
NEWSLETTER

International Association of Directors of Law Enforcement Standards and Training
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MESSAGE FROM THE PRESIDENT

Richard Clark, Nevada POST Director

I must say, I have mixed feelings about this coming year as President of IADLEST.

On one hand, I'm beginning to realize this could be the busiest year of my career as it carries quite a bit of extra responsibility. On the other hand, I am looking forward to facing the challenges and excitement of all the things we can accomplish this year.



I want to take this opportunity to thank you all for your vote of confidence, and thank Rusty Goodpaster for his leadership and for setting an example for a successful presidency. He and his Executive Committee team completed and began many important issues and projects. IADLEST has accomplished a lot since it began, but there is a lot left to do.

I'm confident that the organizational upgrades and improvements we've made, especially in the past five years, have built a strong, professional executive board team. Pat Judge, Lloyd Halvorson, Bill Muldoon, Jon Bierne, and Mike Becar are all motivated, high performance professionals. With this dedicated team, we will pave the way to many great successes in the future.

Soon, I will be making appointments to fill all the subcommittee and IADLEST representative positions. I am impressed with the immediate show of enthusiasm, support, and commitment to get involved.

In the near future, I will be tasking the Executive Board with the development, completion, and update of the Strategic Plan for our organization. Specifically, we will be focused on building financial stability so we are not solely dependent on federal grant funds. Also, as I stated in Tennessee, there is no argument! We all agree we want ethical, professional, well-trained, safe, peace officers. If we focus our efforts correctly, this will translate into lower costs for health issues, liability, and training for criminal justice agencies, which are definitely affected by the current state of the economy.

We have a serious responsibility to the public, criminal justice communities, and all peace officers to renew our efforts and to accomplish our tasks.

I look forward to your input and support through the coming year.

Thank you again for this wonderful opportunity to serve as President of this incredible organization.

Editorial Note: The IADLEST Newsletter is published quarterly. It is distributed to IADLEST members and other interested persons and agencies involved in the selection and training of law enforcement officers.

The IADLEST is a nonprofit, tax-exempt organization comprised of law enforcement training managers and leaders. Its mission is to research and share information, ideas, and innovations that assist in the establishment of effective and defensible standards for the employment and training of law enforcement officers.

All professional training managers and educators are welcome to become members. Additionally, any individual, partnership, foundation, corporation, or other entities involved with the development or training of law enforcement or criminal justice personnel are eligible for membership. Recognizing the obligations and opportunities of international cooperation, the IADLEST extends its membership invitation to professionals in other democratic nations.

Newsletter articles or comments should be sent to IADLEST; 2521 Country Club Way; Albion, MI 49224

ANNUAL CONFERENCE HELD

The IADLEST held its annual conference June 19-22, 2011, at the Opryland Hotel and Resort; 2800 Opryland Drive; Nashville, Tennessee. The conference was attended by 74 professional trainers and 25 vendors.

MEETINGS SCHEDULED

The IADLEST will hold its next business meet October 22-23, 2011, in conjunction with the International Association of Chiefs of Police Chicago, Illinois, Conference. The meeting location is to be determined.

The IADLEST Executive Committee will meet January 19-20, 2012, at the J. W. Marriott; Washington, DC; in conjunction with the National Sheriffs Association's Midwinter meeting.

The IADLEST 2012 annual conference is tentatively scheduled for June 10-13, 2012, in Savannah, Georgia.

2011-12 IADLEST EXECUTIVE COMMITTEE INTRODUCTIONS

A new IADLEST Executive Committee was installed June 22, 2011, at the IADLEST business meeting held in Nashville, Tennessee. The following is a brief biographical sketch of each of the Committee members.

President: Richard Clark is the POST Executive Director for the Nevada Peace Officer Standards and Training Commission. He retired from the Los Angeles Police Department in 1991 as a Communications Division Watch Commander after 26 years of dedicated service. During his time with the department, he also served as a Patrol Officer, Traffic Officer, Investigator, and Supervisor.

He served four years with the L.A.P.D. Academy as a PT/Defensive Tactics Instructor and was a Field Supervisor for 20 years. During this time he worked three years in deep undercover intelligence, 12 years as a motorcycle Sergeant, and three years as

Chairman of the Department's Peer Counseling Program. He spent three years teaching L.A.P.D. Sergeant School Conflict Management, Counseling and Communication Skills for Supervisors.

