

APPROVED

Kentucky Association of Chiefs of Police
Executive Board Meeting
Lexington, KY
January 14, 2016

1. Call to Order and Welcome – The meeting was called to order by President Daly at 10:34 EST.
2. Roll call by Executive Director Pendergraff. A quorum was present to conduct business. In attendance from the Executive Board were: Chief Mike Daly, Chief Brandon Barnhill, Chief Tracy Schiller, Chief Tony Lucas, Chief Rob Ratliff, Exec. Dir. Jim Pendergraff, Chief Craig Birdwhistell, Chief Deputy Joe Cline, Chief Doug Hamilton, Chief Rick Sanders, Chief Wayne Turner, Chief David Sexton, Chief Doug Nelson, Chief Rick McCubbin, Chief Frank Cates, Chief David Gregory, Chief Kelly Spratt, Chief Howard Langston, Chief Allen Love, Director J. R. Brown, Chief Mike Ward, Chief Shawn Butler, LEC Brett Hightower, Director Dan Smoot. Absent were: Chief Mike Thomas, Chief Andy Midkiff, ASAIC Craig Hutzell, Chief Wayne Hall, and Chief Bill Crider.
3. Introduction of Guests – Mr. **Patrick Crowley**, a partner with Strategic Advisers, a government affairs and communications firm based in Northern Kentucky, has been retained as KACP's legislative agent (lobbyist) in Frankfort. Mr. Crowley delivered his first legislative report to the Executive Committee. The 2016 General Assembly legislative session began Jan. 4th and will conclude in mid-April.

Mr. Crowley reported that the KACP's main legislative priority is an increase in the KLEFPF, which has not been increased since 2001 and has over the years been "raided" by the General Assembly to pay for other programs. The intent and spirit of the legislation is to ensure that the KLEFPF are being used for their intended purposes.

Mr. Crowley reported a meeting that was held January 12th in Frankfort with Rep. Steve Riggs, D-Louisville, one of the chief's strongest advocates and a staunch supporter of increasing KLEFPF. Attending the Frankfort meeting were:

- KACP President Mike Daly; Legislative Committee Co-Chairs Shawn Butler and Wayne Turner; and Legislative Committee member Mike Ward;
- Members of the State FOP, including the FOP's lead Frankfort lobbyist Steve Barger;
- Members of the KY Sheriff's Association, including Pat Morgan from Kenton County;
- Thor Morrison (Special Staff Assistant at DOCJT).

Rep. Riggs agreed to sponsor the KLEFPF, but will defer to the wishes of Rep. Rick Rand, D-Bedford, and Chairman of the State Appropriations & Revenue Committee, also known as the A&R or budget committee. This is the committee that will hear the KLEFPF bill. Chairman Rand will request that either Rep. Riggs or another House member sponsor the bill. Rep. Riggs indicated that even if he is not the primary sponsor, he will co-sponsor the bill and work aggressively for its passage.

Rep. Riggs also suggested that the law enforcement associations – Chiefs, Sheriff's and FOP – work together for passage of the bill. It was decided that a committee comprised of leaders from each association will meet regularly to discuss engaging legislators, legislative tactics, messaging,

etc. The first meeting of the ad hoc committee is scheduled Jan. 21st with Justice Cabinet Secretary John Tilley in Frankfort.

Mr. Crowley also distributed materials at the Jan. 14th meeting that included:

- Fact sheet/talking points on the KLEFPF bill.
- A primer sheet on how to engage legislators.
- And a draft letter than can be sent to legislators.

When the time comes, KACP members will be mobilized to contact legislators through letters, phone calls and emails in support of the KLEFPF.

When a bill if filed, KACP members will be notified.

Additional Guests were representatives from KSA, Pat Morgan Chief Deputy Kenton County Sheriff's Office, Mr. Jerry Wagner, KSA and KY State FOP represented by Berl Perdue. The purpose of their attendance was to emphasize through a new public safety working group that KACP, KSA and KY FOP are committed to work together to advance professional law enforcement initiatives in the Commonwealth. All organizations are committed to being on the same page and to work together.

Additional Guest was Mr. JD Chaney, Deputy Executive Director for the KY League of Cities (KLC), who spoke to the executive committee and discussed several topics including:

- KLC will support the KLEFPF.
- There will be a push by KLC and KACO (KY Assoc of Counties) to increase fees or establish a new funding source for to pay for 911 services. The KACP will eventually be asked to support the bill.
- An anti-spiking bill and a bill permitting the hiring of retired officers are being drafted; when the draft is completed it will be shared with the KACP legislative committee, which will share the bill and seek input from the executive committee.
- Rep. Dennis Keene, D-Wilder, has filed legislation that would allow proceeds from the sale of confiscated firearms to be used to purchase body cameras. Crowley is preparing a report on the background of the bill, including who asked Rep. Keene to sponsor it.
- 9-1-1 and wireless funding legislation was briefly discussed.

