

# TRAINING NOTES



State of Maryland

Parris N. Glendening, Governor, Kathleen Kennedy Townsend, Lt. Governor  
Department of Public Safety and Correctional Services  
Stuart O. Simms, Secretary

## Police and Correctional Training Commissions

□ Donald G. Hopkins, Executive Director □

3085 Hernwood Road Woodstock, Maryland 21163 410 203-1000 TTY FOR THE DEAF 800 735-2258

July-August 1998 Volume 25, Number 4

### ***Notes from the Executive Director***

*On the subject of liability (see also the article by Deputy Director Patrick Bradley), I would like to direct your attention to the following memo written by Mr. Stuart M. Nathan, Assistant Attorney General with the Department of Public Safety and Correctional Services. Discussed is a U.S. Supreme Court decision regarding high speed police pursuits, a topic receiving much public discussion in recent years. Mr. Nathan has graciously given us permission to print the following.*

On May 26, 1998, the Supreme Court ruled that in a federal civil rights action brought as a result of the death of an individual after a high-speed police pursuit, liability would only occur where the police action was so egregious as to "shock the conscience." Specifically, a plaintiff would have to show that the police officer intended to cause harm unrelated to the legitimate object of arrest in order to be successful in such a case.

This case arose from a police pursuit on May 22, 1990 when two Sacramento County, California deputy sheriffs, responding to a call, observed a motorcycle approaching at a high speed. When the motorcycle operator and his passenger, Lewis, failed to heed an order to stop, the deputy sheriffs initiated the pursuit which covered a course of 1.3 miles at speeds up to 100 miles per hour. The chase ended when the motorcycle tipped over, and a skidding patrol car struck Lewis and propelled him 70 feet down the road. Lewis suffered massive injuries and was pronounced dead at the scene.

The lawsuit brought by the parents of the decedent was based upon denial of substantive due process under the 14th Amendment to the U.S. Constitution. This constitutional provision was intended to prevent government officials from abusing their power or employing it as an instrument of oppression. In the past, some courts have held that substantive due process violations could be established by "reckless disregard" or "gross negligence;" however, most courts have stated that the higher standard of "shocks the conscience" must be met. In order to resolve any conflict, the Supreme Court, therefore, accepted this case.

In holding that the proper standard for this type of case is "shock the conscience," the Supreme Court concluded that "high-speed chases with no intent to harm suspects physically or to worsen their legal plight do not give rise to liability under the Fourteenth Amendment."

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## TRAINING NOTES

*TRAINING NOTES is published bimonthly by the Maryland Police and Correctional Training Commissions and is distributed to all law enforcement and correctional units in the state. Single copies are available by special request. Please include first class postage.*



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Training Notes is available online at  
<http://www.dpscs.state.md.us/pct/train/>

## **Notes from the Executive Director**

The court's analysis makes mention of the difficult decisions police officers face in determining whether to give chase when they must balance "the need to stop a suspect and show that flight from law is no way to freedom" and "the high-speed threat to everyone within stopping range, be they suspects, their passengers, other drivers, or bystanders." Also, the Court recognized that such decision-making involves the exercise of instant judgment by police officers without the luxury of having time to reflect upon various scenarios and time to make unhurried judgments.

Taking this all into account, the Supreme Court determined that the police conduct in the instant case did not manifest the type of abuse of government power recognized by the Fourteenth Amendment and thus did not "shock the conscience."

You should note that while this decision seems to foreclose the possibility of bringing police pursuit cases as federal civil rights violations, it does not prevent these cases from being brought as negligence actions in state courts.

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## **A HIGH PRICE TO PAY**

*by: Patrick L. Bradley, Deputy Director*

### **Documenting Training and Scores**

Are you ready for trial?

Recently we received a subpoena to appear in Circuit Court. As part of a wrongful death action, a local agency was being sued for failure to provide training for the officer who admittedly was responsible for the death of a prisoner attempting to escape. In this case the defendant agency was anxious for a representative of the Maryland Police and Correctional Training Commissions to testify as to the adequacy of the training the officer received.

