point of contact from the appropriate law enforcement agency. Members have since aligned with the Southeast Metal Theft Task Force and have registered with ScrapTheftAlert.com.

Also in Georgia, the Atlanta Police Department formed the Metro Atlanta Copper Task Force, which involves members of the Georgia Recycling Association, Georgia Power, and the Fulton County district attorney’s office. And statewide, sheriffs, police chiefs, recyclers, prosecutors, county commissioners, mayors, and electric cooperatives have met to share strategies and come up with further steps, such as strengthening state law.

That happened in July 2013 with a new Georgia recordkeeping law. Recyclers grumbled, says former DeKalb County police officer Lee Swann, now with Georgia Transmission Corporation, but “those added requirements really helped us in fighting metal theft. That plus the partnership, investigation, prosecution, judiciary, and the recyclers working together.” Thefts from his company have fallen roughly eight percent in the past year.

Moving forward

This billion dollar problem that is metals theft is not going away anytime soon. To successfully address this serious crime, it

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will take a sustained collaborative grassroots effort that includes the recycling industry, law enforcement and corporate security, prosecutors, legislators, and community leaders all across the country.

Working together we can accomplish far more than we can alone, and only working together can we find a solution to this problem and reduce the rate and impact of metals theft that plagues our communities. ✪



ISRI is Working With Law Enforcement *to be Part of the Solution in the Fight Against Metals Theft*

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Goal of STEP is to Reduce Crime

By Lt. Kathleen Carey, PIO Newport News Virginia Sheriff's Office
Virginia and MaRhonda Echols, City of Newport News, Virginia



STEP interns who worked for the Newport News Sheriff's Office, Virginia. Pictured left to right: Shelton Chapman, Elicia Stewart, Antonio Tyree; Nicole Hargrove, and Maia Bell.

The City of Newport News, Virginia established the Youth Gang & Violence Initiative as a means of reducing crime within targeted neighborhoods. In partnership with the Newport News Public Schools, and the Peninsula Council for Workforce Development, STEP was created in 2014. The Summer Training and Enrichment Program (STEP) provided young adults ages 16-24 with meaningful workforce readiness and training opportunities.

It engaged them in socially acceptable behavior and placed them in a variety of worksites throughout the city where they earned above the minimum wage. Additionally, each STEP intern attended weekly workshops facilitated by team mentors, referred to as "coaches." The workshops focused on seven habits of highly successful teens.

The Newport News Sheriff's Office was one of 52 worksites. It hired five young adults for the summer and placed them in a variety of positions, including assisting with security at the entrances of the General District Courthouse and the Juvenile

and Domestic Relations Courthouse; helping civil enforcement clerks; working with the procurement manager; and being posted in the control room of the jail, removed from the sight and sound of adult offenders yet still able to observe the operations of a secure facility.

These assignments provided real responsibility. It placed them alongside law enforcement officers. Culturally, some of these youth are skeptical of law enforcement. Hopefully having a working relationship with a deputy would offer a different perspective and open-up a potential career field in which they could make a difference in their own community.

Only those participating in STEP know whether or not the initiative's concept worked. We sat down with three STEP interns and one parent. Shelton Chapman (16), was posted in the jail's control room; Nicole Hargrove (17) was posted at the door of Juvenile and Domestic Relations Court; Maia Bell (20), was posted in Civil Enforcement; and Helena Bell is the mother of Maia Bell.

Below is an edited transcript.

Q: How did you learn about STEP?

Nicole Hargrove: I was visiting Pearl Bailey Library and picked up an application for STEP there.

Maia Bell: I filled the application out not knowing the program would have such an impact on me. Times were tight, and it seemed as though I was at a standstill in my life.

Q: Any surprises about how much you learned from your particular post at the Newport News Sheriff's Office?

Shelton Chapman: I learned being a sheriff's deputy is very important, like, in the control room. That is a very important job. You cannot slack on that job. You have to remain really focused. Every single day I'd learn something new and meet someone new.

Nicole: What I found interesting was what people would come in with. I understand people have an attitude about cell phones (being prohibited), but that is the rule. I thought it was interesting that they'd have an attitude when they'd bring in a phone, but there's a sign that says 'no phone'.

Maia: I hope more young people can benefit from this program, because it has enlightened me. It brought me a step closer to my career path and for that I'm grateful.

Helena Bell (parent of Maia): As soon as she comes home, she talks about the job and what it entails. She is excited. So excited. She'd come home from that job like a ray of sunshine and have so much to say.

Q: Helena, how would you feel when you'd see your daughter in the STEP uniform with the Sheriff's patch on one shoulder and the program name on the other?

Helena: I felt proud to see her with the uniform on. And she felt so accomplished. This program put her in a step toward her future.

Nicole: It (the uniform) made me feel like I was doing something better for myself instead of going to the wrong people for support, I went to someone that was positive for support. The (deputies) showed me a lot.

Q: Do you feel that you personally can have an impact on reducing crime and making your community better?

Shelton: Yes. I see me dealing with kids in school as a police resource officer. Or I see me doing something in law enforcement to make a difference.

Maia: Being in the STEP program was the best thing that happened to me in a while. I might become permanent at the Sheriff's Office.



Maia Bell entering civil enforcement documents into database as part of her STEP internship at the Newport News Sheriff's Office, Virginia.

Nicole: Yes. The STEP program shows teenagers how to stay off the street. Me being put at the Sheriff's Office I learned what teens do without encouragement and support. They go to the streets for support. For me, deputies helped me to determine what to do. It's changed me. I want my career to be in law enforcement; to show other teens how to do other things. And the Sheriff's Office was a big support. ★

About the authors:

Lt. Kathleen Carey holds a Bachelor's in English and philosophy from WVU. She was a radio and television broadcaster for many years prior to joining the Newport News Sheriff's Office (NNSO). After graduating from the Hampton Roads Criminal Justice Training Academy, she was appointed as the NNSO Public Information Officer.

MaRhonda Echols earned a Bachelor's of Science from ODU in Human Services. She worked for the Newport News Commonwealth's Attorney's Office Victim Services Unit for six years: three as a Victim Witness Advocate for juveniles and the other three years as the Community Outreach and Education Coordinator. She was then hired by the City as the Youth and Gang Violence Prevention Coordinator in 2013.

Citizen Corps and National Neighborhood Watch: Harnessing the Power of Every Individual



Building a resilient community involves multiple sectors and engagement from each corner of the community. As active members seeking to keep our neighborhoods safe and prepared, we know how instrumental volunteers can be. A great resource working with National Neighborhood Watch to strengthen volunteerism and community resilience is Citizen Corps.

The Citizen Corps mission is to harness the power of every individual through education, training and volunteer service to make communities safer, stronger and better prepared to respond to the threats of terrorism, crime, public health issues and disasters of all kinds. This mission is accomplished through a national network of state, local and tribal Citizen Corps Councils. The Councils build on community strengths to implement preparedness programs and carry out a local strategy to involve government, community leaders and citizens in all-hazards preparedness and resilience.

Citizen Corps achieves its mission through its Partner and Affiliate programs. National Neighborhood Watch, formerly USAonWatch, has partnered with Citizen Corps to promote full community engagement and community preparedness in the face of emergencies. These two community-based programs work together to prepare citizens, plan activities to keep volunteers active and involved, and build skills for members to prepare and withstand emergency events.

Getting involved in your community through programs like these, and practicing the steps to take to ensure you're prepared for emergency events, goes hand in hand with America's PrepareAthon!, a grassroots campaign for action to encourage individuals, organizations and communities to prepare for

specific hazards through drills, group discussions and exercises. The campaign urges individuals and organizations to take simple, specific actions to increase preparedness for a disaster. Citizen Corps encourages everyone to participate in America's PrepareAthon! because being prepared for disasters is a shared responsibility.

National Neighborhood Watch recognizes the importance of preparedness, and is committed to keeping you and your loved ones safe. It takes the whole community working together to effectively withstand and recover from natural disasters. Learn more about America's PrepareAthon! and the free tools and resources it offers by visiting www.ready.gov/prepare.

To learn more about Citizen Corps, visit <http://www.ready.gov/about-citizen-corps>. ★

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Sheriffs, Victims Unite for Justice Reinvestment

Safer Communities, Lower Costs Among Benefits

By Sheriff Craig Webre, Lafourche Parish, Louisiana and Anne Seymour, National Crime Victim Advocate, Washington, DC

Over the past 30 years, sheriffs and crime victims have forged a mutually fruitful partnership, developing victims' assistance programs and working with state legislatures to expand and strengthen victims' rights.

Now these allies are finding new common ground in support of a crimefighting initiative taking hold across the country – justice reinvestment.

Justice reinvestment is a data-driven approach to improve public safety and reduce corrections spending; it reinvests savings in strategies that can decrease crime. While there is no one-size-fits-all model, justice reinvestment is designed to hold offender accountable, control taxpayer costs, and keep communities safe – goals that sheriffs and victims heartily endorse.

Beginning with the gathering of data to identify problems in the criminal justice system, justice reinvestment engages all branches of government and outside stakeholders to develop practical, evidence-based policies that reduce corrections spending and direct savings into programs proven to improve public safety. In the last year alone, Alabama, Nebraska, Utah and Washington launched justice reinvestment initiatives joining a long list of states that have embraced this approach with bipartisan support.

For sheriffs, who operate the majority of America's jails, justice reinvestment makes good sense. People expect their sheriff to be resourceful and fiscally responsible and, above all, to keep them safe. Justice reinvestment helps us meet those expectations by decreasing taxpayers' investment in our criminal justice system and by producing positive results – reducing recidivism and helping former offenders become productive, law-abiding citizens.

Victims also have ample reason to endorse justice reinvestment. Many victims say that while they may be powerless to change what happened to them, they are determined to support efforts that prevent crime from happening to anyone else. That's the essence of justice reinvestment: reducing crime, thereby resulting in fewer victims.

More specifically, victims and sheriffs believe that justice reinvestment wisely helps states focus incarceration on serious and violent offenders while strengthening less expensive and more effective alternatives for lower level, nonviolent offenders

These alternative sanctions are anchored in research about what works and are carefully tailored for the specific risk level and treatment needs of each offender, ensuring accountability and a higher likelihood the offender will remain crime-free.

Another unique and important feature of justice reinvestment is its proactive engagement of crime victims as policy reforms are developed. Historically, most changes in the criminal justice system have been enacted with very limited involvement from crime victims and those who serve them. This ignores the insights of crime survivors and has led to gaps in services for victims as well as policies that are not always victim-sensitive.

In several states, the "reinvestment" of money saved through correctional reforms has funded victim advocates; direct services for victims of child abuse, domestic violence and sexual assault; statewide automated victim information and notification programs; and automated restitution management programs. At a time when budget cuts have devastated many community-based and government victim programs, this financial infusion has been vital, validating the importance of efforts to support crime survivors and reduce victimization.

As members of the National Sheriff's Association Crime Victim Services Committee, we believe justice reinvestment can create a productive structure to help law enforcement better meet the diverse needs of crime victims. Victims must be fully involved in all criminal justice processes and recognized as people who have been harmed by crime and have a strong personal interest in justice outcomes. Establishing victims' fundamental rights to information, notification, safety, restitution, and participation can be essential to survivors' recovery process. Moreover, many victims need help with basic needs, including housing, transportation, medical and mental health services and legal assistance, and savings generated by justice reinvestment can be directed to help address those needs.

Justice reinvestment can also enhance sheriff's efforts to aid victims in rural, remote and tribal communities where access to services is often limited or non-existent and where an understanding of cultural norms is essential to effectively meet victims' needs. Through justice reinvestment, leaders in such jurisdictions have successfully reached out to victim advocates to increase crime reporting and improve victim safety and access

to services. In addition, the adoption of innovative technologies, such as reliable geography-based monitoring instruments and remote alcohol testing, has strengthened offender supervision and improved public safety in these jurisdictions.

We have made great progress on behalf of victims during the last three decades. Justice reinvestment can help us build on that momentum, holding offenders accountable and making American communities safer for all.

In today's world where facts, figures and data are driving our work, justice reinvestment makes good common sense - for law enforcement, victims and taxpayers.

For more information, see <http://www.pewtrusts.org/en/projects/public-safety-performance-project/about> and <http://csgjusticecenter.org/jc/category/jr/>. ★



Sheriff Craig Webre has been a law enforcement professional for thirty-four years, and has served as Sheriff of Lafourche Parish in Louisiana since 1992. He is the chairman of the National Sheriffs' Association's Crime Victim Services Committee.



Anne Seymour has been a national crime victim advocate for over 30 years, and is a member of NSA's Crime Victim Services Committee.

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There are several ways you can help. First, did you know that there are thousands of community-based drug prevention coalitions across the country? Community Anti-Drug Coalitions of America (CADCA), a partner of the National Sheriff Association, represents and trains more than 5,000 community coalitions to effectively address alcohol, tobacco and other drug use. CADCA coalitions help reduce the number of lives lost to tobacco use by implementing comprehensive evidence-based strategies—from public education to environmental strategies that change laws and policies to reduce access and availability.

Not surprisingly, law enforcement is a key sector within CADCA coalitions. If you are not already connected, we encourage you to get involved with a local coalition and join their efforts to reduce tobacco use.

Other things you can do to reduce tobacco use include:

- Establish a 100 percent tobacco-free policy at your workplace, which can go a long way towards reducing second-hand smoke exposure.
- Encourage your fellow law enforcement professionals quit smoking by letting them know about the 1-800-QUIT-NOW line.
- Enforce current tobacco sales laws in your state—for example making sure that retail stores aren't selling tobacco products to minors.

Tobacco use is especially important for law enforcement, given not only your influence and authority in a community, but also because of the personal risks. Research has shown that law enforcement employees may consume alcohol and tobacco at rates higher than the general population. A significant causal factor is occupational stress, and the fact that law enforcement employees are exposed to stressors beyond the range of normal human experiences⁴. Additionally, research has shown that law enforcement professionals are at increased risk for cardiovascular events, and tobacco use is a known cause of heart disease,

so it is extremely important to adopt tobacco-free lifestyles to limit the risks².

Every day you work to protect our communities. By helping to reduce tobacco use, you can help protect the health of your local citizens and save thousands of lives. ★

To find a coalition near you, visit www.CADCA.org or contact 1-800-54-CADCA ext. 260.

To learn more about preventing tobacco use, visit www.PreventTobaccoUse.org.

1. U.S. Department of Health and Human Services. (2014). Let's Make the Next Generation Tobacco-Free. Retrieved from <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/consumer-guide.pdf>

2. Community Anti-Drug Coalitions of America (CADCA). (2012). Law Enforcement, Tobacco Prevention Partnership.

3. Community Anti-Drug Coalitions of America (CADCA). (2012). Strategizer 56, Creating Health, Tobacco-Free Environments.

4. Smith, D.R., Devine, S., Leggat, P.A., Ishitake T. (2005). Alcohol and tobacco consumption among police officers. U.S. National Library of Medicine, 52 (1-2), 63-5. Retrieved from <http://www.ncbi.nlm.nih.gov/pubmed/16119615>



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The Reality of Law Enforcement Today

*By Michael J. Bouchard, Oakland County Sheriff
Vice President, Government Affairs Chair, Major County
Sheriff Association*

With a sense of stability returning to Ferguson, now is a perfect time to revisit the reality of modern law enforcement. The events have raised two reoccurring questions.

The first is the so-called “militarization of police.” The second, somewhat related to the first, is a perceived uptick in the aggression of police when responding to various incidents. Granted, regurgitated reporting and repeated images of police in riot gear may suggest overkill and perhaps symbolize a challenge to liberty, we need to acknowledge the substance behind the imagery and the reality beneath the perception.

A 24/7- media cycle has focused on the “militarization” of law enforcement. After one outlet used that term, many more parroted the words. Let us breakdown the claim and the reality.

As of 2012, there are an estimated 2.5-3.7 million rifles from the AR-15 (.223 caliber) family in civilian use in America. They are favored for target shooting, hunting, and personal protection, and have become the most popular rifle in America.

Yes, many police agencies have also sought .223 caliber rifle and armored vehicles. Why you ask? After two tragic shootings on different sides of the country, it became evident that police were clearly outgunned.

In a Los Angeles shootout that injured 11 officer and 7 civilians, suspects engaged officer with fully automatic assault rifles. Tactically outmatched, the responding officer had to borrow weapons they did not have on-scene from a local civilian gun retailer.

In Miami, two robbery suspects used a .223 caliber rifle against FBI agents. Outgunned and pinned down, two agents were killed and five wounded before the incident was over. The shooters in the Colorado theater in Sandy Hook, and many others have used .223 caliber rifles as well.

Our job as police officer is simply to respond to the threats that face our communities each and every day. The reality of this world is that those threats are high-powered, deadly, and unflinching. When we obtain the updated equipment we hope and pray we never have to use it. However, hope is not a strategy in our business.

As to the armored vehicles, they are large safe boxes



Sheriff Michael J. Bouchard

protecting first responders. They are not weaponized in any way. They give both police officer and at-risk civilians a path to exit a dangerous situation involving an armed assailant. We utilized one to evacuate residents whose homes were being hit by fully automatic gunfire from a murder suspect.

We see armored vehicles pick up cash receipts from grocery stores every day in America. Why then, do we find it odd that police agencies might need one to respond to an armed robbery at that same store?

Discussions have, and should, continue to focus on deployment and training. This need has been well documented. Actions of police personnel are well observed by the public and any criminality or negligence brings both criminal and civil liability, as it should.

But, quite simply, what happened in Ferguson and the law enforcement response therein does not represent the norm. While the initial incident is still under investigation, day-to-day policing across the country is very different. Rarely, tragic incidents where an innocent victim is injured or killed during a law enforcement interaction and represent a thankfully small exception, and not the alarming rule.

In fact, the actual data does not support the idea that police officers regardless of what gear they utilize, are increasingly aggressive in response or lethal in action. Some basic figures provide clarity. According to the Department of Justice, over a six-year period from 2003 to 2009, arrest-related homicide deaths averaged around 400 per year. The latest numbers from 2013 are consistent with that average.

While that might seem high at first blush, the FBI estimates that a whopping 98 million arrests occurred across the country during that same period. Meaning that 99.9998% of arrests did not result in death. While every death – civilian or police brings heartache, these figures hardly suggest that trigger-happy commandos are patrolling our streets. Yet, some have recently tried to impress this falsehood upon the public.

Also missing from the debate are the protocols that departments follow when any officer is involved in a duty-related death – including transfers from patrol, extensive counseling, psychiatric evaluation, full investigation, prosecutorial review and time off.

What about officer deaths? On yearly average, a police officer dies every 58 hours. Thus far, in 2014, there have been 69 American officer deaths and 13 police K-9 deaths in the line of duty. By comparison, that is 27 more than what the military has tragically lost in the line of duty over the same time period. In 2012, 52,901 officers were assaulted while performing their duties. Of the 52,901 officers who were assaulted, 14,678 (27.7 percent) sustained injuries.

Many departments also mandate that officers live in the communities in which they work, raise their families, and pay their taxes. Meaning, the roughly 700,000-law enforcement officers in America are citizens of the same community they police.

Their work: sleepless nights to solve murders and keep drugs and violence out of playgrounds and neighborhoods. They stop drunk drivers from harming innocent motorists. They are on scene with firefighters at blazing infernos and twisted wrecks on the highway. And, they respond to situations of complete danger and chaos – 60 NYPD and Port Authority officers lost their lives at ground zero when the towers crumbled.

The list of duties police perform – often heart wrenching, stomach-turning, and pulse-pounding – goes on. Clearly, they can't solve or prevent all crimes. They are imperfect human beings, working in an imperfect system, in an imperfect world. They make mistakes like the rest of us. But as newsman Paul Harvey stated “less than half of one percent of police does bad things, and that is a better percentage than the clergy.”

The overwhelming majority of those that wear a badge, don a vest, and face a workday of uncertainty are guided by a sense of professional commitment, impartial duty, and appropriate response. We would do ourselves well as fellow citizens, as honest adherents to justice, and truth, not to forget these facts. ★



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NSA Audits and Management Studies – What Can They Do For Your Office?