Mr. Clark won Silver Medals in the Police Olympics in 1970 and 1971. He was a member of the Los Angeles Police Department's cross country team that set a world's record for the longest run in history. This run spanned from L.A. to Montreal Canada in 1976. In 1995 he won the Silver medal in "The Toughest Competitor Alive" category at the World Police and Fire Games in Melbourne, Australia.

After a brief tour during retirement as a consultant in Conflict Management for Law Enforcement, he began his second career in August 1993 with the Nevada POST Committee. He started as a training officer with the Nevada Law Enforcement Academy. In 1994, he advanced to the position of Chief of POST. In July 1999, he was appointed the Executive Director of the Nevada Commission on Peace Officers' Standards and Training.

Mr. Clark has earned an AA Degree in Pre-veterinary Science, a BA Degree in Biology, and has a Master's Degree in Psychology. Mr. Clark is also a graduate of the Northwestern University School of Police Staff and Command.

First Vice-President: William J. Muldoon was appointed Director of the Nebraska Law Enforcement Training Center in August 2006.

William started his law enforcement career over thirty-two years ago with the Omaha Police Department where he spent 25 years working various units, including accident investigation, background investigations, criminal investigations, public information, and the Omaha Police Department Training. William retired from the Omaha Police Department as a lieutenant.

He accepted a position as the Chief of Police of the Nebraska City Police Department (NCPD) in 2003, where he gained valuable experience

working with a rural police agency. As chief, he revamped policies, procedures, training, and updated equipment of this 15 department. Policies and new focus combating domestic violence and under age drinking were implemented. When NCPD started a Citizen's Police Academy, Bill worked with the Otoe County Sheriff's Office and the Nebraska State Patrol to conduct a Citizen's Academy for residents countywide.

William has a long history of training, teaching as an adjunct instructor at the Nebraska Law Enforcement Training Center since 1992 and teaching the Public Information Workshop for NHTSA. More recently he instructed the Incident Command and National Incident Management programs. He published *Five Steps to a Successful Television Interview* in Police Chief Magazine, April 2001, and was co-author of *Media and Law Enforcement Relations during Hostage taking Terrorist Incidents, A Cooperative Decision Effort* that appeared in Sheriff Magazine, March - April 1999. William holds a Bachelor of Science degree in Criminal Justice Administration from Bellevue University.

He is married to Mary Anne and they celebrated their 29th anniversary this June. They have a daughter Patricia who is a nurse in Omaha and a daughter, Regina, attending the University of Nebraska, Lincoln.

Second Vice-President: Jon Bierne is a native of Aberdeen, South Dakota. He started his law enforcement career in 1988 as a law enforcement specialist in the US Air Force, serving at Offutt AFB, Nebraska, and Soto Cano AB, Honduras. He received a criminal justice degree from the University of Nebraska-Omaha in August, 1994 and started as a patrolman with the Aberdeen, South Dakota Police Department later that same year. In 1995, Jon was hired by the South Dakota Division of Criminal Investigation as a Special Agent, assigned to the Huron, South Dakota Field Office as a Narcotics Investigator. In 1999 Jon transferred to the Watertown, South Dakota Field Office as a General Criminal Investigator.

In 2006, Jon was promoted to Supervisory Special Agent and transferred to DCI HQ in Pierre, South Dakota where he currently is assigned as the

Training Administrator. In that capacity, Jon supervises all basic and advanced training for law enforcement and 911 Telecommunicators. In addition, Jon oversees the certifications of all officers and telecommunicators, and canine teams in South Dakota. Jon also supervises the recruiting, hiring and field training process for newly hired DCI Agents, and any compliance investigations regarding complaints against certified officers.

Jon is a graduate of the 222nd Session of the FBI National Academy. He lives in Pierre, South Dakota with his wife Scarlett and their three children.

Immediate Past President: Rusty Goodpaster served with the Bloomfield, Indiana, Police Department and Greene County Sheriff's Department prior to joining the staff at the Indiana Law Enforcement Academy (ILEA) in June of 1983.

In December 2005, Mr. Goodpaster was named Executive Director of the ILEA. Prior to that time, he was the Director of the Emergency Vehicle Operations training from 1985-1990, the Basic Recruit Training Commander from 1990-1995, and Deputy Director from 1995-1997 when he left to work in the field of drug prevention and education for two and a half years before returning to the ILEA in 2000. Mr. Goodpaster served as Director of Support Services upon his return until April of 2002 when he was once again named Deputy Director.