In court, defense counsel, representing the agency, asked a series of questions which were designed to convey to the jury the role of the Commissions in setting certification eligibility and training standards. That part of the testimony ended with the question, "Does the Maryland Police and Correctional Training Commissions establish the 'standard of care' in the area of training for their respective client agencies?" The response was "Yes."

Since their establishment by the Maryland General Assembly, the Police Training Commission and its counterpart, the Correctional Training Commission, have promulgated regulations, policy and learning objectives, all designed to establish minimum requirements for certification. The essential job tasks on which these criteria are based have been identified and re-validated. While agencies, departments and institutions are constantly encouraged to go "...beyond the minimum", the base line requirements for certification of law enforcement officers and correctional officers are established by the Maryland Police and Correctional Training Commissions.

But the role of the Commissions was only a prelude to the real purpose of the testimony. The defense attorney needed to convince the jury that the agency was and had been in compliance with Commission standards. The question was quite simple. "Has the \_\_\_\_\_ been in compliance with the Commission's training requirements?" In this case we were able to answer, "Yes." Before the case was given to the jury, the judge issued a directed verdict in favor of the defendant agency.

While this case had a "happy" ending for the agency, I would ask you to consider for a moment the potential consequence if the response to the final question was "No." What if the academy conducting entrance level training for the agency's personnel had failed to train or provide documentation of all of the required objectives? Suppose the agency had failed to conduct or submit annual training or firearms qualification scores for this officer. How would the Commissions' representative answer in these cases?

### **Whose Job Is It?**

Consistent with their mission and legislative authority, the Police and Correctional Training Commissions will continue to establish the minimum "standard of care" for law enforcement and correctional training. Staff will continue to conduct periodic audits of academy operation and review and record all documentation of training submitted to us. The primary responsibility of compliance, however, rests with the agencies, departments and institutions. It is your duty to ensure employees receive at least the established minimum level of training. The consequences of inadequate training are, I believe, predictable.

**POLICE AND CORRECTIONAL  
CERTIFICATION NEWS**

*by: Christine Melville, Certification Officer*

**Dual Certification**

From time to time we are asked if a police officer can be employed and certified with two law enforcement agencies simultaneously. The answer is YES, as long as the officer is in compliance with the selection and training standards at both agencies. When a certified police officer joins a second law enforcement agency, the officer is considered to be a reappointment with the second agency and the standards for reappointments apply (see Regulation 07 & 08). The second agency is required to submit a completed Application for Police Officer Certification (AFC) form along with verification of a firearms qualification with that agency's issued weapon.

When the completed AFC form and requisite training record have been received, a new certification card identifying the individual as a certified police officer with the second agency will be issued.

**Employment Status Changes**

Regulation 02 of both Commissions' General Regulations requires that law enforcement and correctional agencies notify this agency of changes in employment or certification status for mandated personnel. Along with notices of resignation, retirement, etc., law enforcement and correctional agencies must notify the Commissions when an officer is promoted to the rank of first-line supervisor and first-line administrator (as those ranks are identified by the individual agency). However, promotion to ranks from entry level up to first-line supervisor need not be reported, since they have no effect on training requirements.

In addition, we need to be informed if an officer is promoted to a rank above first-line supervisor so that we may update our rank codes in our computer system. This will identify for us that the officer is no longer required to complete in-service training per Regulation 12. Also, if the ranks of first-line supervisor and/or administrator have changed within your organization, please inform us in writing so that we can update our rank listing for your agency.

**Entrance Level Training Prior to Employment**

The Regulations of both Commissions permit individuals to attend entrance level training under their own sponsorship at certified academies prior to being hired by a law enforcement or correctional unit. When hiring an individual who has already completed training, agencies should provide verification of the individual's successful completion of entrance level training along with the Application for Certification (AFC) for police or Notice of Probationary Appointment (NPA) for correctional personnel, respectively. Since we do not begin collecting training data on individuals until they are employed in a mandated position, we need the employing agency to forward to us proof of the individual's successful completion of entrance level training in order to begin the recordkeeping and certification process.

Entrance level training documentation to be forwarded by the employing agency should contain the dates of training, program approval number, and final academic grade. Entrance level firearms training documentation should include the dates of training, program approval number, type(s) of weapon, three successive day light qualification scores and a night (low light) qualification score.

