

...providing training and technical assistance to Virginia's law-enforcement officials and communities...

## VCPI Celebrates Fifth Anniversary

by Lynda O'Connell, VCPI Executive Director

### in this issue

Executive Director's Article  
**1**

VCPI Annual Conference:  
*Nothing But Blue Skies*  
**2 - 4**

2001 Instructor of the Year  
**5**

VCPI at COPS  
 Conference in Washington, D.C.  
**5**

Community-Oriented  
 Government in Action  
**6**

Community Policing and Traffic  
 Management  
**6**

Q&A on Issues that Affect Law  
 Enforcement  
**7**

Five years. I've known it was coming. I now have some understanding for all of those spouses that forget anniversaries. How could that possibly happen? It's an anniversary. It's a set date and you have a whole year to prepare! Well, now I know. It *can* just sneak up on you. September 5, 2002, was VCPI's 5<sup>th</sup> anniversary. Five years. Just before I began writing this column, I called Tim Paul, the section chief for the Crime Prevention and Law Enforcement Services Section at the Department of Criminal Justice Services and one of our board of directors. Tim was involved in co-writing the original grant application for the formation of VCPI. I quizzed him on the significance of this week and after just a few incorrect guesses, he got it. He's equally astounded. Five years!

Each year, I try to do a "state of the institute" address in the director's column of the newsletter. Given this anniversary, this year's report is especially meaningful and it is yet another reason to offer the institute's most sincere thanks and gratitude to those who make our efforts and successes possible. Through the years, VCPI has benefited tremendously from a dedicated, talented staff, the resources and never-ending support of its partners, the commitment and support of Virginia's federal and state-level legislators, and the seemingly unlimited interest and support of Virginia's law-enforcement officers and communities in the expansion of community policing in this state.

Virginia law enforcement's interest and support in expanding community policing prompts VCPI staff each year to map out projects to tackle and courses to offer. The institute's staff often laughs as if the projected amounts are absurd. However, throughout the year, the

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-Lynda O'Connell,  
 VCPI Executive Director

### VCPI Partners



-Continued on Page 8



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## VCPI Annual Conference: Nothing But Blue Skies

by Julie Gigante, VCPI Special Projects Manager

Overcast skies and cool temperatures didn't deter 130 chiefs and sheriffs, law-enforcement officers, community policing and criminal-justice professionals, local government officials, and other community partners from traveling to Virginia Beach to attend VCPI's Fourth Annual Leadership Conference May 20-22, 2002, at the Sheraton Oceanfront Hotel. Although the weather wasn't ideal, VCPI's speaker line-up was nothing but blue skies.

Virginia Beach Police Chief A.M. Jacocks provided the welcoming remarks and kicked off the opening session Monday morning, May 20. Chris Braiden, former superintendent of Edmonton, Canada, Police Services, and noted expert on community policing and problem solving, provided a thought-provoking keynote address: Policing: Time for a Mental Garage Sale. Mr. Braiden indicated that we all have mental junk we carry around with us and that junk is affecting our policing. His presentation suggested ways in which participants could learn to get rid of their mental junk, and to free up space for new thoughts. He also spoke about "adjective" policing and rediscovering the true role of policing in a common-law democracy.

Also on Monday, Deputy Commissioner Joe Farrow from the California Highway Patrol (CHP) conducted an excellent workshop on how using the SARA problem-solving model reduced fatality rates on a busy highway corridor in California. The CHP's program has received national and international recognition, including receiving the Police Executive Research Forum's 2001 Herman Goldstein Award for Excellence in Problem-Oriented Policing. Mike Drmacich from the Erie County, New York, District Attorney's Office, spoke on how his county's unconventional methods of using community prosecution teams led to a dramatic increase in prostitution arrests. The discussion also included examples of other successful efforts by the team, including drug houses, car break-ins, and neighborhood troublemakers. Henrico County Police Captain Gerard Dabney's workshop on biased-based policing generated discussion among conference participants regarding recent concerns about illegal profiling or racial profiling, as it is sometimes referred. Major Mike Jones of Virginia Capitol Police, a national expert on weapons of mass destruction and terrorism, talked about the elements of police response to terrorism, and how putting partnerships into place prior to any major incident can help law enforcement and communities combat terrorism.





