

JULY 2021

New THE SPIAA QUARTERLY

The SPIAA Quarterly is the newsletter of the Southern Police Institute Alumni Association



Congratulations to the 145th AOC

Congratulations to the graduating class of the 145th
Administrative Officers Course.

38 Members | 32 Agencies | 17 States

The Alumni Association of the Southern Police Institute publishes the newsletter quarterly. To have an article published, contact the Editors, Patrick Swift, PSwift@covingtonky.gov, Ron Cook, rcook843@aol.com, or Terri Wilfong, twilfong21@gmail.com.



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MESSAGE FROM SPIAA PRESIDENT LT. ALAN BLEDSOE AND FIRST VICE PRESIDENT DEPUTY CHIEF KAREN CORDRAY

SPIAA 2022 SPIAA Training Conference

MARK THE DATES

July 18-21, 2022, in North Charleston, South Carolina

With South Carolina just opening back up, look for details in future issues.

Hard at work is SPIAA 1st Vice President, Deputy Chief Karen R. Cordray, North Charleston Police Department Patrol Division. Conference Volunteers can reach her at Office (843) 740-2836, Cell (843) 822-1077.

Keep your information coming to us so we can share with the membership through the Newsletter. We are always interested in your news and suggestions. Stay Safe!

MESSAGE FROM THE EDITORS SPIAA QUARTERLY

We congratulate the 145th AOC on their graduation during this unique period in our history. Who could have predicted that this class would face odd circumstances surrounding COVID requirements adding to the pressure of learning and graduating. We, the Editors, are glad to send the graduates off with a salute to the class on the cover.

Editor Wilfong introduces two new overview documents of current cases from the Supreme Court provided by Attorney Erik P. Daigle who specializes in Civil Rights litigation and Law Enforcement Operations. The cases begin on page 16.

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MEMBER SPOTLIGHT



Walter A. "Sticky" Burch

19th President SPIAA

1969-1970

Former Sheriff 'Sticky' Burch Shares War Experiences

Courtesy of Harry Thetford/Special to the News & Record

Even though former Guilford County Sheriff Walter A. "Sticky" Burch and I have attended John Willett's Bible Study Group together for years, he has always spurned the invite to share his World War II experiences. That changed abruptly when shown a Feb. 19, 1943, photo of him leaving Greensboro for aviation cadet training in Miami, Fla. The photo was provided by Lt. Col. Frank Montgomery, USAF (retired), who was written about in these pages on June 3.

That photo and the reunion between Montgomery and Burch spawned 74 years of memories that flowed much faster than I could write. Burch has almost a century of Greensboro connections but claims he was born in Asheville — by accident. "My mother was visiting there when I was born." He attended Asheboro Street and Gillespie Park schools before graduating from Greensboro High School in 1938, where he lettered in wrestling, track and football. "My father died when I was 15, but football coach Bob Jamieson was like a father to me," he said. "It is an urban legend that Coach Jamieson gave me the nickname that stuck with me more than my birth name," he said. "I played end on the

football team for three years. You can be assured, Coach Jamieson was never convinced I could catch footballs like I had 'sticky' fingers. Anyhow, the name stuck."





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Burch was several years older than the typical aviation cadet. “I went to Presbyterian College on a football scholarship but probably did more in track,” he said. “I ran the 100 and 200 yard dash and anchored the 440 relay. One day, I ran all three events against Clemson. We won, but that was the toughest day of my life!”

After one year in college and one year with the Greensboro Police Department, Burch answered the call to serve his country. “I was a gung-ho aviation cadet in preliminary flight training in Miami,” he said.

His next stop was Middle Georgia State College in Cochran, Ga., then to Nashville, Tenn., for classification. His first flight training was at Carlstrom Field in Arcadia, Fla. “Flying was fun,” he said. “I loved the PT-17 Stearman we trained in and did very well during take-offs and in-flight, but not so well with landings. Two out of three wasn’t good enough.” He was shipped out for photo reconnaissance training. “Washing out was especially embarrassing inasmuch as the Stearman had the reputation of almost landing itself,” he said.

“I cried like a baby after washing out of pilot’s training,” he recalled.

Even though someone else did the piloting, Burch arrived in the European Theater in time to fly combat photo reconnaissance missions before V-E Day. “It was just the pilot and me,” he said. “We typically flew at about 10,000 feet and photographed potential targets for the next day’s bomb runs. Our small aircraft had guns, but we weren’t sure they worked. German fighter planes got after us occasionally, but we dodged more mountains than enemy bullets.”

Burch returned to the Greensboro Police Department after the war and retired with 40 years’ service — he was assistant chief of police at the time of his retirement. Tack on two terms as sheriff for a total of 48 years in law enforcement. “I was happily retired

when asked to run for sheriff,” he said. “My wife did not want me to run and was the happiest girl in town when B.J. Barnes ‘retired me’ the third time I ran.”

Mary Jones Burch died in 2011 after 65 years of marriage. The Burches have twin daughters and a son, seven grandchildren, and six great-grandchildren. He had an answer reminiscent of Secretary of Defense James Mattis when asked if dealing with bad guys for almost half a century upset him: “Not at all, but I upset a few of them.”

Burch remains philosophical about his longevity. “It’s easy to look back over nine decades and see that the good Lord had a plan for me all along,” he said. “I thank Him every day for how he has blessed me!”

A longtime member of the Congregational United Church of Christ, Burch is a member of the Oriental Shrine Club and the Greensboro Rotary Club.



Walter “Sticky” Burch and life friend Lt. Col. Frank Montgomery, USAF (retired).