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**“DATE SENSITIVE”  
FIREARMS AND ACADEMIC  
TRAINING REQUIREMENTS**

*by: Patrick L. Bradley, Deputy Director*

The annual firearms qualification requirement recently came under discussion. The issue revolved around those situations when the year of completion of the entrance level firearms training program is different from the year of completion of the entrance level academic training program. Usually this will happen when the academic program is scheduled to begin late in the calendar year. The included firearms training course is completed that year, but academy graduation occurs the following year. In a few instances, firearms training is taken prior to the academic program to allow a provisionally certified officer to carry a weapon.

It has always been the policy of the Maryland Police and Correctional Training Commissions that each law enforcement or correctional officer who is

*continued on page 6*

## **EXECUTIVE DEVELOPMENT INSTITUTE UPDATE**

*by: Theresa Satterfield, Administrator*

### **LEADERSHIP CHALLENGE VII**

Leadership Challenge VII graduation was held on June 16, 1998, at Busch's Chesapeake Inn. Carmen Shepard, Deputy Attorney General for the state of Maryland was the keynote speaker. She provided excellent, relevant remarks. The 25 graduates will be received into the Leadership Challenge Alumni Association in the near future.



### **LEADERSHIP CHALLENGE VIII**

Leadership Challenge VIII will begin in September, 1998. The cost will be \$225.00 and acceptance letters will be mailed on or about July 6, 1998.

### **EXECUTIVE SEMINARS**

A 3 day Leadership School, was held June 22 through 24, 1998 at the Frederick County Public Safety Training Facility. The program received high marks as usual. Thanks again to the Frederick County Sheriff's Office for all its assistance. Plans are in the works for two additional programs to be held in 1998.

Two additional Substance Abuse Cross Training Programs were presented for Cecil County and the DOC's Hagerstown region.

Several National Institute of Corrections-Academy Partnerships programs will be held here in Maryland in July and August, 1998.

## **FIRST COMMISSION SPONSORED ELT POLICE CLASS GRADUATES**

*by: Lee Goldman, Administrator, Police Recruit Training*

On July 2, 1998, the first Police Training Commission-sponsored entrance level training class for police officers will graduate after completing the community policing oriented 18-week program. Graduation ceremonies will be held at the Maryland Rehabilitation Center, 2301 Argonne Drive, Baltimore, starting at 2:00 PM. Congratulations go to the 18 officers representing:

- Amtrak Police
- Baltimore City School Police
- Central Home Detention Unit
- Comptroller of the Treasury
- Frostburg State University Police
- Laurel Police
- Md. DOC Internal Investigative Unit
- UMBC Police
- University Park Police

The success of this endeavor is directly attributable to the efforts and dedication of the staff of the Community Oriented Policing Training Initiative as well as the participation of instructors from criminal justice agencies throughout the state.

Planning for entrance level program 98-02 is nearly complete and applications or letters of interest have been received for over 35 participants. The class is scheduled to begin on August 10, 1998 and again will be held at the Maryland State Police Training Academy in Pikesville.

The Police Training Commission is planning to conduct two additional classes in 1999. Training sites for those two programs have not yet been identified. Certified instructors who are interested in participating in these training programs are encouraged to contact the COPS Team at (410) 203-1000.



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## FIREARMS AND ACADEMIC TRAINING REQUIREMENTS

authorized to carry a weapon, qualify with that weapon each year. Some agencies and institutions may, however, be under the impression that graduation from the entrance level academy satisfies firearms and academic in-service for that year. This is not the case.

Annual firearms qualification is not required for the year in which the officer completes the firearms training course. Annual academic training is not required for the year in which the officer graduates from the recruit academy. As the dates of completion of these programs may occur in different years, the annual training and qualification may or may not be required.

For example, Suppose an entrance level academic program, including firearms, began in October. The firearms portion was conducted in December; program graduation occurred in March. In this case the officers would be required to attend weapons qualification the year of graduation since their initial qualification occurred the previous year. The annual academic in-service training would not be required until the year following graduation.