By Rachael Garrity

In the first weeks of the Kennedy administration as part of a conversation with House Speaker Sam Rayburn, then Vice President Lyndon Johnson was discussing what he considered to be the excellent qualifications of the advisors the new President had attracted. With his trademark bluntness, Rayburn replied: “The may be just as intelligent as you say. But I’d feel a helluva lot better if just one of them had ever run for sheriff”

The notion that even the finest formal education and “insider” experience can fall short when it comes to qualifying for and excelling in the position of sheriff is, of course, not news to NSA members. Diplomacy, the ability to create and enhance collaborative decision-making, and the willingness to identify and use “outside” help when appropriate are critical leadership skills. Perhaps there is no better example than the use of NSA’s Audits/Management Studies Team, or so say four sheriffs who have done just that.

Davidson County (Nashville) Tennessee

Sheriff Daron Hall has just been re-elected to his position in Davidson County, TN, after now a dozen years in that position preceded by as many more in other jobs focused on public safety. He serves on NSA’s board of directors and executive committee and has just completed a term as president of the American Correctional Association, the first sheriff to serve in that position in the organization’s 141-year history.

Five years ago, when two courthouses were built within his county, Hall’s responsibilities changed, and he was faced with what he describes as “a situation with multiple owners essentially working in silos.” A number of different court representatives, 30+ judges, and all of the political ramifications that might typically accompany such a large, complex undertaking meant that he needed a team that would be accepted and trusted by all stakeholders, and a report that would be thorough and convincing.

“I cannot stress enough what a superb job they did,” he remembers. “While the funding for the NSA team came from my office they met with a five-person committee from the larger community at each step along the way. We had made it clear that there were no sacred cows. Before they came, we had sent them a great deal of information, and it was immediately obvious they had read it all, analyzed it, and -- based on what they had learned -- arrived quite ready to dig in. What’s more, they not only dealt with the issues we had outlined, but went further to highlight some we had not even included.”

Asked if there were anything he would have the team do differently, based on what he now knows, Hall was candid: “Perhaps, but these are things that really are not their fault. For example, I wish we had involved them before the buildings were constructed so that we could have improved some



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Fred Wilson
NSA’s Director of Operations
fwilson@sheriffs.org or 703 838-5322

of the plans based on safety considerations. I also wish we had broadened the scope, to take full advantage of what is a very professional process.”

Moody County, South Dakota

When budget cuts result in staff reduction, the elimination of even one position can have a marked impact when the staff is stretched thin. Troy Wellman lost one of four deputies and one of five administrative positions because of just such reductions.

Now finishing his second term as sheriff, with no opposition going into the third, Wellman grew up in the County he now serves, and realized as a pre-teen that law enforcement would be his career. He is obviously a known and respected leader. Still with financial pressures bearing down, the commissioners wanted to be sure that there were not other options before granting the reinstatement of these positions he asked for.

So, they requested an audit, and to find the appropriate team contacted the agencies that provide liability insurance for the sheriff's office and also 2013-2014 NSA President Mike Leidholt from nearby Hughes County.

When two of the NSA team members arrived to begin the on-the-ground work, Wellman was on his way out on a call, met them in the parking lot, and the two offered to ride with him. For the next three hours, the trio answered call after call. “A good part of the initial interview was carried on right there in my vehicle,” Wellman recalls. Then, throughout the rest of their visit, I was truly

amazed at the work they had done and continued to do. They had numbers on the size of our territory, the ethnicity of our community, the age complements and how they are changing. Their level of commitment, attention to detail, and outright friendliness continue even to this day, after their report has been filed”

And were the commissioners pleased? Wellman chuckles, “I cannot say if ‘pleased’ is the right word. I had asked to get the one deputy position and the one administrative position reinstated. In their report, based on the numbers they’d analyzed, the NSA team recommended adding two more. That may actually happen, too. I guess we will see!”

Pennington County, South Dakota

Sheriff Kevin Thom is so pleased with the report that he received from the NSA team last March that he has posted it on his office website. With 370 employees, an annual budget hovering around \$27 million, a citizenry topping 100,000, 3 million visitors annually to Mount Rushmore National Monument and the attendant services required for Ellsworth Air Force Base, his office operation is divided into four divisions: alcohol and drug programs, the jail, the juvenile services center, and overall law enforcement duties, including crime investigation, serving civil papers and warrants and regular patrolling.

“The numbers in that report tell the tale,” Thom points out. “Let’s just take transport of inmates. Between 2008 and 2013, transports increased by 31 percent and response times increased

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23.6 percent. We moved 15,000 inmates including those for the shuttle service we run for the state.”

Thompson also serves as coroner, and in the 13 years since 1999, he has seen a 92 percent increase in the number of coroner cases, 23 percent of which resulted in autopsies.

“Their work was thorough, professional and ultimately convincing,” he reports. “Not only did they indicate that we were short some 42 full-time equivalent positions, but they refined the data and suggested priorities. As a result, I was able to procure 13 new positions, and provide the rest of the needed coverage by transferring existing ones from juvenile services to law enforcement. They were very impressive, the work was high caliber, and they did what I wanted – told me what we were doing right and where and how we could improve.”

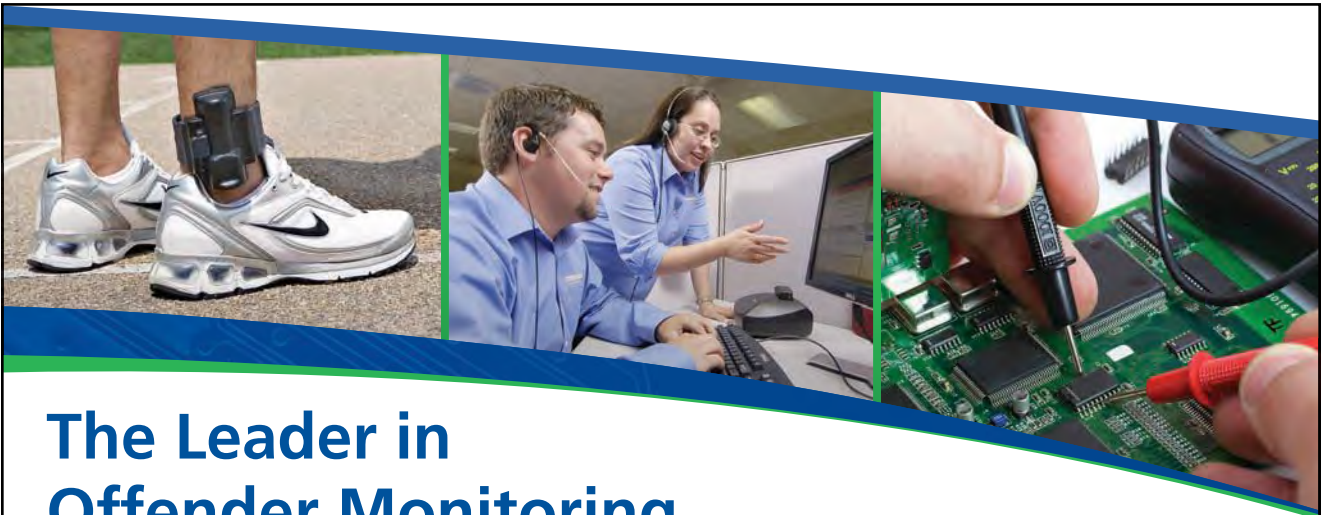
Jefferson County, Kentucky

Recently elected NSA President, John Aubrey writes in his message on our organization’s website: “No Sheriff Stands Alone”. That’s who we are. Our Association exists for support, unity, cooperation and common purpose; to network and fight for legislation important to law enforcement. We must continue to strive to keep our voice strong and consistent at the highest level so that we truly represent all our membership from the smallest rural office to the largest in the land.

With no reservations, he insists that the Audits/Management Studies Team is a paradigm of just that kind of support. He points to his own experience to explain his enthusiasm.

“Our office is responsible for two courthouses. We have 150 sworn personnel and 4 civilians assigned just to those two buildings. It was – and still is – crucial that we be sure that the operation, large and complicated as it may be, is effective, safe, and efficient. We asked for a report to go just to me and the appropriate deputies that would confirm that (1) the policies under which we are operating are good ones; and (2) the personnel working with magnetometers and other equipment are achieving the highest level of efficiency possible. Not only did they provide that – in spades – but they added some more minor, but nonetheless important points -- such as housekeeping staff who left closet doors unlocked – that no doubt increased our safety quotient.”

In the last few years, the responsibilities of sheriffs have become more complex as a result of pressing issues such as illegal immigration, an increasing number of weather-related events that threaten public health and safety, and the budget pressures resulting from a faltering US economy. The ability to provide convincing, persuasive arguments for adequate staffing to assure the safest environment possible in jails, transports and courthouses, and to remain alert to the needs of employees and citizens alike has never been greater or more important. Using both trained staff members and contractors selected for their particular expertise, the Audit/Management Studies Program is designed to focus on those issues, not only by providing a written report, but by assuring the programs and policies that have worked in one office can be shared effectively with another—that now often over-used term but nonetheless powerful process called “synchronicity.” ★



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NHTSA-NSA Vehicle Occupant Protection Grant: A Final Project Summary

By Janet Hawkins

Last November, *Sheriff* spotlighted a new program aimed at improving motor vehicle driver and passenger safety

in rural communities with below-average seatbelt usage and above-average speed-related fatality rates. This National Highway Traffic Safety Administration (NHTSA) initiative allowed NSA, working with the state sheriff's associations, to award funding to eight rural Arkansas, Kentucky, and Wisconsin sheriff's offices. Each agency received a \$23,000 grant to design, develop, and launch a new, nontraditional public awareness and enforcement campaign tailored to address community-specific traffic safety problems.

The program also included an evaluation component requiring grant recipients to collect and submit to NHTSA pre- and post-intervention data in order to gauge campaign effectiveness. This summer, NHTSA published results of this final analysis, which bolstered the argument that, despite staff budgetary, and scheduling constraints, rural sheriff's offices can—given the appropriate tools—effectively educate and motivate motorists to correct unsafe behaviors.

The Root Problem

A NHTSA-International Association of Chiefs of Police collaborative report, the *Buckle Up America Initiative*, found that approximately 75 percent of all U.S. law enforcement agencies employ 25 or fewer full-time officers¹ while a Bureau of Justice Statistics study reported that about half boast fewer than 10 sworn staff members. Broken down further, the study also found that 29 percent of sheriff's offices—nearly 900 agencies nationwide—employ fewer than 10 deputies.²

According to the *Buckle Up* report, the level of traffic enforcement and related services also varies by community, with factors contributing to this variance cited as availability of

resources and training opportunities, management commitment, and community support. Complicating matters, the report explained, is the fact that smaller agencies serving low-density areas traditionally have been unsuccessful in competing for limited Section 402 federal funds, especially when grantee selections are made based on total crash numbers (which typically are higher in more densely populated municipalities).

Ironically, the challenges that rural law enforcement agencies face vis-à-vis traffic enforcement often are overshadowed by statistics reflecting a steady upswing in seatbelt use nationwide. According to the NHTSA 2014 National Occupant Protection Use Survey (NOPUS), the percentage of vehicle drivers and passengers who wear safety restraints has risen every year since 1983 and now stands at 87 percent. Broken down by vehicle type, however, the national use rate varies by vehicle type: 88 percent for passenger cars, 90 percent for vans and SUVs, and 78 percent for pickup trucks.

To quantify adherence to state seatbelt regulations within their individual counties, the eight grant recipients conducted pre- and post-campaign observational studies at various traffic intersections (selected based on community population, traffic flow, and visibility) throughout their jurisdictions. These pre-intervention campaign tallies, when compared with nationwide rural seatbelt data, indicated that overall compliance for drivers of all vehicle types lagged by 7 to 31 percent (15.5 percent average) in the target sites. For pick-up trucks, the gap was also significant, with an average of only 57 percent of observed drivers wearing safety restraints (see Table 1).

Grantees also conducted a second pre-intervention study to gauge public awareness of ongoing or recent local seatbelt-related media campaigns and perceptions of area enforcement activities. Volunteers administered the one-page questionnaire at various community locations, including post offices, driver licensing offices, municipal buildings, and special event kiosks. Results ranged widely, from 20 percent to 55 percent of respondents claiming familiarity with recent traffic safety campaigns. Most respondents listed broadcast (television and radio) and print (newspaper) media as their primary information source, while an average of 10 percent cited social media.

When asked about local enforcement efforts, respondents who said they were “very likely” to be ticketed averaged

Table 1. Observed Seatbelt Use in Participant Counties: Pre-Intervention

Site	Total Seatbelt Use (%)	Total Sample Size	Pick-Up Driver SB Use (%)	Pick-Up Sample Size
Carroll County, KY	76.6	2,300	N/A	N/A
Clark County, WI	67.1	2,520	50.3	545
Cross County, AR	53.7	2,727	46.0	957
Franklin County, KY	67.5	3,772	51.4	296
Grant County, WI	77.8	2,045	69.2	429
Graves County, KY	82.4	2,805	77.7	698
Juneau County, WI	73.4	5,241	N/A	N/A
Madison County, AR	58.2	2,747	44.7	754

25 percent for seatbelt noncompliance and 22 percent for speeding. Survey numbers also revealed that many motorists were uninformed about the primary offense laws in effect in all target sites. Nearly 16 percent of those asked believed that law enforcement could issue a seatbelt citation only when stopping a motorist for another reason, while 4.5 percent erroneously claimed they could not, under any circumstances, be ticketed for failing to wear a seatbelt.

Data from the observational studies and community surveys served as a framework upon which grant recipients designed both their public outreach and enforcement projects.

Phase I: Public Outreach

Following weeks of planning, participants kicked off with public outreach activities aimed at increasing community awareness of local laws and of the importance of buckling up for safety. Highlights included the Cross County, Arkansas “Take the Time or Pay the Fine!” campaign, which focused on seatbelt and child restraint laws while emphasizing the monetary cost to violators. Cross County high school students, in collaboration with the sheriff’s office local fire department, ambulance service, and towing company also directed and produced a safety video broadcast on YouTube and other media outlets. In Kentucky, the “Franklin County Safe Operation” campaign featured reward checkpoints at which deputies handed out restaurant coupons to safe drivers and passengers.

All eight counties relied heavily on the media, especially

radio, newspapers, and social media, to announce campaign activities and disseminate safety information. Grant County, Wisconsin, reached its diverse demographic by hiring a radio service to streamline press releases across both contemporary rock and country music stations. In a mid-summer talk radio interview, Graves County, Kentucky, Sheriff Dewayne Redmon shared vehicle safety tips and enforcement campaign information with area listeners.

Several outreach activities targeted the high-risk teenage driver demographic. Juneau County, Wisconsin, deputies gave safety presentations to three school driver education classes, while in Kentucky, the Franklin and Graves County sheriff’s office set up reward checkpoints outside area high schools. The Madison County, Arkansas, sheriff’s office reached county youth with weekly seatbelt safety advertisements in school newsletters as well as with checkpoints and saturation patrols.

According to NHTSA’s final program report, recipients allocated less than 20 percent of grant funds on public education and awareness, earned media, and training activities.³ This relatively low percentage, the report explained, was due primarily to staffing constraints; specifically, the lack of a dedicated, full-time project supervisor or public information office hindered the agencies’ ability to coordinate public outreach. Nonetheless, NHTSA noted that grantees compensated for personnel shortages by partnering with local businesses, nonprofits, and schools, as well as with other area law enforcement and first response agencies, to maximize campaign impact.

Table 2: Enforcement Summary

County	Enforcement Hours/Percent	Total Citations
Carroll County, AR	196.5 (79%)	577
Clark County, WI	714.75 (99%)	1,483
Cross County, AR	652.5 (80%)	867
Franklin County, KY	533.5 (75%)	1,262
Graves County, KY	643.5 (78%)	1,248
Grant County, WI	294.5 (79%)	933
Juneau County, WI	119.5 (81%)	338
Madison County, AR	256 (82%)	323

Phase II: Enforcement

All eight sites spent more than three-quarters (average 82 percent) of program hours on enforcement (see Table 2). Although the total number of citations written varied significantly by site, most were issued for seatbelt and speeding violations. Other notable citation categories included insurance and registration violations, reckless driving, DUIs, outstanding warrants, and unspecified moving violations.

Grantees employed different enforcement tactics, with varying degrees of

effectiveness. The Cross County, Arkansas, Sheriff's Office successfully combined countywide education and enforcement checkpoints at high-traffic intersections. In contrast, Madison County, Arkansas, was forced to switch to saturation patrols after checkpoints proved to be ineffective due to limited traffic. With only four sworn deputies, the Carroll County, Arkansas, Sheriff's Office teamed up with the city of Carrollton police department to use spotter-chaser methods at highly traveled intersections. Clark County, Wisconsin, devoted its enforcement efforts to saturation patrols, subsequently producing the most citations, nearly one-third of which were for speeding.

Results and Implications

A final analysis of the Combined Occupant Protection and Speed Mini-Grant program yielded several significant findings. Foremost, for all drivers and front-seat passengers, observed seatbelt use increased in six of the eight sites and remained relatively stable in the remaining two (see Table 3). The largest increases were observed in the two Arkansas counties and in Franklin County, Kentucky. Notably, after the intervention, Cross County surpassed Arkansas's 2013 statewide seatbelt use average by 7.7 percent.

Safety restraint usage rates among pick-up truck drivers rose in six counties,⁴ with Cross County, Arkansas, and Franklin County, Kentucky, experiencing double-digit improvements. Of all sites participating, Graves County, Kentucky, came closest to the national average of 85 percent, with 84 percent of observed pick-up truck operators buckling up.

As noted above, several sites experienced difficulty with scheduling enforcement details due to personnel shortages and prior overtime obligations. Furthermore, the opportunity to earn overtime pay did not always motivate deputies, although one site noted that interest in working an enforcement detail increased when deputies learned that fines would be minimal and drivers would not be assessed points. Geography also complicated enforcement efforts, especially within the larger counties, where agencies had to partner with city police and community groups to ensure adequate coverage.

Post-intervention surveys from both Arkansas sites showed a rise in local awareness of enforcement campaign efforts. However, the percentage of respondents who perceived the likelihood of receiving a citation as "certain," "very likely," or "somewhat likely"

decreased by 5 percent (Madison County) and 28 percent (Cross County). Awareness remained stable at 54 percent in Carroll County, Kentucky, despite 40 percent fewer respondents indicating a high likelihood of being fined. In Graves County, Kentucky, both campaign awareness and citation likelihood perceptions rose by 41 and 16 percent, respectively. The three Wisconsin sites produced mixed results, with awareness going up 15 percent in Clark County but decreasing in both Grant and Juneau counties. Citation likelihood perceptions dropped negligibly from 62.7 to 62.6 percent in Clark County, jumped from 57 to 66 percent in Grant County, and in Juneau County, fell by three points to 53.6 percent. ✪

Website Links

Arkansas Sheriff's Association
<http://www.arkansassheriffassociation.com>

Badger State Sheriff's Association
<http://www.badgersheriff.com>

Carroll County Sheriff's Office
<http://carrollcountykysheriff.com>

Clark County Sheriff's Office
<http://www.co.clark.wi.us/index.aspx?nid=406>

Cross County Sheriff's Office
www.CrossCountySheriff.or

Franklin County Sheriff's Office
<http://www.franklincounty.ky.gov/agencies/sheriff>

Grant County Sheriff's Office
<http://www.grantcountysheriffwisconsin.com/home/Home.php>

Graves County Sheriff's Office
<http://www.gravescountysheriff.com>

Kentucky Sheriff's Association
<http://kentuckysheriffs.ky.gov/Pages/default.aspx>

Juneau County Sheriff's Office
http://www.juneau.wi.gov/localgov_departments_details.asp?deptid=446&locid=151

Madison County Sheriff's Office
<http://www.mcso.ar.gov/>

National Highway Traffic Safety Administration
www.nhtsa.gov

Table 3. Observed Seatbelt Use in Participant Counties: Post-Intervention

Site	Total Seatbelt Use (%)	Total Sample Size	Total SB Use (Percent Change)	Pick-Up Driver SB Use (%)	Pick-Up Sample Size	Total Pick-Up Driver SB Use (Percent Change)
Carroll County, KY	75.3	1,950	-1.3	N/A	N/A	N/A
Clark County, WI	73.6	2,445	6.5	59.8	605	9.5
Cross County, AR	84.4	3,014	30.7	79.9	1,080	33.9
Franklin County, KY	81.7	3,234	14.2	71.7	502	20.3
Grant County, WI	82.3	2,014	4.5	74.6	343	5.4
Graves County, KY	89.0	3,082	6.6	84.0	717	6.3
Juneau County, WI	70.1	2,034	-3.3	N/A	N/A	N/A
Madison County, AR	69.7	2,918	11.5	59.8	860	15.1

(Endnotes)

1 National Highway Traffic Safety Administration, International Association of Chiefs of Police, Buckle Up America Initiative, 2002.