Final Guests were the US Attorneys for the Western and Eastern Districts of Kentucky. Mr. John Kuhn and Mr. Kerry Harvey, the two US Attorneys spoke at length in reference to both the perceptions and the realities involved in the decision by Congress and the US DOJ to sweep and discontinue the Equitable Sharing Payments.

Explanations were provided as to why the equitable sharing payments are being deferred. The Bipartisan Budget Act of 2015 (P.L. 114-74) enacted in November included a \$746 million permanent reduction of Asset Forfeiture Program Funds. This reduction, or "rescission," means that \$746 million was removed from the Assets Forfeiture Program Funds to go to the General Treasury Fund. The Consolidated Appropriations Act of 2016, signed into law on December 18, 2015, included an additional \$458 million rescission in the FY 2016 budget.

In the face of a now combined \$1.2 billion rescission, coupled with the expected receipts and expenditures for the year, in order to maintain the financial solvency of the Asset Forfeiture Program and operate within legal guidelines for Federal financial management the Department

had no choice but to immediately defer the disbursement of equitable sharing payments to our state, local, and tribal partners and the transfer of any items for official use.

The Justice Department is very eager to resume payments as soon as it is fiscally feasible to do so. By deferring equitable sharing payments, the Department preserves the ability to resume equitable sharing payments once the budget picture improves. In the meantime, the Department will continue to review any and all potential avenues for restoring equitable sharing payments.

Typically, a variety of cases resolve throughout the year, and based on our assessment of the current pace of adjudicated forfeitures, we believe this step is only a “pause.” Thus, all DAG-71 forms submitted through the eShare portal for ongoing cases will continue to be reviewed and processed pursuant to current Department policy. When the budget situation improves, those shares will be paid in full or in part.

Contrary to some reports, the Department did not “shut down” or otherwise terminate the Equitable Sharing Program. Rather, the Department was required to temporarily defer equitable sharing payments to our state, local, and tribal law enforcement partners due to the combined effects of the \$1.2 billion rescission and our obligations to maintain the financial solvency of the Asset Forfeiture Program and operate within legal guidelines for Federal financial management. This deferral decision was made purely for budgetary reasons, and does not alter the Department’s commitment to supporting state, local, and tribal law enforcement.

The burden of this rescission is not falling solely on equitable sharing recipients. This is something that was generated by Congress not the US Attorney’s Office or the US Department of Justice. As to the question of when will the payments continue it was the opinion that at this time, The US Department of Justice cannot say with any certainty when the deferral of sharing payments will be lifted. However, the Department continues to explore all budgetary options available to restore equitable sharing as soon as possible.

Despite the deferral, some agencies may continue to receive payments in the coming weeks as the remainder of payments processed by the U.S. Marshals Service prior to December 21, 2015, are disbursed. Otherwise, no further equitable sharing payments will be issued until this deferral is lifted.

Funds already disbursed to state and local agencies may continue to be expended and reported in accordance with the policies outlined in the *Guide to Equitable Sharing*. • The bottom line is that the Department of Justice views this as a “pause” whereby we are holding payments in place until the funding situation improves. We hope that when funding allows, we will resume payments where they left off either in full, or as close to full as the budgetary situation allows. The Department of Justice will continue to support state and local law enforcement through other funding mechanisms provided in the FY 2016 budget:

4. Approval of Minutes – Motion to approve minutes October 15, 2015 General Business meeting in Elizabethtown, Kentucky. Motion by Chief Butler seconded by Chief Turner. Motion passed.
5. President’s Report – No report, State Agencies Section Chair Appointment was discussed. Josh Crain was nominated to fill the position. Motion by Chief Butler second by Chief Barnhill motion passed,

Second item, GOHS Representative is open, and there was no movement on filling this committee position at this time.

