

Kentucky Sheriffs' Association
Board of Directors Meeting
Frankfort, KY August 13, 2020

1. Roll Call of Members
 - Prayer and Pledge
 - Welcome Guests-KSA President Sheriff Tony Hampton
 2. Review of previous minutes-Sheriff Korzenborn
 3. Treasurers' Report-Sheriff Korzenborn
 4. KSA Sheriffs' Ranch Financial Report-E.D. Jerry Wagner
 - KSA Executive Directors Report-E.D. Jerry Wagner
 5. Announcements and Updates-President Tony Hampton
 - KSA Training Conference December 7-11, Bowling Green, KY
 - KACo Conference, October 28-30, Galt House, Louisville, KY
 6. NSA Report-Sheriff John Aubrey
 7. Legislative Report-E.D. Wagner, Sheriff Aubrey, Sheriff Cain
 8. KLEC Report
 9. Old Business/New Business
-

2020 KSA Board of Directors	County	Present	Absent
President Sheriff Tony Hampton	SCOTT	x	
Vice President Sheriff John Ward	HARDIN	x	
2nd Vice President Sheriff Berl Perdue	CLARK		x
3rd Vice President Sheriff Mike Jansen	CAMPBELL	x	
Sec/Treasurer Sheriff Chuck Korzenborn	KENTON	x	
Serg. of Arms Sheriff Shane Stephens	HARRISON	x	
NSA President Sheriff John Aubrey	JEFFERSON		x
NSA Director Sheriff Keith Cain	DAVIESS	x	
2017 Past President Kevin Coman	JESSAMINE	x	
2012 Past President Sheriff Steve Sparrow	OLDHAM	x	
2018 Immediate Past President Patrick Boggs	MASON	x	
KSA Exe. Director Retired Sheriff Wagner	FLEMING	x	
Sheriff Sam Steger	CALLOWAY		x
Sheriff John Hunt	FLOYD	x	
Sheriff Brian Mains	Grant	x	
Sheriff Ryan Gosser	Carroll		x
Sheriff Jimmy Clements	MARION	x	
Sheriff John Root	LAUREL	x	
Sheriff Curt Folger	LINCOLN	x	
Sheriff Johnny Bivens	LEWIS	x	
Sheriff Mickey Arnold	UNION		x
Sheriff Ramon Pineira	NELSON	x	
Motion To Excuse Absent Sheriffs 1st	Stephens		
2nd By	Pineira		

KENTUCKY SHERIFF'S ASSOCIATION
August 13, 2020
Frankfort, Kentucky

Meeting called to order at 10:00 A.M. Eastern Standard Time.
Sheriff Korzenborn called role. Sheriff's absent Aubrey, Perdue, Steger, Gossler, and Arnold. Sheriff Korzenborn **certified that a quorum was present. A motion was made by Sheriff Stephens to excuse sheriffs not present, 2nd by Sheriff Pinerioia**

MINUTES OF PRIOR MEETING

A motion to approve the Minutes from February 20, 2020 made by Sheriff Boggs and seconded by Sheriff Bivens to approve the minutes of the prior meeting as written. Motion was approved unanimously.

PRESIDENT REPORT

NSA REPORT

NSA Summer Conference- If you have not received your refund from conference cancellation contact Sheriff Cain

KLEC REPORT

Sheriff Boggs-Any 8 hour class certified by KLEC can be used by Certified deputies and CCSO to meet their training requirements

Commissioner of DOCJT can grant a 6 month extension after the state of emergency is lifted for those who are delinquent in training from 201. This will be done by an Executive Order that will be signed in the near future.

Virtual Training has been discussed by KLEC.

John Moberly is the new Executive Director of KLEC board. He provided the board of KLEFPF income and expenditure report for the fiscal year. A copy will be mailed out to the KSA.

