

# 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

## Maryland Police and Correctional Training Commissions

■ Donald G. Hopkins, Executive Director ■

3085 Hernwood Road Woodstock, Maryland 21163 410 750-6500 TTY For The Deaf 800-735-2258

July - August 2001 Volume 28, Number 4

### From the Office of the Executive Director

On May 21<sup>st</sup>, a standing-room only audience attended the "kick-off" of the Investigative and Enforcement Traffic Stops model policy. The conference was held in Annapolis at the Radisson Hotel through a grant from the Professional Development Fund to the Maryland Chiefs of Police Association. After introductions by Donald Hopkins, PCTC Executive Director, comments were offered by Chief Larry Harmel, President of MCPA, Chief Wayne Livesay, Chairman of the MCPA legislative committee, Sheriff David Goad, President of the MSA and Chief Douglas Deleaver, Mass Transit Police Department. Patrick Bradley, Deputy Director, PCTC, discussed the development of the model policy and was followed by Dr. Charles Wellford, Director of the Center for Applied Policy Studies, University of Maryland, who discussed the developing status of the reporting criteria. Lee Goldman, PCTC Police Entrance Level Administrator, offered a view of the training component which was later reintroduced to the 44 agency trainers who remained for the afternoon session.

The highlight of the day's event was the keynote address given by Earl Sweeney, Director of the New Hampshire Police Standards and Training Council, the counterpart to Maryland's Police and Correctional Training Commissions. Mr. Sweeney's career in law enforcement spans over 44 years and in addition to being a former chief of police and director of the

New Hampshire State Police, he is currently the director of the IACP Highway Safety Committee.

Mr. Sweeney's address focused on several key areas. He reminded us of how traffic enforcement can reduce traffic crashes; how it can reduce crime because of the high visibility afforded by traffic enforcement; and how alert enforcement can aid in the apprehension of criminals. Yet, as Mr. Sweeney pointed out, the increased traffic enforcement has led to the perception in the public's mind that we illegally profile our traffic stops. He offered statistics from a Gallup poll that indicated 50% of Americans believe we actively engage in racial profiling and 81% disapprove of the practice. Seventy-two percent of black men between 18 and 34 believe they have been stopped one or more times simply because of their race. Perceptions, rightly or wrongly, become reality in people's minds.

Mr. Sweeney offered three solutions. The first is his "but/for" test. If officers ask themselves "but for this person's race, ethnic background, sex, or sexual orientation, would I have made the stop?" If the answer is no, then unless responding to a specific suspect description, the stop violated the Constitution.

The next two solutions deal directly with the stop itself and are critical to reducing complaints of illegal profiling. There must be a valid, articulable reason behind every stop. This must be followed by the fair treatment of the person being stopped. According to Mr. Sweeney, much of the tension and resentment for the stop can be removed if officers can get into a routine where at every low or moderate risk stop, they first approach the motorist, they give a greeting, introduce themselves, tell the motorist what they saw the vehicle doing (the reason for the stop), and then ask for the license and registration, remembering to say please.

*continued on page 3*

### Inside ....

EXECUTIVE DEVELOPMENT INSTITUTE.....	3
MCCPI UPDATE.....	3
DARE UPDATE.....	4
LEGAL CORNER.....	5
EVOC INSTRUCTOR RE-CERTIFICATION COURSE.....	7
MARYLAND TRAINING SCHEDULE.....	8
EXECUTIVE DEVELOPMENT INSTITUTE CALENDAR YEAR 2001.....	9
FIREARMS TRAINING.....	9
APPROVED TRAINING.....	10
FIELD COACHING WORKSHOP.....	10
WHAT'S NEW AT THE RESOURCE CENTER.....	11

# MARYLAND POLICE AND CORRECTIONAL TRAINING COMMISSIONS

## CORRECTIONAL TRAINING COMMISSION

Stuart O. Simms, Chairman  
Secretary  
Dept. of Public Safety & Correctional Services

Bishop L. Robinson  
Secretary, Department of  
Juvenile Justice

William W. Sondervan, Ed.D,  
Commissioner, Division of Correction

Judith Sachwald, Director  
Division of Parole & Probation

Al Cohen  
President, Md. Criminal Justice Association

Sheriff David A. Goad  
President, Md. Sheriffs' Association  
Represented by:  
Sheriff Frederick Davis  
Charles County Sheriff's Office

Mary Lou Baker  
Federal Bureau of Prisons

Dr. Calvin W. Burnett, President  
Coppin State College

J. Joseph Curran, Jr., Attorney General  
Represented by:  
Stuart M. Nathan, Esq., Principal Counsel  
Dept. of Public Safety & Correctional Services

Steven R. Williams  
President, Md. Correctional Administrators Assn.

### Appointed Members:

LaMonte E. Cooke, Vice-Chairman  
Warden, Queen Anne's County  
Department of Corrections

Barry L. Stanton, Director  
Prince George's County  
Dept. of Corrections

Anna L. Thomas  
Fredrick County Detention Center

Rudy Adams  
Department of Juvenile Justice

## POLICE TRAINING COMMISSION

Col. David B. Mitchell, Chairman  
Secretary, Department of State Police

David N. Bezanson  
Deputy Secretary  
Dept. of Public Safety & Correctional Services

Lynne A. Hunt  
Special Agent-in-Charge  
Federal Bureau of Investigation

Sheriff David A. Goad  
President, Md. Sheriffs' Association

Sheriff Rodney Bartlett  
President, Fraternal Order of Police

Wayne D. Hurley  
President, Eastern Shore Police Association

Col. Larry E. Harmel  
President, Md. Chiefs of Police Assn.