The rule of thumb is simple. Academic training every year; firearms qualification every year.

## DONALD AYERS JOINS DTF STAFF



The Training Commissions' Driver Training Facility is pleased to welcome Mr. Donald Ayers to the vehicle maintenance staff. Don has been in the vehicle repair business for the past 15 years working at various dealerships in the Baltimore area. In his spare time, he enjoys ten pin bowling (he's rumored to be pretty good at it), attending NASCAR races and working to restore a 1971 Chevelle Super Sports convertible car. He brings a vast knowledge and expertise relating to vehicle repairs and the willingness to be part of the Commissions' team.

Don lives in Baltimore City with daughter Monica and son Douglas.

1998

### Digest of Criminal Laws

Orders for the 1998 edition of the Digest will be accepted after August 15. Distribution will begin in September. The price again will be \$2.00 per copy. Please use the form below to place your order, and be sure to include a check, money order, or purchase order (no cash please!)

For questions, contact Debbie Kelly at (410) 203-1000.

#### 1998 DIGEST OF CRIMINAL LAWS ORDER FORM

Ship to: \_\_\_\_\_  
(Agency or organization name)

Attn: \_\_\_\_\_

(Street address) \_\_\_\_\_  
(City, State, Zip code)

Contact Name: \_\_\_\_\_

Phone#: \_\_\_\_\_

Fax#: \_\_\_\_\_

Number of books ordered @ \$2.00 each

Amount enclosed \$ \_\_\_\_\_

[Make checks and money orders out to: MPCTC]

Method of payment (please indicate):

Check  Money Order  Purchase Order  
(attached)

Please indicate  Pickup  Delivery\*

\* For orders over 300 copies, please make arrangements to pick up your order.

Mail form and payment to:

MD Police & Correctional  
Training Commissions  
Attn: Debbie Kelly  
3085 Hernwood Road  
Woodstock, MD 21163-1099

## TRAINING TIPS AND TECHNIQUES

*The tips and techniques featured here were suggested by our training staff and, while not specifically endorsed by the Training Commissions, may be used at the discretion of our readers.*

“Buy our product/service. Get stuff!” Have you heard those advertisements recently? The concept of reward for participation has been around a long time. Individuals who attend training sessions also like “stuff”, particularly “stuff” they can touch and put to use right away. Handouts are “stuff” that training participants can lay their hands on and incorporate into the learning process, both short term and long term.

**What are some advantages of the handouts that trainees receive? Handouts...**

Provide information to participants.

Provide a place for participants to take notes.

Provide an outline of the course being presented.

Serve as reference material to be consulted again later.

Serve as training or reference material to be shared with others back at the worksite.

May be used as proof of attendance.

**What advantages are there for instructors in preparing handouts for training participants? Handouts...**

Provide structure for the course and help the instructor pace the presentation.

Serve as a guide for participants throughout a course.

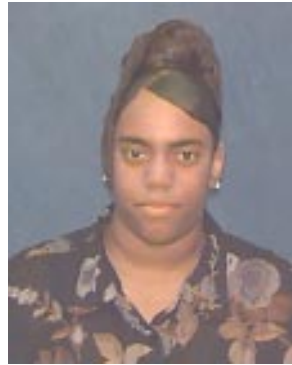
Serve as learning tools for those trainees who learn best through visual means or by “hands on” experience.

Provide a place to include figures, charts, procedures, case studies, etc., as well as class exercises to be completed by trainees.

Provide information for participants, sometimes in addition to what was presented during class.

Satisfies needs of trainees to “get stuff” for their participation and for all the reasons listed above.

## RHUNEY WILLIAMS JOINS COMMISSIONS STAFF



The Training Commissions are pleased to welcome Mrs. Rhoney Williams as Secretary/Receptionist. Rhoney (pronounced Renee) comes to us after several years as a secretary with Washington Work, Inc., a “Work Hardening” (physical rehabilitation) facility in Baltimore City.

Rhoney’s hobbies include playing many sports, but her favorite is definitely basketball. She lives with husband Laurence, an electrician, and son Derrick in Baltimore County.