Rusty graduated in the 64th Basic Session at the ILEA, the 170th session of the FBI National Academy, the Executive Development for Law Enforcement Standards and Training Directors presented by the FBI in conjunction with IADLEST. He holds a Baccalaureate Degree in Criminal Justice from the University of Indianapolis.

Secretary Lloyd Halvorson is the Director of Peace Officer Training and Law Enforcement Degree Programs at Lake Region State College in Devils Lake, North Dakota. The Peace Officer Training Program is a one-semester

North Dakota POST Certified Basic Academy, training and certifying approximately 60 police officers each year for the state.

Lloyd has a Bachelor's and Master's Degree in Criminal Justice from Minot State University and over 1,600 hours of certified law enforcement training. He spent ten years (1992-2002) with the Bismarck, North Dakota, Police Department, serving as a patrol officer, investigator, accreditation manager, and patrol supervisor.

He was appointed to the North Dakota POST Board by the North Dakota Attorney General in October 2003. Lloyd completed his academy training in 1992 and is a licensed police officer in the state. In addition, he is a sworn Deputy Sheriff with the Ramsey County, North Dakota, Sheriff's Department, is a volunteer 5th grade football coach, and has previously held elected positions as both a school board president and ambulance service squad leader.

Treasurer Charles "Chuck" Melville joined the Kentucky Department of Criminal Justice Training after serving 30 years as a police officer, first with the City of Southgate, Kentucky, (1975-77) then at the Cincinnati/Northern Kentucky International Airport (1977-2005) eventually rising to the rank of Chief of Police. He has been with the agency since 2005 when he was appointed to the position of Executive Director of the Kentucky Community Preparedness Program (KCPP). Chuck served as the Branch Manager for Advanced Individual Training prior to his appointment as Director of the Training Operations Division in December 2007.

He received a B.S. degree in Police Administration from Eastern Kentucky University in 1977. Chuck is a graduate of the 151st Session of the FBI National Academy and the US Secret Service Dignitary Protection Program. Melville is a member of the International Association of Chiefs of Police. He has served as the president of the Northern Kentucky Police Chiefs Association and is a life member of the Kentucky Association of Chiefs of Police where he chaired the Professional Standards Committee which oversaw the Kentucky Law Enforcement Accreditation Program.

He has served on the Executive Board for the FBI's Northern Kentucky Joint Terrorism Task Force and the US Attorney's Anti-Terrorism Advisory Committee for the Eastern District of Kentucky.

Currently, Mr. Melville serves on the Board of the Kentucky Law Enforcement Memorial Foundation and the Training Committee of the Kentucky Association of Chiefs of Police.

Chuck and his wife Tina have two adult daughters.

Northeast Representative: (ret.) Chief Anthony J. Silva is currently in his 31st year of law enforcement and was appointed Director of the Rhode Island Municipal Police Academy in February of 2006. He retired from the Cumberland Police Department in April of 2006 after serving 9+ years as Chief of Police and retired from the Lincoln, Rhode Island Police Department in 1997 after an 18-year career. Chief Silva holds a Master's Degree in the Administration of Justice from Salve Regina University, a Bachelor's Degree in Law Enforcement from Bryant University, and is a graduate of the Federal Bureau of Investigation Law Enforcement Executive Development School.

Chief Silva has been a training staff member of the Rhode Island Municipal Police Academy for 25 years as an instructor of Patrol Operations, Police Ethics, and Community Policing and has taught Police Leadership Skills at the Executive Management Center at Bryant College and the Roger Williams University. In 1999, he was appointed by Governor Almond to Chair the Police Officer's Commission on Standards and Training which oversees recruit and in-service training at the Rhode Island Municipal Police Academy—a position he held for seven years.

An advocate for highway safety and mental health awareness, Chief Silva has taught many workshops for the RIDOT/RI Office on Highway Safety and the NHTSA and organized numerous seminars on mental health topics for law enforcement. He currently chairs the Training & Standards Committee of the Rhode

Island Police Chiefs' Association and is the Chiefs' Association liaison to the Rhode Island Commission on Prejudice and Bias. He has served on numerous promotional boards; and in 2008 and 2009, was a member of a three-person committee responsible for selecting the Police Chiefs in the cities of North Providence and Cranston, Rhode Island.