Read the article in 2018 “*Walt Turns 100*” online at <https://spiaa.wildapricot.org/resources/InMemoriam/Former%20Guilford%20County%20Sheriff%20Walter%20Burch.pdf>

AND Watch the 2020 Video of Sticky on his 102nd Birthday recorded live at Heritage Greens! https://www.facebook.com/watch/live/?v=761831327729038&ref=watch_permalink





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The Honorable Justice William Bedsworth

"Law Enforcement Changes Hourly, Folks! And it is not a job, it is a calling. If you haven't been called, you can not understand those who have. I just thank the Lord for continuing to turn out those of you who have and I suggest all of you do the same."

Justice Bedsworth, Fourth District Court of Appeal, at the grand opening of the new Criminal Justice Training Center at Golden West College in Huntington Beach, CA. May 11, 2020.

VIDEO: Click image for this impactful speech, or use this link: <https://youtu.be/RpAkv-ja2y4>

***** **PUBLICATION ADVISORY** *****
**BJS RELEASES REPORTS ON MORTALITY IN
PRISONS AND JAILS**

WASHINGTON—The Department of Justice's Bureau of Justice Statistics released "Mortality in State and Federal Prisons, 2001-2018 – Statistical Tables, and Mortality in Local Jails, 2000-2018 – Statistical Tables." These two reports present detailed statistical tables on mortality in state and federal prisons and in local jails. They provide information on cause of death; decedent characteristics, such as age, gender, and race or ethnicity; and mortality rates of inmate populations, compared to the general U.S. adult population. The reports are based on BJS's annual Mortality in Correctional Institutions data collection, which obtains information on persons who died while in the physical custody of local jails or state departments of corrections.

TITLES: Mortality in State and Federal Prisons, 2001-2018 – Statistical Tables (NCJ 255970) by BJS Statistician E. Ann Carson, Ph.D.

Mortality in Local Jails, 2000-2018 – Statistical Tables (NCJ 256002) by BJS Statistician E. Ann Carson, Ph.D.

WHERE: www.bjs.gov

The Bureau of Justice Statistics of the U.S. Department of Justice is the principal federal agency responsible for collecting, analyzing and disseminating reliable statistics on crime and criminal justice in the United States. Doris J. James is the acting director.



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""The Thin Blue Line" is a term that's been attacked by many and outlawed by some. Never be ashamed to be part of it and remember the family crest that it is."

National Peace Officers Memorial Day

Remarks by Lt. Frank Borelli (ret), Editorial Director for the Officer Media Group
[\(full remarks PDF\)](#)

On October 1, 1962, President Kennedy signed into law a declaration of May 15th, each year, as National Peace Officers Memorial Day. Each year, whatever week May 15th falls into is commonly known as National Police Week. As I write this today, Monday, May 10th, I can't help but think about how we need it this year more than ever. Anyone who has attended the events in Washington DC around the National Law Enforcement Memorial can tell you how emotionally moving it is. I defy you to find a law enforcement professional who has attended the Candlelight Vigil (hosted by the National Law Enforcement Officers Memorial Fund) who hasn't cried. I consider myself pretty hardcore... but I cry every year I attend. I can't help myself when I consider the sacrifice made by the officers who have fallen... their last moments... the motivation of their lives... their surviving spouses and children. Yep, that's about where I lose it every year.

I've been wearing a badge for coming up on 40 years now and I can't remember a time in my career when law enforcement, in general, was as challenged as it is right now. The utterly unreasonable demands for defunding and disarming the police along with a complete lack of appreciation (according to the mainstream media) for the sacrifices we make on a daily basis is... Appalling? Disillusioning? Demoralizing? All of the above?



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Across the country agencies are facing recruiting challenges and it should come as no surprise. Why would anyone want to take on the job? All of the old motivations have been taken away and all of the potential risks to self, finance and future have all increased. I am amazed by and proud of all those young men and women who are going into the law enforcement profession, even still today. They see what's going on around them. They see the lack of appreciation. They see the increased risk and yet they still apply, jump through all of the hoops, face the challenge of the academy and hit the streets. "Protect and Serve" is on their mind and in their hearts and they are our future. Thank God for them.

What they will need is our support; the benefit of our knowledge; the ability to learn from our experience (and most importantly, our mistakes). What they will need hasn't been available for two years. The last time National Police Week happened in person was 2019. It was cancelled due to the COVID pandemic in 2020 – and the impact was immeasurable. Sure, there was the obvious drop in donations and fundraising by the non-profits involved, but what of the officers who go for "the family reunion"?

Each year, for about 20 now, I've made it a point to go up to Police Week; to visit the memorial; to think about those who have made the ultimate sacrifice. To look at the tokens left on, in front of and behind the memorial wall near the panel where an officer's name is etched. I've seen amazing reminders that the officer may be gone but s/he will never be forgotten. I've seen letters from children who were unborn when their parent made the ultimate sacrifice written to that parent... and I've had total strangers put their arms around me as I stood there crying. I've held widows as they cried and told me about their amazing husbands. I've held widowers as they cried and told me about their

amazing wives. I've gotten down on my knees and smiled as children bragged to me about parents they either never met or barely remembered, as their mother stood over their shoulder holding back tears.

National Police Week is about far more than remembering, fundraising, etching names and The Vigil. As important as all of that is, there is no way to articulate the largest impact National Police Week has when it's held in person: the emotional recharge.

We need to remember that law enforcement professionals come in all shapes and sizes, both genders, all ages and from agencies of all sizes: from one person to over 35,000. We answer to titles of police officer, patrolman, deputy, trooper, agent, constable, peacemaker and more. For all of our differences, we all have a few things in common.

We were all driven at some point to step forward, raise our hand and take an oath. That oath focuses 100% on serving others and protecting our quality of life.

We all put on a uniform of some kind, pin on a badge, shield or star and go out to face the unknown.