Dr. Donald N. Langenberg, Ph.D  
Chancellor University System of Maryland  
Represented by:  
Dr. Charles F. Wellford

Walter W. Wassmer  
President, Md. Law Enforcement Officers, Inc.

Commissioner Edward T. Norris  
Baltimore Police Department

J. Joseph Curran, Jr., Attorney General  
Represented by:  
Stuart M. Nathan, Esq., Principal Counsel  
Dept. of Public Safety & Correctional Services

### Appointed Members:

Sheriff Charles F. Mades, Vice-Chairman  
Washington Co. Sheriff's Office

Chief Joseph S. Johnson  
Annapolis Police Department

Sheriff R. Hunter Nelms  
Wicomico Co. Sheriff's Office

## AGENCY STAFF

410 - 750-6500 Fax 410 -203-1010

**Office of the Executive Director**  
410 - 750-6525  
Executive Director - Donald G. Hopkins  
Asst. Attorney General - Holly Knepper  
Admin. Asst. - Maria Koenig

**Executive Development Institute**  
Administrator - Theresa M. Satterfield  
Admin. Asst. - Janet Lambert

**Community Crime Prevention Institute**  
410 - 750-6593 800 - 303 - 8802  
Administrator - Patricia Sill  
Admin. Asst. - Joyce Gary

**Drug Abuse Resistance Education (D.A.R.E.)**  
State D.A.R.E. Coordinator - Sgt. Gary Chatfield

**Education & Training Section**  
Deputy Director - Patrick L. Bradley, Esq.  
Admin. Asst. - Janet Finch  
Admin. Asst. - Rhonda Hill  
Police Program Coord - Patrick O. Smith  
Admin., Correctional Trng - Gloria A. Herndon  
Admin, Police Recruit Training - Lee Goldman  
Curriculum Development Specialist - Darla Rothman

**Correctional Entrance Level Training Program**  
410 - 750 -6592  
Program Director - E. Ray Henderson  
Registrar - Rhuney Williams

**Administrative Services Section**  
Assistant Director - Francis L. Manear  
Admin. Asst. - Terry Weil  
Fiscal Officer - Vacant  
Certification Officer - Chris Melville  
Certification Specialist - Ann Kochanski

**Support Services Section**  
Assistant Director - Raymond A. Franklin  
Admin. Asst. - Celeste Keim  
Librarian - Joan Bourne  
Audiovisual Specialist - Lewis Pindell  
Electronics Technologist - Chris Esser  
Film Reservations (410-750-6590)

**Data Services**  
Information Manager - Carl L. Bart, Jr.  
Data Services Coordinator - Richard Browne

**Driver Training Facility**  
Administrator - Al Liebno  
Admin. Asst. - Linda Ellison  
410-549-5732 Fax 410-549-5710  
7310 Slacks Road  
Sykesville, MD 21784

**Firearms Training Facility**  
Rangemaster - Shannon Bohrer  
Admin. Asst. - Deborah Kowalski  
410-552-6300 Fax 410-552-4615  
7320 Slacks Road  
Sykesville, MD 21784

**Police Entrance Level Training Program**  
Program Supervisor - William Crabill, Jr.  
410-386-8143 Fax 410-857-0119  
300 South Center Street  
Westminster, MD 21157

**Proactive Community Supervision  
Technical Assistance Unit**  
Administrator - Glen Plutschak  
Admin. Asst. - Lois Saunders  
410-295-1287 Fax 410 990-1523  
1623 Forest Drive, Suite 203  
Annapolis, MD. 21403

## 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.



ASST DIRECTOR FOR SUPPORT SERVICES.....RAYMOND A. FRANKLIN  
EDITOR.....JOAN BOURNE  
ART DIRECTOR.....LEWIS PINDELL

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

**conference "kick-off" continued from page 1**

If there is nothing else to arouse suspicion, take no longer than necessary to complete the paperwork, thank them for their cooperation, and help them merge safely back into traffic. Complaints could be cut in half, according to Mr. Sweeney, if just these two critical areas are understood.

A complete text of Mr. Sweeney's speech can be found on our web site at <http://www.dpscs.state.md.us/pct/train/>

Additional "train the trainer" sessions have been scheduled for those instructors unable to attend the May session as follows:

August 14<sup>th</sup> at the  
Anne Arundel County Police Academy  
August 21<sup>st</sup> at the  
Aberdeen Police Department, and  
August 23<sup>rd</sup> at the  
Md. Transportation Authority Headquarters

All sessions are scheduled from 0900 to 1200 hours. For additional information or to register, contact Lee Goldman (410) 750-6518 or Cheryl Friend (410) 750-6510.

---

**MARYLAND COMMUNITY CRIME  
PREVENTION INSTITUTE  
MCCPI UPDATE:**

---

*by Patricia L. Sill, Administrator*

**NATIONAL NIGHT OUT:**

The National Association of Town Watch (NATW) will once again sponsor "National Night Out" throughout the country. This event will take place on Tuesday, August 7, 2001 from 7:00 p.m. to 10:00 p.m. Now in its 18<sup>th</sup> 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. During this annual event, communities throughout Maryland demonstrate their desire for peaceful neighborhoods through activities such as block parties, cookouts, crime prevention fairs, and McGruff appearances.

*continued on page 4*

---

**EXECUTIVE  
DEVELOPMENT  
INSTITUTE UPDATE**

---

*by: Theresa Satterfield, Administrator*

**LEADERSHIP CHALLENGE X**

At the May session on "Hate Crimes" the class toured the Holocaust Museum and the program received excellent reviews. The June class on Domestic Terrorism was well received.