2 U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Census of State and Local Law Enforcement Agencies, 2008, NCJ 233982 (July 2011).

3 Education, earned media, and training percentages are unavailable for Carroll, Clark County, or Franklin counties.

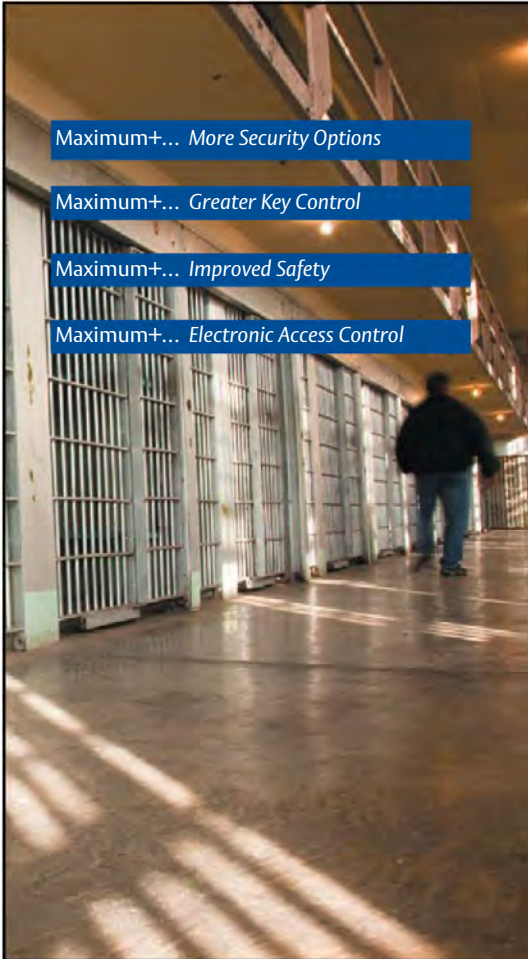
4 Post-intervention seatbelt percentages for pick-up truck drivers are unavailable for Carroll or Juneau counties.

Traffic Safety Program Implementation: A How-To Guide

Motor vehicle crashes are a leading cause of injury related-death in the United States. However, staff and budget constraints can hinder law enforcement efforts to educate motorists and enforce traffic safety regulations. To help sheriffs maximize scarce resources, NSA, in partnership with NHTSA, has compiled a step-by-step traffic safety program implementation guide. Helpful tips from the guide are highlighted below:

- **Identify Problems, Set Goals:** First, determine which behaviors (e.g., speeding, DUIs, distracted driving) pose the greatest threat to your community. Next, draft a mission statement that answers the five Ws—who will do what, when and where events will take place, and why the campaign is needed.
- **Garner Support:** Ensure agency staff understand the mission and their individual roles. Partner with media, schools, businesses, and nonprofits to disseminate traffic safety information and build public awareness.
- **Plan Campaign:** Work with partners to plan outreach, awareness, enforcement, and deployment activities. Establish timelines and media events calendars.
- **Review Training:** Assess all staff involved in the campaign to ensure they have the requisite skills. Schedule training and refresher courses, as needed.
- **Complete Pre-Launch Checklist:** Reconfirm event dates and ensure training is complete. Order, inventory, and inspect signage, campaign literature, and supplies.
- **Launch Program:** Concentrate enforcement efforts on high-traffic areas with good lighting. Avoid keeping deputies in one place too long by using saturation patrols. Don't focus solely on issuing citations. Instead, strive to educate motorists and change behaviors.
- **Reward Achievement:** Success takes a team effort. Acknowledge hard work at a special employee luncheon or social event. Award top-performing deputies with medals or certificates. Write letters thanking partners for their support. Above all, remember to thank your constituents for their cooperation.
- **Evaluate:** Post-campaign assessments will help you perfect future traffic safety initiatives. Review quantitative data (e.g., pre- and post-campaign statistics, observational study results) as well as qualitative data gleaned by answering questions such as Did our partners participate fully? and Did we follow our strategic plan?

To download the complete implementation guide, visit www.sheriffs.org/sites/default/files/uploads/TrafficSafetyProgramBrochure_3-5-14.pdf



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Adopting a Public-Private Partnership for Police Training

By Sheriff James R. Voutour,
Niagara County Sheriff's Office,

To hire a deputy sheriff in New York State sheriff's office give a civil service test and then interview a group of successful test takers as candidates. New York State's civil service requirements are rigorous, comprehensive and meticulously documented. Following the interview, which may last only 30 minutes, an extensive background check is performed and a new deputy is chosen. That new deputy is hired and attends the next police academy for 22 weeks. The trainee is paid full wages and benefit during both the academy and a field training program that begins after the academy and can last up to an additional 12 weeks. A sheriff's office must wait nearly 35 weeks while a recruit is trained and certified. At times, an opening may exist, but an academy might not be scheduled to start for several months. This delay forces the sheriff's office to be understaffed as it waits for an academy to begin. Why is it done this way? Because it always has been!

The Niagara County Law Enforcement Academy dates back to the early 1970's. For more than 40 years, the procedure followed was as outlined above. Long periods of time when vacated positions remained unfilled, leading to overtime and fatigued staff were not unusual. It was also found that the on-the-job performance of some recruits who were impressive interviewees and academy participants did not measure up once they entered the regular work force. Unfortunately, these under-achievers were constants for the next twenty to thirty years. There were also instances where after paying salaries of trainees for many weeks during the academy, some failed to successfully complete the academy and others would leave upon graduation for an agency other than the one that had been paying for the recruit. It was time for change. It was time for action.

In 2010, the Niagara County Sheriff's Office approached executives of Niagara University in Lewiston, New York to discuss a better method of recruiting and training police officers. Niagara University is a private, Catholic university with approximately 4,000 students. The University offers more than 50 academic programs from undergraduate to doctorate degrees, with a strong criminal justice program. Boasting 18



Division I NCAA-sanctioned athletic teams, the college offer world-class athletic and training facilities, as well. Discussions quickly revealed the ingredients were present for a public-private partnership with vast potential.

The Niagara County Sheriff's Office was seeking a platform to attract prospective police candidates to enroll in a "pre-service" police academy. The strategy was to draw potential candidates to enroll in this new academy at their cost to begin forming a "pool" of trained recruits. Niagara University was pursuing innovative methods to entice new students to its campus. A perfect marriage was about to spring to life. "Pre-service" academies are not new in many parts of the country. However, introducing the format at Niagara University substantially alters the traditional approach to law enforcement training and education in Western New York. Many considered the attempt to be bold and innovative. Some were opposed to its implementation and doubted it would succeed.

The Niagara County Sheriff's Office, Niagara University and the New York State Division of Criminal Justice Services worked together to develop the Niagara County Pre-Service Law Enforcement Academy on the campus of Niagara University. A curriculum, known as phase one of the New York State standards for police officer certification was formulated. Niagara University reviewed the course work and created a full semester of college credit for completion of the academy. Students enroll in the university after the academy conducts a complete background check and physical fitness evaluation. Each candidate is pre-screened to ensure that he or she is able to obtain employment in the law enforcement field before being accepted into the academy.

Once a candidate has passed both academic and character evaluations with both the university and the law enforcement academy, a letter of acceptance is granted and the student begins either a full-time academy or a part-time academy, depending on the candidate's other college work load. The students receive the same law enforcement training as a hired police officer with the exception of a few classes, such as firearms and homeland security. At the same time, the students are earning undergraduate credit toward a bachelor's degree in criminal justice.

Each academy instructor is a New York State certified police instructor and most are currently police officers in the Niagara County area. The instructors in the police academy are paid by Niagara University as college instructors. The Niagara County Sheriff's Office and the Niagara Falls Police Department each fund a full-time academy co-director to run the day-to-day operations of the academy and monitor compliance with New York State standards and civil service dictates.

The benefits of this public-private partnership are enormous. The Niagara County Sheriff's Office is now able to hire trained police officers to fill its vacancies very quickly. After three years of the partnership, the sheriff's office is finding that several candidates on the civil service list have enrolled and graduated from the academy. The savings of hiring a trained officer can be as much as \$100,000 per hire. In these times of severe budget constraints, this new cost effectiveness provides welcome relief to the local taxpayer. The Niagara County Sheriff's Office is also able to obtain the benefits of a 22-week interview instead of a 30-minute interview. Local agencies are now actually competing to obtain the best and the brightest of the academy graduates!

Niagara University has increased enrollment as well as revenue and has found a captive audience to recruit into its master's degree program in criminal justice. The university was pleasantly surprised to find several officers including this writer, enrolled in the master's program as well. Finally, the university has also found a new sense of security. Having trained law enforcement officers on the campus at all times provides a safe environment for students and staff. Since the partnership began, the academy has attracted several large-scale training seminars for law enforcement, including multiple high-profile trainings from around the country. The academy also provides free training for campus safety officers and security forces at the Niagara Power Project, New York State's largest electricity producer, which is located immediately adjacent to the campus.

The old saying, "If it ain't broke, don't fix it." It was broken. A new public-private alliance fixed it. 🌟

About the Author

James R. Voutour is a 20-year veteran of the Niagara County Sheriff's Office. He was elected Niagara County Sheriff in 2008 and re-elected in 2012. He is a graduate of the State University of New York (SUNY) College at Brockport with a Bachelor of Science degree in management and finance and has also earned a Master of Science degree in criminal justice administration from Niagara University. Sheriff Voutour currently serves on the NYSAC Public Safety Committee and is the 2nd Vice-President of the New York State Sheriff's Association after election by his peers.

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Evidence Tracking Solutions that are Customized and Linked to Crime Lab Data A Growing Trend

By Bob Galvin

We are all familiar with the liability of suddenly lost, stolen or misplaced evidence. For any law enforcement agency, it can be a terrifying experience that ripples directly from the property room personnel right up to the county sheriff or police chief. No wonder. As headlines rage about missing evidence, an agency's accountability and integrity hangs in the balance along with jobs, and, of course, credibility and support among a community's citizens.

A law enforcement agency's policies for handling evidence can decide the outcome of criminal investigations and trials and greatly influence the impact on alleged criminals and victims of their crimes. Just consider, for example, how a missing DNA rape kit or one sitting untested in an evidence room could mean the rapist remains free to roam the streets and continue attacking his victims.

Why these issues are so urgent and should command an agency's full attention is at the heart of effective evidence management. Unfortunately, not all agencies manage evidence the same way. Some still even use a paper-based system, which can leave a huge margin for errors and mistakes in evidence cataloging, storage and just overall chain of custody, not to mention liability. At the other end of the spectrum, many more agencies have automated evidence management to drastically reduce liability and to know the status of any evidence item at any given time.

Effective Software Should Be Customizable

Most law enforcement agencies, whether they are sheriff's office or police departments, generally manage evidence in similar ways. They also are responsible for their own evidence. The key to effective evidence management, aside from having rigid, effective policies and procedures in place, is to automate this important process.

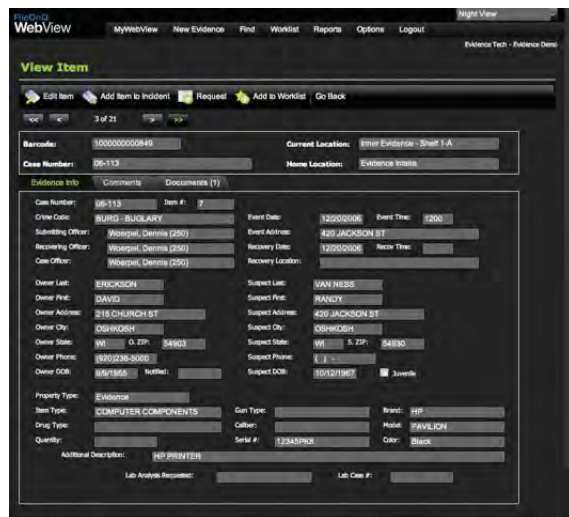
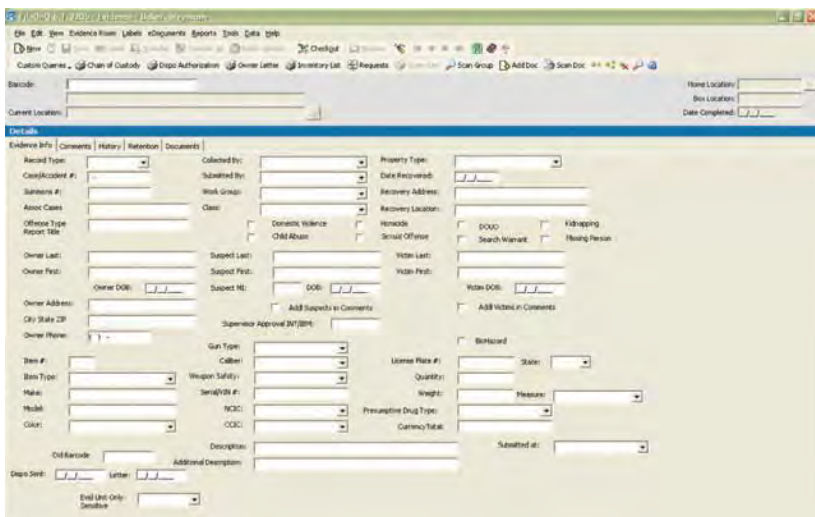
There is a wide range of software programs. These include programs that accomplish just basic evidence tracking (unable to meet the real needs of evidence management), or modules of a larger software program that handle only the most basic tasks,

fully custom coded software that is hard to maintain, and then commercial off-the-shelf (COTS) software that is customizable expressly for property and evidence management. It is this kind of configurable software system that is the underpinning of a good electronic evidence management solution.

"There are more progressive agencies that adopt software to automate evidence management and have a more customized way of managing evidence," says John San Agustin, Commander for El Paso County, Colorado, Sheriff's Office. Still, San Agustin worries that all of the agencies that interface with a sheriff's office and contract with it to deliver evidence are not on the same page regarding evidence management. "There's no commonality," San Agustin laments. It is a situation that seems to make these agencies their own worst enemies because inconsistent evidence management is the net result. Converting manual or inadequate computerized evidence management systems to more robust, configurable software would help make the process of tracking evidence and the chain of custody more consistent, San Agustin feels.

Customization Varies Among Agencies Depending On Priorities, Needs

Although agencies manage evidence in a similar fashion, Rich Wara, Director, Property and Evidence Section-Investigations Unit, Contra Costa County, California, Sheriff's Office agrees with San Agustin that differences arise in how one agency chooses to customize its software to meet specific evidence needs versus another agency. Wara's agency adopted the EvidenceOnQ evidence management program from FileOnQ, Seattle, WA. The software provides unalterable chain of custody via powerful features such as: enhanced capabilities to easily purge and manage the evidence room, automated forms that provide more accurate information, current status of any piece of evidence in seconds, and customizable reporting capabilities. "Basically, evidence management software will be the same for every agency since it's an evidence management and information storage system with a consistent core," Wara noted. "But



it starts to differ based on how you want to customize it. For example, we wanted EvidenceOnQ to be able to report on what property we took in last year whereas some other agencies may not care about this.”

Evidence Linked To Single Case Number; Retention Codes Assigned

Many agencies within a county do not have their own forensic laboratory. This usually means the property and evidence unit of the county sheriff's office contracts with these agencies to pick up their evidence requiring examination and send it to a county or regional forensic lab. The Greenville County, South Carolina, Department of Public Safety, for example, comprises forensic services that include numerous lab sections as well as property and evidence (crime scene, latent examination, DNA, drugs, firearms), county jail, and records department. When evidence comes to the property and evidence room, it is entered into the electronic evidence management program (also EvidenceOnQ), then staged by personnel, after which representatives from each of the above lab sections come down to take the evidence, test and analyze it. Once this step is completed, a report is generated that travels with the evidence items back to the property and evidence unit.

Again, because the software is highly customizable, this allows Greenville County's Forensic Division to link any evidence item by a single case number and to integrate different capabilities into it. "One of the things we have to do is put retention codes for evidence entered into EvidenceOnQ for how long it is kept," explained Kara Bennick, Property and Evidence Supervisor for the Greenville County Department of Public Safety. The codes can differ between Greenville City and Greenville County such that city cases may come up for review every 30 days while county cases may extend out to 90 days. Also, noted Bennick, because so much evidence flows into her property and evidence room, EvidenceOnQ offers a pick menu as to what agencies are providing evidence. "So, when we put a case number into the software, we always know what agency we're dealing with," Bennick said. "All of our agencies start with a code, year and case number."



Another capability Bennick values is EvidenceOnQ's eDOCS feature that allows scanning of any requests on evidence, then attaching these requests to the evidence item's electronic file. "When you bring up a barcode, this shows all of the requests on it," Bennick said.

Crime Labs Using Own Tracking Systems; Integration With Evidence Management Needed

While property and evidence units serving sheriff's offices are automating evidence management, they are not alone. Many county or regional forensic labs are automating as well, installing laboratory information management systems or LIMS to analyze, test and report results on evidence faster and more efficiently as a way to keep up with rising backlogs of inflating evidence. Specifically, a LIMS automates all of the functions occurring in a forensic lab and links them to a database. The database then provides comparisons of certain materials, fingerprint analysis, even blood specimen type recognition via instrumentation. The LIMS database can alert lab personnel to a match of DNA or fingerprints of a suspect, which can give

evidence for an indictment to prosecutors via the forensic lab.

This automated technology is great for the labs. However, there is a trend toward integrating LIMS with evidence management software so that there really is just one portal through which any authorized personnel can get the total big picture of the status of any evidence item. "If I were a DA, I would want to be able to just type something in and see that my evidence was processed by a criminalist and that the report is complete," Wara, the Contra Costa County evidence unit director said. "And then I'd want to have the lab send me a copy of the report." Such access to more complete information on evidence would reduce search time and phone calls. Also, Wara adds, "With this information available more quickly and efficiently, the DA, for example, could talk to the criminalist in the lab and get more information."

Evidence Management Software At Core Of Integration

Bennick, the Greenville County DPS property and evidence supervisor, says her agency's lab is already developing its own in-house LIMS and that one day it will be linked to EvidenceOnQ. "EvidenceOnQ is where LIMS will get most of its information," Bennick said. "So, the evidence management software is the base for the case itself and everything on that case will be dropped into the LIMS. Once evidence leaves here and goes to the lab, it will be entered in the LIMS and then uploaded to the notes section in EvidenceOnQ," Bennick continued. "This means the only access required will be with EvidenceOnQ as opposed to the LIMS. We'll have less movement of people in the LIMS."

Such efficiencies make the idea of integrating evidence management software with a LIMS a compelling proposition for any lab using a LIMS. Adds Bennick: "If somebody e-mails me with an update on a case and this needs to be relayed to the investigator or whoever is analyzing it, I just need to drop that note into EvidenceOnQ and it will automatically disperse where it needs to go."

Case Information, Evidence Status Would Improve, With Quicker Results

San Agustin, the El Paso County Sheriff's Commander, likens the power of an integrated LIMS and evidence management system to the strides made with servicing customers in the online retail environment. He cites Amazon as a prime example, where a customer can consult his online account to check

on his order's status for shipment and arrival dates, and view ordering history. Without this kind of streamlined approach to managing forensic evidence, San Agustin argues that ascertaining the complete status of any evidence item will be severely impeded. Once again, the example of a serial rapist underscores San Agustin's point. "Let's say you have a situation where you've got a serial rapist in a community and you're wondering whether there's some DNA evidence collected on one of the rapes to be analyzed so we can find out whose DNA it is," San Agustin posed. "For an investigation in law enforcement, time is of the essence. The more time that goes by, the chances to solve a crime start to diminish, and losing crucial evidence in a major case could mean the difference between a killer walking

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and being convicted. If we can be more efficient with seeing evidence in its totality in one location, we should try," San Agustin concluded.