KACo REPORT

No Report

KENTUCKY SHERIFF'S ASSOCIATION
August 13, 2020
Frankfort, KENTUCKY

KENTUCKY SHERIFF'S ASSOCIATION SECTERARY/TREASURER REPORT
Paid bills per President Hampton, or Board Approval at KSA Meeting
02/20/2020-08/13/2020

KSA Operating Account	\$ 95,401.20
KSA Savings Account	\$ 300,143.87
KSA Scholarship Account	\$ 6,042.43
KSA Convention Account	\$ 29,067.91
KSA/KACP Gatlinburg Conference Account	\$ 1.14
See Attached for Checks & Deposit Activity	

Dues Collected for the Year 2020

Total Dues Billed	\$ 155,363.00
Total Dues Collected	\$ 153,881.00
Total Outstanding	\$ 1,482.00
Total Percentage Collected	99.04%

Motion to Accept Sheriff Hunt
2nd Sheriff Sparrow

Motion to Pay Outstanding Bills Sheriff Cain
2nd Sheriff Jansen

Kentucky Sheriff's Association

8/12/2020 9:01 AM

Register: KSA/KACP Gallinburg Cend

From 02/20/2020 through 08/13/2020

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
02/25/2020			Earned revenues:Inter...	Interest		X	0.17	2,786.73
03/25/2020		Deposit	KSA/KACP Gallinbur...	On Duty, MPD...		X	2,000.00	5,786.73
03/02/2020		Deposit	Bank Charges Reversed	Deposit		X	213.44	6,000.17
03/13/2020		Deposit	KSA/KACP Gallinbur...	Symbol Arts, P...		X	1,600.00	7,600.17
03/17/2020		Deposit	KSA/KACP Gallinbur...	Gardner Webb		X	800.00	8,400.17
03/26/2020	1001	Guards11 LLC	Accounts payable		800.00	X		7,600.17
03/26/2020	1002	CMJ Uniforms & Ec...	Accounts payable		800.00	X		6,800.17
03/26/2020	1002	Fees-Link	Accounts payable		800.00	X		6,000.17
03/26/2020	1003	Symbol Arts LLC	Accounts payable		800.00	X		5,200.17
03/26/2020	1004	Blauer	Accounts payable		800.00	X		4,400.17
03/26/2020	1006	Gardner Webb Unive...	Accounts payable		800.00	X		3,600.17
03/26/2020	1007	RIS Digital	Accounts payable		800.00	X		2,800.17
03/26/2020	1008	Chicago Palmdome's ...	Accounts payable		800.00	X		2,000.17
03/31/2020			Earned revenues:Inter...	Interest		X	0.64	2,000.81
04/30/2020			Earned revenues:Inter...	Interest		X	0.33	2,001.14
04/30/2020			Traditions KSA Confer...	Funds Transfer	2,000.00	X		1.14
05/31/2020			Business expenses	Service Charge	10.00	X		-8.86
06/30/2020			Earned revenues:Bank...	Interest		X	10.00	1.14

Kentucky Sheriff's Association

8/12/2020 5:01 AM

Register: Unifair KSA Saving Account

From 02/29/2020 through 06/13/2020

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
02/29/2020			Earned revenues	Interest		X	2.00	300,000.00
03/31/2020			Earned revenues	Interest		X	69.05	300,069.05
06/30/2020			Earned revenues	Interest		X	74.82	300,143.87

Kentucky Sheriff's Association

8/12/2020 9:00 AM

Register: Traditions KSA Scholarship Acct

From: 02/20/2020 through: 08/31/2020

Sorted by: Date, Type, Nonacc/Ret

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
02/25/2020			Earned revenues	Interest	X	6.58	6,008.76
03/31/2020			Earned revenues	Interest	X	7.49	6,016.25
04/30/2020			Earned revenues	Interest	X	6.43	6,022.68
05/31/2020			Earned revenues	Interest	X	6.65	6,029.33
06/30/2020			Earned revenues	Interest	X	6.44	6,035.77
07/31/2020			Earned revenues	Interest	X	6.66	6,042.43