Leadership Challenge X Graduation took place on June 19 and the guest speaker was the Honorable James Robey, County Executive for Howard County.

Notices for Leadership Challenge XI have been mailed. This award-winning program is open to those individuals above the rank of first line administrator as designated by their agencies.

**EXECUTIVE SEMINARS**

Several new and repeat one-day leadership/managerial courses have been added for the next 6 months. The Executive Development Institute's program schedule is in Training Notes. The schedule is updated as necessary. There is a nominal fee and space is limited.

**MID MANAGEMENT PROGRAMS**

The last grant funded session was May 24 & 25 and the program received excellent reviews. Staff is tentatively scheduling four sessions between September 2001 and March 2002. Additional information will be forthcoming.

**PROFESSIONAL DEVELOPMENT FUND**

The Review Teams met and made their selections. A brief description of the funded initiatives will be published after acceptance has been confirmed. Additional information will be provided in the next issue.

*see Executive Development Institute calendar on page 9*

**FIELD COACHING  
WORKSHOP**

This one-day workshop will compare the components of traditional field training programs with a more effective, recruit-centered field coaching model. It will highlight the role of field trainers as mentors and facilitators rather than simply performance evaluators.

*see page 10*

from page 3

## **MCCPI UPDATE:**

The Maryland Community Crime Prevention Institute encourages jurisdictions to participate in National Night Out.

For free registration material, contact the National Association of Town Watch, PO Box 303, Wynnewood, PA 19096 or call 800-NITE-OUT or 610-649-7055. Their Internet web site is [www.nationaltownwatch.org](http://www.nationaltownwatch.org)

### **RESIDENTIAL CRIME PREVENTION TRAINING:**

Slots are still available for MCCPI's October 1-4, 2001 Residential Crime Prevention Training Program at the National Guard Armory in Hagerstown. This course is free of charge and is approved for 25 hours of in-service credit through the Police Training Commission. If you are interested in this program, please contact Mr. Leo French at 800-303-8802.

### **UPCOMING MARYLAND CRIME PREVENTION ASSOCIATION WORKSHOPS:**

Plans are underway for the following workshops co-sponsored by the Maryland Crime Prevention Association (MCPA) and MCCPI: "Computer Crimes" (September 13, 2001 in Western Maryland); "Annual MCPA Conference" (October 23-26, 2001 in Ocean City - Will consist of various crime prevention/law enforcement related workshops); "Fraud/Identity Theft" (November 15 in Baltimore County). Reduced costs are offered to MCPA members.

For additional information about these workshops or to request a membership application, contact either Officer Sandra Redmon at 301-840-2585 or Ms. Janis Froehlich at 240-773-5634.

### **Did You Know That....?**

Termination of certified individuals' employment - for any reason - is an automatic revocation of their certification. Individuals must be employed by a law enforcement or correctional unit in order to be certified. If a certified individual separates from employment with his or her current employer and goes to work for a new law enforcement or correctional unit, they must apply for recertification. *Stanford v. Maryland Police and Correctional Training Commissions*, 346 Md. 374, 697 A.2d 424 (1997).

## **GOVERNOR'S CRIME PREVENTION AWARDS:**

This is a reminder that the deadline for submission of nominations for the 2001 Governor's Crime Prevention Awards Program is July 31, 2001. If you have any questions regarding the Awards Program or need an application packet, please call the MCCPI Office at 800-303-8802. MCCPI encourages all agencies to submit nominations for this program.

### **DRUG ABUSE RESISTANCE EDUCATION**

## **D.A.R.E. UPDATE**

### **Maryland D.A.R.E. Coordinator's Office**

The 2001 D.A.R.E. Officer Training Seminar (80 hr. entry level training) will be conducted August 19-31, 2001. The seminar will be held this year in Hagerstown, MD. Requests for training slots are being accepted on a first come, first serve basis with a class size limited to 36 participants. Any agency interested in D.A.R.E. Officer Training should contact the State Coordinator at 800-303-8802.

The 2001 Maryland D.A.R.E. In-service was held April 10-12, 2001 at the Princess Royale Hotel and Conference Center in Ocean City. This year, 195 D.A.R.E. Officers and Educators attended the 3 day conference which was packed with workshops and activities. Officers who attended were eligible for 15 hours of Police In-service Credit. Agencies who had officers who attended and need these hours for certification can contact the State Coordinator at 800-303-8802 to determine if their officer(s) completed the requirements for the credit hours.

At the 2001 Maryland D.A.R.E. In-service the Maryland D.A.R.E. Officers' Association announced their selection for the Annual "Sam Walker Lifetime Achievement Award" (D.A.R.E. Officer of the Year). Cpl. Terence Sheppard of the Prince George's County Police Department's D.A.R.E. Unit was selected from nominations from around the State. Cpl. Sheppard was selected and awarded this annual award for his contributions and dedication to D.A.R.E. and his community. In addition, Cpl. Sheppard will be submitted to the National D.A.R.E. Officers' Association as Maryland's Nomination for their D.A.R.E. Officer of the Year Award. Good luck Cpl. Sheppard!