Chief Silva teaches a graduate course on Leadership & Strategic Communication at Salve Regina University in Newport, RI. Since 1990, he has been an adjunct instructor in the Criminal Justice Studies Program at the Community College of Rhode Island. From 1994-2003 he served as Chair of the Violence Against Women Curriculum & Training Committee and is a member of the Attorney General's Task Force on Domestic Violence. Chief Silva served as President of the Rhode Island Police Chief's Association in 2001 and is currently a member of the Board of Directors of the New England Police Chief's Association. He is a member of the International Association of Directors of Law Enforcement Standards and Training, member of the International Association of Chiefs of Police, member of the Rhode Island Police Chiefs Association and member of the Board of Directors of the New England Association of Chiefs of Police. He is also a member of the Board of Directors of the Regional Community Policing Institute of New England, and the Advisory Board of the Roger Williams University Justice System Training and Research Institute.

Southern Representative Bill Floyd is a 27 year veteran of law enforcement and criminal justice. He began his career with the South Carolina Department of Juvenile Justice (then the South Carolina Department of Youth Services) in 1983. He was employed by the Richland County, S.C., Sheriff's Department from 1985 – 1990, serving as a Deputy Sheriff, Desk Sergeant, Communications Sergeant and Shift Supervisor. Mr. Floyd has been employed with the South Carolina Department of Public Safety - Criminal Justice Academy Division since April 1990. He has served the Academy in several capacities ranging from instructor, Research & Development Unit Manager (which included serving as the Grants coordinator/Administrator) to Technical Training Section Chief.

In May of 2006, the Academy was separated from the Department of Public Safety by an act of the

South Carolina State Legislature. Mr. Floyd continued to serve in the position of Standards, Research, and Accreditation Manager with the South Carolina Criminal Justice Academy. In October of 2006, Mr. Floyd was named the Interim Program Manager of the Instructional Standards and Support Section of the Academy. This appointment became permanent in June of 2007. This position includes being the responsible for the development and oversight of the various job-task analyses curriculum validation processes, advanced training needs assessment development and analysis, accreditation (CALEA) coordination, and assisting with Academy policy development. In addition, this position is responsible for the supervision and oversight of the Academic Testing Unit, the South Carolina Reserve Law Enforcement Program and the curriculum development and distribution for the South Carolina State Constable Basic and Advanced Training Programs. Mr. Floyd has also served as a faculty member of the South Carolina (Law Enforcement) Leadership Institute and as a lead instructor in the South Carolina State Constable Basic Training Program. Mr. Floyd holds a Bachelor of Arts degree in Psychology – General Experimental from the University of South Carolina (1982) and a Master of Criminal Justice – Law Enforcement from the University of South Carolina (1985).

Central Representative Charles A. "Chuck" Sadler was appointed the Law Enforcement Training Coordinator (POST Director equivalent) for the State of West Virginia. He assumed that position in January 2005 upon his retirement as a Captain from the Charleston Police Department. He is a graduate of West Virginia State University with a B. S. in Criminal Justice and possesses a Master's Degree in Public Administration from the West Virginia College of Graduate Studies (now part of Marshall University). He and his wife Margie (who is also a retired Charleston PD officer) have two daughters Amy and Aaron.

A native West Virginian he joined the Charleston, West Virginia, Police Department in September of 1980. During his twenty-four year tenure as an officer there he worked in the

Uniformed Patrol Division, Training Division, Highway Safety Program and Administrative Services Bureau.

He was, and remains, actively involved in teaching highway safety related topics, with an emphasis on impaired driver detection, apprehension, and prosecution skills to West Virginia law enforcement officers in the entry level Academy program and continuing in-service enforcement programs. In recognition of his efforts in promoting highway safety through education, prevention, and enforcement efforts, he has received local, state, regional and national highway safety awards, including the NHTSA Lifesaver Award.

West Virginia's law enforcement training and certification program, being a small state operation, has afforded him the opportunity to work directly in all aspects of ensuring the professionalism of officers who work in the state.