Kentucky Sheriff's Association

8/12/2020 9:00 AM

Register: Traditions KSA Operating Acct

From: 02/20/2020 through 08/13/2020

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Debit	Credit	Balance
02/26/2020			-split-	Deposit		X	1,452.00		131,666.51
02/24/2020		Deposit	KSA Conference Regis...	Clay Rockcastle		X	1,400.00		133,066.51
02/26/2020			Earned revenues	Interest		X	201.50		135,270.01
03/02/2020			Undeposited Funds	Deposit		X	2,114.00		137,384.01
03/02/2020			Undeposited Funds	Deposit		X	725.00		138,109.01
03/02/2020		Deposit	KSA Conference Regis...	Fulton/Kson, M...		X	850.00		138,959.01
03/10/2020			-split-	Deposit		X	1,510.00		140,469.01
03/10/2020		Deposit	KSA Conference Regis...	Campbell CO		X	1,050.00		141,519.01
03/10/2020	1009	Patrick Morgan	Accounts payable		15.00	X			141,504.01
03/10/2020	1010	Fox, Wood, Wood, & ...	Accounts payable		1,847.50	X			139,656.51
03/10/2020	1011	Kenneth Focher	Accounts payable		79.99	X			139,576.52
03/10/2020	1012	William Hrech	Accounts payable		972.07	X			138,604.45
03/10/2020	1013	Strategic Advisors	Accounts payable		1,000.00	X			137,604.45
03/13/2020		Deposit	KACo Legislative Rec...	2020 Leg Rep...		X	21.58		137,626.03
03/16/2020	1014	Jerome D. Kautzheim	Accounts payable		2,200.00	X			135,426.03
03/17/2020			Undeposited Funds	Deposit		X	5,500.00		140,926.03
03/17/2020		SEAWN T Butler	Accounts payable	VOID:		X			140,926.03
03/17/2020		Troy Pitcock	Accounts payable	VOID:		X			140,926.03
03/17/2020	1015	Patrick Morgan	Accounts payable	VOID:		X			140,926.03
03/17/2020	1018	Patrick Morgan	Accounts payable	VOID:		X			140,926.03
03/17/2020	1019	Patrick Morgan	Accounts payable		2,166.10	X			138,759.93
03/17/2020	1020	SEAWN T Butler	Accounts payable		2,166.10	X			136,593.83
03/17/2020	1021	Troy Pitcock	Accounts payable		1,167.80	X			135,426.03
03/31/2020		Deposit	KSA Conference Regis...	Jackson Co.		X	400.00		135,826.03
03/31/2020			Undeposited Funds	Deposit		X	481.00		136,307.03
03/31/2020			Earned revenues	Interest		X	170.81		136,477.84
04/02/2020	1022	KSA Boys & Girls R...	Accounts payable	Apr-June 2020 ...	16,209.95	X			120,267.89
04/02/2020	1023	Strategic Advisors	Accounts payable		1,000.00	X			119,267.89
04/02/2020	1024	NBA	Accounts payable		61.00	X			119,206.89
04/06/2020			Undeposited Funds	Deposit		X	30.00		119,236.89
04/08/2020	1025	Jerry Wagner	Accounts payable	KSA Director ...	8,307.07	X			110,929.82
04/02/2020	1026	Bill Busca	Accounts payable		450.00	X			110,479.82
04/30/2020			Earned revenues	Interest		X	126.33		110,606.15
05/06/2020	1027	Kenneth Focher	Accounts payable		89.17	X			110,516.98
05/19/2020		Deposit	KSA Conference Regis...	Montgomery		X	600.00		111,116.98
05/31/2020			Earned revenues	Interest		X	122.02		111,238.99
06/01/2020	1028	KSA Boys & Girls R...	Accounts payable	July - Sept Dir ...	16,209.95	X			95,029.04
06/01/2020	1031	KACP	Accounts payable		295.00	X			94,734.04
06/01/2020	1032	Kenneth Focher	Accounts payable		88.91	X			94,645.13
06/01/2020	1033	Kentucky Associati...	Accounts payable		450.00	X			94,195.13

Kentucky Sheriff's Association

8/12/2020 9:00 AM

Register: Traditions KSA Operating Acct

Print: 02/20/2020 through 08/13/2020

Sorted by: Date, Type, Number, Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
06/23/2020		Deposit	KSA Conference Regis...	Lee, Taylor		X	1,050.00	95,254.58
06/30/2020			Earned revenues	Interest		X	106.00	95,360.58
06/30/2020	1020	Strategic Advisors	Accounts payable		1,000.00	X		94,360.58
07/16/2020		Deposit	KSA Conference Regis...	Carter, Casey...		X	2,600.00	96,960.58
07/31/2020			Earned revenues	Interest		X	106.56	97,067.14
07/31/2020	1030	Altru	Accounts payable		1,519.00			95,548.14
08/10/2020	1034	Altru	Accounts payable		116.94			95,431.20