Above all, the evidence management software is the lynchpin for providing a clear view of the status for any evidence item at a given moment. The EvidenceOnQ software program, for example, is ideally suited to provide that single source of truth for evidence chain of custody and disposition, especially when it is integrated with a LIMS.

The customization of evidence management software programs combined with integrating their vast, versatile and unique capabilities can give any stakeholder a way to pinpoint the location and status of evidence more quickly, comprehensively and efficiently. San Agustin believes another huge advantage can come as a result. "The public could then trust in that agency and its ability to handle and manage a piece of evidence," San Agustin said. Programs like EvidenceOnQ as the sole "source of truth" about evidence would then act as a conduit to other systems, San Agustin believes. "This 'sole source of truth' is now becoming the mandate for law enforcement that provides the ultimate management and accountability of the evidence," he said. ★

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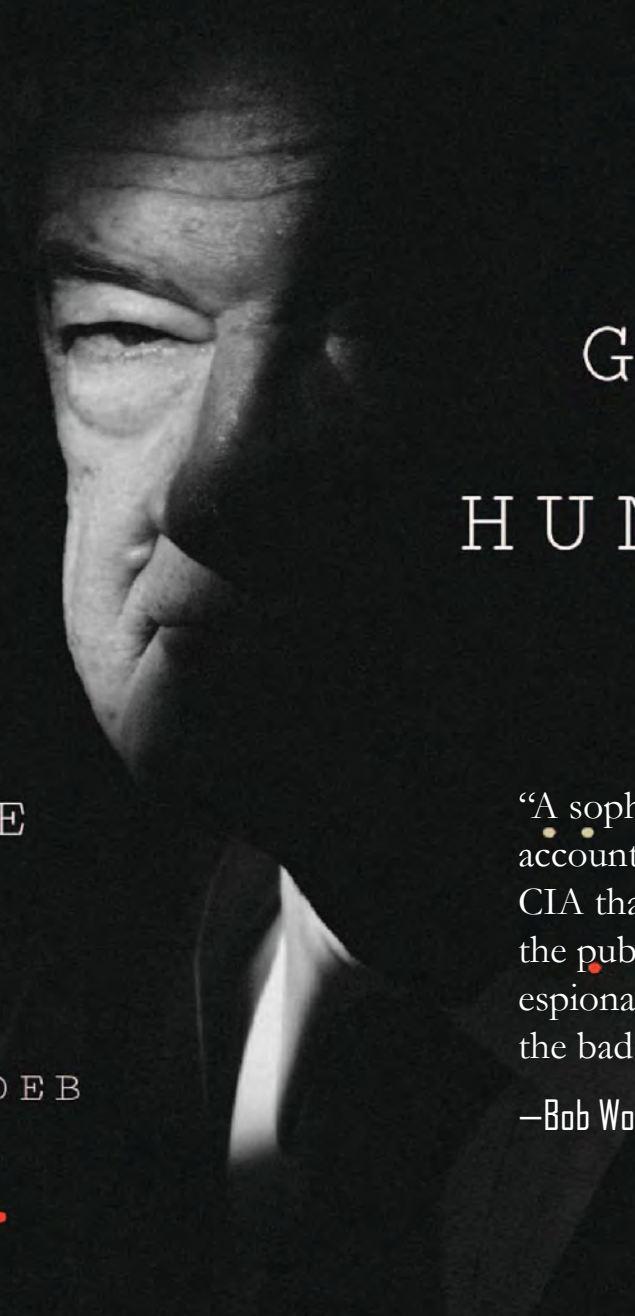
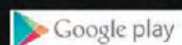
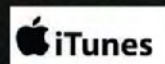
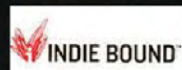
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Shooting Straight: Preventing Unnecessary Dog Shootings

*By Sherry Ramsey, Director of Animal Cruelty Prosecutions,
Humane Society of the United States*



It is quite common for law enforcement officer to interact with dogs in the performance of their duties, especially since, according to various estimates, between a third to more than a half of all households have a dog. However, sometimes these encounters turn out to be deadly for the dogs involved. Dog shootings often result in heartbreak for the family, generate bad publicity for the department, and can result in serious liability concerns for the officer, the department and municipality. As a result of an increased number of dog shootings by police,

some states have enacted or are considering legislation to provide training to officer to prevent these deadly results. Even without a state law requiring mandatory training, it behooves all officer to be educated on techniques to prevent unnecessary dog shootings.

Most officer are well trained on search and seizure laws and they understand the importance of complying with proper techniques, policies and procedures. However, many officer may not be aware that shooting someone's dog has been considered by multiple circuit courts that have reviewed this issue, to be a

“seizure” within the meaning of the Fourth Amendment. See *Altman v. City of High Point*, 330 F.3d 194, 204—05 (4th Cir. N.C. 2003); *Brown v. Mublenberg Twp.*, 269 F.3d 205, 209-11 (3^d Cir. Pa. 2001); *Lesher v. Reed*, 12 F.3d 148, 150 (8th Cir. Ark. 1994); *Fuller v. Vines*, 36 F.3d 65, 68, (9th Cir. Cal. 1994), *overruled on other grounds – Robinson v. Solano County*, 278 F.3d 1007, 1013 (9th Cir. Cal. 2002). Although police officers are provided with qualified immunity when acting within the scope of their duties, courts have consistently applied a *reasonableness* standard when reviewing these kinds of cases. Accordingly, officer dog shootings will only be constitutional if the shooting was reasonable under the totality of the circumstances. In other words, the court will look to the facts and evidence presented to the court in determining if the shooting was in violation of the Fourth Amendment. In any event, the potential for lawsuits can be high.

In the Fuller case, the court noted that the dog, Champ, was “property,” which could be seized and that killing him was a seizure under the Fourth Amendment. On remand, the jury found that in shooting Champ, the officer violated the plaintiff’s constitutional rights causing damages totaling \$143,000, plus \$10,000 in punitive damages. *B. Wagman, S. Waisman, & P.Frasch, Animal Law: Cases and Materials 209*, (4th ed. 2010). Courts addressing this issue have noted the need for police to develop a plan or strategy for dealing with dogs in non-lethal ways.

In one high profile case, *San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose*, 402 F.3d 962, (9th Cir. Cal. 2005), the Ninth Circuit Court affirmed the denial of qualified immunity to police officer involved in the shooting of three dogs at the residence and found the shooting of the dogs to be unreasonable. “A seizure becomes unlawful when it is ‘more intrusive than necessary.’” *Ganwich*, 319 F.3d at 1122 (quoting *Florida v. Royer*, 460 U.S. 491, 504, 103 S.Ct. 1319, 75 L.Ed.2d 229 (1983)) (*San Jose Charter* at 975). The court went on to explain:

To determine whether the shooting of the dogs was reasonable, we balance “the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the countervailing governmental interests at stake.” *Graham v. Connor*, 490 U.S. 386, 396, 109 S.Ct. 1865, 104 L.Ed.2d 443 (1989) (*citation and internal quotation marks omitted*).

Here, the intrusion was severe. The officer shot and killed one of Souza’s dogs, and two of the Vieiras’ dogs. We have recognized that dogs are more than just a personal effect. See *Miller v. Clark County*, 340 F.3d 959, 968 n. 13 (9th Cir.2003).

The court also discussed other cases that have noted the need for police to develop a plan or strategy to prevent dogs from being killed. “These cases should have alerted any reasonable officer that the Fourth Amendment forbids the killing of a person’s dog, or the destruction of a person’s property, when that destruction is unnecessary— i.e., when less intrusive, or less destructive, alternatives exist. A reasonable officer should have known that to create a plan to enter the perimeter of a person’s property, knowing all the while about the presence of dogs on the property, without considering a method for subduing the dogs besides killing them, would violate the Fourth Amendment.” *Id.* at 977-78.

The continued shooting of a dog attempting to flee has also been considered by a court in concluding that the offi-

cer’s action was not reasonable. “Despite the police testimony, at least seven witnesses testified that Bubba wasn’t interfering with the officer when he was shot for the third or fourth time. Rather, according to the witnesses, he was attempting to limp back to his owner.” *Viilo v. Eyre*, 547 F.3d 707, 710 (7th Cir. Wis. 2008).

Cases of police shooting dogs have risen dramatically in recent years. Most dog shootings can be prevented and accordingly the risk of high damages eliminated. In the *San Jose Charter of the Hells Angels Motorcycle Club v. City of San Jose* case, the court reportedly awarded the plaintiffs close to a million dollars in damages. See: http://seattletimes.com/html/localnews/2019777053_rosie28m.html, last checked Aug. 15, 2014. Developing a plan is therefore essential to protect your department and city from these large awards.

It is not only dog shootings that result from a legal entry into a residence that are at issue. Lawsuits have been successfully brought in cases where officers were called to deal with an animal running at large. Recently in Missouri, a settlement of \$50,000 was reached in a case where an officer shot and killed a dog running at large, who had reportedly growled at a neighbor’s daughter. The officer responded and ultimately shot and killed the dog. The case was filed in January 2012 in federal court in St. Louis. Not only was the police department sued in the lawsuit, but also the city for failing to train the officer on how to safely secure a dog without the use of lethal force. These cases are proving to be an important lesson to officers who respond in these situations as well as city governments who do not train their officers on non-lethal methods (see: <http://www.examiner.com/article/failure-to-properly-train-police-officers-to-safely-capture-dogs-may-cost-cities>, last visited August 21, 2014. See also: http://www.stltoday.com/news/local/crime-and-courts/case-involving-police-officer-who-shot-killed-man-s-dog/article_9d52f191-c718-5633-a285-00ada171bc16.html, last visited Aug. 21, 2014). These lawsuits are becoming more common and are sometimes handled by specialized attorneys who focus on animal law cases. Accordingly, it is important for officers to be educated on techniques to prevent dog shootings.

An important resource published by the United States Department of Justice, Community Oriented Policing Services (COPS) is *The Problem of Dog Related Incidents and Encounters* was released in 2011 and is available free to police departments and local governments interested in training their officers on these issues. It can be obtained as a downloadable PDF as well as a booklet that can be ordered and supplied to officers. To access this publication you can go to <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P206>.

More recently, and as a result of the popularity of the COPS booklet, the National Canine Research Council and Safe Humane Chicago, in partnership with the COPS Office launched a video training series for law enforcement agencies called *Police & Dog Encounters: Tactical Strategies and Effective Tools to Keep Our Communities Safe and Humane*. These short videos give police tools on what to do when they encounter a dog. See: http://www.cops.usdoj.gov/html/dispatch/12-2013/police_and_dog_encounters.asp

Th videos feature dog behavior expert Brian Kilcommons demonstrating real-life scenarios as a learning tool for law enforcement. So far the series is made up of five videos, each 10 minutes in length:

- Video 1, An Overview: Assessing the Situation
- Video 2, Communicating with Dogs: Police and Dog Body Language
- Video 3, Tactical Considerations
- Video 4, Use of Force Considerations
- Video 5, Legal Considerations: Liability, Reporting, and Documentation

Thes videos are the first law enforcement training resources of their kind on these issues. Th videos are available at no cost through the COPS Offic Community Policing Learning Portal: <http://cops.igpa.uillinois.edu/resources/police-dog-encounters>

Given the consequences for failing to provide officer with this kind of training, city governments and law enforcement should take advantage of these resources to prevent these unnecessary shootings and the potential lawsuits that may result. ⭐

About the Author

Sherry is a licensed attorney in NY and NJ. She is employed by the Humane Society of the United States as Director of Animal Cruelty Prosecutions, where she focuses on training law enforcement, prosecutors and judges on animal cruelty and fighting cases and working with prosecutors from around the country on effecti e cruelty prosecutions. Sherry previously worked as an Assistant Prosecutor in NJ and in private practice where she focused on animal law. She has written numerous articles on prosecuting animal cruelty for legal and judicial publications. Sherry is also an adjunct professor teaching Animal Law at New York Law School. Her website can be found at www.humanesociety.org/justice

Sheriff Layton Named “2014 Indiana Sheriff of the Year”

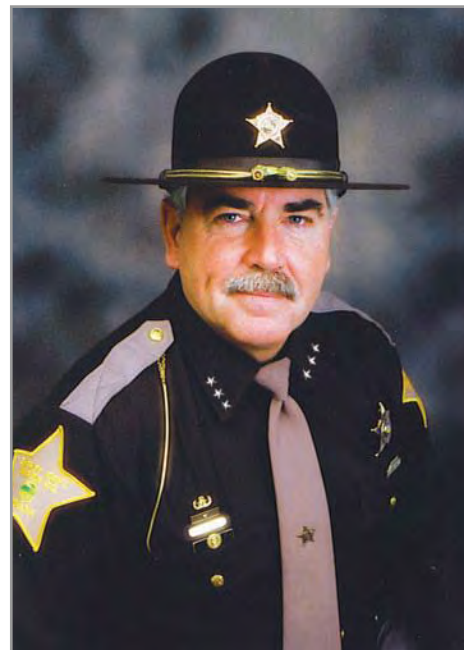
Th Marion County Sheriff's Offic is proud to announce that Marion County Sheriff John Layton has been named the “2014 Indiana Sheriff of the Year” by the Indiana Sheriff’ Association. Layton was selected for this honor by his peers, the Sheriffs of Indiana’s 91 other counties, at the Indiana Sheriff’ Association Summer Conference on Saturday, July 19th, 2014. Sheriff Layton is the first Marion County Sheriff to receive this honor.

Accomplishments of the Marion County Sheriff's Office under Sheriff Layton's leadership, that helped lead to his selection include: National accreditations of the Marion County Sheriff's Offi by the American Correctional Association, the Commission on Accreditation for Law Enforcement Agencies, and the National Commission on Correctional Health Care; the opening of Hope Hall, a facility for medium-security female inmates, saving taxpayers \$2 million dollars a year; reducing inmate health care costs by millions of dollars; and improvements to the Sex Offende Registry to keep an even closer watch on sex offenders residing in Marion County.

Indiana Sheriff’ Association Executive Director Steve Luce said: “Sheriff Layton is a leader among Sheriffs in Indiana, and throughout America. He is always working to find ways to keep Marion County residents safer, with innovative and efficien approaches to managing the Sex Offender registry and the Jail among other important aspects of public safety.”

Sheriff Layton said: “It is an incredible honor to be named the ‘Indiana Sheriff of the Year’. Sheriff are able to learn so much from each other, and their respect means the world to me. I look forward to continuing to work with our incredible public safety partners here in Marion County, and around the state.”

For information contact Katie Carlson at katie.carlson@indy.gov, 317-327-6979 or 317-374-6365. ⭐



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- Committed to the personal lives of certified law enforcement officers and their spouses
- Served on special assignments in various law enforcement agencies throughout the U.S.
- Active member of the Crisis Intervention Team

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Officer Involved Shootings with Dogs

By Nancy Blaney, Senior Policy Advisor, Animal Welfare Institute; With research assistance from Linda Chou and Jamie Pang, AWI interns



Introduction

In 2013, approximately 80 million dogs were living in 56.7 million U.S. households, with 63 percent of those households regarding them as members of the family.¹ It is no wonder then that “officer encounter dogs in the course of almost every kind of police interaction with the public.”²

The vast majority of such encounters with animals end well. When suburban Philadelphia police approached a man in a car who was behaving suspiciously, they discovered a kitten near death and got her to the vet in time to save her life. Police along the Garden State Parkway in New Jersey quickly sought vet care for a dog who had jumped (or possibly been thrown—investigation ongoing) from a car window and then was hit by another car. When Baltimore Police Officer Dan Waskiewicz responded to a call about a “vicious dog” chasing children in the area, his careful observations and familiarity with dog body language told him that the dog was no threat. On the contrary, the dog was the one being chased – by children who were throwing glass bottles at him – and he was trying to escape. Officer Waskiewicz called to the dog, who quickly came over, tail between his legs,

and sat by him. Officer Waskiewicz didn’t just spare this dog’s life, but he also gave him a new one – when he adopted Bo.

Unfortunately, however, more and more encounters that end in the deaths of pet dogs are coming to light. The issue is mounting concern that the numbers are increasing and that the problem is getting out of hand. You know something is wrong when an article opens with the sentence, “A cop shot a dog the other day. Again.”³ Even the U.S. Department of Justice (DoJ) sees it that way. In its 2011 publication *The Problem of Dog-Related Incidents and Encounters*, DoJ Community Oriented Policing Services director Bernard Melekian wrote that “the number of dog fatalities by law enforcement [is] on the increase...”⁴

Incidents

The enormity of this problem boggles the mind. Reciting every incident over a year or two or three is unnecessary; websites devoted to these victims include hundreds of stories, with new postings every day.⁵ A Google search will turn up story after story. While comprehensive statistics don’t exist, a disturbing picture emerges from data found in news reports:

1 Sources differ marginally in their statistics: ASPCA Facts About Pet Ownership in the U.S.; the American Veterinary Medical Association; and the American Pet Products Association

2 “The Problem of Dog Related Incidents and Encounters.” Community Oriented Policing Service, U.S. Department of Justice. 2011. <http://ric-zai-inc.com/Publications/cops-p206-pub.pdf> p.5

3 “It’s Time to Train Officers Not to Kill Dogs.” Real Clear Politics. July 8, 2013. http://www.realclearpolitics.com/articles/2013/07/08/its_time_for_police_to_stop_killing_dogs.html

4 DoJ, op.cit., p.1

5 E.g., <https://www.facebook.com/DogsShotbyPolice>; <http://dogmurders.wordpress.com/>

According to DoJ, the majority of officer-involved shootings involve animals, most frequently dogs.⁶

Between 2000 and 2009, Milwaukee police killed 434 dogs.

Between January 1 and December 2, 2013, North Las Vegas Police had used deadly force against nine dogs, seven of which died. In 2011, it was five dogs, with one death; in 2012, six dogs, with four deaths.

A five-year period in Colorado saw 30 dogs shot. (This record was the catalyst for the state's new training law; see below.)

In 2009 alone, Houston saw 187 officer-involved dog shootings; 121 dogs died. Between January 2010 and May 2013, Houston police shot 187 dogs; 121 died. During that time period in Harris County, the number was 228, with 142 fatalities. In 2013 alone, "law enforcement officers in Houston and Harris County shot more dogs than New York City police officers shot in 2010 and 2011 combined."⁷

According to various California law enforcement agencies, for the period 2000-2005, one-half of all intentional firearm discharges by officers were animal-related.⁸ Between 2000-2004, two unnamed California sheriff's departments logged 162 animal shootings.⁹

Between 2008 until just before the new Illinois training law was signed in 2013 (see below), 488 animals, mostly dogs, were shot in Chicago.

During a two-year period (2010-2012), 100 dogs had been shot in four metro Atlanta counties.

A spokesman for the Las Vegas Metropolitan Police Department called the number of dogs killed by officers "statistically insignificant" in light of the number of dog encounters they have.¹⁰ That may be, but that attitude misses the point when better training and use of nonlethal options might have spared some of those lives, and spared those families so much heartache. When asked about the justification for so many dog shootings in his jurisdiction, Deputy Thomas Gilliland of the Harris County (TX) Sheriff's Office said, "If the dog turns and comes at a citizen, or the deputy, they have all right to use lethal force."¹¹ That is a troubling statement. His deputies should be operating under a policy of lethal force as a last resort, not the first. They should have received proper training both in recognizing the difference between a friendly or frightened dog and a dangerous one and in responding in either case without using a gun.

How can this dynamic be changed?

"Given the growing amount of media attention, the increasingly obvious public interest in animal welfare issues, and because it is the right thing to do, this subject calls for significant attention and training."¹² What makes Officer Waskiewicz's

story so compelling is not just the ending, but how he got there – by knowing how to approach a potentially "vicious" dog, by knowing how to read that dog's body language, and by being able to address the situation with confidence not fear. As DoJ COPS director Bernard Melekian advised, "Law enforcement officers must advance beyond automatically using their weapons when encountered by a dog. There are many other ways to ensure public and officer safety through diffusing dog encounters."¹³

Dog shootings appear to occur generally under two different scenarios: One directly related to the animal, such as a dog running loose; or one indirectly involving a dog as an innocent bystander, e.g., officer executing a warrant feel threatened by a barking dog and before assessing the level of danger or even giving the owner a chance to restrain or confine the dog, they shoot him. In a bitter irony, all too often it turns out that the officers were at the wrong address.