Midwest Representative: Kim Vickers served for 27 years with the Abilene Police Department in a wide variety of capacities. He was Commander of the Critical Missing Response Team which gained nationwide attention when it handled and quickly solved the first Amber Alert case in Texas. Kim is also nationally recognized as an expert instructor and consultant in the area of Family Violence dynamics and law. He has drafted several pieces of Texas family violence law, has testified as an expert witness before Texas Senate and House Committees, and is currently a member of the Board of Directors of the National Council on Family Violence.

In 2006 Kim began working as a Field Service Agent for the Texas Commission on Law Enforcement as Director of Education and Credentialing. In September of this year Kim will assume the duties of Executive Director for TCLEOSE.

He has been married to his wife, Chrys, for 38 years and has two children; son Eric is a homicide detective with the Abilene Police Department, and Jennifer is a doctor in New York City. Kim has two grandchildren.

West Representative: William Flink is the Idaho POST Director. Bill began his criminal justice career

in 1974 with the Sunset City Police Department in Utah. In 1983, Bill worked for the Utah Division of Peace Officer Standards and Training as a basic training, regional training, and certification supervisor; and in 1990, he accepted a position as an criminal justice analyst and later program administrator with the Virginia Department of Criminal Justice Services, Division of Training and Standards. In 1998, Bill was appointed Executive Director of the Central Shenandoah Criminal Justice Training Academy, one of Virginia's ten regional criminal justice academies. During 2005-2006, Bill worked with the Northern Virginia Criminal Justice Academy in the Curriculum Section.

In mid-2006, he was recruited to be the Deputy Director for Operations and later was appointed as the last United States Director of the Jordan International Police Training Center (JIPTC), Muwaqqar, Jordan, training Iraqi police officers. After the United States transferred JIPTC over to the Jordanian police in late 2007, Bill was appointed Resident Program Manager for the Office of Antiterrorism Assistance, Bureau of Diplomatic Security, United States Department of State, at the U.S. Embassy in Amman, Jordan, where he was responsible for providing counterterrorism assistance and training to police officers and security forces from Jordan, Lebanon, the Palestinian Authority, and Iraq.

In May 2010, Bill was appointed to his current position as Division Administrator for the Idaho Division of Peace Officer Standards and Training.

Bill has been associated with IADLEST for many years. He first became involved with the Association in 1987. Later, Bill was elected twice to sit on the IADLEST Executive Board as Secretary (2001 until he departed for the Middle East in 2006); and he staffed the IADLEST Sourcebook Project from 1991 to 1995, then managed and produced the Sourcebook from 1995 until 2006.

Bill is also a former President of the Virginia Association of Directors of Criminal Justice Training (the association of Virginia's 35 criminal justice academy directors, 2000-2004); and he taught criminal justice courses at James Madison University (2001-2006).

WELCOME NEW MEMBERS

The IADLEST is proud and privileged to add the following new members. These professionals complement our Association's already extensive wealth of talent and expertise. We welcome them to the IADLEST.

Jon Cliborne, Disputanta, VA
Jarrett Crawford, Cleveland, TN
Michael Daugherty, Colorado POST, Denver, CO
Marie Dryer, Arizona POST, Phoenix, AZ
Joseph Elias, Pennsylvania POST, Harrisburg, PA
Richard Gauthier, Vermont POST, Pittsford, VT
Teresa Gooch, Virginia POST, Richmond, VA
David Keefe, St. Petersburg, FL
Sharon Lamm, Idaho POST, Meridian, ID
Gregg Marcantel, NM POST, Santa Fe, NM
Kris Mienert, Woodbury PD, Woodbury, MN
Steve Neumeyer, Colorado POST, Denver, CO
Rory Olsen, Idaho POST, Meridian, ID
Gail Page, New Port Richey, FL
Adam Saylor, St. John PD, St. John, KS
Damon Summers, Alabama POST, Salma, AL
**Lisa Thorau, Strategies for Youth, Inc.,
Cambridge, MA**
Dana Vike, Wisconsin POST, Madison, WI
Dwight Williams, Cleveland, TN

POST DIRECTOR CHANGES

Iowa: In March 2011, Governor Terry Branstad named Arlen Ciechanowski as the new director of the Iowa Law Enforcement Academy. The academy, located in Johnston near Des Moines, trains police officers on law enforcement techniques and investigative procedures.