## COMMUNITY CRIME PREVENTION INSTITUTE

*by: Patricia Sill, Administrator*

**New Staff Member:**

### ROBERT LASSAHN



The Maryland Community Crime Prevention Institute is pleased to announce that, as of June 1, 1998, we have a new staff member, Robert Lassahn. Bob is the Institute’s new Crime Prevention Specialist and he comes to us from the Baltimore Police Department’s Planning and Research Division. He recently retired with the rank of Lieutenant after 27 years with the Baltimore Police Department. No stranger to crime prevention, Bob was formerly with the Police Department’s Crime Resistance Unit and has served on MCCPI’s Steering Committee. We welcome Bob to the staff of MCCPI and look forward to working with him.

# COMMUNITY CRIME PREVENTION INSTITUTE UPDATE

*by: Patricia Sill, Administrator*

## **19th Annual Governor's Crime Prevention Awards:**

In May, 1998 application packets for the 19th Annual Governor's Crime Prevention Awards Program were mailed to law enforcement agencies and HOTSPOT Coordinators statewide. The six categories of the Governor's Crime Prevention Awards are as follows:

Category A - Governor's Crime Prevention Award for Law Enforcement Agencies

Category B - Governor's Crime Prevention Award for Law Enforcement Officers

Category C - Governor's Crime Prevention Award for Community Groups, Organizations, and Individual Citizens

Category D - Governor's Award for Outstanding Proactive Crime Prevention Programs in Maryland

Category E - Governor's Crime Prevention Achievers' Award (For performance of a specified number of residential and/or commercial security surveys).

Category F - Governor's Award for Outstanding Comprehensive Community-Based Anti-Crime Strategies in Maryland. (NOTE: This is a new category for 1998.)

Nominations for all categories must be mailed to the Maryland Community Crime Prevention Institute, Police Training Commission, 3085 Hernwood Road, Woodstock, MD 21163-1099 by July 31, 1998. If you have any questions or would like an application packet, please contact Mrs. Patricia Sill or Mrs. Joyce Gary at (410) 203-1006 or 1-800-303-8802.

MCCPI encourages all departments to submit nominations for this program.

## **National Night Out:**

The National Association of Town Watch will once again sponsor "National Night Out" throughout the country. This event will take place on Tuesday, August 4, 1998 from 7:00 p.m. to 10:00 p.m. Now in its fifteenth year, this is a national crime prevention demonstration during which residents are asked to turn on outdoor lights and spend time outside with their neighbors and local law enforcement.

The Maryland Community Crime Prevention Institute encourages jurisdictions to participate in this event.

For free registration material for this event, contact the National Association of Town Watch, P.O. Box 303, Wynnewood, PA 19096 or visit their Web Site at <http://www.nationaltownwatch.org> or call 800-NITE-OUT.

## **Maryland State TRIAD Conference:**

Maryland's State Triad Conference will be held on Tuesday, August 18, 1998 from 8:00 a.m. to 4:15 p.m. at the Best Western Venice Inn, 431 Dual Highway, in Hagerstown, Maryland. The theme of the conference is "Fighting Crime Against the Elderly -- Together."

Registration is \$18.00 and includes meeting fees, handouts, and lunch. For more information, contact Deputy James Holsinger, Washington County Sheriff's Office, Crime Prevention Unit, 500 Western Maryland Parkway, Hagerstown, MD 21740 or call him at (301) 791-3020 or (301) 791-3300, ext. 553. Deputy Holsinger can also be reached by fax at (301) 791-3349.

Triad is an initiative of the National Sheriffs' Association, the International Association of Chiefs of Police, and the American Association of Retired Persons.

## **National Crime Prevention Conference:**

The 1998 National Conference on Preventing Crime, "The Power of Prevention" will take place on October 11-14, 1998 at the Grand Hyatt in Washington, DC. This conference is sponsored by the National Crime Prevention Council, the Crime Prevention Coalition of America, and the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice and Ameritech. It features over 70 workshops, motivational speakers, networking sessions, professional development seminars, and much more. Individual cost is \$225 by September 1 and \$275 thereafter. For groups of three or more, cost is \$200 by September 1 and \$275 after that date.