Kentucky Sheriff's Association

8/12/2020 8:59 AM

Register: Traditions KSA Conference Acct

From 02/20/2020 through 08/13/2020

Sorted by: Date, Type, Number/Ref

Date	Number	Payer	Account	Memo	Payment	C	Deposit	Balance
02/29/2020			Earned revenues	Interest		X	27.80	25,398.76
03/31/2020		Deposit	KSA Vendor Registrati...	Haveis		X	750.00	26,148.76
05/31/2020			Earned revenues	Interest		X	31.56	26,180.32
06/06/2020		Deposit	KSA Vendor Registrati...	Applied Dis/bal...		X	750.00	26,930.32
04/08/2020		Deposit	KSA Vendor Registrati...	Inst. of Scrap R...		X	930.00	27,860.32
04/08/2020	1005	Terry Wagner	Accounts payable		1,617.00	X		26,243.32
04/30/2020			Earned revenues	Interest		X	28.37	26,271.79
04/30/2020			KSANACF Outbur...	Funds Transfer		X	2,000.00	28,271.79
05/31/2020			Earned revenues	Interest		X	31.18	28,302.97
06/30/2020			Earned revenues	Interest		X	30.19	28,333.16
06/30/2020			Office Expense:Bank C...	Service Charge	16.95	X		28,316.21
07/02/2020			Office Expense:Bank C...	Service Charge	16.95	X		28,299.26
07/10/2020		Deposit	KSA Vendor Registrati...	On Target Arming		X	750.00	29,049.26
07/15/2020		Deposit	Bank Charges Reversal	Deposit		X	16.95	29,066.21
07/31/2020			Earned revenues	Interest		X	31.70	29,097.91

10:54 AM
08/12/20
Accrual Basis

Kentucky Sheriff's Association
Invoices for All Customers
January through December 2020

<u>Customer</u>	<u>Num</u>	<u>Date</u>	<u>Due Date</u>	<u>Aging</u>	<u>Amount</u>	<u>Open Balance</u>
Jan - Dec 20						
BUTLER CO SHERI...	20-18	01/01/2020	01/01/2020	365	484.00	484.00
Crittenden Co Sheriff	20-28	01/01/2020	01/01/2020	365	484.00	484.00
Green Co Sheriff	20-44	01/01/2020	01/01/2020	365	484.00	484.00
Retired Sheriff Crs...	20-128	01/01/2020	01/01/2020	365	30.00	30.00
Jan - Dec 20					<u>1,482.00</u>	<u>1,482.00</u>

Kentucky Sheriff's Association

2/17/2020 12:40 PM

Register: Traditions KSA Conference Acct

From 01/30/2020 through 02/20/2020

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
01/31/2020			Landed revenues	Interest		X	9.35	24,620.96

Kentucky Sheriff's Association

2/17/2020 12:40 PM

Register: Traditional KSA Operating Acct

From 01/31/2020 through 02/20/2020

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
01/31/2020			-split	Deposit			1,804.00	449,862.50
01/31/2020			Financial revenues	Interest		X	168.94	450,031.44
01/31/2020	1006	KSA Boys & Girls R...	Accounts payable		16,209.93			433,821.51
01/31/2020	1007	NSA	Accounts payable		13,014.00			420,807.51
01/31/2020	1008	William Barth	Accounts payable		855.00			419,952.51
01/31/2020			Traditional KSA Saving...	Funds Transfer	300,000.00			119,952.51
02/04/2020			-split-	Deposit			1,538.00	121,490.51
02/11/2020			-split-	Deposit			8,269.00	129,759.51
02/14/2020			-split-	Deposit			1,665.00	131,424.51
02/17/2020			Undeposited Funds	Deposit			790.00	132,214.51

Kentucky Sheriff's Association

2/17/2020 12:41 PM

Register: Trad/Eons KSA Scholarship Acct

From 01/30/2020 through 02/20/2020

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
01/31/2020			Essential revenues	Interest		X	2.08	6,002.68

Kentucky Sheriff's Association

2/17/2020 12:41 PM

Register: Traditions KSA Saving Account

From 01/31/2020 through 02/20/2020

Sorted by: Date, Type, Number/Ref

<u>Date</u>	<u>Number</u>	<u>Payee</u>	<u>Account</u>	<u>Memo</u>	<u>Payment</u>	<u>C</u>	<u>Deposit</u>	<u>Balance</u>
01/31/2020			Office Expense:Bank C...	Service Charge	2.00	X		-2.00
01/31/2020			Traditions KSA Operat...	Funds Transfer		X	300,000.00	299,998.00