Monday's afternoon session focused on one police department's media response to police situations in the community. Lt. Dave Martin and Cynthia Price, both of the Richmond Police Department, provided insight into their department's media and public-relations response to several specific police incidents in which the community became active and vocal. Their presentation generated many questions from audience members, and included actual footage and photos from several of Richmond's media crises.

Monday evening, VCPI staff, speakers, and conference attendees headed off in a private trolley to the Fraternal Order of Police lodge for Wing Night. Participants networked with colleagues, munched on Buffalo-style chicken wings, and relaxed during this informal after-hours event.

On Tuesday, May 21, two morning-long workshops ran concurrently. Sgt. Gerry Donovan of the New Castle, Delaware, County Police spoke on domestic violence and hostage situations. This session is designed to enhance and further an officer's knowledge base dealing with domestic violence and abuse, and it explored the link between crisis, usually felt by a batterer and how he/she reacts to it. Officers' ability to gauge lethality and risk factors early in their intervention can allow them to make tactical steps to protect a victim and their family, as well as prevent further injury or death.

At the same time, Investigator Al Valdez of the Orange County District Attorney's Office in California provided a riveting, fast-paced workshop on understanding street gangs and strate-

gies for managing gang violence, using graphic videos and PowerPoint slides to illustrate the violence and appeal of gang culture. The session began with the history and development of gangs in general, and focused on some of the gang activity seen in southern California. The session progressed to include information on the types of people who join gangs, gang culture, and their activities.

During Tuesday's plated lunch, Virginia Secretary of Public Safety John Marshall spoke on Virginia's initiatives for law enforcement. He spoke about biased-based policing and other current issues concerning Virginia law-enforcement officers. After lunch, conference participants attended one of two afternoon workshops. The first, presented by District Attorney Investigator Susan Webber-Brown of the Butte Interagency Narcotics Task Force, California, talked about her county's efforts to develop a Drug Endangered Children Program (DEC) in the interest of protecting children who live in homes where drug manufacturing, production, and sales occur. She described how Butte County created the DEC protocol and explained the need for Child Protective Services, law-enforcement officers, and the District Attorney's Office to present a united front when assessing the needs of endangered and forgotten children. The second workshop, given by Doug Smith, a criminal justice program analyst with the Virginia Department of Criminal Justice Services, and Lt. Rick Arrington of the Roanoke City Police Department, discussed Virginia's Certified Crime Prevention Community Program, one of the first of its kind in the nation. This program encourages localities to develop and implement collaborative community safety plans. It also provides an ongoing process by which com-

munities can reassess and update their plans to address emerging community safety issues, reduce citizen fear of crime, youth violence, gang activity and involvement in drugs. Tuesday's final session, presented by Lt. Paul Larson of the Arlington County Police Department, was a behind-the-scenes look at the September 11 terrorist attack on the Pentagon. This session focused on the efforts and the myriad details a law-enforcement agency must consider when faced with a critical incident: the possibility of other attacks, traffic congestion around the attack site, evidence recovery, food spoilage from donated food, media briefings, site security, and visitors to the site, to name a few. Included with this session were spectacular color photos of the hours and days following the attack.

Immediately after the last session on Tuesday, VCPI hosted an hors d'oeuvres reception for all participants. During the reception, VCPI Executive Director Lynda O'Connell presented the institute's 2001 Instructor of the Year Award to Rusty McGuire (see related article on page 6).