We all have said goodbye to our significant other and our children and left for work, not knowing if we just said our last goodbyes.

We have all seen horrific things and maintained our professionalism through them, only to fall apart when we were no longer in the public eye.

We have all worked while sick, injured, exhausted and hungry.

We have all testified in cases where the suspect was guilty as hell of some act of evil, and walked away free because of either a technicality or a bold-faced lie.



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For all of that, we have continued to do the job, supporting each other and serving our respective communities.

During National Police Week, whether it's in the nation's capital or in our own cities and towns, we've gathered with our brother and sister officers, held memorial services and vigils and recharged our emotional batteries. We've reconfirmed our oath, added strength to our commitment, found faith in our purpose as we're surrounded by our law enforcement family and then we've gone on... for another year.

That was sorely missed in 2020 and is still being missed in far too many places again this year. I encourage you, in whatever way is allowable by your state and agency, gather; remember; memorialize; tell stories (watch who is around when

you do that part). Raise a glass and offer a toast to those who have gone before us. Honor their memory and learn from their experiences. Never forget that what we do matters more than most people will ever know.

We are The Thin Blue Line. We are family – even when we disagree, bicker or fight. We are one and if we don't remember that, we'll be dismantled even more than society is currently trying to do. What we do is the glue that holds civilized society together. We are that line of guardians standing in front of the innocent and protecting them from the evil that stalks our world.

Make no mistake: it's there and hunting. Hold your ground. Stay strong. Support each other. Stay safe.

[Download/View full text of remarks at this link PDF](#)

PHONE APP

Listen to Live Police & Fire Radio

Scanner Radio is the #1 police scanner and alerts you of breaking news so you can listen to the action live with millions of others. Stay up to date with your local news, traffic, emergency and public safety or listen in during major national live events in real time.



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- CarPlay support
- Browse thousands of scanners from all over the world by location or genre (public safety, air traffic, railroad, marine, etc).

Apple App Store and Google Play.



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HONORING CHIEF ROBERT ALLAN "BOB" WILBUR COLUMBIA, SC

**Chief Robert Allan "Bob" Wilbur
Columbia South Carolina PD (ret)
31st AOC, March 23-June 12, 1964**

Chief Wilbur served in the U.S. Navy with distinction and upon discharge, moved to Columbia South Carolina where he became a police officer on July 18, 1956 as a "beat cop." Bob worked his way up the ranks to be Acting Chief of the Columbia Police Department on January 23, 1978. On November 12 of that year, he was appointed Chief, Columbia Police Department. When he retired, he had been with the Columbia PD for over 35 years.

He was a 1964 graduate of SPI and a lifelong supporter of the SPI and SPIAA. As Chief, he placed at least one officer in each of the AOC classes. Bob was an ardent supporter and attendee of the annual SPIAA Conferences and the SPIAA South Carolina Chapter. He was the Program Chairman for the 1986 Conference in Myrtle Beach, SC, which was a resounding success for alumni and their families.

Bob was recognized with a formal Resolution by the South Carolina Legislature on his 90th birthday. [View the resolution honoring Bob at this link.](#)

Happy 92nd Birthday to Chief Robert Allan "Bob" Wilbur, July 25, 2021.

Cards and good wishes can be sent to him at 875 Gardendale Road, Columbia, South Carolina 29212



Chief Wilbur today in June 2021.



Chief Wilbur's badges representing his 35 plus year career.



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DIRECTOR OF THE SOUTHERN POLICE INSTITUTE

This position is re-advertised. Please feel free to share with a colleague. The link to view and apply is

<https://www.higheredjobs.com/institution/details.cfm?JobCode=177491659&Title=Director%20Southern%20Police%20Institute%20%28Job%20Id%3A%2041208%29&aID=7137>



Monday, May 17, 2021: Supreme Court Upholds Privacy Rights Even When Police Believe Someone in Danger at Home

WASHINGTON — The Supreme Court said Monday that police do not have a broad authority to enter a home to check on someone who may be suicidal and then search and seize evidence that may be used against the person.

Full Decision: https://www.supremecourt.gov/opinions/20pdf/20-157_8mjp.pdf

Summary of Decision: <https://www.officer.com/command-hq/supplies-services/public-awareness/news/21223232/supreme-court-upholds-privacy-rights-when-police-believe-someone-in-danger-at-home>

In a 9-0 decision, the justices rejected what some courts have called a “community caretaking” rule that may authorize police to enter a home even if they have no evidence of a crime or an emergency.

The case before the court began when the wife of a Rhode Island man called police because she was worried about her husband. They had argued the night before, and he possessed a handgun. Officers found the man, Edward Caniglia, sitting on his front porch. He denied that he was suicidal, but the officers called an ambulance and insisted he go to a hospital for an evaluation. He agreed, but told them they may not enter his home and take his guns.

After he left, they did just that and confiscated two handguns.

The homeowner sued, alleging a violation of the Fourth Amendment, which forbids “unreasonable searches and seizures,” and usually requires officers to have a search warrant before going into residence without the owner’s permission.





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In Memoriam

CAPTAIN DON LAMBERT 118 AOC

We are so deeply saddened by this news. Captain Don Lambert is a graduate of one of our leadership programs and is someone we have worked with for many years on traffic safety programs. The Henrico Police are our “home” agency and we know so many of the officers and command staff over there very well. We are grieving with them and Capt. Lambert’s family . Don was in the 118th AOC. He was always quick with a joke and through the years took joy from his proud posts of his sons.

May he RIP. Our heart goes out to his family and the Henrico PD.