Arlen Ciechanowski's career spans 36 years, first with the Ames Police Department and then the Story County Sheriff's office. Arlen later served as an instructor and assistant director of the Iowa Law Enforcement Academy. He has a long, distinguished law enforcement training career and served previously as an IADLEST Midwest Regional Representative.

Arlen holds a Bachelor of Science degree from Iowa State University and a Master of Science degree in Criminal Justice Administration from Central Missouri State University.

New Mexico: On May 31, 2011, Cabinet Secretary Gorden Eden appointed Mr. Gregg Marcantel Deputy Cabinet Secretary of "Statewide Law Enforcement Services and Support." The new operational component within DPS focuses on those mission critical law enforcement services and technical support to all New Mexico law enforcement agencies. As Deputy Secretary, Mr. Marcantel also serves as the division director of the New Mexico Law Enforcement Academy – Training and Recruiting Division, Technical Services Division, and Information Technology Division. Mr. Marcantel has more than 20 years of combined police experience with federal and county agencies. He is active within the national law enforcement community and New Mexico. Many remember Bernalillo County Sheriff's Department Captain Gregg Marchantel as he directed the murder investigation of Deputy James McGrane, Jr., of the Bernalillo County Sheriff's Department. During his brief retirement, Mr. Marcantel continued to be a point of contact for FBI's National Academy graduate program, active in the NM Gang and Terrorism Task Force and served as a subject matter expert in the areas of criminal investigation, law enforcement administration, and law enforcement training. Mr. Marcantel has a MS degree in Forensic Psychology and also served with the United States Marine Corps.

Pennsylvania: On May 26, 2011, Major Joseph G. Elias was appointed Executive Director of the Municipal Police Officers' Education and Training Commission (MPOETC). Major Elias is a 26-year veteran of the Pennsylvania State Police.

Prior to his appointment, Elias served as Director of the Domestic Security Division where he was responsible for homeland security and emergency preparedness programs throughout the Commonwealth. Throughout his career, Elias has served at stations in Avondale, Lancaster and Philadelphia, with the Bureau of Emergency and Special Operations, Bureau of Records and Identification, and the Bureau of Criminal Investigation.

A 1984 Graduate of the Pennsylvania State University, Elias holds a Bachelor of Science degree in Biology. Elias is a 1985 graduate of

the Pennsylvania State Police Academy and a 2003 graduate of the FBI National Academy.

Major Elias is a member of the International Association of Directors of Law Enforcement Standards and Training (IADLEST), International Association of Chiefs of Police (IACP), Pennsylvania Chiefs of Police Association (PCPA), and the FBI National Academy Associates.

Vermont: In May 2011, Richard Gauthier was appointed the Executive Director of the Vermont Criminal Justice training Council. He began his law enforcement career in 1980 with the Bennington Police Department where he worked for the next 30 years. In 1986, he was assigned to the Bureau of Criminal Investigation as Detective, where I specialized in child abuse and sexual assault offenses. In 1998, Rick was promoted to Chief of Police, a position he held until retiring in 2010. Afterwards he joined the Bennington County Sheriff's Department and was assigned to the Bennington County State's Attorney's Office as the Domestic Violence Investigator and served in that position until his appointment as Director of the Vermont Training Academy.

He holds a Bachelor of Science Degree in Criminal Justice from Southern Vermont College and a Master's Degree in Justice Administration from Norwich University. Rick is an adjunct faculty member at Southern Vermont College teaching a variety of criminal justice courses.

Rick lives in Shaftsbury, Vermont, with his wife of 28 years, Cindi. Their one son is a member of the Bennington County Sheriff's Department and recently returned from a tour of duty in Afghanistan.

**THE SOUTH CAROLINA
CRIMINAL JUSTICE
ACADEMY OPENS NEW BASIC TRAINING
FACILITY**

by: Bill Floyd, South Carolina POST

On behalf of Director Hubert Harrell and the South Carolina Law Enforcement Training Council, I am pleased to offer the following announcement. On July 10th of this year, the South Carolina Criminal Justice Academy, under the leadership of Director Harrell, will take the first significant step in

the advancement of law enforcement training in South Carolina in many years. The Basic Law Enforcement (BLE) Certification Training program will increase in length from nine (9) weeks to twelve (12) weeks – from 396 total hours to 522 total hours. In addition, the entire BLE curriculum has been redesigned, revised, and rewritten and will incorporate the concepts of problem-based learning (PBL) – “tell them, show them, let them do it”.. PBL will allow for a great deal of participative learning which will support the classroom activities and also provide more exposure to real world experiences through guest speakers and practical applications.