## LEGAL CORNER

by Holly Knepper, Assistant Attorney General

### **Marijuana - no "medical necessity" exception to illegality**

The Oakland Cannabis Buyers' Cooperative was organized to distribute marijuana to qualified patients for medical purposes. The U.S. sued under the federal Controlled Substances Act to enjoin the Cooperative from distributing marijuana. The Cooperative's defense was that its distributions were medically necessary. The Supreme Court ruled that there is no medical necessity exception to the Controlled Substances Act. The only express exception in the Act is for government-approved research projects, and the Court recognized that the legislature made a values determination that marijuana has no benefits worthy of an exception, other than government-approved research. The Court refused to recognize a common-law medical necessity to the Act, but left open the question whether federal courts have authority to recognize a necessity defense not provided by statute. *U.S. v. Oakland Cannabis Buyers' Cooperative*, 121 S.Ct. 1711 (May 14, 2001).

### **Fourth Amendment - warrantless arrest for misdemeanor**

In Texas, if a car is equipped with safety belts, front seat passengers must wear one, and the driver must secure any small child riding in front. Violation of the law is a misdemeanor, punishable by a fine not less than \$25 or more than \$50. Texas law authorizes any peace officer to arrest without a warrant a person found committing a violation of the seatbelt laws, but permits police to issue citations instead. Gail Atwater was driving her pickup truck in Lago Vista, Texas, with her 3- and 5- year old children in the front seat; no one was seat-belted. A Lago Vista officer saw this and pulled over Atwater. The officer cuffed Atwater, placed her in the back of his car, took her to the police station, where she was required to remove shoes, jewelry, etc., her mug shot was taken, and she was placed in a cell for about an hour, until she was taken before a magistrate and then released on \$310 bond. Atwater ultimately pleaded no contest to the misdemeanor seatbelt charges and paid a \$50 fine. Atwater sued Lago Vista and the officer under 42 U.S.C. §1983, alleging violation of her Fourth Amendment right to be free from unreasonable seizure.

The issue of whether the Fourth Amendment limits police officers' authority to arrest without warrant for minor criminal offenses reached the Supreme Court. The Court held that the Fourth Amendment does not forbid a warrantless arrest for a minor criminal offense, such as a misdemeanor seatbelt violation punishable only by a fine.

The Court rejected Atwater's argument that the Fourth Amendment was intended to limit peace officers' warrantless misdemeanor arrest authority to instances of actual breach of the peace, and noted that statutes in all 50 States and the District of Columbia permit warrantless misdemeanor arrests by at least some peace officers without requiring any breach of peace. The Court also rejected Atwater's argument for a 'modern arrest rule' that would forbid custodial arrest (even with probable cause) in cases where conviction would not ultimately carry any jail time and when the government shows no compelling need for immediate detention. Fourth Amendment rules should be expressed in terms that are readily applicable by the police and not qualified by ifs, ands, or buts. Drawing the line of permissible misdemeanor arrest at the ultimate sentence the charge would carry would force officers to be experts on subtleties of sentencing guidelines, and could allow constitutional review of virtually every arrest. Finally, the Court rejected Atwater's claim that the way she was arrested violated the Fourth Amendment. The Court noted that certainly she was inconvenienced and embarrassed, maybe even humiliated by the arrest, but it was a routine custodial arrest, and not conducted in an extraordinarily harmful way. *Atwater v. City of Lago Vista*, 2001 WL 408925 (April 24, 2001).

### **First Amendment - inmate's right to provide legal assistance to fellow inmate**

While Kevin Murphy was incarcerated at Montana State Prison, he served as an "inmate law clerk," providing legal assistance to fellow prisoners. Murphy learned that another inmate had been charged with assaulting a correctional officer, and decided to assist the inmate with his defense. Although prison rules prohibited Murphy's assignment to the case, he investigated, and then sent the inmate written legal advice, including advice not to plead guilty to the offense. Pursuant to prison policy, prison officials intercepted the letter, and cited Murphy for violations of prison rules against insolence, interference with due process hearings, and conduct disrupting or interfering with security and orderly operation of the institution. Murphy was found guilty of the first 2 violations, and the hearing officer sanctioned him by imposing a suspended sentence of 10 days' detention and issuing demerits that could affect his custody level. Murphy then sued under 42 U.S.C. §1983, alleging that the discipline violated his due process, inmates' access to courts, and his First Amendment rights. The federal District Court granted the prison officials' motion for summary judgment, but the Court of Appeals reversed.

The U.S. Supreme Court held that inmates' legal assistance does not receive any higher constitutional protections under the First Amendment than

*continued on page 6*

*This advisory is not intended to substitute for the advice of legal counsel. Please use due care and consult your state and local laws, legal advisors and agency policy and procedure.*

from page 5

## LEGAL CORNER

inmates' other rights to free speech. Inmates' constitutional rights are more limited in scope than those of individuals in society at large. When a prison regulation impinges on inmates' constitutional rights, the regulation is generally valid if it is reasonably related to legitimate penological interests. The Court recognized that it is "indisputable that inmate law clerks are sometimes a menace to prison discipline and that prisoners have an acknowledged propensity to abuse both the giving and the seeking of legal assistance" (internal quotes omitted). Prison officials should remain the primary arbiter of problems that arise in prison management, and enhancing First Amendment protections for legal advice would undermine their ability to address the "complex and intractable" problems of prison administration. *Shaw v. Murphy*, 121 S.Ct. 1475 (April 18, 2001).

### Inmates - ADA - tobacco

The State of Maryland recently adopted a policy banning smoking, and the sale or possession of tobacco, in prisons. Eastern Correctional Institution inmate Daniel Brashear, a smoker, sued the State of Maryland and asked the court to issue an injunction prohibiting the enforcement of the no-smoking policy. Brashear alleged that the ban violates his constitutional right to equal protection of the law, and violated his statutory right to be free from discrimination under the Americans with Disabilities Act (ADA).