Links to article: <https://www.nbc12.com/2021/05/10/henrico-police-honor-late-captain-donald-lambert-with-heros-workout/>

Video: <https://www.wtvr.com/news/local-news/capt-don-lambert-remembered-for-commitment-to-his-faith-family-and-community>



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RETIREMENT NEWS

CHIEF SCOTT BORDEN 103rd AOC

UNIVERSITY OF RIO GRANDE CAMPUS POLICE

Chief Scott Borden retired on May 31, 2021 after 43 years in Law Enforcement. Over his career, he served 33 years with the Ohio State Highway Patrol (OSP) retiring from there as an assistant District Commander. Scott has served the last 10 years as the Campus Police Chief for the University of Rio Grande located in Southeastern Ohio.

Chief Borden graduated from the SPI AOC 103 and earned an Associates Applied Science degree in Law Enforcement Technology.

Of his time at SPI, Chief Borden says, “Terry Edwards was a great personality while I was at SPI and he had a special bond with Troopers, being with Kentucky State Police for a time. Philip Turner was also a very good instructor and a class act. I will always appreciate and respect Director Bill Walsh.”

“I started with the OHP at 18 and retired 2 days from the day I started after 33 years. I immediately then began as Chief of the University Police and worked there for 10 years. May 31, 2021 will be my **first** non-law enforcement day of employment in 43 years! It has been an honor to serve and protect with you guys. Be safe and carry the torch! SB”

Chief Borden received numerous awards during his extremely distinguished career:

- District Nine Trooper of the Year (1991) and Post Trooper of the Year (1991 & 1992)
- **Graduated with Honors from the Southern Police Institute**, University of Louisville (2000)
- Humanitarian Chiaramonte Award and Department of Public Safety Employee of the Month Award (1996)
- Director of Public Safety Ambassadors Award for community service and public relations (1991)
- Attorney General’s Distinguished Service Award for community service and public relations (1992)
- Auto Larceny Ace Award (1991) and Proficiency Award for auto larceny (1990)
- Certificate of Recognition for auto larceny (1982 & 1986)
- Recipient of 140+ commendation letters throughout career
- Eight-time recipient of OSHP top physical fitness award
- 25-Year Safe Driving Award
- AAA7 (Area Aging Agency) Law Enforcement Award (2012)
- Inducted into the to Greenon High School “Hall of Fame” – 2012
- OSHP Jackson District “Distinguished Retiree” award – 2016
- University of Rio Grande “President’s Award” 2019

Chief Borden lives in southeastern Ohio with his wife Sandy and they plan to travel as much as they can.

Well wishers can contact Chief Borden at und1103@cs.com.



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U.S. Attorney General Announces New Effort to Reduce Violent Crime

Department of Justice
Office of Public Affairs
May 26, 2021



WASHINGTON—Attorney General Merrick B. Garland today announced a new Department of Justice effort to help protect our communities from the recent increase in major violent crimes.

“Today, we renew our commitment to reducing violent crime and building strong communities where all Americans are safe,” said Attorney General Garland. “The Deputy Attorney General is issuing a comprehensive strategy to deploy our federal resources in the most effective way, disrupting the most dangerous threats and supporting the ground-level efforts of local law enforcement. In this endeavor, we will engage our communities as critical partners. And through our grantmaking, we will support programming at all stages—from the earliest violence interruption strategies to post-conviction reentry services.”

The strategy announced today is three-pronged. First, it establishes a set of four fundamental principles to be applied Department-wide to guide violent crime reduction:

- ⇒ Build trust and earn legitimacy. Meaningful law enforcement engagement with, and accountability to, the community are essential underpinnings of any effective strategy to address violent crime, as well as important ends in themselves. Accordingly, building trust and earning legitimacy within our communities is the foundation on which the strategy is built.
- ⇒ Invest in prevention and intervention programs. Violent crime is not a problem that can be solved by law enforcement alone. Accordingly, the Department must invest in community-based violence prevention and intervention programs that work to keep violence from happening before it occurs.
- ⇒ Target enforcement efforts and priorities. The Department is most effective when it focuses its limited enforcement resources on identifying, investigating, and prosecuting the most significant drivers of gun violence and other violent crime.
- ⇒ Measure results. Because the fundamental goal of this work is to reduce the level of violence in our communities, not to increase the number of arrests or prosecutions as if they were ends in themselves—we must measure the results of our efforts on these grounds.

The whole-of-Department approach means that these four fundamental principles will guide not only the Department’s 94 U.S. Attorneys’ offices, but also its law enforcement components (the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), the Drug Enforcement Administration (DEA), the Federal Bureau of Investigation (FBI), and the United States Marshals Service (USMS)), its grant-making components (the Office of Justice Programs (OJP), the Office of Community Oriented Policing Services (COPS), and the Office



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of Victims of Crime (OVC)), and litigating divisions, such as the Criminal Division.

Second, the strategy enhances the Project Safe Neighborhoods (PSN) program by directing all U.S. Attorneys across the country to update their PSN programs to be aligned with the Department's guiding principles to improve community engagement, support proven community-violence intervention programs, develop strategic enforcement plans in coordination with state, local, and Tribal law enforcement partners as well as community groups, and measure the effectiveness of these collective efforts to reduce violence. By drawing on lessons learned from research and experience over the past two decades, the Department will help ensure that PSN remains the leading initiative bringing together law enforcement partners at all levels and a broad array of community stakeholders to develop comprehensive solutions to the more pressing violent crime problems in our communities.

Third, the strategy directs each U.S. Attorney's Office to work with its state, local, federal, Tribal, and community partners to establish an immediate plan to address spikes in violent crime that are typically seen during the summer.

The Department recognizes that there is no one-size-fits-all solution and that the needs of each jurisdiction will vary based on the nature of violent crimes and the ability of local criminal justice systems to respond. Thus, the Department has committed to providing the following additional support where it is needed and appropriate:

The FBI will make available cutting-edge analytical resources to support state and local law enforcement efforts to identify the most violent offenders and most dangerous criminal organizations in communities. The FBI will then deploy agents to assist with enforcement operations targeting these entities.