To the extent that these shootings occur when it is known that a dog is involved, there is no excuse for those calls not being handled properly. If possible animal control should be involved. If resources don't permit that, or animal control is short-staffed or if law enforcement is also animal control, then those being sent on such calls must have proper training in dog behavior and psychology and be equipped to use nonlethal responses (behavioral tactics or physical means) first. Chemical repellants and disabling agents are cheap enough and small enough that all officers should be able to carry some with them. Departments must institute, support, and reinforce policies on using nonlethal means first, and using lethal means as only a last resort.

Laws

Three states and some localities have made such training mandatory or are working towards that goal. Here are some examples:

In Illinois, a measure signed by Governor Quinn in 2013 (HB 3388), requires the Illinois Law Enforcement Training and Standards Board to approve guidelines for training officers on canine behavior and nonlethal ways to subdue dogs.

Tennessee's peace officer certification training now includes an animal behavior component so officers can ascertain threat, control the situation and neutralize the threat with the least amount of force or harm to the animal.¹⁴

After a spate of dog shootings, Colorado adopted a law (SB 226) in May 2013 mandating a minimum of 3 hours of training for police in dog behavior and "body language." They must also "be trained in non-lethal methods of handling non-violent calls to allow dog owners or animal control professionals the chance to safely secure the dog."¹⁵

In October 2012, Fort Worth, Texas, police began receiving eight hours of classroom training in dog behavior; "how to

Police Chief, vol. LXXX, no. 8, August 2013. International Association of Chiefs of Police. p.4 http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=3000&issue_id=82013

¹³ COPS/DoJ, op.cit., p.1

¹⁴ <http://inpublicsafety.com/2014/08/puppycide-public-perception-of-police-lethal-force-on-domestic-animals/>

¹⁵ Ibid.

⁶ COPS/DoJ, op.cit.

⁷ <http://www.ohmidog.com/tag/houston/>

⁸ "The Canine Factor: to Shoot or Not to Shoot." Lisa Spahr. Subject to Debate, a publication of the Police Executive Research forum, January 2007

⁹ Ibid.

¹⁰ <http://www.reviewjournal.com/news/nevada-law-sought-reduce-unnecessary-dog-shootings-police-11/24/13>

¹¹ <http://www.ohmidog.com/tag/houston/>

¹² "Office Safety Corner: Dogs and the Police Response: A Guide for Safe, Successful, and Humane Encounters." Gary P. Maddox. The

make a stand without the use of deadly force,” and the use of nonlethal methods, such as spray and tasers.

In 2013, the Leander, Texas, Police Department instituted mandatory training to “teach officers how to better perceive attacking dogs, and how to make a stand without the use of deadly force. Officers will learn to use OC Spray, Tasers, and also how to take a bite.”¹⁶

The Fort Worth and Arlington, Texas, police departments began requiring training in dog behavior and nonlethal responses to dog encounters in 2012.

Under a recently implemented pilot program, “deputies in San Marcos (CA) are learning how to respond nonviolently to potentially aggressive dogs...The training could be introduced to the department’s more than 2,200 deputies countywide by the end of the year...San Diego police are planning a similar education effort for their nearly 1,900 officers as are police in Oceanside.”¹⁷

Nevada Senator David Parks (D-Las Vegas) plans to introduce legislation in 2015 “to require police to go through training in dealing with dogs to avoid shooting...people’s prized pets.”¹⁸

A number of other states, including California, Georgia, Idaho, Maryland, and Oregon, have similar legislation pending.

The Benefits of Training

Lawsuits are being filed not just to redress the killing of a pet, but also for failure to train. (See following article.) As noted in the Spahr article, “if departments fail to address these concerns, the courts may do so...prevention of unfortunate animal shooting incidents can decrease lawsuits and increase public confidence.”¹⁹

Most importantly, though, the benefits of training can be seen in improved handling of dog encounters. For example, training paid off in June for two officers in Arlington, Texas – and one lucky dog. Sergeant Gary Carter and Officer Heather Gibson responded to a call about a “pit bull” who was following residents. Thanks to the mandatory training they received last year, the two officers recognized that the dog was suffering from dehydration. They were able to return “Jeffrey” to his owner, who had adopted him just the week before.²⁰

As of July 2013, the training mandated for Fort Worth, Texas, officers had been so effective that no dogs had been shot since training began in October 2012.²¹ And in 2012, as training kicked in, the number of dogs shot in Milwaukee dropped to 26 from an average of 48 per year.

Conclusion

¹⁶ <http://www.examiner.com/article/leander-police-department-officers-to-receive-dog-behavior-training>

¹⁷ <http://www.utsandiego.com/news/2014/Jul/06/pilot-program-deputies-dog-shooting-san-marcos/#article-copy>

¹⁸ <http://www.reviewjournal.com/news/nevada-law-sought-reduce-unnecessary-dog-shootings-police-11/24/13>

¹⁹ Spahr, op.cit.

²⁰ “Arlington PD officers use their mandatory dog behavior training to save lost dog” Elisa Black-Taylor. Greenville Dog Examiner. June 30, 2014 www.examiner.com/article/arlington-pd-officers-use-their-mandatory-dog-behavior-training-to-save-lost-dog

²¹ <http://www.examiner.com/article/leander-police-officers-to-receive-dog-behavior-training>

This is not to say that lethal force will never be needed. When a full-out dog attack is in progress and a person’s life is in danger, then there may be no choice (though this poses an additional hazard to people). It is also true that irresponsible owners do – or don’t do – things that put their pets in harm’s way, e.g., not keeping better control of aggressive dogs or allowing dogs to roam freely. Then there are those individuals, e.g., drug dealers or people trying to avoid warrants, who use animals to prevent police from doing their jobs. Even in those situations, however, officers – and their departments and communities – would be better served if they were prepared for these encounters and equipped to respond with nonlethal force when possible.

As the officer on the street, the one who is going to get the report of a dog at large, the one who is going to be serving a warrant on a house that is highly likely to include a four-legged member, the one who might be chasing a perpetrator through backyards, you owe it to yourself to demand the most thorough training available and the most appropriate tools (e.g., mace, a Taser, or even a pocketful of treats) to enable you to avoid unnecessarily killing some family’s pet. The negative consequences of these tragedies are not confined to the animal and the owner; “[t]he situation can also strain community-police relationships and perceptions of safety.”²² Training in animal behavior “coupled with scenario-based exercises” will go a long way toward “improving public safety, increasing officer confidence in dealing with animals, and decreasing officer shooting of animals (which is likely to decrease lawsuits).”²³

Where formal training is not yet available, practical advice can be found in the article from the International Association of Chiefs of Police publication, *The Police Chief: “Officer Safety Corner: Dogs and the Police Response: A Guide for Safe, Successful, and Humane Encounters.”* http://www.policechiefmagazine.org/magazine/index.cfm?fuseaction=print_display&article_id=3000&issue_id=82013 ☆

²² “The Canine Factor: to Shoot or Not to Shoot.” Lisa L. Spahr. *Subject to Debate*, a publication of the Police Executive Research Forum. January 2007, p.4

²³ *Ibid.*, p.5

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American Association of
Motor Vehicle Administrators

NSA Committee Updates

During the Annual Conference in Fort Worth, the NSA Committees met to attend to the business of the organization. Here is a recap of those meetings from each of the NSA Staff Liaison . [Note: Some Committee Chairs, Vice Chairs, and staff liaison have changed under Sheriff John Tubrey. Also some committees only meet at Winter Conference, so they don't appear below.] If you are interested in joining a committee, please contact NSA President, Sheriff John Tubrey.

Chaplains Committee

Chair: Sheriff Blake Dorning, Madison County, AL
Vice Chair: Sheriff Ira Edwards, Clarke County, GA
Staff Liaison: Meghan Reed

The goal of the chaplain's committee is to provide support and prayer to our nation's sheriff's offices deputies and families. The committee is a resource to provide knowledgeable and useful information regarding chaplain services to each sheriff's office and their employees.

During the annual meeting, the committee discussed their plans for the prayer breakfast at the upcoming conference in 2015 as well as continuing their seminar on how to form and sustain a chaplaincy program. The chaplains also talked about how to provide support during mass events/disasters and how to handle the media.

CJIS/Technology Committee

Chair: Sheriff Mike Brown, Bedford County, VA
Vice Chair: Sheriff Gary Maha, Genesee County, NY
Staff Liaison: Fred Wilson

The CJIS committee met on June 21 and was briefed extensively by FBI, FBI CJIS and NDEX personnel on the varying status of these programs. Additionally, discussion ensued concerning other forms of technology, including biometrics.

Court Security, Transportation of Prisoners and Civil Process Committee

Chair: Sheriff John Zaruba, DuPage County, IL
Vice Chair: Sheriff Larry Amerson, Calhoun County, AL
Staff Liaison: Fred Wilson

This committee looked at some of the emerging court security and other issues facing the office of Sheriff. Backlogs on civil process were discussed and the representatives of the Process Servers Association discussed the results of surveys on Civil Process they have performed. They offered to craft such a study for NSA use. The U.S. Marshals discussed current projects and educational video offerings they will soon make available on court and judicial security.

Crime Prevention/Private Security Committee

Chair: Sheriff Mark Wasylshyn, Wood County, OH
Vice Chair: Stan Martin, Frisco, TX
Staff Liaison: Linda Foldvik and Lindsay Hopkins

The meeting was held on June 22, 2014. Sheriff Wasylshyn introduced Stan Martin as his co-chair for the Committee. The state of Florida is still working on its white

paper on the licensing of locksmiths. This is of great interest to the Committee, as the members want to use it for their states, too. Each chairman of the three sub-committees that Sheriff Wasylshyn appointed in January, 2014 reported on the status and work of their respective sub-committees. The sub-committees are: Organized Retail Crime; Awards; and New Technologies Best Practices for Crime Prevention.

The Committee discussed the adverse effect that the legalization of marijuana is causing in the states that have legalized it and the states surrounding that state. This has created yet another challenge for law enforcement. Ice Black Box presented the Neighborhood Watch app. There was excitement as to its many uses for the public and law enforcement. Finally, the Committee discussed a draft Presentations Policy.

Crime Victim Services Committee

Chair: Sheriff Craig Webre, Lafourche Parish, LA
Vice Chair: Sheriff John Whetsel, Oklahoma County, OK
Staff Liaison: Tim Woods

The Crime Victim Services Committee, chaired by Sheriff Craig Webre, met on June 21, 2014. Highlights of the meeting included presentations on the following topics: Victim-Offender Mediation and Dialogue; Introduction to the National Center on Criminal Justice & Disability; Meeting the Needs of Disabled Crime Victims; State & Juvenile Justice Reinvestment Initiatives; and the Role of the Institute of Scrap Recycling Industries in Combating Metals Theft

There was also a presentation about victim services at the Arapahoe County, CO, Sheriff's Office the 2014 recipient of the NSA Crime Victim Services Award, sponsored by Appriss, Inc. And, the Committee passed the following resolution: National Sheriff's Association Leads Efforts to Treat Traffic Crash Victim as Victims of Crime.

Domestic Violence Committee

Chair: Sheriff Kathy Witt, Fayette County, KY
Staff Liaison: Tim Woods

The Domestic Violence Committee, chaired by Sheriff Kathy Witt, met on June 22, 2014. Highlights of the meeting included presentations on the following topics: Shelters and Sheriffs Ending Domestic Violence Together, by the President & CEO of Safe Haven of Tarrant County, TX; Introduction to the National Domestic Violence Hotline, headquartered in Austin; Domestic Violence in Later Life: A New NSA/National Association of Triad's Project Funded by Verizon Hopeline; The Family Justice Center: Working As a Team to Defeat Domestic Violence, by the Executive Director of Safe

NSA Committee Updates

City Commission and One Safe Place of Ft. Worth; and an Introduction to the National Center on Domestic and Sexual Violence, based in Austin, by a Professor at Texas Women's University.

There was also a presentation on the National Crime Information Center (NCIC) by a representative from the FBI. NCIC's Criminal Justice Information Services Advisory Policy Board (APB) reviews strategy, policy, technical, and operational issues in order to provide recommendations to the FBI Director on the NCIC, the Uniform Crime Reporting (UCR) Programming, etc. The APB recently reviewed and approved NSA's proposal that Animal Cruelty be captured within the National Incident-Based Reporting System (NIBRS).

Drug Enforcement Committee

Chair: Sheriff Keith Cain, Daviess County, KY

Vice Chair: Sheriff Mike Milstead, Minnehaha County, SD

Staff Liaison: Ed Hutchison

The NSA Drug Enforcement Committee Meeting met Sunday, June 22, 2014. Chairman Sheriff Keith Cain introduced guests and members of the committee. The committee held a roundtable discussion on concerns of the committee as it related to drug enforcement issues.

Alice Dery, Acting Director, USDOJ Asset Forfeiture and Money Laundering, discussed changes to the asset forfeiture program to include new equitable sharing policies; more expansive permissible uses; excessive distribution; federal share increasing; and community based program support. Harry S. Sommers, Special Agent in Charge, Atlanta Field Division provided an update on marijuana legalization and debunking the top ten reasons supporters want marijuana legalized. Beverly J. Carder, Management and Program Analyst, FBI CJIS Division detailed how the Law Enforcement Online Operations Unit works in providing a gateway of valuable resources accessible in one centralized location used for strengthening case development and enhancing information sharing by law enforcement agencies throughout the world. Michael Barnes, founder and the executive director of the Center for Lawful Access and Abuse Deterrence, discussed a comprehensive national effort to prevent prescription drug fraud, diversion, misuse, and abuse while advancing consumer access to high-quality health care.

Global Policing Affairs Committee

Co-Chair: Sheriff Paul H. Fitzgerald, Story County, IA

Co-Chair: Sheriff Rich Stanek, Hennepin County, MN

Staff Liaison: Susan Crow

The Global Policing Affairs Committee met on June 21, 2014. Gregg Rickman, Deputy Director, AIPAC related his thoughts on AIPAC and its relationship to the committee. Sheriff Matt Bostrom of Ramsey County, MN gave a report on the recent AEIF/AIPAC trip to Israel. After his report, all committee members who also went on the trip spoke. Melody Jackson, Senior Police Advisor, Bureau of International, Narcotics and Law Enforcement Affairs, US Department of

State spoke on their program assisting in community policing and sex crimes overseas. Tracy Cormier, Chief of Staff, US Department of Justice INTERPOL Washington spoke on human sex traffickin

Government Affairs Committee

Chair: Sheriff John Cary Bittick, Monroe County, GA

Vice Chair: Sheriff B.J. Roberts, City of Hampton, VA

Staff Liaison: Breanna Bock-Nielsen

The Governmental Affairs Committee, chaired by Sheriff John Cary Bittick, met on Sunday, June 22, 2014. The Committee heard from speakers including Director Ron Davis, Office of Community Oriented Policing Services, Department of Justice; Deputy Director Scott Breor, Infrastructure Security Compliance Division, Department of Homeland Security; Mr. John Goodwin, Director of Animal Cruelty Policy, the Humane Society of the United States; as well as representatives from The Pew Charitable Trusts and the livestock industry. The Committee meeting covered a variety of topics during the presentations and in the roundtable that followed.

Homeland Security Committee

Chair: Sheriff Rich Stanek, Hennepin County, MN

Co-Vice Chair: Sheriff Adrian Garcia, Harris County, TX

Co-Vice Chair: Sheriff Brad Riley, Cabarrus County, NC

Staff Liaison: Susan Crow

The Homeland Security Committee met on June 22, 2014. The meeting began with a short presentation from Pauline Whelan with Alkermes followed by a short welcome from Gil Kerlikowske, Commissioner, Customs and Border Protection. Next on the agenda was Kurt Reuther, Acting Principal Deputy Undersecretary for Intelligence and Analysis, Department of Homeland Security who spoke on the current status of DHS. Jennifer Anthony with the FBI gave the committee a current threat assessment and then David Sobczyk, State and Local Program Office DHH gave a briefing on the Maritime Suspicious Activity Reporting Initiative and Fusion Center Network. YuLin Bingle, Director, Cyber Intelligence Analysis, DHS, gave a cyber update followed by Dr. Huban Gowadia, Director, Domestic Nuclear Detection Office DHS, spoke on the DNDO's efforts to make nuclear terrorism prohibitively difficult. Our last speaker was Craig Fair, Deputy Assistant Director, WMD Directorate for the FBI who spoke on Ricin outbreaks and other toxic substances.

Immigration and Border Security Committee

Chair: Sheriff (ret.) Ted Sexton, Tuscaloosa County, AL

Vice Chair: Sheriff Clint McDonald, Terrell County, TX

Staff Liaison: Breanna Bock-Nielsen

The Immigration and Border Security Committee, chaired by Sheriff (ret.) Ted Sexton, met on Saturday, June 21, 2014. The Committee heard from speakers including U.S. Customs and Border Protection Commissioner R. Gil Kerlikowske; U.S. Immigration and Customs Enforcement Deputy Director Daniel Ragsdale; Texas Department of Agriculture

NSA Committee Updates

Commission Todd Staples; and other representatives from the Federal Bureau of Investigation and the Department of Homeland Security. The Committee meeting covered a variety of topics during the presentations and in the roundtable that followed.

Indian Affairs Committee

Chair: Sheriff Mike Leidholt, Hughes County, SD
Vice Chair: Sheriff Jack "Skip" R. Hornecker, Fremont County, WY
Staff Liaison: Breanna Bock-Nielsen

The Indian Affairs Committee, chaired by Sheriff Mike Leidholt, met on Sunday, June 22, 2014. The Committee heard from speakers including Director Ron Davis, Office of Community Oriented Policing Services, Department of Justice; Dr. David Munro, Director for Tribal Affairs Department of Homeland Security; and a representative from the Federal Bureau of Investigation. The Committee meeting covered a variety of topics during the presentations and in the roundtable that followed.

Jail, Detention and Corrections Committee

Chair: Sheriff Stanley Glanz, Tulsa County, OK
Vice Chair: Sheriff Dennis Conard, Scott County, IA
Staff Liaison: Hilary Burgess

Highlights from the Jail, Detention and Corrections Committee meeting included updates from the National Institute of Jail Operations (NIJO), the National Institute of Corrections (NIC), the National Commission on Correctional Health Care (NCCHC), and the American Jail Association (AJA). The US Marshals Service discussed the Indigent Pretrial Detainees Access to eDiscovery Working Group. An NSA Resolution was presented to the committee, National Sheriff's Association Recognizes the Contribution of Commercial Surety Bail to the Criminal Justice System, and was voted down.

Legal Affairs Committee

Chair: Sheriff Greg Champagne, St. Charles Parish, LA
Co-Vice Chair: Sheriff Dennis Conard, Scott County, IA
Co-Vice Chair: Sheriff Mike Hale, Jefferson County, AL
Staff Liaison: Richard Weintraub

During the Legal Affairs Committee Meeting, the Committee discussed the impact of the ICE Detainee Warrants which lacks judicial review and is a violation of the 4th Amendment; the present status of the FCC Intrastate/Interstate inmate phone rates; and NSA's joining in an Amicus Brief in the city/county of San Francisco v Sheehan on appeal from the 9th Circuit Court of Appeals on the issues of violations of the 4th Amendment and the American Disabilities Act (ADA) by Peace Officer who wounded a mentally ill individual who threatened a mental health counselor and peace officers with deadly force.

Membership Committee

Chair: Sheriff Ted Kamatchus, Marshall County, IA
Vice Chair: Sheriff Mike Leidholt, Hughes County, SD
Staff Liaison: Lindsay Hopkins

At the 2014 Annual Conference in Ft. Worth, TX the Membership Committee discussed many future endeavors. One such item was future partnerships with the Wisconsin Sheriff's & Deputy Sheriff's Association as well as the Volunteer Law Enforcement Office Alliance. These partnerships will allow interested parties to join both NSA and the partnering association for one base fee. Also discussed was how information is disseminated to Sheriffs from NSA. It was suggested that information be sent to the State Executives who can then relay it to their Sheriffs, making it more personalized and increasing the likelihood of important information being read. The committee also conferred about the new National Neighborhood Watch (NNW) program that was created upon the completion of the USAonWatch grant. NNW, a division of the National Sheriff's Association, is now a membership program in which Neighborhood Watch groups, law enforcement liaisons and block captains can pay dues and receive access to many publications and member benefits helpful in running and maintaining a Neighborhood Watch program. Registering groups and law enforcement agencies remains free of charge.