In a brief memorandum opinion, the federal district court dismissed the lawsuit as frivolous. The court held that smoking, whether or not it is called "nicotine addiction," is not a disability within the meaning of the ADA. In terms of whether there is an equal protection problem with the ban, the court noted that neither smoking nor possession of tobacco in a prison implicates any fundamental right. The State of Maryland has a legitimate interest eliminating non-smokers' exposure to secondhand smoke in its prisons, and the ban is a rational way to effectuate that interest. *Brashear v. Simms et al.*, 2001 WL 388794 (D. Md. April 12, 2001).

### Search & seizure - traffic stop - suppression of suspect's identity

Brian Modecki was a passenger in a vehicle driven during a controlled drug buy arranged by undercover police and a confidential informant. Police conducting surveillance of the vehicle noticed it had a taillight out, and instructed other officers to pull over the vehicle. Shortly before stopping the vehicle, police saw Modecki throw something out the vehicle's window, and later found that the object was a bag containing crack cocaine. Police patted down another passenger, found about \$2,000 cash, and both were arrested.

Modecki was convicted of drug possession offenses, and appealed, arguing that police discovered his identity as a result of an illegal detention (the vehicle stop), and that because he was a passenger in a vehicle stopped for a minor vehicle offense, he had a legal right to walk away without being arrested. So Modecki argued on appeal that the discovery of his identity during the illegal detention was the "fruit of the poisonous tree" and should have been suppressed.

The Court of Special Appeals did not rule on whether the detention was legal. But it affirmed Modecki's conviction, and held that neither his person nor his identity was a "fruit" of his detention that would be subject to suppression even if that detention were unlawful. The court based its decision on a U.S. Supreme Court case (*U.S. v. Crews*, 445 U.S. 463, 100 S.Ct. 1244 (1980)) which held that a person's identity is not suppressible under the exclusionary rule, and that an illegal arrest, without more, is not a bar to a prosecution or a defense to a valid conviction.

*Modecki v. State*, \_\_Md.App.\_\_ (2001 WL 432607)(April 30, 2001).

### Search & seizure - traffic stop - unsafe lane change - insufficient probable cause

Around 1:00 a.m., a Maryland State Police trooper was in the median cross-over on I-95 in Cecil County, and observed Astley Leroy Rowe driving a van southbound in the far right lane. The trooper followed the van for about 1.2 miles on I-95, where the speed limit was 65, and paced it at about 50-54 mph. The trooper saw the van's tires cross the white line on the right side of the road, hit the rumble strips, and swerve back into the slow lane. The trooper again saw the van touch the white line again, with the tires directly on the white line, and come back into the slow lane. The trooper then pulled over Rowe for failing to drive in a single lane, and also justified the stop by saying 1:00 a.m. is a time people are coming home from bars, and is a late hour when people may fall asleep at the wheel and have accidents; he said he stopped Rowe for Rowe's benefit.

While waiting for Rowe to produce license and registration, the trooper saw 2 pieces of luggage in the rear of the van. Rowe produced a Florida driver's license and a rental contract for the van, which showed Rowe was not an authorized driver. While waiting for the license and warrant check, the trooper noticed the rental car contract expired 5 days earlier; Rowe stated he did not know it expired. The trooper learned Rowe's Florida license was valid, but his privileges had been suspended in New York, and then had the dispatcher run a registration check on the license tag, contact the rental car company, and run Rowe's criminal history. While waiting for this information, the trooper elicited from Rowe that the luggage in the van was his. He asked Rowe if there was anything illegal in the van, and Rowe said "no." The trooper asked for permission to search the van;

***This advisory is not intended to substitute for the advice of legal counsel. Please use due care and consult federal, state, and local laws, your agency's policy and procedure, and your legal advisor.***

Rowe consented verbally and by signing a consent form. When the trooper opened the van's rear door, he immediately smelled what he believed to be marijuana, and a search of the luggage yielded about 77 pounds of marijuana. Rowe was arrested and charged with drug offenses, driving a rental car in violation of the rental agreement, and issued warnings for driving 50 in a 65 and failing to drive in a single lane. Rowe's motion to suppress the marijuana was denied, and he was found guilty of possession with intent and the rental agreement violation. The Court of Special Appeals affirmed, and the Court of Appeals heard this case to decide the legality of the traffic stop.

The Court of Appeals reversed. The Fourth Amendment requires that all seizures be reasonable; clearly traffic stops are seizures. The reasonableness of an investigative traffic stop depends on whether the officer's action was justified at its inception, and whether it was reasonably related in scope to the circumstances justifying the interference in the first place. Traffic stops are constitutionally permissible where police have probable cause to believe a traffic violation has occurred, or where the officer has a reasonable articulable suspicion, based on the totality of the circumstances, that criminal activity is afoot.

Rowe was stopped for failing to drive in a single lane (Transp. Art., §21-309), and because the officer wanted to "check on the benefit of the driver for failing to drive in a single lane." Regarding the lane violation as a basis for the stop, the court concluded Rowe's "momentary crossing of the edge line of the roadway and later touching of that line did not amount to an unsafe lane change or unsafe entry onto the roadway...and, thus, cannot support the traffic stop in this case." Regarding stopping Rowe to checking on whether he was too intoxicated or sleepy to drive, the court noted some states have recognized officers' 'community caretaking function' as a basis for stopping vehicles to ensure safety, even without reasonable suspicion of criminal activity. Although Maryland has a strong interest in controlling and preventing drunk driving, neither the Maryland courts nor the General Assembly has adopted this community caretaking function, and the State in this case did not ask it to. The court noted that - even if the community caretaking function would justify a stop in Maryland - the record in this case did not show specific and articulable facts rising to the level necessary to justify the officer stopping Rowe on that basis. Without enough facts to justify a 'caretaking' stop, the court declined to consider whether community caretaking function applies in Maryland if there is evidence the vehicle operator requires police assistance. *Rowe v. State*, 363 Md. 424, 769 A.2d 879 (April 4, 2001).