Where feasible, the ATF will embed with local homicide units and expand the availability of its NIBIN Correlation Center, which matches ballistics from crime scenes to other ballistic evidence nationwide.

The DEA will focus its efforts, in coordination with state, local and Tribal law enforcement, to disrupt the activities of the most violent drug trafficking gangs and egregious drug-trafficking organizations operating in the highest-crime areas.

The United States Marshals Service, in coordination with state and local authorities, will conduct fugitive sweeps throughout the country focused on individuals subject to state or local warrants for homicide, aggravated assault with a firearm, aggravated robbery, robbery with a firearm, rape or aggravated sexual assault.

The Department's grantmaking components will highlight funding opportunities for community programs focused on reducing gun violence and other violent crime, share information about effective community-violence intervention programs, and provide training and technical assistance to support the violent crime reduction work of state, local, tribal and community partners.

To learn more, see the Deputy Attorney General's detailed guidance to federal prosecutors, law enforcement agencies, and other components across the Department of Justice. A fact sheet on 2021 grant opportunities and other resources to support violent crime reduction can be found here, <https://www.justice.gov/file/1397931/download>



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CONGRATULATIONS

WILLIAM J. TAYLOR

**73rd Command Offices Development Course (CODC)
March 16-July 17, 2015**

NEW MARSHAL APPOINTED FOR DEKALB COUNTY STATE COURT

DeKalb County State Court announced the appointment of William J. Taylor to Chief Marshal of the DeKalb County State Court, effective February 1st, following the retirement of Chief Marshal Richard I. Berkowitz, who served DeKalb County law enforcement for 28 years.

As Marshal, Taylor will lead a staff of 27 sworn deputies and 5 civilian employees. The Marshal's Office is the law enforcement arm of State and Magistrate Courts. One of the major roles of the Marshal's Office is executing all writs in dispossessory cases out of Magistrate Court and civil service out of State and Magistrate Courts. In addition, the office also handles warrants for the State Court Traffic Division.

Taylor retired from the U.S. Air Force after 24 years of service. The last 15 years were spent as a special agent with the Air Force Office of Special Investigations. He participated in several deployments in support of wartime operations in the middle east.

Taylor joined the DeKalb Marshal's Office in 2014 as the Major commanding the Field Division. In 2017, he was promoted to Chief Deputy assisting Berkowitz with the implementation of the Body Worn Cameras, In-Car Video Communications system and updating the departmental policies and procedures.

Taylor served two consecutive years (2017-2019) as the secretary of the DeKalb County Chiefs' Association, which is a network of all local, state, and federal law enforcement agencies that operate within DeKalb County.

Taylor earned an Associate degree in Criminal Justice from the Community College of the Air Force, a Bachelor's degree in Criminal Justice from Columbia Southern University and a Master's degree in Public Safety Administration from Columbus State University through the Georgia Command College. He is also a graduate of the Southern Police Institute at the University of Louisville, the FBI Law Enforcement Executive Development Seminar (LEEDS), and the Georgia Chiefs of Police Executive Training Program.

Courtesy of





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Learning Center

Peroza-Benitez v. Smith: UOF Following a Pursuit and Plaintiff Safety

Our case today comes to us from the Third Circuit and involves both qualified immunity and alleged excessive force. The facts of this case get a little hectic and in order to fully understand the court's decision it is important to review how an officer is entitled to qualified immunity. When deciding if an officer is entitled to qualified immunity the officer's actions must not violate a suspect's clearly established constitutional rights. It is also important to note that a court must follow the facts of the case through the plaintiff's perspective, not the officers. Because the facts of this case differ not only from plaintiff to officer but from multiple officers on the scene, qualified immunity becomes a little more complex. The question of force is also an especially tough one in this case because one of the investigators alleges that he used force to help the plaintiff from falling out of a window. Let's review the facts surrounding the incident and discuss key takeaways moving forward.

Facts

Officers with the City of Reading Police Department went to Jose Peroza- Benitez's apartment to execute a search warrant related to suspected drug offenses. When officers broke down the door to the third-floor apartment, Peroza-Benitez climbed out of his bedroom window onto the roof of the building wearing only an undershirt, boxer shorts, and flip flops. Shortly thereafter, Peroza-Benitez realized the police were in pursuit and, instead of surrendering, led the officers on a rooftop chase. One of the officers pursuing Peroza-Benitez on the roof radioed that the suspect had a gun. During the pursuit, Peroza-Benitez dropped the gun, which fell off the roof and

landed on the ground in an alley below.

At the end of the block, Peroza-Benitez entered an abandoned building. Several officers, including Criminal Investigator Kevin Haser and Officer Darren Smith followed him into the abandoned building. When CI Haser and Officer Smith cornered Peroza-Benitez on the second floor, he climbed out of a street-facing window. By the time Peroza-Benitez climbed out of the window, C.I. Haser was aware that he was unarmed and shifted his attention to Peroza-Benitez's safety, recognizing that the over ten-foot fall from the window could result in injury.

With their firearms holstered, Officer Smith and C.I. Haser grabbed ahold of Peroza-Benitez and attempted to pull him back through the window. Both Officer Smith and C.I. Haser testified that Peroza-Benitez, who was injured and "slippery" as he was covered in his own blood, resisted their efforts.