NSI Education and Training Committee

Chair: Sheriff Larry Amerson, Calhoun County, AL
Vice-Chair: Sheriff Gabriel Morgan, City of Newport News, VA
Staff Liaison: Fred Wilson

This committee met and supported an endorsement from the Endorsements subcommittee. Discussion was held on NSA programs for NSI, Court Security Audits, and two people spoke on NSA management Audits. NSA's court security training programs were also discussed.

Reserve Law Enforcement Office's Committee

Chair: Sheriff John Aubrey, Jefferson County, KY
Staff Liaison: Linda Foldvik

The meeting was well attended on June 22, 2014 by the Committee's membership. All members were excited at being told that the Award's Committee of NSA had received many nominations for the first Reserve Deputy of the Year Award to be given by NSA based on criteria set up by this Committee. There was discussion of Gold Medals being given to nominees of the Award, to be sponsored by members of this Committee.

The Seminar given by Ross Wolf, a member of the Committee on June 21st was very well attended. The Committee is excited to see the turnout of the Roundtable to be held on the 23rd. The Committee will then determine if this Roundtable should become an annual event.

There was discussion as to how a Reserve Office becomes a member of NSA and what, if any, criteria there should be for that. Finally, Sheriff John Aubrey stepped down as Chair

NSA Committee Updates

of this Committee during the year of his NSA Presidency. He appointed Sheriff Vernon Stanforth to act as Chairman of the Committee for the 2014/2015 year.

Small Rural Sheriffs Committee

Chair: Sheriff William Brueggemann, Cass County, NE
Staff Liaison: Meghan Reed

The Small Rural Sheriffs Committee is dedicated to being a strong voice and resource to the small and rural law enforcement and tribal agencies across the United States. The committee tries to identify and recommend resources to assist with the operations of small and rural law enforcement.

During the annual meeting, there were several guests that spoke to the committee. The topics included technology deployment for school violence, searching and applying for grants, and the 1033 program that allows state and local law enforcement to obtain free equipment from the Department of Defense.

Special Operations Committee

Chair: Sheriff Tim Bailey, Marion County, OH
Vice Chair: Sheriff Kevin Walsh, Onondaga County, NY
Staff Liaison: Susan Crow

The Special Operations Committee met on June 22, 2014. Scott Breor, Deputy Director, Infrastructure Security Compliance Division, DHS spoke to the committee about chemical security and recent efforts at DHS to improve information sharing with first responders. Dob Roby, ALEA Training Program Manager provided a UAS update, followed by Ben Bolton, Outreach & Technical Services Coordinator, NLETC provided an overview of their free technology assistance to state and local law enforcement. He was followed by Charlie Brune, CFE, Law Enforcement Liaison, Federal Excess Property Program, NLETC who gave an update on the Federal 1033 Program.

Traffic Safety Committee

Chair: Sheriff John Whetsel, Oklahoma County, OK
Vice Chair: Sheriff Dennis Conard, Scott County, IA
Staff Liaison: Ed Hutchison

The Traffic Safety Committee Meeting met on Sunday, June 22, 2014. Chairman Sheriff John Whetsel introduced guests and new committee members. The committee then held a roundtable discussion of local concerns and challenges among the committee members and guests. Following the discussion, the committee introduced and passed a Move Over resolution, addressing all 50 states in enforcing laws designed to protect first responders on our roadsides.

The committee then addressed Crash Victims as Victims of Crime, with staff updates on formation of a working committee, movement within the FBI UCR subcommittee to address crash victims as victims of crime, and a resolution of support for the issue. The committee also passed a joint resolution with the Drug Enforcement Committee in support of enforcing driver impairment due to marijuana.

The committee passed a resolution demonstrating that NSA continues to oppose increases in truck size or weight at all levels of government.

Wilfrid Price, National Highway Traffic Safety Administration gave an overview of the NSA and NHTSA cooperative agreement and new tasks assigned to NSA and this committee. Mr. Price was joined by Bill O'Leary, NHTSA Highway Safety Specialist, to speak on the ARIDE training offered by NHTSA. Jeffrey King, TI&EM Public Safety Liaison of the FHWA addressed a free national TIM First Responder training offered to the office of sheriff and called for assistance to get individuals trained and to help advertise the training. Craig Floyd, NLEOMF CEO then offered an updated LEO Deaths Report and a review of changing the culture of safety. Carl McDonald, MADD National Law Enforcement Initiatives Manager provided a brief update on MADD activities as it pertained to law enforcement, as well. Jaime Alvis, Foundation for Advancing Alcohol Responsibility provided an overview of the new look of the Century Council and its top goals for the year. Paul Adkins, Laser Technology, Inc. discussed the upcoming NSA partnered webinar on Distracted Driving, in which Laser Technology will be giving away one of its devices to an attendee.

Youth Programs and Juvenile Justice Committee

Chair: Sheriff Steven Sparrow, Oldham County, KY
Staff Liaison: Susan Crow

The Youth Programs and Juvenile Justice Committee met on June 22, 2014. We had presentations by Lindsey Carlson, PEW Charitable Trusts, who spoke on the role of sheriffs in working with state leadership on sentencing reforms. The Joshua Spaulding, Deputy Executive Director, Fight Crime Invest in Kids asked that the committee consider a resolution, "NSA Supports Early Childhood Programs as a Public Safety Investment." After discussion, the committee voted to adopt the resolution. The committee also voted to support the renewal of the 2010-2011 Resolution to Support RADKIDS. John Thompson, Deputy Executive Director of NSA spoke on the new Neighborhood Watch NOW program.



Administrative Discretion Versus Judicial Intervention in Day-to-Day Jail Operations

By Gary W. DeLand

Background

I was recently contacted by a sheriff and a deputy county attorney who were concerned that a state district judge was seriously interfering with the day-to-day operations and policies of the Sheriff's jail. The judge had adopted a troublesome practice of responding to letters of complaint from jail prisoners by calling impromptu hearings during which he would hear the prisoners' complaints, require responses from jail officials then issue instructions to the jail officials. These actions were all taken without litigation ever having been filed. In essence, the judge had stepped outside of his judicial role and taken over the jail's prisoner discipline system – an executive function.

I assisted the county official to regain control and reinstate the separation of powers as applied to the jail's operation. We were successful in this effort by presenting the court with a detailed comparative legal discussion of the responsibilities, roles, and powers of the executive and judicial branches. I have spoken with many corrections officials vexed by similar judicial practices (i.e., ordering visits contrary to jail policy, ordering prisoner to be classified in a particular manner, ordering more recreation time, etc.). During a recent National Institute for Jail Operations training seminar at which I spoke, the issue of judges ordering jail administrators to do things contrary to jail policy (even there was no litigation giving the judge jurisdiction) came up. The discussion revealed that it is not uncommon for courts to engage in extrajudicial responses to prisoner complaints. As a result of the discussion, some jail official requested that I write an article addressing the issue.

There is a natural tension between corrections administrators and the courts that handle prisoner litigation. To put judicial intervention and second-guessing in context, I will provide a quick look at the evolution of the conflict between judicial intervention and administrative discretion. I will provide a brief discussion of prisoner-litigation history, case law, and federal statutes related to the issue.

Hands-Off doctrine

The pendulum has swung to opposite extremes over the history of corrections litigation ranging from the so-called hands-off doctrine to active judicial intervention. The hands-off doctrine – a concept which existed until the end of the 1960s – limited the ability of the courts to intervene in the management of prisoners. The hands-off doctrine was based primarily on the constitutional concepts of federalism and separation of powers. During the period of the hands-off doctrine, the judiciary exercised an extremely limited role in reviewing prisoners claims. See for example, *Banning v. Looney*, 213 F.2d 771 (CA10 1954), cert. den., 348 U.S. 859 (1954) (“Courts are without power to supervise prison administration or to interfere with the ordinary prison rules or regulations.”); *Adams v. Ellis*, 187 F.2d 850 (CA9 1951) (“It is not the function of the courts to superintend the treatment and discipline of prisoners in penitentiaries, but only to deliver from imprisonment those who are illegally confined.”)

The hands-off doctrine allowed conditions in many prisons and jails to sink to abysmal levels; thus, as the 1960s gave way to the 1970s, the federal courts found the need to put an end to the hands-off doctrine.

The Judicial Revolution

The beginning of the 1970s saw not only the end of the hands-off doctrine, but a virtual explosion of judicial intervention and activism regarding the conditions of the nation's jails and prisons. Certainly, the conditions under which most prisoners were incarcerated made the situation ripe for court involvement. In fact, the conditions of some jails and prisons were so appalling that corrections officials seemed to be unwittingly inviting judicial intervention. The courts accepted the invitation, and did not enter the fray in a timid or cautious manner. To the contrary, during the 1970s, there was a tsunami of prisoner litigation and rulings adverse to corrections operations. By the end of the decade, a large majority of the nation's prison systems and large jail systems were operating under federal court order.

To make the problem worse, the federal judges did not have an existing body of law to guide and limit the courts; thus, judges were essentially put in the position of creating corrections law and prisoner rights. During that period, constitutional rights were frequently defined by the personal philosophies and biases of individual judges. Some courts relied on jail standards written by the U.S. Department of Justice¹ or one of the various professional organizations (e.g., American Correctional Association). As a result the law varied substantially from circuit to circuit and in some cases federal judges presiding in the same state issued conflicting rulings. Jail and prison officials operated in a constantly shifting and evolving legal landscape and at constant risk of litigation.

According to the Administrative Office of the United States Courts, “by 1995 more than twenty-five percent of the suits filed in federal district court were brought by prisoners.”² That is amazing because prisoners made up less than half of one percent of the nation’s population. During hearings conducted by the U.S. Congress, “Congress found that the number of prisoner lawsuits ‘has grown astronomically — from 6,600 in 1975 to more than 39,000 in 1994.’”³ The flood of prisoner litigation resulted in a substantial burden on the courts. Another problem was that, all but a small fraction of the suits filed were found to be frivolous, malicious, vexatious, and/or unfounded. It had reached the point that prisoners were suing over what brand of footwear the prison should issue, chunky versus smooth peanut butter, stealing the prisoner’s brain waves, the right to have pornography, and other such issues.

Reinstating Administrative Discretion

The U.S. Supreme Court – slowly at first, but with increasing strength – issued a series of rulings which weakened court dominance in favor of administrative discretion. Although making it clear that corrections officials must protect the clearly established rights of prisoners, judges were warned that they could not overturn policies and procedures simply because they disagreed with them or as a matter of substituting their judgments for the informed judgment of the corrections professionals. To better understand the evolution of the Supreme Court’s imposition of restraints on judicial second-guessing of corrections officials in favor of reinstating administrative discretion, it will be helpful to do a quick review of some key Supreme Court decisions.

1 Federal Corrections Policy Task Force, *Federal Standards for Corrections*.

2 **Roller v. Gunn**, 107 F.3d 227, 230 (4th Cir.1997) (citing Administrative Office of the United States Courts, 1995 Federal Court Management Statistics 167) (emphasis added); Margo Schlanger, “Inmate Litigation,” 116 *Harvard Law Review* 1555 (2003) (19 percent of federal court docket).

3 **Alexander v. Hawk**, 159 F.3d 1321 (CA11 1998) (citing 141 Cong. Rec. S14408-01, S14413 (daily ed. Sept. 27, 1995)).

Procunier v. Martinez, 416 U.S. 396 (1974). In one of the first Supreme Court rulings urging judicial restraint, the Court made it clear that judges should avoid inserting themselves in to the day-to-day management of prisoners – an area in which they lacked expertise and perspective and where the unintended consequences of their actions may undermine or degrade safety, security, and proper management of prisoners.

“[C]ourts are ill equipped to deal with the increasingly urgent problems of prison administration and reform. Judicial recognition of that fact reflects no more than a healthy sense of realism.”⁴

“They are also ill suited to act as the front-line agencies for the consideration and resolution of the infinite variety of prisoner complaints.”⁵

“The Herculean obstacles to effective discharge of these duties are too apparent to warrant explication. Suffice it to say that the problems of prisons in America are complex and intractable, and, more to the point, they are not readily susceptible of resolution by decree.”⁶

Jones v. North Carolina Prisoners Union, Inc., 433 U.S. 119 (1977). “The necessary and correct result of our deference to the informed discretion of prison administrators permits them, and not the courts, to make the difficult judgments concerning institutional operations in situations such as this.”⁷

“The federal courts, as we have often noted, are not equipped by experience or otherwise to “second guess” the decisions of state legislatures and administrators in this sensitive area except in the most extraordinary circumstances.”⁸

The 1970s resulted in major changes in the operation of jails and prisoners. The benefits and improvements that the judicial actions of the 1970s brought would be hard to exaggerate; however, many judges blurred or crossed the line between the powers and roles of the judiciary and the executive. Thus, during the judicially turbulent 1970s, the Supreme Court was urging the lower courts to exercise caution as the pendulum was swinging hard to the left. As the 1970s were coming to an end the Supreme Court stepped in with rulings that reinstated administrative discretion and put limits on judicial activism.

Bell v. Wolfish 441 U.S. 520 (1979). Bell was a powerful case that immediately altered the relationship between judicial intervention and administrative discretion.

“Courts must be mindful that these inquiries from constitutional requirements and that judicial answers to them must reflect that fact rather than a court’s idea of how best to operate a detention facility.”⁹

4 416 U.S. 396, 405 (1974).

5 416 U.S. 396, 405 n. 9 (1974).

6 416 U.S. 396, 404-405 (1974).

7 433 U.S. 119, 128 (1977) (emphasis added).

8 433 U.S. 119, 137 (1977) (BURGER, Chief Justice, concurring) (emphasis added).

9 **Bell v. Wolfish**, 441 U.S. 520, 539 (1979); **Rhodes v.**



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- **Emerging Litigation Threats** (ACLU, SPLC, PLN)
- Implementing a Proactive Approach in **Protecting Against Administrative Liability** through **Policy and Procedures, Training and Inmate Grievance Systems.**
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Gary DeLand is the former Executive Director and current Jail Operations Division Director of the Utah Sheriffs' Association and President of DeLand and Associates, Inc. He has traveled to more than 45 states to provide legal issues and other criminal justice training. Formerly, Gary served as Commander of the Jail Division for the Salt Lake County Sheriff's Office, Executive Director of the UT State Department of Corrections and Senior Advisor to the Iraqi Ministry of Justice. He has also served as an officer for NSA's Presidents and Executive Directors Committee and as Chair of the ACA Legal Issues Committee. DeLand is the past Editor-in-Chief and Executive Editor of the Corrections Managers' Report.

R. Blake Hamilton, esq. is an attorney and private correctional litigation consultant. His primary practice areas are civil rights litigation and governmental entity defense, also including general civil litigation, tax law, complex criminal defense, and health care litigation, including licensing (DOPL). Blake has successfully tried numerous cases in both Federal and State Courts. He presently serves as the City Attorney for the City of Hildale. Blake has been honored as the Utah Lawyer of the Year in 2013.

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“[C]ourts should defer to the informed discretion of prison administrators because the realities of running a corrections institution are complex and difficult courts are ill equipped to deal with these problems”¹⁰

“[T]he problems that arise in the day-to-day operation of a corrections facility are not susceptible of easy solutions. Prison administrators therefore should be accorded wide-ranging deference in the adoption and execution of policies and practices that in their judgment are needed to preserve internal order and discipline and to maintain institutional security.”¹¹

“Such considerations are peculiarly within the province and professional expertise of corrections officials and, in the absence of substantial evidence in the record to indicate that the officials have exaggerated their response to these considerations, courts should ordinarily defer to their expert judgment in such matters.”¹²

“We further observe that, on occasion, [corrections] administrators may be ‘experts’ only by Act of Congress or of a state legislature. But judicial deference is accorded not merely because the administrator ordinarily will, as a matter of fact . . . have a better grasp of his domain than the reviewing judge, but also because the operation of our correctional facilities is peculiarly the province of the Legislative and Executive Branches of our Government, not the Judicial.”¹³

Turner v. Safly, 482 U.S. 78 (1987). “When accommodation of an asserted right will have a significant ripple effect on fellow inmates or on prison staff, courts should be particularly deferential to the informed discretion of corrections officials.”¹⁴

Florence v. Board of Chosen Freeholders of the County of Burlington, 132 S.Ct. 1510 (2012).

“Maintaining safety and order at these institutions requires the expertise of correctional officials who must have substantial discretion to devise reasonable solutions to the problems they face.”¹⁵

“The task of determining whether a policy is reasonably related to legitimate security interests is ‘peculiarly within the province and professional expertise of corrections officials.’”¹⁶

Chapman, 452 U.S. 337, 351 (1981) (emphasis added).

¹⁰ **Bell v. Wolfis**, 441 U.S. 520, 548 n. 29 (1979).

¹¹ **Bell v. Wolfis**, 441 U.S. 520, 547 (1979) (emphasis added). Also see **Jones v. North Carolina Prisoners’ Labor Union**, 433 U.S. 119, 128 (1979); **Procunier v. Martinez**, 416 U.S. 396, 404-405 (1974); **Cruz v. Beto**, 405 U.S. 319, 321 (1972); **Meachum v. Fano**, 427 U.S. 215, 228-229 (1976).

¹² **Bell v. Wolfis**, 441 U.S. 520, 547-48 (1979), quoting **Pell v. Procunier**, 417 U.S. 817, 827 (1974) (emphasis added).

¹³ **Bell v. Wolfis**, 441 U.S. 520, 547-48 (1979) (emphasis added). Also see **Procunier v. Martinez**, 416 U.S. 396, 405 (1974); **Meachum v. Fano**, 427 U.S. 215, 229 (1976).

¹⁴ 482 U.S. 78, 90 (1987) (emphasis added).

¹⁵ 132 S.Ct. 1510, 1515 (2012).

¹⁶ 132 S.Ct. 1510, 1517 (2012).

Prison Litigation Reform Act

While the U.S. Supreme Court had already begun to limit judicial intervention in jails and prisons, litigation was still a court-clogging epidemic and activist courts continued to interfere with and second-guess the corrections official. As a result Congress passed and President Clinton signed into law the Prison Litigation Reform Act (PLRA). The PLRA has substantially limited the nearly unfettered jurisdiction federal judiciary in dealing with corrections litigation, and within two years of the PLRA becoming law, prisoner litigation had dropped by nearly 50 percent. The PLRA has proved to be very effective tool in limiting court jurisdiction. The following is a small sample of the key provisions of PLRA.

A. Limiting Court Jurisdiction

Courts are permitted to assume jurisdiction only when there is a finding of a specific violation of a protected federal right; courts cannot order action where other less intrusive relief will correct violations of prisoners’ rights; court orders must be narrowly drawn and cannot exceed what is necessary to remedy the specific constitutional violation(s) found; and court orders must be limited to the least intrusive means of remedying the constitutional violation.

B. Exhaustion of Administrative Remedies

In the past, prisoners have been able to go straight to the courts without first giving jail and prison officials the opportunity to resolve prisoner complaints short of litigation. The PLRA requires prisoners to exhaust available administrative remedies – grievance system – before seeking relief from the courts.

No action shall be brought with respect to prison conditions under [42 U.S.C. § 1983], or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.¹⁷

The actions of the judge who inserted himself into the day-to-day operation of the jail by holding ad hoc hearings was either unaware of the PLRA, had chosen to ignore its provisions, or the judge had decided to take over an executive function and act as the jail’s grievance official.

Exhaustion means proper exhaustion. The Supreme Court in ruling on challenges to the PLRA ruled that prisoners must complete the administrative review process in accordance with the grievance policy, including meeting deadlines, as a precondition to litigating. It is the jail’s written grievance policies and procedures that define what procedures the prisoner must follow to properly exhaust administrative remedies.¹⁸ According to the U.S. Supreme Court, “There is no question that exhaustion is mandatory under the PLRA and that unexhausted claims cannot be

¹⁷ 42 U.S.C. § 1997e(a).

¹⁸ **Woodford v. Ngo**, 548 U.S. 81 (2008).