### I-WEB DISCUSSION FORUM

A new, threaded message base is now available on the I-WEB intranet site. This new system provides a permanent forum for many issues of importance to DPSCS employees. Hopefully, this will become an effective alternative to mass e-mailing. The new system is easy to use and provides online help. You'll find the I-WEB Discussion Forum on our intranet page or at [iweb.dpscs.state.md.us/discus/](http://iweb.dpscs.state.md.us/discus/). Give it a try! If you are a DPSCS employee and need an intranet account call 410-750-6532 or email [webmaster@ns1.dpscs.state.md.us](mailto:webmaster@ns1.dpscs.state.md.us). Please feel free to recommend new topic areas for discussion.

### Maryland Police and Correctional Training Commissions Driver Training Facility

## EVOC INSTRUCTOR RE-CERTIFICATION COURSE

Purpose: To provide currently certified EVOC instructors with skills, information and techniques to update and refresh their skills as an instructor for emergency vehicle operations. The course will provide classroom discussions on vehicle dynamics, updated legal/liability cases and issues and provide each instructor the opportunity to improve their personal vehicle operations skills during the practical exercises in the driving range.

This course is mandated for all EVOC instructors who provide any form of training at the MPCTC DTF.

There is no charge.

#### Scheduled Course Dates:

<b>August 17, 2001</b>	<b>(0800-1630 hrs)</b>
<b>Sept. 7, 2001</b>	<b>(0800-1630 hrs)</b>
<b>Oct. 26, 2001</b>	<b>(0800-1630 hrs)</b>
<b>Nov. 2, 2001</b>	<b>(0800-1630 hrs)</b>
<b>Dec. 14, 2001</b>	<b>(0800-1630 hrs)</b>

Call the MPCTC Driver Training Facility at (410) 549-5732 to be scheduled for this training or fax your request to (410) 549-5710. Class size will be limited.



# MARYLAND TRAINING SCHEDULE

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

The dates and locations of training programs listed are subject to change or cancellation without prior notice. Although PCTC will make reasonable effort to schedule displaced applicants in other training classes, final responsibility for personnel receiving mandated training within the prescribed time period remains with the employing agency. Employing agencies are encouraged to register their personnel in mandated programs as early as possible.

## CORRECTIONAL ENTRANCE LEVEL TRAINING Maryland Correctional Training Academy in Woodstock

The below dates are subject to adjustment/cancellation due to the hiring practices and enrollment of those institutions that use this academy. Administrators are advised to schedule their employees for training as early as possible after employment. The classes will have a maximum enrollment of 47. Supplemental Booklets are available to assist Field Training Officers (FTO's) with new objective policy.

Class	Beginning Date	Ending Date	Ending Date [14 day staff]
02-01	July 11, 2001	August 15, 2001	July 30, 2001
02-02	July 25, 2001	August 29, 2001	August 13, 2001
02-02A	August 1, 2001	September 6, 2001	August 20, 2001
02-03	August 22, 2001	September 27, 2001	September 11, 2001
02-03A	September 26, 2001	November 1, 2001	October 16, 2001
02-04	September 5, 2001	October 11, 2001	September 24, 2001
02-05	October 10, 2001	November 15, 2001	October 29, 2001
02-06	October 24, 2001	December 3, 2001	November 13, 2001
02-07	November 28, 2001	January 4, 2002	December 17, 2001
02-08	December 12, 2001	January 18, 2002	January 2, 2002
02-09	January 9, 2002	February 14, 2002	January 29, 2002
02-10	January 30, 2002	March 7, 2002	February 19, 2002
02-11	February 20, 2002	March 27, 2002	March 11, 2002
02-12	March 13, 2002	April 17, 2002	April 1, 2002
02-13	March 20, 2002	April 24, 2002	April 8, 2002
02-14	April 10, 2002	May 15, 2002	April 29, 2002
02-15	April 24, 2002	May 30, 2002	May 13, 2002
02-16	May 15, 2002	June 20, 2002	June 4, 2002
02-17	May 22, 2002	June 27, 2002	June 11, 2002

For registration information concerning these programs, please contact Rhoney Williams at (410) 750-6592 fax (410) 203-2101. Find us on the World Wide Web: <http://www.dpccs.state.md.us/pct/train/>

## CORRECTIONAL SUPERVISOR AND ADMINISTRATOR TRAINING PROGRAMS

### FIRST LINE CORRECTIONAL SUPERVISOR PROGRAMS-SCHEDULE

**NOTE - 5 PROGRAMS - EACH 5 DAYS - LIMIT 24 PARTICIPANTS**

FEE: \$110.00 per person - Agencies will be billed by the Department of Public Safety and Correctional Services.

September 24-28, 2001 (full) Community College-Balto. Co. -Owings Mills

October 22-26, 2001 (full) Community College-Balto. Co. -Owings Mills

**Note : A "waiting list" is being maintained for "full" programs.**

### FIRST LINE CORRECTIONAL ADMINISTRATOR PROGRAMS

**\*NOTE - EACH PROGRAM IS 7 DAYS IN LENGTH - LIMIT 20 PARTICIPANTS**

FEE: \$110.00 per person - Agencies will be billed by the Department of Public Safety and Correctional Services.