12:41 PM
 02/17/20
 Accrual Basis

Kentucky Sheriff's Association
Invoices for All Customers
All Transactions

Customer	NUM	Date	Due Date	Aging	Amount	Open Balance
BUTLER CO SHER...	18-015	12/09/2018	12/09/2018	435	470.00	470.00
Grant Co. Sheriff	18-045	12/09/2018	12/09/2018	135	470.00	470.00
BUTLER CO SHER...	20-18	01/01/2020	01/01/2020	47	484.00	484.00
Crittendon Co Sheriff	20-28	01/01/2020	01/01/2020	47	484.00	484.00
ESTILL CO Sheriff	20-33	01/01/2020	01/01/2020	47	484.00	484.00
Green Co Sheriff	20-44	01/01/2020	01/01/2020	47	484.00	484.00
HICKMAN CO Sheriff	20-83	01/01/2020	01/01/2020	47	484.00	484.00
JULIANNINE CO S...	20-87	01/01/2020	01/01/2020	47	484.00	484.00
Marion Co Sheriff	20-77	01/01/2020	01/01/2020	47	2,114.00	2,114.00
Menifee Co Sheriff	20-83	01/01/2020	01/01/2020	47	484.00	484.00
Nicholas Co Sheriff	20-81	01/01/2020	01/01/2020	47	484.00	484.00
Pendleton Co Sheriff	20-90	01/01/2020	01/01/2020	47	542.00	542.00
Wolfe Co Sheriff	20-119	01/01/2020	01/01/2020	47	484.00	484.00
Retired Sheriff Crea...	20-125	01/01/2020	01/01/2020	47	30.00	30.00
Retired Sheriff Jerry...	20-125	01/01/2020	01/01/2020	47	30.00	30.00
CALLWELL CO SHERIFF	20-131	02/11/2020	02/11/2020	6	725.00	725.00
Total					8,737.00	8,737.00

KSA EXECUTIVE DIRECTOR
RANCH REPORT
Executive Director Jerry Wagner

Financial Report February- July 2020- A motion was made by Sheriff Cain to approve the ranch report, 2nd by Sheriff Pinerioia. The Motion was approved by the board

KSA Conference-has been postponed, the new date is 12/7/2020-12/11/2020. The KSA has been working with the hotel on a safety plan to try and meet meet social distancing requirements. A contract has been signed to host the KSA 2021 conference in Bowling Green.

KSA-Gator sales around \$60,000. There will be no state fair. Sheriffs are urged to sell 50 or more of tickets to make up of loss sales due to Pandemic

The Trigg County Sheriff and Calloway County Sheriff will Be leaving office in the month of August.

Meeting with DOCJT was held in reference training hours. DOCJT has developed an 8 hour Class that is a virtual class. Any hour class that is KLEC certified can meet the training requirement for all certified personnel for 2020.

HB-810-hours have not been waived, If conference is cancelled the KSA is working on a virtual training so Sheriffs can get their 810 hours. The cost to the Sheriffs to receive the training would cost \$10.00 per hour. There maybe some cost to filming speakers and trainers. **A motion was made to pay cost for virtual training made by Sheriff Hunt, 2nd by Sheriff Pinerioia The Motion was approved by the board**

Tax Collection-55 counties have been certified to begin on October 1st.

See attached letters to AG Cameron on Police reform and transport by jailers and CCSO.

Asset Forfeiture Reports are due to the office of drug control policy.

KSA EXECUTIVE DIRECTOR
RANCH REPORT
Executive Director Jerry Wagner

CARES Act Funds- Funds are available for 1st responders, the funds have to be requested, submitted by the fiscal court and signed by Judge Executive. If you have any questions contact me.

KSA Survey- 66 Sheriffs office replied to survey in reference to ascertain if the sheriffs were going to receive CARES act Funds 44 replied that they were not going to receive funds. Senator Mitch McConnell requested the survey. A copy of the report has been sent to Senator McConnell in hope that if there is another stimulus package that funds will be directed to the office of sheriff.

KSA letter to the Governor and Senator McConnell-The KSA will put together a form letter for all sheriff's to put on their letterhead requesting fund for sheriffs due to loss of revenue during the pandemic.

The KSA Boys and Girls Ranch had to lay off workers during the pandemic due to the lack of fund raising events.

KACP REPORT

No Report

LEGISLATIVE UPDATES

New Legislation- will becoming in reference to police reform. Sheriff Cain has been to Frankfort to testify twice addressing this matter.