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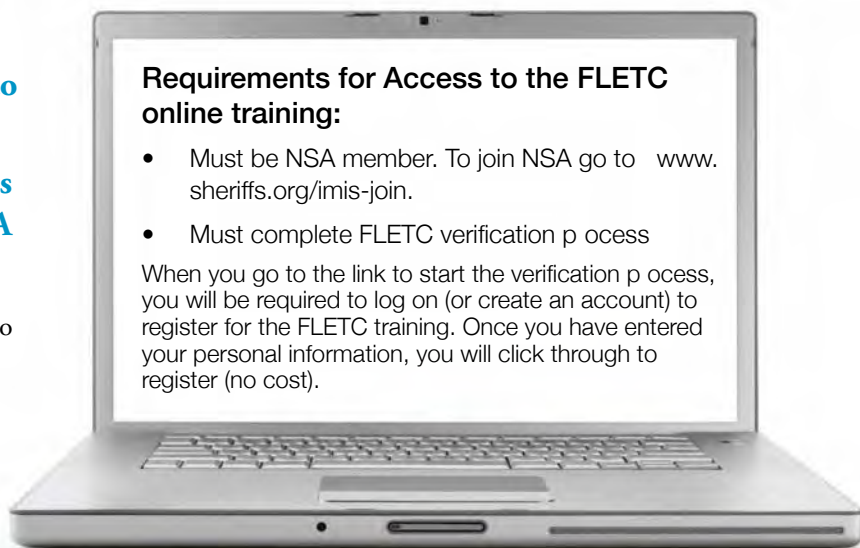
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brought in court.”¹⁹ In addition to ruling exhaustion is a mandatory step before involving the courts, the Court identified some benefits of exhaustion remedies.

We have identified the benefits of exhaustion to include allowing a prison to address complaints about the program it administers before being subjected to suit, reducing litigation to the extent complaints are satisfactorily resolved, and improving litigation that does occur by leading to the preparation of a useful record.²⁰

The PLRA did not authorize courts to conduct the grievance hearings which arguably is what happens when a judge requires to come to court to answer prisoners’ misdirected grievances or civil rights complaints.

C. Basis for Court Involvement

It is not my intent to imply that courts have no role in dealing with prisoners’ claims of violations of their constitutional rights. The courts have played and will continue to play an essential role in hearing constitutional claims when prisoners file civil rights suits against corrections officials by receiving a written complaint alleging violations of civil rights and then subjecting allegations to the rigors of the litigation process (i.e., permitting defendants to file answers and proffer affirmative defenses, submit interrogatories, conduct depositions, request production of documents, file motions, go to trial, if necessary); after, of course, exhausting remedies.

It is quite a different matter when a judge acts extrajudicially to review the day-to-day acts and decisions of jail officials – essentially giving first hearings to prisoner grievances challenging the actions and decisions of the corrections professionals who administer the facility and moving the grievance process to the courtroom – rather than allowing the ordinary and proper processing of grievances as set forth in statute and affirmed by the Supreme Court.

Unintended Consequences of Ad Hoc Hearings

When judges bypass the formal litigation process to hear prisoner grievances, they are essentially assuming their views on prisoner management make them better qualified to decide on operational policies than the corrections professionals who rely on their years of experience, training, and direct and constant interaction with prisoners. These primary operational realities in jails rarely understood by persons who are not involved in the day-to-day function of supervising, controlling, and caring for prisoners are the extent to which:

Unintended consequences result from seemingly minor actions or decisions;

The ability of prisoners to manipulate the jail environment; and

The skill of prisoners to exploit what appear to be insignificant weaknesses in jail practices.

Prisoners whose rights may have been violated have a legitimate forum to seek relief; first, the jail’s grievance system, then if that fails to satisfy their needs, formal litigation. Prisoners who know they can bypass the grievance system and circumvent the more demanding fact-finding process of formal litigation will do so. It certainly serves the interests of prisoners and gives them leverage to undermine jail officials’ legitimate penological interests by engaging the court to second-guess jail policies and procedures and/or to micro-manage jail operations. ★

¹⁹ **Jones v. Bock**, 549 U.S. 199 (2007) (emphasis added).

²⁰ See **Jones v. Bock**, 549 U.S. 199 (2007) (emphasis added); **Porter v. Nussle**, 534 U.S. 516, 524-525 (2002).

From Jump Start Program to Police Explorer Post

Neptune High School/Monmouth County Sheriff's Office Partnerships Make Things Happen!

*By Sheriff Shaun Golden, Monmouth County Sheriff's Office
Principal Richard Allen, Ed.S. and Undersheriff Ted Freeman*

On March 14, 2014, the students in the Neptune High School *JumpStart* Law/Criminal Justice Academy became a part of Explorer Post #1, Monmouth Council of Boy Scouts. The official presentation of the Explorer Post Charter to Neptune High School Principal Richard Allen, Ed.S., and Monmouth County Sheriff Shaun Golden was made at Neptune High School by Monmouth Council Scout Executives Chris Quakenbush and Lee Marconi. This milestone came about because of the passion for excellence of three individuals: Monmouth County Sheriff Shaun Golden, Neptune Superintendent of Schools David Mooij, and Neptune High School Principal Richard Allen, Ed.S.

In 2012, Superintendent David Mooij and Principal Richard Allen approached Sheriff Shaun Golden about the possibility of using the amazing facilities at Neptune High School as part of Sheriff Youth Week. Neptune had long been a supporter of the Sheriff's Office Sheriff Youth Week Program and was the only school in Monmouth County to bus their students attending Sheriff Youth Week daily to the Monmouth County Police Academy. The offer was accepted and on Wednesday, July 10, 2013, all 126 cadets attending Sheriff Youth Week reported to Neptune High School instead of the Police Academy.

At Neptune High School, the cadets were afforded a rotation of activities including the rock wall climb, challenge course, zip line, weight room, swimming, and a 5 K challenge on Neptune High School's padded track. It was a day full of challenges and physical activities. Also, on that day, while showing Sheriff Golden the medical lab at Neptune High School, Principal Allen mentioned that Neptune High School had a *JumpStart* Law/Criminal Justice Academy and was hoping to find a law



enforcement partner to establish an Explorer Post at the High School. Sheriff Golden was receptive to the idea. However, he asked that Principal Allen first contact his local police department to make certain they did not want to pursue an Explorer Post. The following morning, Principal Allen had a document, signed by the administrative head of the police department, indicating that his agency was not interested in pursuing an Explorer Post with Neptune High School. The quest for Explorer Post #1 had begun!

On September 13, 2013, Principal Allen, Law/Criminal Justice *JumpStart* Academy Coordinator Josephine Morey, and Undersheriff Ted Freeman met at Neptune High School to create an action plan for the establishment of an Explorer Post at Neptune High School. The action plan included an agreement on the structure of this partnership, uniform of the participants, meeting schedule, transportation needs, registration fees, advisory committee, and the preparation of a memorandum of understanding between the Neptune Township Board of Education and the Monmouth County Sheriff's Office.



at Sandy Hook where the Explorers learned about the training and discipline required of the Coast Guard and the many functions that organization performs. The tour concluded with the boarding and tour of a Coast Guard cutter.

In June, Explorer Post #1 took a field trip to the newly opened Sheriff's Public Safety Center in Freehold which was personally conducted by Monmouth County Sheriff Shaun Golden. There the Explorers saw the latest in communications and Emergency Management technology that serves all Monmouth County public safety agencies.

As the main character in the number one rated show on television, NCIS, Special Agent Jethro Gibbs, says, "There is no such a thing as coincidence." Such is the case with Explorer Post #1. The creation of Explorer Post #1, and the partnership between the Monmouth County Sheriff's Office and Neptune High School, is the result of three people coming together with

Following this meeting, faculty member and Explorer Post Advisor Josephine Morey and Ted Freeman met with Chris Quakenbush, Scout Executive, Monmouth Council of Boy Scouts, to review the paperwork, requirements, uniform approval procedures, adult leader and advisor training and certifications needed to proceed.

By December, all necessary paperwork was filed, training courses completed and the requirements for the charter completed and under review. The Neptune High School/Monmouth County Sheriff's Office Post was given the designation of Explorer Post #1. The first Explorer Post meeting at the high school was on December 4, 2013 which included an overview of the Explorer program and a course on Police Ethics by Undersheriff Freeman, the Ethics instructor at the Monmouth County Police Academy.

The January meeting was a class on the role of the Public Information Office in Law Enforcement with guest speaker Cynthia Scott, an Emmy Award winning broadcast journalist, who is the public information officer for the Monmouth County Sheriff's Office. Students in the *JumpStart* Communications Class were also invited to attend this meeting.

An additional meeting was held in January, with subsequent meetings in February and March, on Forensics, in preparation for a Forensics exercise to be held at Camp Evans, a former military base. Retired New Jersey State Police Captain Robert Ferguson and Monmouth County Undersheriff Michael Donovan conducted the Forensics classes.

On April 30, 2014, Explorer Post #1 held a Forensics exercise at Camp Evans. Captain Ferguson, Undersheriff Donovan, and Sheriff's Office Claire Peluso prepared the crime scene in one of the rooms at Camp Evans. The Explorers were split into small groups, taken to the crime scene and, based on what they learned during their three training sessions on Forensics, had to determine what happened and justify that determination.

May and June were additional field trips for Explorer Post #1. May was a field trip to Sandy Hook, New Jersey, where they were met by Chief Robert Loudon and his staff of the U.S. Park Rangers, and given a tour of the entire operation including the public safety buildings, the old Army Fort Hancock buildings, and a trip to the top of the Sandy Hook Lighthouse, the oldest continuing operating lighthouse in the country. Chief Loudon had also arranged for a side trip to the US Coast Guard Station



a shared vision and a commitment to education and to children: Sheriff Shaun Golden (who is also an adjunct professor at Monmouth University) Superintendent David Mooij and Principal Richard Allen, Ed.S. We look forward to continuing to expand our partnership as we collaboratively work to create a supportive, challenging and motivating opportunities for our future law enforcement professionals. 🌟



Government Affairs Update

(As of August 2014)

By Breanna Bock-Nielsen, M.S., Director of Government Affair

113th Congress – 2nd Session

This update covers the period of July 8, 2014, to August 26, 2014. To read the full text of NSA letters cited here, visit <http://www.sheriffs.org/content/government-affairs-correspondence>. July was taken up with multiple hearings, though Congress still failed to complete the appropriations process. Congress took its traditional summer recess in August and is expected to return after Labor Day.

Legislative Tracking

The chart below details the bills that NSA has supported or opposed during the 113th Congress. For more information on any piece of legislation, please contact Breanna Bock-Nielsen at bnielsen@sheriffs.org.

Position	Bill	Title	Summary	Sponsor	Status
Support	HR401 S162	Justice and Mental Health Collaboration Act of 2013	Amends MIOTCRA to: (1) expand the assistance provided under such Act, and (2) reauthorize appropriations for FY2015-FY2019. Defines a "preliminarily qualified offender" as an adult or juvenile accused of an offense who has been diagnosed as having, or who manifests obvious signs of, mental illness or co-occurring mental illness and substance abuse disorders.	Rep. Nugent (R-FL); Sen. Franken (D-MN)	Referred to House Sub. on Crime, Terrorism, Homeland Security, and Investigations; Motion to proceed to consideration in Senate
Support	HR1263 S264	Excellence in Mental Health Act of 2013	Amends the Public Health Service Act to establish criteria for certification of federally qualified community behavioral health centers. Requires Administrator of the Substance Abuse and Mental Health Services to certify and rectify, at least every 5 years, that federally-qualified community behavioral health centers are meeting criteria.	Rep. Matsui (D-CA); Sen. Stabenow (D-MI)	Referred to House Sub. on Health; Referred to Senate Comm. on Health, Education, Labor, and Pensions

Position	Bill	Title	Summary	Sponsor	Status
Support	HR659	State and Local Law Enforcement Hatch Act Reform Act of 2013	Amending the Federal Hatch Act allowing elected law enforcement officials to endorse political candidates and participate in political activities in his official capacity as long as he does not interfere with or affect the results of an election or nomination; and establishing a 6 month statute of limitations from date of alleged violation by which Office of Special Counsel must file charges	Rep. Latta (R-OH)	Referred to House Comm. on Oversight and Govt. Reform
Support	HR180 S357	National Blue Alert Act of 2013	To encourage, enhance, and integrate Blue Alert plans throughout the United States in order to disseminate information when a law enforcement officer is seriously injured or killed in the line of duty.	Rep. Grimm (R-NY); Sen. Cardin (D-MD)	Passed House on 406-2 vote; Placed on Senate Leg. Calendar
Support	HR1470 S146	School Safety Enhancements Act of 2013	To amend the Omnibus Crime Control and Safe Streets Act of 1968 to authorize school security grants by the Office of Community Oriented Policing Services to be used for the installation of surveillance equipment and the establishment of hotlines or tip lines for the reporting of potentially dangerous students and situations.	Rep. Capps (D-CA); Sen. Boxer (D-CA)	Referred to House Sub. on Crime, Terrorism, Homeland Security, and Investigations; Placed on Senate Leg. Calendar
Support	HR953 S445	Local Courthouse Safety Act of 2013	To improve security at State and local courthouses.	Rep. Grayson (D-FL); Sen. Franken (D-MN)	Referred to House Sub. on Crime, Terrorism, Homeland Security, and Investigations; Referred to Senate Comm. on the Judiciary
Support	HR1919	Safeguarding America's Pharmaceuticals Act of 2013	To amend the Federal Food, Drug, and Cosmetic Act with respect to the pharmaceutical distribution supply chain, and for other purposes.	Rep. Latta (R-OH)	Passed House by voice vote; Referred to Senate Comm. on Health, Education, Labor, and Pensions
Support	HR1417	Border Security Results Act of 2013	To require the Secretary of Homeland Security to develop a comprehensive strategy to gain and maintain operational control of the international borders of the United States, and for other purposes.	Rep. McCaul (R-TX)	Placed on House Union Calendar
Support	S394	Metal Theft Prevention Act of 2013	A bill to prohibit and deter the theft of metal, and for other purposes.	Sen. Klobuchar (D-MN)	Placed on Senate Leg. Calendar

Government Affair

Position	Bill	Title	Summary	Sponsor	Status
Support	HR421	COPS Improvement and Reauth Act of 2013	A bill to reauthorize the COPS school safety grant.	Rep. Reichert (R-WA)	Referred to House Sub. on Crime, Terrorism, Homeland Security, and Investigations
Support	S1307	Youth Prison Reduction Through Opportunities, Mentoring, Intervention, Support and Education (PROMISE) Act	To prevent juvenile delinquency and criminal street gang activity through evidence-based practices.	Sen. Landrieu (D-LA)	Referred to Senate Comm. on the Judiciary
Support	HR988 S933	Bulletproof Vest Partnership Grant Program Reauthorization Act of 2013	To amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2018.	Rep. LoBiondo (R-NJ); Sen. Leahy (D-VT)	Referred to House Sub. on Crime, Terrorism, Homeland Security, and Investigations; Senate Comm. on the Judiciary
Support	HR2541	Police Officer Protecting Children Act	To allow certain off-duty law enforcement officers and retired law enforcement officers to carry a concealed firearm to protect children in a school zone.	Rep. Hartzler (R-MO)	Referred to House Sub. on Crime, Terrorism, Homeland Security, and Investigations
Support	S1323	Protecting Our Youth from Dangerous Synthetic Drugs Act of 2013	To address the continued threat posed by dangerous synthetic drugs by amending the Controlled Substances Act relating to controlled substance analogues.	Sen. Feinstein (D-CA)	Referred to Senate Caucus on Int'l Narcotics Control
Support	S822	Justice for All Reauthorization Act of 2013	To amend the federal criminal code on issues of DNA testing; to extend appropriations for grants, through FY2018, related to the Justice for All Act of 2004, the Victims of Crime Act of 1984, and the DNA Analysis Backlog Elimination Act of 2000; and to amend other criminal justice laws.	Sen. Leahy (D-VT)	Placed on Senate Legislative Calendar
Support	S1322	Synthetic Abuse and Labeling of Toxic Substances (SALTS) Act of 2013	Amends the Controlled Substances Act to provide that, in determining whether a controlled substance analogue was intended for human consumption, certain factors may be considered.	Sen. Klobuchar (D-MN)	Referred to United States Senate Caucus on Int'l Narcotics Control

Position	Bill	Title	Summary	Sponsor	Status
Support	HR3239	Making automatic continuing appropriations in the event of a government shutdown	Appropriates for FY2014, for any period during which the government is shutdown, such sums as may be necessary to continue emergency training and critical training by the FBI at a rate for operations as provided by the 2013 Consolidated Appropriations Act as reduced by sequestration.	Rep. Bill Cassidy (R-LA)	Referred to the House Comm. on Appropriations
Support	HR3717	Helping Families in Mental Health Crisis Act of 2013	Allocates resources to community health centers, law enforcement agencies, suicide prevention centers, and educational facilities to better identify those with mental illness and respond to incidents involving individuals with mental illness. It will also expand coverage of mental health illnesses and substance abuse disorders under Medicare and Medicaid.	Rep. Murphy (R-PA)	Referred to House Sub. on Crime Terrorism, Homeland Security, and Investigations
Oppose	SA 2312 to S1197	Amendment to the National Defense Authorization Act	Requires states to raise the maximum allowable length of a double-trailer truck from 28.5 feet to 33 feet.	Sen. Alexander (R-TX)	Filed but not yet considered
Support	S2254	COPS Improvements Act of 2014	To reauthorize the COPS Office and mak improvements.	Sen. Klobuchar (D-MN)	Referred to the Senate Comm. on the Judiciary

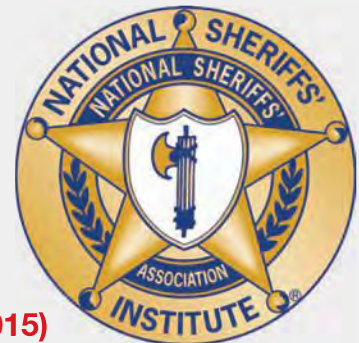
Calling All First-Term Sheriffs...Attend the National Sheriffs' Institute

The National Sheriffs' Association (NSA), in concert with the National Institute of Corrections (NIC), boasts one of the nation's most respected training opportunities available for first-term sheriffs, the National Sheriffs' Institute (NSI). All expenses, including travel, meals, and lodging are paid by a grant through the NIC.

Sheriffs will explore the role of providing effective leadership in such areas as:

- Public safety
- Criminal justice system policy
- Community relations
- Organization effectiveness and efficiency

The 107th and 108th sessions are currently scheduled for April 12-18, 2015 (deadline to apply is January 31, 2015) August 30-September 5, 2015 (deadline to apply is July 5, 2015)



For more information and to apply, please visit:

www.sheriffs.org/content/national-sheriffs-institute-nsi.



Technology Plays an Increasingly Important Role

By Dave Weisz

In the previous issue I began the column with the premise that the strategy to re-invent government and streamline some of the old processes to enhance operations will need to continue. I then started to spread my gospel about the value of marketing. While, certainly in my own humble opinion as a marketer, I place a very high importance on marketing, I have witnessed what great strides policing has made in a large part due to technological advances.

While the proper implementation of technology solutions is critical, we can't forget that with any new systems, etc. also comes the responsibility as leaders to ensure proper policies and procedures are in place as well as proper training.

Many groups and individuals are now challenging areas such as how long automatic license plate readers' data can be held, for instance. In some cities, citizens love video surveillance in urban areas, while others fight such systems claiming this infringes on their rights.

However, this information is critical today and going forward.

In a 2014 public safety industry survey, done by Motorola Solutions, results showed that police, fire, EMS, and other government agencies are now increasingly relying on an array of new data communications such as video and text. In fact, 70% say getting data messages through is equal to voice communications. Fifty-five percent of the respondents use in-vehicle camera systems, 49% have a fixed video surveillance system, and 22% already use wearable cameras. (I am happy to direct anyone to the full survey results if you wish, just contact me).

Situation Awareness and Officer Safety

These are two very important goals of all law enforcement agencies and closely aligned since providing more information to your office will enhance office and citizen safety. The key is turning information into actionable intelligence. With this in mind, I am covering technology solutions that complement each other and can all be integrated into a Real Time Crime Center (RTCC). In the past couple of years, we have seen many agencies standing up an RTCC.