Wednesday's four-hour workshop and closing session was a fascinating, interactive, and educational, presentation on "Ethics: The Talk Worth Walking," by Mark Matthews, Ph.D., a professor of Philosophy at Metropolitan State University, Minnesota, who has collaborated on ethics with police agencies and professionals for more than 20 years. Law-enforcement officers are granted

significant discretionary authority over how they choose to perform the duties of their office. Dr. Matthews believes that ethics and ethical decision-making abilities are similar to firearms proficiency and defensive tactics; all will become rusty over time unless the user receives periodic training designed to keep those skills sharp. The session was filled with much discussion and questions by participants as Dr. Matthews' talk explored the immense difficulties law-enforcement officers face in using their discretionary authority ethically, demonstrating not only the inescapable need for ethics training in law enforcement, but also some of the kind of training in ethics that is needed if officers are to meet the daily ethical challenges of their jobs.

VCPI's conference is an opportunity to address the critical issues facing law enforcement and community groups in Virginia. Evaluation comments from participants were very positive, and VCPI appreciates the support of all who attended the 2002 conference and for making it such a success.

Plans are already underway for our 5<sup>th</sup> annual conference to be held March 31 through April 2 in Roanoke. This is your conference and we welcome your input into our conference planning. Please forward any suggestions for topics, speakers, or general conference ideas to VCPI's special projects manager, Julie Gigante at (804) 644-0380 or via e-mail at [jgigante@vcpionline.org](mailto:jgigante@vcpionline.org). ■



### Photo Captions

#### Page 2

1. Members of the Loudoun County Sheriff's Office (with VCPI's Laurel Heydenberk in the center) attended workshop sessions on Monday.
2. VCPI's 4<sup>th</sup> annual conference was held at the Sheraton Oceanfront Hotel in Virginia Beach.
3. Deputy Commissioner Joe Farrow of the California Highway Patrol (left) with VCPI Executive Director Lynda O'Connell.
4. On Monday, Major Mike Jones of the Virginia Capitol Police presented a workshop on police response to terrorism.
5. Conference speaker Lt. Paul Larson of the Arlington County Police Department (left) stands with keynote speaker Chris Braiden, former superintendent of the Edmonton, Canada Police Services.
6. Three officers from the Deptford, NJ, Police Department (their community policing car is pictured here) attended the conference.

#### Page 3

7. The Virginia Beach Police Department set up a static display outside the hotel on Monday.
8. On Monday evening, participants rode a private trolley to an

after hours event, a Wing Night at the local FOP lodge.

9. On Monday night, conference participants enjoyed free wings, socializing, and games at the FOP Wing Night, hosted by VCPI.
10. Virginia Secretary of Public Safety John Marshall (left) with VCPI Executive Director Lynda O'Connell. Secretary Marshall spoke during Tuesday's lunch.
11. Conference participants filled the room during Wednesday's closing session on ethics with featured speaker Mark Matthews.

#### Page 4

12. One of VCPI's biggest exhibitor and sponsor supporters was Target Corporation.
13. Members of the Portsmouth, Virginia Police Department attended VCPI's conference.
- 14 and 15. Members of the First Colonial High School Orchestra played at Tuesday's reception hosted by VCPI, while conference participants networked and enjoyed appetizers.
16. Special thanks to Bagpiper and Virginia Beach Police Officer Brad Canning who kicked off the opening session on Monday.
17. A sandcastle adorns Virginia Beach's beautiful boardwalk.

## 2001 Instructor of the Year

by Laurel Heydenberk, VCPI Manager of Operations



The Virginia Community Policing Institute is pleased to announce that **Russell E. McGuire** is the recipient of the VCPI 2001 Instructor of the Year award.