NEW BUSINESS

Sheriff Hampton asked if any office was doing evictions-Col Morgan Kenton Co SO stated that they have started posting and doing evictions. Writs have been coming from the courts signed by judges.

KSA Vehicle- The Chevy Tahoe driven by executive director has reached the typical mileage limit that in the past the KSA has surplus and bought a new vehicle. **A motion was made by Sheriff Ward to sell the old vehicle and replace it with a new vehicle, 2nd by Sheriff Hunt. The Motion was approved by the board**

FOP

Keep Sheriff Berl Perdue/ FOP President in your Prayers as he recovers from open Heart Surgery.

OLD BUSINESS

The KSA had a good session up to the end until the pandemic hit. Input will be needed to address police reform in the next session.

MOTION TO ADJOURN

**A motion to adjourn made by Sheriff Jansen, 2nd by Sheriff Bivens
Motion was approved unanimously.**

FOX, WOOD, WOOD & ESTILL

ATTORNEYS AT LAW
24 WEST THIRD STREET
MAYEVILLE, KENTUCKY 41056
(606) 264-5505
FACSIMILE (606) 264-6734

DONALD L. WOOD
JOHN R. ESTILL *
JACQUELINE S. WRIGHT
ROBIN D. RICE
A. CLAIRE ESTILL

MURRAY V. FOX (1905-1977)
KATHERINE L. WOOD (1965-2022)

PLEASE ADDRESS TO HEADLINE
IN BLUE AND WIZY MARKING

May 21, 2020

Hon. Daniel Cameron
Attorney General
Commonwealth of Kentucky
700 Capital Avenue, Suite 118
Frankfort, KY 40601
ATTN: Carmine G. Iaccarino, Assistant Attorney General

RE: Kentucky Sheriffs Association

Dear Assistant Attorney General Iaccarino:

This is in response to your correspondence addressed to Jerry Wagner, in his capacity as Executive Director of the Kentucky Sheriffs Association, pertaining to the authorizations of Court Security Officers ("CSOs") in KRS 70.280 to transport prisoners, and any limitations on such authority. Your inquiry arises from a request for an Attorney General's opinion by Hon. John Riley, Spencer County Judge Executive, as to whether there are any limitations on a CSOs authority to transport prisoners. Specifically, Judge Executive Riley states that the new Spencer County Jailor has taken the position that CSOs may transport prisoners only in connection with Court proceedings, and not upon initial arrest or in any other transfer between facilities.

Spencer County does not operate a jail. It is our understanding that the transportation plan required by KRS 441.510(4) implemented by the Fiscal Court designates prisoner transports to the Sheriff, Deputies, and CSOs. According to County Judge Executive John Riley, the Spencer County Jailor objects to transportation by the CSOs, and instead seeks funding for new positions for Deputy Jailors to conduct such transport duties.

Prior to 2007, court security was primarily provided by Sheriffs and their appointed certified Deputies, who had full law enforcement authority. In a few counties, non-certified personnel with little training were utilized as bailiffs. In its 2007 Regular Session, the Kentucky General Assembly enacted SB 153, creating the position of CSO. While the Kentucky Acts recites no specific legislative intent for SB 153, it is evident that the amendments to KRS Chapters 15 and 70 sought to provide increased security to the Court system, while not overburdening the budgetary and personnel constraints facing Sheriffs and other law enforcement agencies. With the enactment of SB 153, CSOs were authorized and assigned to provide court facility security services, and overburdened Deputies who were certified law enforcement officers

HON. DANIEL CAMERON
ATTORNEY GENERAL
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could shift their focus on maintaining public order and safety in the community.

Effectively, SB 153 created a hybrid of the Deputy and bailiff in order to transition properly trained and equipped officers into a role that not only provides the necessary heightened and extended courtroom security but also possesses the valuable capability to transport prisoners. The implementation of CSOs has alleviated the impact on both budgeting and staffing constraints on Sheriffs by removing the need to employ or otherwise call upon full time law enforcement officers for security or transporting purposes. Not only did the legislature add new transporting responsibilities to court security staff duties, but it also added new qualification and certification requirements in response to the increasing demands on CSOs.