(Later I will share discussions I had with executives of Motorola Solutions and ShotSpotter who are leaders in this area to give you some insight into where this technology is headed.)

The RTCC may be located in a number of areas. I have seen them as a stand-alone ops center, as part of a dispatch center, and located in a fusion center.

Command and Control

One of the key differences which makes an RTCC most effective is they are staffed by either crime analysts or other personnel who can work closely with dispatchers and deputies in the field. They are able to gather information and data from multiple sources and support the response. This can range from first hand accounts from 911 callers, photos or video sent in from the public, to social media activity via systems such as Geofeedia, or gun shot detection systems.

All of this is done to provide more information to the responding officer. The analyst in the RTCC has a very small window to relay crucial intel to the deputies to help keep them safer.

For instance, in the case of a domestic violence call, the RTCC analyst can pull together past incidents from the location, information on residents at this location including photos if available, and any social media postings coming from the location. If shots were fired during this incident, this would be known even if neighbors do not call it in if they have a system such as the one ShotSpotter could deploy. In fact, on average, only 20% of shots fired are indeed called in by citizens. Motorola's Real-Time Information Console provides the analyst a view aggregating multiple public safety systems to distribute real-time intelligence in a unified workflow.

Gun Shot Detection

Systems that provide this solution utilize sensors typically in wide urban areas to detect, locate and alert authorities to any incidents of gunfire. These systems utilize physics, mathematics, and human experience to accurately obtain the information needed on gunfire. When a weapon is fired, the muzzle blast creates an acoustic event. In the case of ShotSpotter's system, three or more of the sensors deployed, which detect this blast, use time differential data to determine the exact location where the shooting occurred. An alert is sent to their "Incident Review Center" where an analyst must confirm this to be indeed from gunfire. They can also determine if this is a single or multi-

shooter event, a drive-by shooting, whether there is an automatic weapon involved, and provide dispatch with a report all within 30-45 seconds of the first alert.

Often when a caller dials 911, they may have heard and are reporting a suspected gunshot, from perhaps a ¼ mile away and taking 2-3 minutes to do so.

Social Media Monitoring

The ability to actively “listen” to the many conversations that are going on within the online communities can help in so many ways. In addition to supporting a post-incident investigation in order to find eyewitnesses, suspects, etc. this technology is very important to not only help with predictive policing, but in some cases prevent crimes from taking place in the first place.

Geofeedia’s solution enables your analyst to automatically collect public postings across seven social networks, such as Facebook and Instagram, in real-time and location based. You may be surprised at how much incriminating information suspects will post themselves.

Your detectives can also put together complete circles together of gang members and their communication all from this solution where before you may have had to rely only on long surveillance activity or dangerous infiltration strategies (not that these tactics are not still useful or necessary in certain cases).

In some instances, potential active shooter events have been discovered online and stopped. In other cases, potential suicides have also been prevented as a result of information found online.

What is especially nice about social media monitoring solutions is the technology does all of the hard work (that currently so many crime analysts and detectives do manually), allowing your personnel to take the information and work with it so your agency can act on it much faster.

Video Intelligence

The value of video surveillance has been seen numerous times with probably one of the most recent, high profile cases being that of the Boston Marathon bombing. While eyewitness accounts are certainly helpful, the ability to capture still and moving images to send to responding officer and to aid in post event investigations, is in many cases critical to your operations.

With technology such as video analytics done with computer programming software, the ability for better threat detection whether for a potential terrorist incident or regular criminal activity can be greatly enhanced.

In-vehicle cameras have not only provided some amazing video footage, but may also be used for excellent documentation of arrests and other purposes such as an assessment of damage from severe weather, etc.

As effective as these cameras can be, it has become increasingly obvious that not all activity related to engagement between the citizens you serve and the deputies who protect them can be captured from in-vehicle video cameras. As shown in the survey results I mentioned earlier, more and more agencies are adding wearable cameras to their operations. This has come in some cities as a mandatory direction from local government officials.

There have been any number of high-profile incidents where a wearable camera may have helped with investigations related to officer involved shootings or other confrontations. From a risk

management perspective, it has been predicted that these cameras will become a mandatory part of the uniform.

What The Future May Bring

Those companies that are leaders in their industry, become so based on the continual research and development resources each allocates and the knowledge they have of their customer’s operations. There are many such companies in the public safety industry who match this description. I was able to speak with two of them while putting together this article.

I spent time with Tom Guthrie, vice president, Smart Public Safety Solutions, Motorola Solutions to hear about some of the new solutions they are developing. Some of this pertains to the use of various sensors in the patrol vehicle and on the body to alert dispatchers of certain movements.

For instance, sensors can alert dispatch or command personnel when a deputy’s shotgun is removed from the mount in the vehicle indicating a situation may be turning bad. They may also detect when handcuffs are pulled for use or a weapon is fixed and how many times it has been fixed. These sensors would connect via their two-way radio. As summed up by Guthrie: “Our vision is to provide “intelligence-led” public safety”.

I also spoke with Ralph Clark, President and Chief Executive Officer of SST, Inc. who developed and markets ShotSpotter. An area they are increasingly being asked about is the capability to have indoor gunfire detection. This could be for active shooters in schools, transportation hubs, critical infrastructures, and large public gathering spaces like shopping malls. Doing so and combining outdoor and indoor technology, they hope to be able to (in the case of an active shooter) provide earlier alarms and reduce the window of destruction.

Clark sees systems like the one ShotSpotter provides, as being able to do more than provide the initial data. He believes that better response can lead to more community engagement in helping solve and stop gun violence.

Policies and Procedures

Clearly the technology I have only briefly described here, has the capability of making your operations more effective and efficient ensuring you are delivering the best service to the citizens you protect. In some cases, such as wearable cameras, the technology has progressed sooner than any standard policies could be reviewed and implemented. It has been said, in some cases, having some type of policy is better than no policy at all on the use of some products, until such time your department can implement a full policy.

An entire article could be devoted to the legal viewpoint of such policies based on civil rights concerns, etc. For the purpose of today, I want to ensure you and your staff is well aware of the risks of proceeding with some of the new solutions if certain guidelines are not established. ★

Dave Weisz currently serves as a Public Safety Advisor. He welcomes feedback and additional comments for future articles and presentations at: Dave.weisz@comcast.net



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Laser Technology and Distracted Driving Campaign

Laser Technology, Inc. (LTI) would like to formally thank the National Sheriffs' Association (NSA) for a successful collaboration during the recent distracted driving webcast. Specifically, LTI thanks Ed Hutchinson, NSA's Traffic Safety Director, for his expertise and contribution. The webcast was a huge success and received a high volume of questions and positive responses from the live audience.

The webcast, "Combating Distracted Driving: Implementing Policies and Procedures," aired live on July 15 and focused on helping launch or intensify distracted driving enforcement and public awareness. LTI highlighted an effective distracted



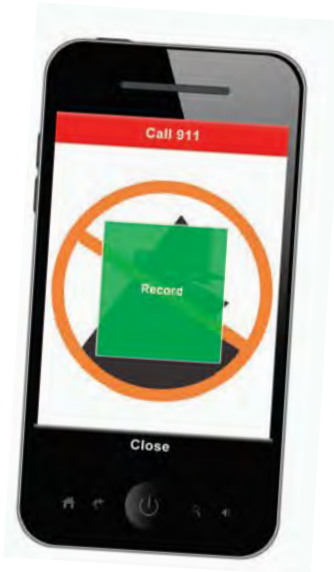
driving enforcement tool, LTI 20/20 TruSpeed® Sxb with a 7-power scope that attaches to a Smartphone app called SpeedCapture. This combo can capture a time and date stamped image of reckless distracted driving violations.

The webinar is available for viewing and can be found at www.lasertech.com/blogs/Traffic-Safety. To learn more about distracted driving enforcement join LTI at the IACP Solutions Theater during the conference on Monday, October 27 at 2:00 PM.

Next Generation Neighborhood Watch Now

Mobile App Powered By Ice Black Box

Neighborhood Watch NOW is the next generation in community crime defense. With this new tool, watch members can record evidence to a secure server via the ICE BlackBox mobile app. These recordings are visible on the Neighborhood Watch Now Portal. Emergency recordings can notify your emergency contacts and local watch captain. Eventually, participating law enforcement agencies will have the ability to see these recording when the Call 911 button is pressed. Imagine having law enforcement dispatched within seconds to your emergency while you are explaining your emergency to the 911 operator. This system is not a replacement for 911 services, rather an advance notice to law enforcement to respond faster and to increase deputy/office safety.



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PROJECT LIFESAVER ANNUAL CONFERENCE UPDATE

Project Lifesaver held its 2014 annual conference in Orlando, Florida. The first two days of the conference were dedicated to Electronic Search Specialist Basic Operator and Instructor certification courses. Both of these important classes were full.

The conference continued on August 13th and 14th with general session speakers and interactive breakouts that were filled with rich content from distinguished, motivational speakers discussing timely issues important to all first responders that encounter special needs individuals. The program focused on Autism and Alzheimer's Awareness Training including a presentation from S.O.R.A. (Shaping Our Response to Autism). This certified training program is a Project Lifesaver partnership with Commonwealth Autism Service.

Other presentations included effective communication with individuals with Autism and Alzheimer's, current and emerging protect and locate technology, an interactive issue solving breakout session. The most motivational speaker of the conference was the Director of the Navy UDT/SEALS Museum who clearly illustrated to all in attendance the definition of team

Without a doubt everyone took back informative and timely information that motivated them and that they can share with their agencies and apply in their communities.

Stay tuned for upcoming announcements on the dates and location for the 12th Annual Project Lifesaver Conference! We hope you can join us in 2015!



Schlage® and the NSA Share Tips for October's National Crime Prevention Month

Leading security brand Schlage and the National Sheriffs' Association have partnered to release insights shared by sheriffs across the country on how homeowners can safeguard their tangible assets.

While 82 percent of respondents see door break-ins due to forced entry and kick-ins that could be prevented with high grade locks, such as Schlage's Touchscreen Deadbolt, other ways that sheriffs recommend homeowners safeguard their homes include:

- Asking friends and family to visit their home regularly when they are away, keeping an eye for suspicious activity
- Setting timers on indoor and outdoor lights, making it appear as if the home is occupied
- Ensuring backdoor security with quality locks, since over 80 percent of sheriffs state that is the most common point of entry in a break-in

Schlage is committed to helping residents make their neighborhoods safer with products available at Amazon.com, Build.com, HomeDepot.com and Lowes.com as well as in select retail locations including Home Depot and Lowe's. For more information, visit Schlage.com.

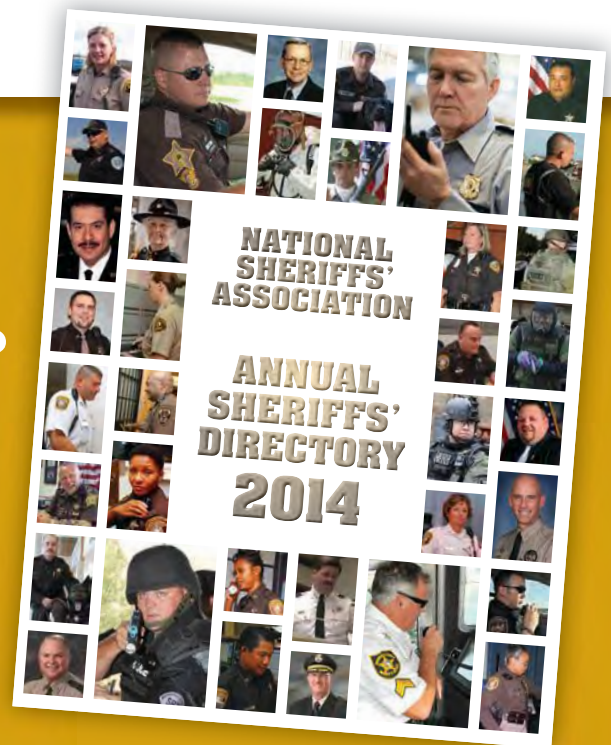


V-Academy supports today's law enforcement agencies through our growing catalog of innovative online training. This June, V-Academy proudly announces the launch of the 100% online and all-new Grossman Academy featuring Lt. Col. Dave Grossman. Our Grossman Academy certification take training to the next level by combining expert content from Col. Grossman with top-quality video, interactive training scenarios, and access to our members-only Sheepdog Forum. Certificate courses from Grossman Academy may apply toward POST or higher education credits. Preview our opening course, On Combat, today at www.grossmanacademy.com.

V-Academy offers a full catalog of online training topics to help busy departments maximize their time and resources. V-Academy is an FBI National Academy Associates Corporate Alliance partner and an authorized provider of courses for the Public Agency Training Council (PATC) curriculum, with corporate and educational partners across the United States. To learn more about V-Academy or to schedule a demo, visit www.v-academy.com.

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Trident University International, a university of choice for thousands of adult learners, has been recognized as a leader in academic excellence and affordability. As a 100% online university, Trident is able to meet the needs of busy students both in the United States and worldwide by offering doctoral, master's, and bachelor's degree programs, as well as online certificate programs. In 2013 Trident was recognized as a "Best Bang for the Buck" by Washington Monthly.

Among Trident's degree programs are the Bachelors of Science in Business Administration and Masters of Business Administration with a Criminal Justice focus. Trident's diverse population, which includes current and former members of the Armed Forces, learns in an environment that promotes critical thinking and problem-solving. Trident is regionally accredited by the Western Association of Schools and Colleges (WASC), having received reaffirmation of accreditation in March 2013.

Trident is a Silver Level Sponsor of the NSA and was honored to exhibit at the Annual Convention held in Fort Worth last June. Learn more at: <http://www.trident.edu/national-sheriffs-association> or 855.290.1611.

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AFTERMATH

Nationwide crime scene clean up company Aftermath Services LLC supports public health education with ongoing outreach programs and free informational materials. Recently, Aftermath launched the "Three Rs" program, designed to highlight the "Risks, Rights

and Responsibilities" associated with the handling of blood, body fluids and other biohazardous materials. Law enforcement agents and other first responders are exposed to biohazards on a daily basis, whether through interaction with potentially infected individuals, or via direct contact within the workplace environment (jail cells, squad cars and public facilities). This handy guide identifies the primary risks associated with blood and other biohazards, and provides an overview of the regulations and recommendations which impact cleanup, as established by OSHA and other state safety agencies.

To print or order FREE biohazard break room posters and 3 R's educational brochures, visit the Aftermath website at: <http://www.aftermath.com/3rs>.

Pre-Trained & Experienced Canine Sale

The AMK9 Academy, the largest commercial canine training academy in the United States, is offering pre-trained and experienced canines at a discounted cost. These canines were transported back to the United States after concluding service work for the military in the Middle East.



Canines 3 years of age are \$4,500 each and canines 4-6 years of age are \$3,500 each. Register for a course at the AMK9 Academy to save an additional \$1,000. Visit www.AMK9Academy.com for more information and to see a list of available canines.

Meet The Sheriff



Sheriff Stacey A. Kincaid

Fairfax County, VA

Sheriff Stacey Kincaid is in her 28th year with the Fairfax County Sheriff's Office. She won a special election to fill a two-year term that ends in 2015.

As a senior in college, Sheriff Kincaid had an internship with the Sheriff's Office and after graduation was hired to be a deputy sheriff. From a young age, Sheriff Kincaid was aware of injustices in our society based on race, religion, gender and socioeconomic status. She had always wanted to fix the wrongs, help the underdog and make the world a better place. Long ago she decided that she could make a difference as sheriff.

When she began her career as a deputy sheriff in 1987, women were underrepresented in law enforcement. The same was true for members of minority groups. Sheriff Kincaid feels that the Sheriff's Office has evolved to better represent Fairfax County's diverse population, but has thought that the hiring, promotion and retention processes could be improved. Past sheriff tended to shy away from drawing attention to the office and what they do. Sheriff Kincaid believes that they need to be out in the community, fostering relationships and seeking feedback, so that they can serve the diverse populations more justly and effectively. She says, "as sheriff, I want to elevate our status in the public safety arena to the level at which we are emulated for our professionalism, innovation and economic efficiency."

Her fondest memory comes from the day she was sworn in as sheriff November 26, 2013. Her father, brother and husband were watching from the front row of the Colonial Courtroom in the Historic Courthouse. Although her mother did not live to see this day, she knows she was with us. Twenty-seven years ago her mother told her that I could be the Fairfax County Sheriff. Sheriff Kincaid is honored and humbled to have been able to make their shared dream for come true.

In 2008, Sheriff Kincaid received the agency's highest honor, the Distinguished Service Award, which recognizes a career of sustained, exemplary performance. In 2006, she received an Outstanding Performance Award from Fairfax County for developing the agency's first Occupational Health and Safety Officer position.

Fairfax County has a population of 1.1 million, the most populous jurisdiction in the Commonwealth of Virginia. The sheriff's office operates with an annual budget of \$63 million. The office consists of 603 personnel (516 sworn personnel, 88 non-sworn personnel, 14 part-time, 20 sworn reserves, and 370 volunteers).

The office is responsible for serving civil process, courtroom security, correctional facility and prisoner transport, as well as a training academy in conjunction with the police department. In 2013, the office served 59 criminal warrants and 134,804 civil warrants. The correctional facility averages 1,240 inmates daily and is accredited by the American Correctional Association, National Commission on Correctional Healthcare, Virginia Department of Corrections, and Virginia Law Enforcement Professional Standards.

The office's community outreach programs include Safety Seat Saturdays (inspecting child safety seats for proper installation and fit), Child ID (creating small laminated cards with photos, fingerprints and demographic information) and Project Lifesaver (tracking children and adults with cognitive impairments that may cause them to wander away from home).

Sheriff Kincaid believes in giving back to the community. Her personal motto is, "Every day is another opportunity to pay it forward." ✪

Meet the Sheriff is a regular feature of *Sheriff* magazine to get to know Sheriffs from around the country.



Law Enforcement Ride & Run to Remember

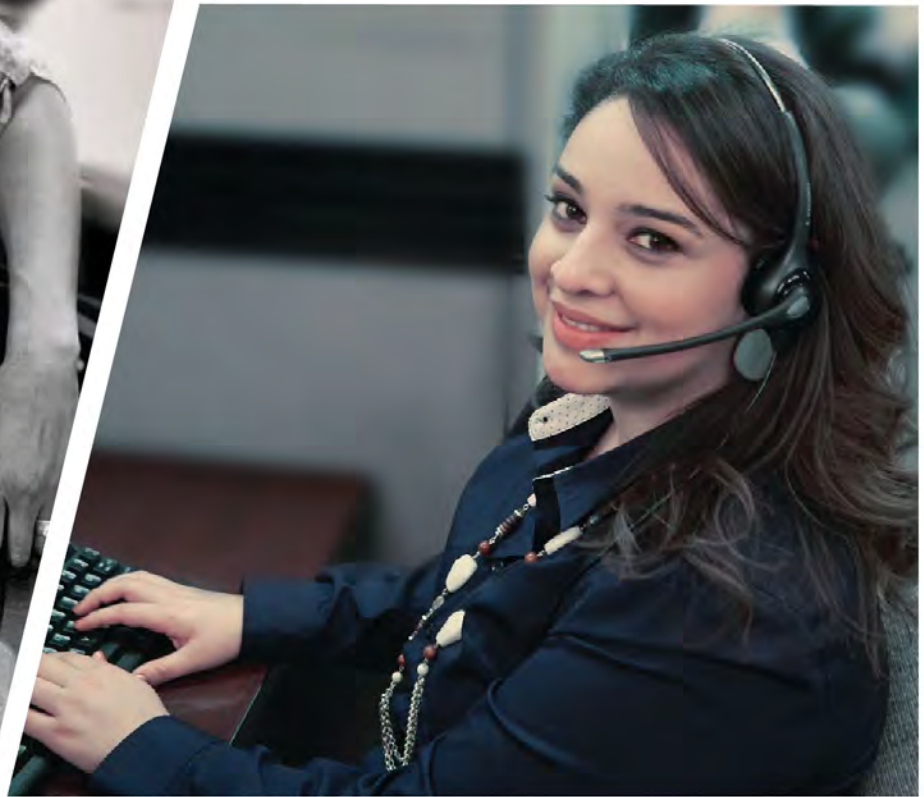
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