According to Peroza-Benitez, as he was hanging from the windowsill with his hands, his feet "dangling," C.I. Haser "repeatedly" punched him in the temple region of his head with a closed fist. C.I. Haser testified that he punched Peroza-Benitez "[o]ne or two times . . . [p]robably two," with the intent to "stun" and "disorient" Peroza-Benitez into compliance "to help him out." C.I. Haser testified that his punches had no effect on Peroza- Benitez, who continued to resist against the officers' efforts to pull him back inside. At some point, the officers let go of Peroza-Benitez; according to CI Haser, "we're like, screw it, you want to fall, you're gonna fall. So,



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we let go of him.” According to Peroza-Benitez, CI Haser’s punches caused him to fall.

Officer Daniel White was among the officers assembled outside the building who witnessed Peroza-Benitez’s fall from the window. Officer White had heard the earlier radio transmission that Peroza-Benitez was armed and assumed that was still the case given that he “did not see a lack of a weapon” on Peroza-Benitez when he was hanging from the window.

Falling feet first, Peroza-Benitez’s leg hit the railing of an elevated porch before landing backwards with a “thud” into a below-ground, concrete stairwell. At this point, officers’ testimony differed as to whether Peroza-Benitez voluntarily moved upon landing; Officer White testified that Peroza-Benitez “started to sit forward” upon landing while another officer testified that “[a]s soon as [Peroza-Benitez] hit the ground, he made a [lunging] motion like he was going to start running again.”

In contrast, Peroza-Benitez testified that he hit his head on the concrete steps as a result of the fall and was knocked temporarily unconscious.

Officer White tased Peroza-Benitez after he struck the concrete steps.

Accounts differed as to the exact duration of time that elapsed between Peroza-Benitez landing in the stairwell and getting tased, ranging from “as soon as he hit the concrete” to “less than five seconds.” However, it was undisputed that Peroza-Benitez was tased either immediately or almost immediately upon landing. Soon thereafter, officers took Peroza-Benitez into custody. Peroza-Benitez was transferred from the scene to the hospital, where he was treated for a variety of injuries.

Peroza-Benitez filed suit under 42 U.S.C. § 1983 alleging that several officers used excessive force in violation of his constitutional rights during his arrest, as well as for assault and battery claims under Pennsylvania common law. After the district court granted the officers qualified immunity, Peroza-Benitez appealed as to CI Haser and Officer White.

Third Circuit Opinion

The Third Circuit Court of Appeals held that at the time of the incident, it was clearly established that an injured, visibly unarmed suspect had the right under the Fourth Amendment to be free from temporarily paralyzing force while positioned as Peroza-Benitez was.

Next, the court found that a reasonable jury could credit Peroza-Benitez’s version and conclude that C.I. Haser “repeatedly” punching Peroza-Benitez in the head had caused him to fall from a second-story window, a clear violation of that right. On the other hand, the court found that a jury could conclude that the facts do not support Peroza-Benitez’s account of the incident.

Consequently, the court held that there was a genuine dispute of material fact regarding C.I. Haser’s conduct, which had to be resolved by a jury; therefore, C.I. Haser was not entitled to qualified immunity.

Concerning Officer White, the court found that at the time of the incident, it was clearly established that a suspect had the right under the Fourth Amendment to be free from excessive force in the form of being tased while visibly unconscious. Although the court recognized that police officers are often forced to make split-second judgments in situations that are tense, uncertain, and rapidly evolving, the court held that a reasonable jury could credit Peroza-Benitez’s version of the incident and find that Officer White violated this right. However, the court noted that a jury could find that the facts do not support Peroza-Benitez’s account. For example, a jury could find:

- 1) that Peroza-Benitez was not unconscious and was still trying to flee;
- 2) that Officer White reasonably believed Peroza-Benitez was armed; or,
- 3) that there was not enough time for Officer White to recognize that Peroza-Benitez was unconscious.

Consequently, the court held there was a genuine dispute of material fact that had to be resolved by a jury; therefore, Officer White was not entitled to qualified immunity.



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Takeaways

A case that just came out of the City of Reading less than three months prior to this case included a lot of the same reasoning (*Martin v. City of Reading*), as the Circuit Court cites in their argument. In that case an officer was also denied qualified immunity based off of the use of force risking the plaintiff's overall safety, therefore violating his civil rights. While CI Haser believed he was trying to help the plaintiff overall, punching him in order to calm him may have not been the best way to help him back through the window. Our first thought is always to protect our community and its citizens but there is only so far that we should go if a suspect will not let us help them.

Officer White's reasoning of tasing Peroza-Benitez mainly relied on the idea that he still had a gun, so a jury will need to decide if his UOF was warranted. A key takeaway is to keep up to date with UOF case laws, especially in your area (these two cases very closely mirrored each other and happened within months, each involving a pursuit, tasing and qualified immunity). Keep yourself up to date with training and new court opinions in order to ensure that you are using modern policing principles, especially in today's day and age where all law enforcement is under tremendous scrutiny.

Courtesy of Eric P. Daigle, J.D.



Attorney Daigle specializes in Civil Rights litigation and Law Enforcement Operations Consultant. Attorney Daigle also conducts training on use of force standards, including electronic control weapons and responses to force/deadly force incidents. Attorney

Daigle acts in his capacity as a Law Enforcement Consultant providing guidance and oversight to department command staff on operations, force response, and risk management. He has served as an expert witness in use of force cases and has reviewed use of force incidents around the Attorney Daigle serves as a member of independent monitoring teams and acts as an auditor in reviewing police department organizational compliance with procedural revisions directed or overseen by the Federal court system.

<https://dlglearningcenter.com/> for more.

United States v. Cooley, 593 U.S. June 2021

On June 1, 2021, the United States Supreme Court (SCOTUS), in [*United States v. Cooley*](#), examined the scope of American Indian tribes' sovereign powers. In its first major opinion on the topic in decades, SCOTUS unanimously held that an Indian tribe's police officer has the authority to temporarily detain and search a non-Indian suspected of breaking federal or state law within reservations.