CSOs are appointed by the Sheriff and serve at the pleasure of the Sheriff. The CSO receives specialized training under KRS 15.3975 that is somewhat less rigorous than Deputies, but which still requires upwards of 80 hours of law enforcement training, and must also meet the minimum qualifications as set forth in KRS 15.3971 involving an extensive background investigation which includes passing a drug test, psychological evaluation, and polygraph examination.

Section 1 of 70.280 lists the authorized activities of CSOs. Specifically, the CSO is charged with attending court sessions, keeping order in the courts, providing court security services within the court facility or the immediate area, guarding prisoners during appearances, serving warrants or civil service of process on individuals physically present in the courtroom, transporting prisoners, and arresting and taking individuals into custody who are in the court facility or "while transporting prisoners." SEE KRS 70.280(1)(a-h) (emphasis added).

Conversely, KRS 70.280(2) limits the authority of CSOs by prohibiting the arrest of individuals outside the immediate vicinity of the Court, unless such arrest occurs while the CSO is transporting prisoners. KRS 70.280(2)(a). Subsection 2 of KRS 70.280 further prohibits a CSO from other basic law enforcement duties, such as patrolling the highways or issuing citations. SEE KRS 70.280(2)(b-d). KRS 15.442 prohibits a CSO from being a Deputy Sheriff, thereby providing another statutory reiteration that CSOs shall not perform general law enforcement duties that exceed authority provided in subsection 1 of KRS 70.280. Finally, KRS 70.140 limits a CSO to only providing security services to any court of the Court of Justice, but specifically but not to the Fiscal Courts.

In light of this statutory overview, to address the inquiry posed by Judge Executive Riley, CSOs are indeed limited to the provision of security services in the Court facility or the immediate vicinity thereof. However, the one exception to this limitation is when the CSO is transporting prisoners. In most of the subsections creating the CSOs' authority, the CSO is only authorized to act in and around the Court facility. SEE KRS 70.280(1)(a, b, c, d, e, and h). However, when KRS 70.280(1)(f) authorizes CSOs to transport prisoners, the grant of authority is without

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limitation whatsoever as to time, place, or circumstances of transport. The authorization for CSOs to transport prisoners whether or not in connection with a Court proceeding is further clarified by the wording of KRS 70.280(1)(g), by granting arrest authority to CSOs not only within the Court facility, but also "while transporting prisoners."

"The most logical and effective manner by which to determine the intent of the legislature is simply to analyze the plain meaning of the statutory language." *Stephenson v. Woodward*, 182 S.W.3d 162, 169-70 (Ky. 2005). Here, a plain reading of the language of KRS 70.280 does not lead one to the conclusion that the General Assembly intended to somehow limit the transportation authority of CSOs. Instead, an overall reading of the plain language of KRS 70.280 leads to the unmistakable conclusion that the General Assembly intended instead to limit the law enforcement powers of CSOs, except when acting within the Court facility or in the process of transporting prisoners.

While the CSO was clearly contemplated by the legislature to assist in the often burdensome task of transporting prisoners, the Kentucky Sheriffs Association also wants to emphasize that the Sheriff, whether utilizing a CSO or a Deputy, is not responsible for all prisoner transports. There are often circumstances in which the Jailer is required to transport prisoners, whether directed by the Fiscal Court pursuant to KRS 441.510 as mentioned, if ordered by the Court (KRS 70.130), or upon the Jailer deeming such transportation necessary (KRS 441.510(7)). Fortunately, the CSO may be properly utilized as a means to balance the needs and demands of transports for both Sheriffs and Jailers.

If additional information or additional comments from the Kentucky Sheriffs Association is needed, please contact me at the phone number above or at jestill@fwwe.law or KSA Executive Director Wagner at kysheriffs@windstream.net.

Best regards,

John F. Estill

JPE

cc: Jerry Wagner

July 17, 2020

Hon. Daniel Cameron
Attorney General, Commonwealth of Kentucky
Capitol Building, Suite 118
700 Capital Avenue
Frankfort, Kentucky 40601
ATTN: Hon. Camille G. Iaccatino

RE: KSA comments on Governor's request
for opinion on executive order
on police reform on emergency basis

Dear General Cameron:

This is in response your letter to Tim Sturgill, Kentucky Association of Counties' General Counsel, soliciting input relating to Governor Beshear's recent request to your office seeking an opinion as to the legality of possible emergency executive orders overriding statutes pertaining to oversight and discipline of law enforcement officers. Tim Sturgill forwarded your request to me, as Executive Director of the Kentucky Sheriffs Association (KSA), and this is to serve as the comments of the KSA and its membership on this matter.