The criteria for the Instructor of the Year award includes presenting many hours of instruction within one calendar year, developing or assisting in the development of VCPI course curriculum, and receiving high ratings on student evaluations. In 2001, Rusty McGuire has exceeded the criteria for VCPI's Instructor of the Year selection process by instructing 120 hours in Constitutional Law & Biased-Based Policing. Rusty's dedication to quality instruction is evident through the feedback received in course evaluations. The evaluation comments from students are always outstanding:

*"A mere '5' rating does not do justice to Rusty's instruction, thus the need for the '+.' His ability to capture one's attention is unbelievable. The class was simply outstanding. A 'lesser' instructor could have turned it into absolute boredom. Thanks to him, it was fantastic and very helpful to our future."*

*"In the past years, this subject has been boring and difficult to understand. Mr. McGuire made the class enjoyable and understandable. With his knowledge and experiences this was an informative class. One of the best classes I've had in an in-service in the 14 years I've been a member."*

*"By far one of the best in-service classes I have attended in the past 12 years."*

*"Exceptional presentation - One of the best classes I've attended in my 22 years with this agency."*

In September 2000, Chief Wayne Cleveland contacted VCPI with a training request in the area of racial profiling. VCPI immediately thought of Rusty as an instructor since his background and interests were a perfect match for Chief Cleveland's request. Rusty graduated cum laude from the Thomas M. Cooley Law School and served as an assistant commonwealth's attorney prior to joining Virginia Union University where he is currently an assistant professor in the Department of Criminal Justice. Rusty's prosecutorial experience coupled with his education and instructional background lends to the delivery of the Constitutional Law & Biased-Based Policing course.

Rusty, in conjunction with VCPI, trained the entire Hopewell Police Department, beginning in March 2001. Since the pilot course, Constitutional Law & Biased-Based Policing has been tailored to apply to law enforcement across the commonwealth and has become VCPI's most heavily requested course. Recently, VCPI has been able to offer this training to the entire Virginia Department of State Police as a result of Rusty's dedication.

VCPI appreciates Rusty's supporting the institute through instruction and curriculum development, and we congratulate him on receiving this award. 🇺🇸

## VCPI Participates at COPS Conference in Washington, D.C.

In July 2002, VCPI attended the COPS annual community-policing conference: *Community Policing Keeps America Safe*, in Washington, DC.



VCPI conducted a problem-solving workshop which offered trainers suggestions on how to improve their problem-solving training. In addition, institute staff set up a VCPI exhibit and attended the numerous community-policing workshops. More than 1000 people attended this year's conference, which included eight workshop tracks of more than 70 workshops: Future of Community Policing, Partnership Development, Police Ethics/Integrity, Problem Solving, Promising Practices, Schools and Community Policing, Technology and Homeland Security. The conference provided an impressive array of topics and activities that highlighted the successes of community-policing programs across the country. VCPI looks forward to participating in next year's conference. 🇺🇸



## Community-Oriented Government in Action

by Julie Gigante, VCPI Special Projects Manager

Scenario: You wake up and head out the front door to retrieve the morning paper. Turning back toward your house, you are alarmed to see that someone has spray painted your garage with graffiti. **What do you do?**

The city of Fort Wayne, Indiana, has taken community-oriented government to a new level. They have provided citizens with a website that contains a "Handbook of Resident Services." This on-line handbook offers an index of services available to citizens, and situations that residents occasionally encounter, and a way to deal with those situations. From barking dogs in the neighborhood to abandoned vehicles, from information about the city clerk to capital improvement programs, from sewer back ups to drug houses, Fort Wayne has identified and listed problems and resolutions.

Back up to the graffiti scenario. Look up "graffiti" on the on-line handbook index, click on it, and the screen tells you first if there are any related code citations. In this instance, graffiti has no related code citations.

The next heading is "Citizen Procedure." In this paragraph, the handbook tells the citizen to call the Police Teleservice Unit to report the graffiti vandalism. It then lists the 24-hour phone number of the Anti-Graffiti Network Hotline for citizens to call in order to have the graffiti removed.