6. Treasurer Report, Craig Birdswhistell distributed financial and budget items for review. (see attached) Motion by Chief Barnhill second not required per parliamentarian.
7. Regional Reports
 - North, Chief Turner-Awards banquet and installation of officers will be on Saturday January 30, 2016 hosted by incoming President Chief Andy Williams at the Wilder Police Department.
 - Northeast, Chief Sexton – No report
 - Southeast – Chief Nelson – No report
 - South Central, Chief McCubbin – next regional meeting January 21, 2016 No report
 - West, Chief Cates – No report
 - East Central, Chief Gregory – No report
 - Northwest, Chief Spratt – No report
 - East, Chief Thomas – Absent No report
8. Section Reports
 - State Agencies, Absent No report Chief Razor is now retired.
 - Railroad Police – Chief Midkiff - No report
 - Federal Agencies – ASAIC Hutzell- No report
 - University Police – Chief Hall – Absent No report
 - Retired, Chief Langston – spoke about Social Security legislation to eliminate the windfall exclusion. Additionally Chief Langston spoke on LEOSA and retired CCW, a handout was provided.
9. Committee Reports
 - Membership, Chief Barnhill – No report email blast out to new police chiefs. Paul Sims would like to remain a member of KACP. He can stay a retired member for 10 years then apply for life membership.
 - Legislative, – Chief Butler and Chief Turner deferred to Mr. Patrick Crowley earlier report under guests and visitors. There are expected to be 800 to 900 bills filed during this session. All members were encouraged to stay in touch with their legislators.
 - Publications & Technology – Chief Ward no report The conference has been updated on the KACP website, constant contact numbers of members communicating
 - Professional Standards, Chief Crider Absent, Chief Butler addressed the status of the accreditation training and the success to date. Chief Butler reported he has traveled 14,945 miles this past year visiting 168 law enforcement agencies and dispatch centers. Additionally 5 training sessions were held. KSA is pushing our training and model policies. The topic of contract was discussed and will renew unless action is directed by the executive board.
 - Training & Education, Allan Love spoke on the Gatlinburg US Attorney Law Enforcement Conference in May of 2016. Dates are forthcoming. Director J.R. Brown spoke about the status of the training, academy classes and the 23 week curriculum. Basic Academy classes in FEB, MAR and APR are full. SSL is back online for 2017. There has been a spike in open records request for training records. TRIS has been used heavily to register for 2016 training.

- **Finance & Audit – Craig Birdwhistell – reported (see attached packet) Discussion there was a motion and a second for an amendment but the discussion was unintelligible on the audio?**
- 2016 Conference Report – Chief Schiller gave an update, the dates of the conference were given for the Holiday Inn University Plaza and Sloan Convention Center at 1021 Wilkinson Trace in Bowling Green starting Sunday July 31, 2016 through Thursday, August 4, 2016. Speakers have been identified. Chief Schiller asked for help in finding sponsors. Chief Schiller spoke about the need to make money for KACP and continue to support sponsorships by pulling in donations and vendors. All of us need to continue doing our best to make this years' conference a success and more importantly a money maker.
- Special Olympics – Chief Sanders – No report
- LEL Update – Troy Dye gave a report. Troy will be at the next Northern Kentucky Chiefs banquet and installation of Officers meeting on January 30, 2016. You can start working KOHS grants. Highway safety grants are available Feb 1, 2016. Holiday campaign reporting is open now.
- KLEC Update – Chief Deputy Joe Cline / Chief Ward gave a brief update next board meeting is February 3d and 4th..
- Kentucky League of Cities – Chief Schiller reported KLC's 2016 legislative agenda and provided a list of KLC 2016 action items and asked for feedback on the topics KLC forwarded earlier as it relates to input on prioritization of legislative issues. Accreditation best practices were discussed in reference to language in legislation about "show up" policies
- GOHS Update, Director Razor has retired-No report
- KWIEC Update, Chief Turner reported that the KWIEC executive board has postponed their final meeting of 2015. The thought was to wait and see if the Governor will make any new appointments.

10. Executive Director Report, James Pendergraff

- 3 Newsletters as well as 23 Constant Contact notices have gone out since the last meeting, looking for input for the next newsletters.
- IACP will be in San Diego October 15 – 18, 2016, we do not have a room block
- Stanard Testing, processed 14 orders and invoices since last meeting.
- Residential Programs, Inc., telemarketing firm interested in working with KACP, tabled until next meeting
- Life Membership Request, Chief Troy Dye motion by Chief Schiller Second Chief Turner - motion passed

11. SACOP – Absent / No report

12. New Business –Chief Ward reported on DNA swabbing and fingerprint analysis funding and legislation is forthcoming. There is \$5 million dollars in KLEFPF funding being eyed to fund this. Something that definitely needs to be watched.

13. Old Business – No report

14. Good of the Order – No report

15. Adjournment – Motion made by Chief Butler to adjourn, seconded by Chief Ward Motion was approved.