August 6-8, 20-23, 2001 Community College-Balto. Co. -Owings Mills

October 1-4 and 15-17, 2001 Community College-Balto. Co. -Owings Mills

**\* Nomination forms for Correctional Programs are to be submitted to Gloria A. Herndon NOTE: Training locations are tentative.**

**INSTRUCTIONS: A Nomination Form MUST be completed for each person, signed by the Agency Head & submitted to Gloria Herndon. For additional information on Correctional Supervisor, Administrator and Specialized programs, contact Gloria Herndon at (410) 750-6545.**

## POLICE AND CORRECTIONAL INSTRUCTOR TRAINING PROGRAMS

### 2001 TRAINING PROGRAMS - SCHEDULE

FEE: \$110.00 per person - Agencies will be billed by the Department of Public Safety and Correctional Services.

#### INSTRUCTOR TRAINING

August 6-10, 2001 Community College of Baltimore County (full)

August 20-24, 2001 Hagerstown Police at Frostburg State U (full)

September 10-14, 2001 Southern Maryland Criminal Justice Aca.

November 5-9, 2001 Harford County Sheriff's Office at HCC

December 3-7, 2001 Community College of Baltimore County (Limit 20)

**Note : A "waiting list" is being maintained for "full" programs.**

#### ENHANCED INSTRUCTOR TRAINING

July 9-13, & 16-17, 2001 (full) Community College of Baltimore County

October 1-5, & 8-9, 2001 Community College of Baltimore County

(Limit 20)

#### ADVANCED INSTRUCTOR TRAINING

September 17-21, 2001 Community College of Baltimore County

(Limit 16)

**Register early. Programs fill quickly.**

**INSTRUCTIONS: For any programs listed on the left, a Nomination Form MUST be completed for each person, signed by the Agency Head and submitted to Patrick O. Smith. For additional information on Police & Correctional Instructor Training, Police Administrator or Police Supervisor Training programs, contact Patrick O. Smith at (410) 750-6561.**



# MARYLAND TRAINING SCHEDULE

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

## POLICE ADMINISTRATOR AND SUPERVISOR TRAINING PROGRAMS

FEE: \$110.00 per person - Agencies will be billed by the Department of Public Safety and Correctional Services.

### SUPERVISOR TRAINING (Limit 16)

October 15-19, 2001 (full) Community College of Baltimore County  
 December 10-14, 2001 Community College of Baltimore County

**Note : A "waiting list" is being maintained for "full" programs.**  
**ADMINISTRATOR TRAINING (Limit 24)**  
 November 12-16, 2001 Community College of Baltimore County  
 NOTE: Training locations are tentative

**Register early. Programs fill quickly.**

**INSTRUCTIONS:** For any programs listed on the above, a Nomination Form **MUST** be completed for each person, signed by the Agency Head and submitted to Patrick O. Smith. For additional information on Police & Correctional Instructor Training, Police Administrator or Police Supervisor Training programs, contact Patrick O. Smith at 410 (750)-6561.

## SPECIALIZED TRAINING PROGRAMS

**The Institute for Academy Management**  
 September 17-21, 2001  
**Contact Lt. Dennis Burks**  
**Southern MD Criminal Justice Academy for further info. 301-934-2271**

**Field Coaching Workshop**  
 September 12, 2001 PCTC Academy Carroll Comm. College, Westminster  
 November 28, 2001 Frederick County Public Safety Facility, Frederick

**Investigative and Enforcement Traffic Stops**  
 Various regional locations - tentatively August, 2001 - dates TBA  
 August 14<sup>th</sup> at the Anne Arundel County Police Academy  
 August 21<sup>st</sup> at the Aberdeen Police Department, and  
 August 23<sup>rd</sup> at the Md. Transportation Authority Headquarters

**Contact Lee Goldman**  
**410-750-6518 or Cheryl Friend**  
**410-750-6510 for further info.**

## EXECUTIVE DEVELOPMENT INSTITUTE PROGRAMS -CALENDAR YEAR 2001

### LEADERSHIP SCHOOL (3 Days)

\*FEE: \$210.00 per person  
 July 17-19, 2001 Frederick  
 August 21-23, 2001 Annapolis  
 September 18-20, 2001 Frederick  
 October 9-11, 2001 Baltimore  
 November 13-15, 2001 Wye Mills

### PATROL WORKLOAD ANALYSIS AND RESOURCE ALLOCATION (2 Days)

\*FEE: \$275.000 per person  
**July 26 & 27, 2001** Baltimore  
**November 1 & 2, 2001** Baltimore

### L.E.O.B.R. – LAW ENFORCEMENT OFFICER'S BILL OF RIGHTS

Generally, two programs are scheduled yearly. Notices will be mailed out when dates and locations have been finalized.

### EXECUTIVE SEMINARS (1 DAY)

Dealing with Difficult People	July 13, 2001
Creative Problem Solving for Leaders	July 27, 2001
Customer Service: The Keys to Success	August 3, 2001
Progressive Discipline	August 17, 2001
Team building Through Transitions	September 14, 2001
Win-Win Negotiations	September 21, 2001
Effective Leadership	October 12, 2001
Influencing Skills for Managers	October 26, 2001

**Please Note: There is a charge for all of the above programs. Further information, to include costs and locations, will be provided in future issues. For further information, contact Ms. Terry Satterfield at 410-750-6546. Please Note: Fees are subject to change without notice.**

## MPCTC - FIREARMS TRAINING FACILITY

7320 Slacks Road, Sykesville, MD 21784 (410) 552-6300 Facsimile (410) 552-4615

### Note to all Range Users - Night Fire:

We are scheduling night fire in the months of November and December. All requests must be submitted on the Request for Training form.