The third heading, "City Action," tells the citizen how the city is going to handle the graffiti problem. The resolution involves two phases: the criminal act and the graffiti

clean up. The paragraph first addresses the criminal act. It states that the Police Teleservice personnel will take all the resident's information over the telephone in order to fill out the police report. To address the clean up, the paragraph states that the Anti-Graffiti network will handle the removal of the graffiti. Also listed on this screen is the responsible office for this type of situation: The Fort Wayne Police Department. The police department's responsible units are listed with their phone numbers. Some indexed topics include email addresses of the appropriate person if the email address is available.

After the alphabetical index, the Handbook of Resident Services also includes names and phone numbers of various government and social-service agencies and an organizational chart for city government and maps showing the city council districts and the four Area Partnerships.

This on-line service has demonstrated Fort Wayne's commitment to its residents. It provides citizens with easy-to-find information on common problems and nuisances, and offers ways for residents to be active in solving community problems. To view this website, go to <http://www.cityoffortwayne.org/neighborhoods2/index.htm> and choose the "Handbook of Registered Services" link.



## Community Policing and Traffic Management

Arlington County Police Department recently submitted an interesting, in-depth article to VCPI about its Traffic Unit's involvement in several innovative community-policing initiatives. The department's use of collaboration, partnerships, and focusing resources where they are needed most, has successfully resolved several traffic-related problems in the community.

To read this article, simply access VCPI's website at [www.vcpionline.org](http://www.vcpionline.org) and click on new developments.

## Q&A on Issues that Affect Law Enforcement

By *Russell E. McGuire, Esquire*



As I travel around the commonwealth talking with officers, attorneys, and judges, I consistently notice that we, as a profession, do not regularly research new changes in the law. To make it even more interesting, many of us cover legal updates by sending our officers to a four-hour block of training where somebody covers 100 cases from the past two years. You might pay attention, you might take the hand-out home and read it in your private time, or you might find a cozy stack in your office or car to place it and review it when you get a chance. Legal update is something we should cover quarterly, at a minimum, and for the departments doing that—my hats off to you.

I started this column to help you digest these changes in the law and refresh older areas of law that you may have forgotten about. My plan is to answer questions quarterly. Feel free to write in as often as you like. I cannot promise that I will be able to publish every answer, but I will try to.

Since we do not have any questions for the first issue, I will address this issue where I see many problems. Review this scenario and determine if these officers acted appropriately when they questioned a young lady. Officer Smith and Jones received information that a drug courier would be entering their jurisdiction one evening driving a '57 Chevy, carrying a kilo of cocaine, and that the courier would park at the Bill's Barbecue at 7:00 p.m. The officers waited at Bill's and observed the vehicle pull in and on time. Without activating the lights, the officers pulled in behind the Chevy, one officer approached the driver's door and the other approached the passenger side. The officer asked the defendant if they could talk. The courier said yes and the officer told the courier about the information that he received and asked for permission to search the vehicle. The courier said no problem and the officer found the kilo right where it was supposed to be. Good or bad search? A case baring these facts was recently determined to be unconstitutional by the Virginia Court of Appeals. *Davis v. Commonwealth*, Record No. 0020-01-1 FEBRUARY 5, 2002 (Va. Court of Appeals)

The issue is: *when is there a seizure?* The technical definition of seizure is when a reasonable person would not feel free to leave or terminate the encounter. *Florida v. Royer*, 460 U.S. 491 (1983), *Florida v. Bostick*, 501 U.S. 429 (1991).

Virginia courts have noted many guidelines used to determine when a seizure occurs. For example, courts look at:

- Threatening presence of several officers,
- Display of a weapon by an officer,
- Some physical touching of the person,
- The use of language or tone of voice indicating that compliance with the officer's request might be compelled,
- What was said to the defendant,
- Whether the officers told the defendant he was the target of their investigation,
- Where the officers were positioned,
- Holding driver's license in consensual encounter, and
- Whether the officer told the person that he was the target of their investigation.