These comments of the KSA on this matter are limited to Constitutional and statutory authority of Kentucky's Sheriffs, and are not intended to be a broader comment on statutes pertaining to police agencies operated by municipalities or county police forces.

It is the opinion of the KSA that any executive order that limited or modified a Sheriff's authority to hire, discipline or fire a Deputy Sheriff would be unconstitutional and illegal. KRS 70.030 places full authority for these decisions squarely and solely within the discretion of the Sheriff. ("The Sheriff may appoint his or her own deputies and may revoke the appointment at his or her pleasure. . ." KRS 70.030(1)). Very few Kentucky counties have adopted Deputy Sheriff Merit Boards under KRS 70.260, *et seq.*, but in those counties disciplinary matters pertaining to Deputy Sheriffs is handled by a citizen board appointed by the Sheriff, the county legislative body, and the Deputies. The authority to create Deputy Sheriff Merit Boards is reserved to legislative bodies of Kentucky's counties.

The peace officers' bill of rights is codified at KRS 15.520, and by virtue of 2015

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amendments applies to Deputy Sheriffs, and all other law enforcement officers participating in Kentucky Law Enforcement Foundational Program funds. The peace officers' bill of rights provides a framework for citizen complaints, including anonymous citizen complaints, and delineates procedural due process rights afforded to a Deputy Sheriff subject to such complaints. In counties with consolidated governments, KRS 67C.326 provides the complaint and disciplinary process for officers participating in KLEEF funding.

While the procedures of the peace officers bill of rights at KRS 15.520 provide a complaint process to the citizenry, and procedural protections for Deputy Sheriffs, KRS 15.520 does not remove or otherwise alter any of the authority of Sheriffs to hire, fire and discipline their deputies as provided by KRS 70.030. Unless a county has adopted a Deputy Sheriff Merit Board, the Sheriff remains the sole appointing, employing, and hearing authority, and ultimately makes all disciplinary decisions relating to his or her Deputies regardless of whether the issue originated from a policy violation or a complaint from a citizen.

The KSA has a long track record in promoting well trained, and professional law enforcement in Kentucky. This is particularly evident today as KSA is at the forefront of implementing immediate training on use of force and community oriented policing. The KSA shares and understands the concerns expressed by the NAACP and other groups calling for immediate police reform. Further, the KSA applauds Governor Beshear's apparent intent to make such reforms a priority. However, in this particular instance, Governor Beshear is without authority to enter emergency orders abrogating the authority expressly placed with Sheriffs by KRS 70.030 and KRS 15.520.

These comments should not be perceived as a criticism of Governor Beshear or as a position piece on the multiple ongoing litigation and appeals concerning the legality of his emergency executive orders pertaining to the COVID-19 crisis. We all recognize the compelling State interest in providing for the public health during this unprecedented pandemic. However, in comparison to the ongoing debate over the legality of the emergency COVID-19 executive orders versus the proposed executive order pertaining to police reform, in the former situation KRS Chapter 39A authorizes such executive authority in response to disaster or emergency occurrences, while in the latter situation there is absolutely no Constitutional or statutory authority contemplating the Governor overriding statutes by implementation of emergency executive orders.

The KSA is in no way attempting to lessen the importance of the dialogue and push for change. KSA and its membership wholly support and are proponents of social and economic justice for all, including our minority communities who have so often been left out or left behind. KSA looks forward to partnering with your office, Governor Beshear, and the community in developing a framework for citizen input on law enforcement policies, promoting better training on use of force and communication with the communities we serve, and determining better ways

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to detect any issues with law enforcement officers and to discipline those officers when required.

However, any emergency executive order from the Governor should be in the form of push for policy initiatives within law enforcement agencies and at the local government level, development of appropriate responsive training curriculums, and the commencement of a collaborative approach in cooperation with the General Assembly to address statutory change if deemed necessary. Our opposition to amending clear statutory authority by executive order should not be construed as opposition to a just cause.

The KSA and its membership are at your service, and that of Governor Beshear, and appreciate the opportunity to comment on these timely and important issues. The KSA objects to use of executive orders which conflict with the clear statutory authority granted to Sheriffs.

I am available to further discuss this or other issues at your convenience.

Sincerely,

Jerry Wagner
Executive Director
Kentucky Sheriff's Association