### Orientation (Limit 30)

Pre-requisite for all allied agencies who wish to use the range. To acquaint Firearms Instructors with the range equipment/rules. Call or fax names of those who will be attending. 9:00 AM-12:30 PM

**July 27, 2001**

**October 12, 2001**

### Less Lethal (Limit 20) P5754

Fee: \$40.00 per person. Two day class on Kinetic Impact Projectile Instructor Course and will encompass less lethal weapon systems to include 12 gauge, 37 and 40 mm. Class starts at 8:00 AM. Contact Mark Canton (410) 552-6300 for details

**July 10 and 11, 2001**

### Air Taser (Limit 30) P5441

Fee: FREE We will be hosting this air taser school. Instructor is Hans Marrero. Eight (8) hour class begins at 8:00 AM. Will include a practical exercise and written exam.

**July 12, 2001**

### SAGE (Less Lethal) Instructor School (P#-forthcoming)

Fee: \$750.00 per person. We will be hosting this four (4) day class. Contact Pat McGilton (601) 798-3429 for details.

**August 28-31, 2001**

### Firearms Instructor School (Limit 20) - 80 hours P5178

Fee: \$45.00 per person. Two-week basic school for Revolver, Pistol and Pump Shotgun. Course certifies student to meet minimum MPCTC Standards. Agencies should contact the Firearms Training Facility-MPCTC for course information and nomination forms. (410) 552-6300

**November 5-16, 2001-FULL**

**The following are tentative dates for Year 2002:**

**January 7-18, 2002 February 4-15, 2002 November 4-15, 2002**

**December 2-13, 2002**

**PCTC is not responsible for the content and delivery of training programs sponsored by other agencies. Programs listed in Training Notes are listed as a service to readers and do not imply endorsement by the Police and Correctional Training Commissions.**

# FIELD COACHING WORKSHOP

## Course Overview

**Purpose:** This one-day workshop will compare the components of traditional field training programs with a more effective, recruit-centered field coaching model. It will highlight the role of field trainers as mentors and facilitators rather than simply performance evaluators.

**Objectives: Working individually and in groups, participants will be able to:**

1. Identify and discuss the strengths and weaknesses of their existing field training programs.
2. Discuss the purpose and functions of field training and explain the importance of linkage with the entrance level program.
3. Contrast the components of traditional field training programs with a learner-based, developmental model.
4. Identify terminal behaviors that signal when a recruit is ready for release from the field training program.
5. Discuss why the field trainer's expectations may not align with the organization's expectations or even the expectations of other fieldtrainers when it comes to recruit performance.
6. Select from a list of teaching strategies those most likely to correct common performance deficiencies.
7. List the needs of adult learners particularly as they exist in field training.
8. Explain how dialogue is more effective than a numerical rating system as a feedback and diagnostic tool.
9. Create a program template based on the needs of their own agencies.
10. Discuss how the field training experience is directly related to the mission of the department, particularly in the areas of ethics and commitment to the community

**Participants:**

Although primarily designed for persons responsible for creating or supervising field training programs, this course is also suitable for veteran field training officers looking to enhance their skills.

PCTC Academy, Carroll Community College, Westminster  
September 12, 2001

November 28, 2001  
Frederick County Public Safety Facility  
Frederick, Md.

# WHAT'S NEW

at the Criminal Justice Resource Center

3085 Hernwood Road Woodstock, Maryland 21163 410 750-6590

July - AUGUST 2001

No. 123

## VHS VIDEO - NEW LISTINGS

**Lockup USA, volume 9, Issue 3**  
**Understanding the Criminal Mind**  
**(31:30, color)**

The purpose of this video and training guide is to try to make Corrections staff more familiar with the complicated workings of the criminal mind.

This in turn will help staff to understand better the inmates they supervise. This is not to say that all inmates have criminal minds but many do and most of these types have dedicated themselves to a life of crime. Their time inside the facility may be brief depending on their crime or the type of criminal they are. Some may give the staff trouble inside the facility and some may not.

There are many types of criminal minds. Some commit murder for their own pleasure such as a serial killer. Others do it for revenge of some sort. Still other criminal minds do not resort to violence such as petty thieves and shoplifters. But all have one thing in common: their minds do not work like that of law-abiding citizens. What is it that makes some people follow the straight and narrow course while others dedicate themselves to a life of crime or anti-social behavior? The answers are not easy to come by.

Program breakdown: A Life of Crime, Reasons for the Criminal Mind, Lack of remorse, The Criminal Mind in the Facility.

**Lockup USA, volume 9, Issue 4**  
**Female Issues in Corrections**  
**(27:30, color)**

The purpose of this program is to make all staff more familiar with issues confronting the female who is incarcerated. Although women make up approximately 10 percent of the inmate population, their needs are varied and differ from those of the males. Issues discussed in the program include: how female inmates communicate with the staff and relate to them as opposed to males; various medical and psychological problems women face while locked up; the importance of programs directed at women and why females generally wind up in jail or prison and what can be done to rehabilitate them.



---

# TRAINING NOTES

---

Police & Correctional Training Commissions  
3085 Hernwood Road  
Woodstock, Maryland 21163 - 1099