No one factor automatically triggers a seizure but the court will look at these factors to determine if there was a seizure. In *Davis*, the court held that telling a defendant that he or she is the target of an investigation is a significant factor amongst the "totality of circumstances" to determine whether a person feels free to leave. The evidence was suppressed based on this fact and the fact that the officers approached both sides of the car in uniform, parked their car behind her, and did not tell the courier she was free to leave.

The best way to avoid this problem is to make sure your officers do not tell citizens that they are the specific target of an investigation. Use more general terms like "we received information that someone in this area is dealing drugs." Don't say, "we received information that you are dealing drugs." This should help you in similar cases.

If you have questions you would like answered in this column, please forward them to:

**Law Enforcement Q & A**  
c/o Virginia Community Policing Institute  
701 East Franklin Street, Suite 1407  
Richmond, VA 23219  
Fax: (804) 644-0309

**Editor's Note:** *Rusty McGuire, an assistant professor in the Department of Criminal Justice of Virginia Union University, is also an instructor for VCPI, teaching Constitutional Law and Biased-Based Policing, and Constitutional Law and Advanced Search and Seizure. He also has his own consulting group, the McGuire Consulting Group.* ■

*VCPI Celebrates Fifth Anniversary*  
*\_\_\_ continued from page 1*

VCPI team develops additional projects and eagerly accepts new challenges. Inevitably, at the end of the year, the original projections for VCPI services have been far surpassed. VCPI instructed 66 courses in FY 2000-2001. Going into FY 2001-2002, we expected to conduct 100 courses. The actual number of courses taught in the past fiscal year was 141. (That's a 114% increase in case you're wondering.) The projected numbers for FY 2002-2003 elicited nervous laughter from the institute staff. It gets better. To date, more than 8,000 students have attended over 300 VCPI courses, which equates to more than 108,000 training hours. However, VCPI has not traded quality for quantity. The institute continues to receive outstanding evaluations from its students. In addition, VCPI continues to expand its services by offering new courses, developing new curriculum at your request, and by assisting Virginia's communities in a wide variety of technical-assistance projects.

VCPI established itself as a valuable resource and our growth can be directly correlated to the demand for community-policing services in this state. Without the commitment of Virginia's law-enforcement agencies and communities, community policing in Virginia would not progress. Our accomplishments and successes are not our own. They are indicative of your accomplishments and successes. Thank you for your continued commitment and support. I look forward to VCPI's 10<sup>th</sup> anniversary. I'll mark it on my calendar now, so that it doesn't sneak up on me. ■

**Thanks Again to Our Conference Sponsors**

VCPI wishes to thank the following companies and organizations for their gracious donations of goods and services for VCPI's 4<sup>th</sup> Annual Conference:

- 911 Gear** - [www.911gear.net](http://www.911gear.net)
- Glock, Inc.** - [www.glock.com](http://www.glock.com)
- Heckler & Koch, Inc.** - [www.hecklerkoch-usa.com](http://www.hecklerkoch-usa.com)
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- Virginia Beach Police Department**  
- [www.vbgov.com/dept/police](http://www.vbgov.com/dept/police)

VCPI staff members are diligently pursuing speakers for the upcoming conference. If you have ideas for speakers, topics, or other conference ideas, please contact VCPI's special projects manager, Julie Gigante at (804) 644-0380 or via e-mail at [jgigante@vcpionline.org](mailto:jgigante@vcpionline.org).

Join us at the Hotel Roanoke and Conference Center in the city's revitalized downtown area for three days of general sessions and workshops focusing on issues that impact community-policing professionals, law-enforcement leaders, community leaders, and other community partners.

**VCPI is planning its 5th Annual Community Policing Conference**  
**March 31 through April 2, 2003, in Roanoke, Virginia.**

**Save the Date!**

**The Virginia Community Policing Institute**  
*Training To Build Safer Communities*  
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