FACTS

The defendant, Joshua James Cooley, was arrested after a tribal police officer observed Cooley parked in his vehicle on the side of a road within the Crow Reservation in Montana with "watery, bloodshot eyes" and two firearms laying on the front seat. While waiting for tribal and county officers for assistance, the officer further



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observed a glass pipe and a plastic bag containing methamphetamine in plain view. During their exchange, the tribal officer assumed, based upon Cooley's appearance, that he did not belong to a Native American Tribe, but did not ask Cooley or verify this conclusion. Cooley was subsequently indicted by a federal grand jury on drug and gun offenses.

A motion to suppress the evidence was granted on the grounds that the tribal officer was acting outside the scope of his jurisdiction as a Crow Tribe law enforcement officer when he seized Cooley, in violation of the Indian Civil Rights Act of 1968 ("ICRA"). The Ninth Circuit Court of Appeals affirmed the district court's decision, finding that the tribal police officer lacked jurisdiction to detain Cooley, a non-Native person, without first making any attempt to determine whether he was a Native American. The government appealed to SCOTUS.

SCOTUS OPINION

In a unanimous decision, SCOTUS held that a tribal police officer has authority to detain temporarily and to search non-Indian persons traveling on public rights-of-way running through a reservation for potential violations of state or federal law.

Justice Breyer's opinion looks to the reach of the Court's decision in [*Montanav. United States*](#), which set out the general rule that tribes no longer retain inherent governmental powers over non-Indian conduct but identified two exceptions to that rule. The first allowed tribes to "regulate, through taxation, licensing, or other means, the activities of nonmembers who entered consensual relationships with the tribe or its members, through commercial dealing, contracts, leases or other arrangements." *Montana*, 450

U.S. at 565. The second exception, which Breyer found "fits the present case, almost like a glove[,]," allowed tribes to "retain inherent power to exercise civil authority over the conduct of non-Indians on fee lands within its reservation *when that conduct threatens or has some direct effect on the political integrity, the economic security or the health or welfare of the tribe.*" *Id.*, at 566 (emphasis added).

SCOTUS reversed the Ninth Circuit and remanded, noting that without the power to detain and search non-Indians in such circumstances it would make it "difficult for tribes to protect themselves against ongoing threats" such as "non-Indian drunk drivers, transporters of contraband, or other criminal offenders operating on roads within the boundaries of a tribal reservation."



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TAKEAWAY

In order to protect against a threat to the tribe's health or welfare, tribal police have the authority to temporarily detain and search non-Indians suspected of violating federal or state law on tribal highways.

<https://dlglearningcenter.com/police-training-articles/>

Total Line of Duty Deaths: 149 for 2021



72 COVID-19

26 Gunfire

11 Vehicle Assault

10 Automobile Crash

9 Struck by Vehicle

7 Heart Attack

4 Assault

2 Drowned

2 Duty Related

2 Stabbed



OFFICER DOWN MEMORIAL PAGE

REMEMBERING ALL OF LAW ENFORCEMENT'S HEROES



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May 2021 Center for Council

Center for Council focuses on intensive training in wellness, empathy and resilience to address officer health and performance -- and builds on those skills with powerful opportunities to foster improved community relationships, effective de-escalation practices and meaningful procedural justice. Center's Executive Director, Jared Seide, along with one of their law enforcement counselors, Rich Goerling, join The Beat to discuss their law enforcement programs.

[Discover on Apple Podcasts](#) [Listen/Download MP3](#) [Read Transcript](#)

June 2021

Chuck Jordan—A Law Enforcement Leadership Profile



Chuck Jordan retired as the Chief of the Tulsa Police Department in 2019, and during his 50-year career he made a quite a mark on the profession. From his very first day on the job when he responded to an armed robbery call, to serving as a Commander of the United Nations Civilian Police Mission in war-torn Kosovo, Chief Jordan has seen a lot. As the Chief in Tulsa, a city with a well-documented history of trauma stemming from the 1921 Black Wall Street Massacre, Jordan led his department's response to a high-profile police involved shooting and a racially motivated spree of shootings that threatened to open old wounds from 1921. Whether you are a patrol officer, supervisor, or executive, Chief Jordan's conversation with The Beat offers insight into contemporary issues in policing that should not be missed.

[Discover on Apple Podcasts](#) [Listen/Download MP3](#) [Read Transcript](#)



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Philadelphia Police Commissioner, Danielle M. Outlaw, is an experienced and respected law enforcement leader. She stands at the helm of the nation’s 4th largest police department, which employs more than 6500 sworn officers and 800 civilians who work to help make Philadelphia a safer city. Commissioner Outlaw is the first African-American woman to lead the Philadelphia Police Department. A believer in the power of connectivity and continued learning, she meets people where they are, engages critics and contributes nationally and internationally to ensure the Department’s narratives are accurately told, and to benchmark against other organizations to ensure best practices in contemporary policing here. Her overarching community safety goals are rooted in crime prevention and reduction, organizational excellence and community engagement and inclusion.

Commissioner Outlaw’s TEDx Talk – Humanity In Authority – dispels the belief that the two concepts are contrary in nature and explains how the two concepts can, and should, co-exist. She has also presented on various topics including Race and Policing, Women in Law Enforcement, De-escalation and Investigation of Use of Force, Building Community Relationships after Controversy, and Video Recording in Policing and Early Intervention Systems. She has been asked to provide technical assistance in areas of police accountability and risk management.



Take a minute to listen to this 15 minute TEDx Talk that still applies today.