For more information, contact the National Crime Prevention Council, 1700 K Street, N.W., Second Floor, Washington, DC 20006 or call (202) 466-6272, ext. 117 or fax (202) 296-1356.

# WHAT'S NEW

at the Criminal Justice Resource Center

3085 Hernwood Road Woodstock, Maryland 21163 410 203-1007

JULY / AUGUST 1998

No. 107

## FILMS, TAPES AND VISUALS - NEW LISTINGS

### CASE LAW UPDATES: Miranda: Asking Isn't Interviewing

VHS, 11:04, Color

Investigating officers come upon the scene of a fatal traffic accident and, upon questioning possible witnesses in the area, become privy to an unexpected confession by the un-Mirandized defendant. Was this unsolicited confession, as the defendant's lawyers later claimed, a tainted one, falling under "fruit of the poisonous tree" doctrine? Suitable for viewing by all law enforcement officers.

### CASE LAW UPDATES: Miranda: Re-Initiation By Suspect

VHS, 12:00, Color

This program discusses how to deal with a suspect who, after invoking his or her Miranda rights, re-initiates dialog with the investigating officer regarding the case. In order to ask further questions upon re-initiation by the suspect, may the officer assume that the suspect now wishes to waive the rights he previously invoked, or must the Miranda warning be repeated? This program is suitable for viewing by all law enforcement officers.

### LOCKUP USA: Vol. 6 Iss. 12 - Back to Basics

VHS, 25:40, VHS

"If you don't remember the basics, the inmates will." The purpose of this program is to remind all institutional staff of the importance of following the basics in inmate supervision and control. Key concepts covered include taking counts, key control, proper pat search procedures, the effects of overcrowding and over reliance on automated security devices, and times or circumstances which demand extra caution. A training guide is included. Suitable for viewing by all correctional officers and staff.

### Altered and Counterfeit Credit Cards: The Hi-Tech Holdup (Revised)

VHS, 18:30, Color

Produced originally in 1995 and revised for 1998, this program update from Visa USA offers new information about security features of the four most common credit cards including VISA, MasterCard, NOVUS (which makes the Discover card, among others), and American Express. The video shows common examples of altered and counterfeit cards and provides an overview of the equipment used to make the counterfeit cards. Viewers are reminded that bogus credit cards may be used to finance other crimes involving narcotics, smuggling, and sale and distribution of illegal firearms. This program is suitable for viewing by all police officers, security personnel, and by store managers and staff who may observe or suspect the presence of an altered or counterfeit credit card.

### Canine Training Demonstration, 1998: Maryland State Police

VHS, 45:00, Color

In this program, canine handlers from the Maryland State Police demonstrate some of the field maneuvers currently used in training police dogs, as well as situations in which police dogs may be used. Suitable for viewing by trainers of dogs used in police or corrections work.

**Expandable Baton Training Update**

VHS, 15:00, Color

In this training update from the maker of the Monadnock PR-24 expandable baton, the manufacturer suggests some new defensive maneuvers using its product. Although this tape includes marketing information provided by the manufacturer, the defensive tactics demonstrated may be of value for inservice training, provided the tactics are compatible with state regulations and the employing agency's policies. Suitable for viewing by police agencies utilizing the Monadnock PR-24 expandable baton.

**Victim's Call for Help**

VHS, 25:00, Color

Produced by the Maryland Attorney General's and Lt. Governor's Family Violence Council and the Maryland Institute for Emergency Medical Services Systems, this program was developed as a training aid for 9-1-1 Emergency Communications Specialists and Dispatchers in the area of handling domestic violence calls. Scenarios demonstrate the variety of domestic violence situations encountered by these 9-1-1 specialists, and guidelines for response seek to ensure the safety of both victim and responding police officer. Taped 9-1-1 calls may later be used as evidence in an actual trial, for preparing the victim for trial, and for plea negotiations with the alleged abuser. A training guide containing a test and answer key is included. Suitable for viewing by all police officers, emergency communications specialists, and police dispatchers.



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# TRAINING NOTES

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Police & Correctional Training Commissions  
3085 Hernwood Road  
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