<https://www.youtube.com/watch?v=iYryJIvCXx8&t=245s>



"Initial Consent" for Apple Users Effective April 26th

Ads over digital media have a two-step process. Meaning that users can determine if they want future ads by 'opting in.' Venues such as Facebook, Instagram, and similar digital platforms will/have redone their programming and algorithms for this requirement. Advertisers are required to ask the permission of users to track them. All apps in the Apple App Stores show this prompt to conform with the requirements of the new App Tracking Transparency framework for Apple's iOS, implemented April 26th.

SPIAA Memberships as of June 2021	
Auxiliary Membership	(6)
Gold Membership - LIFE	(45)
LIFE Retired	(7)
Regular Membership - Bronze	(128)
Retired Membership	(42)
Silver Membership - 5 Year	(9)



FROM THE SPI



Congratulations to our AOC alumni who received their Master's of Science in Criminal Justice from the University of Louisville!

Robert Wenman - 96th AOC alumnus (Aug 19 - Nov 15, 1996)

Gary Denbigh - 141st AOC alumnus (Feb 11 - May 9, 2019)

Corey Solferino - 142nd AOC alumnus (May 12-Nov 7, 2020)

Current SPI Interim Director Michael Bassi (141st)

Pictured below are Mike Bassi and Corey Solferino who both walked in UofL's first in-person graduation ceremony since the start of the pandemic.





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FROM THE SPI 2021



Flagship Courses

The Southern Police Institute offers two flagship training courses in police administration and command.

JULY 2021

[July 12-23, 2021 - Homicide Investigation - Greenville, SC](#)

[July 12-15, 2021 - Managing the Media in Law Enforcement - Louisville, KY](#)

AUGUST 2021

[August 2-5, 2021 - Crime Prevention through Environmental Design - Louisville, KY](#)

[August 2-6, 2021 - Internal Affairs: Policy, Practice & Legal Considerations - Lafayette, IN](#)

[August 9-13, 2021 - Police Training Officer \(PTO\) Basic Course - Louisville, KY](#)

[August 16 - November 12, 2021 - 146th Administrative Officers Course \(AOC\) - Louisville, KY](#)

[August 16-27, 2021 - Homicide Investigation - St. Paul, MN - *FULL. Waiting list only.](#)

SEPTEMBER 2021

[September 13-24, 2021 - Homicide Investigation - Eau Claire, WI](#)

[September 20-24, 2021 - Intelligence-Led Policing: Turning Theory into Practice - Roy, UT](#)

[September 20-24, 2021 - Performance Management: From Budgeting to Operations - Floral Park, NY](#)

Link to additional classes:

<http://louisville.edu/spi/courses/schedule>

[Administrative Officers Course \(AOC\)](#)

The AOC is a twelve week (480-hour), in-residence, accredited college level educational program. The course curriculum is designed to develop informed, effective, ethically and technically competent law enforcement managers who are capable of assuming positions of leadership in their respective agencies.

[Command Officers Development Course \(CODC\)](#)

The CODC is a 400-hour continuing education course for law enforcement managers provides the foundation for practical law enforcement administration. This training is traditionally held

[Leadership & Management Courses](#)

SPI's comprehensive educational environment and world-recognized methods of instruction encourage a commitment to learning, self-improvement and peer networking long after courses are completed. Our management courses prepare officers for the rigors of leading a police agency in an ever-changing world. Our courses provide cutting edge management practices and are facilitated by forward-thinking faculty.

[Specialized Skills Courses](#)

Since 1951, the Southern Police Institute's mission has been to *enhance the professional development of law enforcement practitioners* by providing educational and career development programs that are designed to challenge and prepare practitioners for the demands of today and tomorrow. Our specialized skills courses expose participants to current trends in law enforcement, providing tools necessary to improve technical skills, diagnostic problem solving, communication skills, as well as knowledge of current administrative law and investigative practices.



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FROM THE SPI 2021



REMINDER OF SCHOLARSHIP OPPORTUNITIES from the SPI

Administrative Officers Course (AOC)

- [J. Allen Lamb & Edward S. Pocock III Foundation Administrative Officers Course \(AOC\) Diversity Scholarship](#)

Four scholarships will be awarded to residents of New England attending the Administrative Officers Course (two in the Fall and two in the Spring semester) meeting the criteria.

[Read More...](#)

- [Cynthia Jean and George Nichols, III AOC Scholarship](#)

Desiring to increase the number of female law enforcement officers in supervisory, command, or administrative roles—and to encourage law enforcement agencies to become more pro-active in identifying and developing more women for command positions—the donors have established the Cynthia Jean and George Nichols, III Administrative Officers Course (AOC) Scholarship Fund.

[Read More...](#)

- [J. Allen Lamb & Edward S. Pocock III Foundation/ Southern Police Institute Scholarship - AOC New England Scholarship](#)

Desiring to increase the number of Tribal Police and underrepresented minorities in supervisory, command, or administrative roles in the SPI's Administrative Officers Course, the J. Allen Lamb & Edward S. Pocock III Foundation has established this scholarship fund. An educational scholarship will be awarded to a maximum of two (2) qualified applicants per AOC session who meet the criteria. [Read More...](#)



Congratulations to SPI Instructor Alex Alfonso who was inducted into the Marquis Who's Who for distinction in his work in public service.

MIAMI, FL, April 06, 2021 Alex A. Alfonso has been inducted into Marquis Who's Who. Though he initially aspired to become an art teacher, Mr. Alfonso resolved to pursue a career in criminal justice. Having earned an Associate of Arts in visual and performing arts from the New World School of the Arts College, he subsequently attained a Bachelor of Science in criminal justice from Lynn University, whereupon he took a Southern Police Institute Command Officer Development Course at the University of Louisville. [Read More...](#)



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SPIAA BOARD

This Board has the distinction of serving for two consecutive years due to Covid-19!
The term for these officers is 2019-2021.

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