With the total revamping of the BLE course and the increase in training hours, a new training facility was needed to support the new curriculum. The South Carolina Legislature approved the funding of the construction a new BLE training facility known as the “Village.” The Village construction project was funded through a five dollar surcharge on court fines. The total cost of the construction and equipping of the Village was approximately 14.5 million dollars.

The Village is located adjacent to the main Academy complex in Columbia and occupies approximately six acres. The Village is a fully self-contained training environment with the exception of driving and firearms training facilities. It should be noted, however, that plans have been developed to construct a completely enclosed indoor firearms range at the Village complex in the not too distant future.

The Village consists of four structures, a 208 bed dormitory, a dining hall which will seat 192, a full sized and fully outfitted gymnasium and weight room and a classroom building which contains four large classrooms which can accommodate 65 students each and two smaller classrooms which can accommodate 35 students each. The dormitory was constructed utilizing pre-fabricated concrete technology. The classroom building, the dining hall, and the gymnasium were constructed utilizing Sprung tensioned membrane structure technology (www.sprung.com). The entire Village complex qualifies for Leadership in Energy and

Environmental Design, or LEED, certification through the U.S. Green Building Council (USGBC).

On June 15, the Village was formally dedicated through a ribbon cutting ceremony. The Honorable Nikki R. Haley, Governor, State of South Carolina, was the keynote speaker and assisted Director Harrell in the cutting of the ribbon, or in this case, the official "Police Line" tape. Many other law makers, dignitaries, law enforcement officers, and other guests from around the state were present for the ceremony on, what was to date, one of the hottest days so far this year. Regardless, the ceremony was enjoyed by all attendees as a special place was marked in the history of law enforcement and law enforcement training in South Carolina.

It should be noted that Director Harrell has taken great pains to warn all client agencies that the Village is a tobacco-free environment. When the students check in on Sunday afternoon they will not be allowed to leave (emergencies excepted) until the following Friday afternoon. Therefore, the Director is encouraging those students who use tobacco products to "get themselves prepared" prior to arrival for training.

Since the BLE format is changing, Special Basic Training - for those who are seeking recertification after a one year but less than three year absence from law enforcement -will increase to six weeks from three weeks. These students will continue to be incorporated into the BLE classes and will be required to participate in the majority of the BLE training for that length of time.

Special Basic Limited Duty (Class 3 LEO) Certification Training students who, in the past, were incorporated into the BLE classes will be offered separate training on a quarterly basis. In addition, the Special Basic Limited Duty curriculum will increase accordingly.

An open enrollment process has been adopted for all mandated areas of primary certification training – BLE, Basic Jail/Local Detention, and Basic Telecommunications Officer Training. The Registrar's Office will accept registration of basic student candidates throughout the business week. This should allow greater flexibility for agency training officers to present their new personnel for

enrollment for classes without having to come to the Academy on a given appointed day.

As Director Harrell stated in his message in a recent edition of *The Academy Connection* newsletter, "I cannot express enough how hard (the) Academy Staff has worked to bring us into the 21st Century. We are seeing a better caliber of students, and we are adjusting to that. It is so exciting to watch these young and sometimes old people change as the light bulb comes on.

In closing, it is just and fitting to reiterate what Director Harrell is quick to remind our client agencies, "This is YOUR Academy."

COMPARING THE M-PULSE INVENTORY AND MMPI-2: DEGREE OF OVERLAP AND PREDICTING MISCONDUCT IN 7,161 LAW ENFORCEMENT OFFICERS

submitted by:

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Poster presented at the 2011 Canadian Psychological Association/North American Correctional and Criminal Justice Psychology (CPA/NACCJCP) Conference, Toronto, Ontario, Canada

Summary prepared for the National Sheriffs' Association

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The Minnesota Multiphasic Personality Inventory (MMPI-2) has been frequently used over the past several decades to assist in the selection and evaluation of law enforcement personnel by various North American agencies. However, because the MMPI-2 was originally developed as a general measure of personality and psychological illness nearly 70 years ago, it is unclear if this measure is actually appropriate for law enforcement evaluations and hiring decisions today. On the other hand, the Matrix-Predictive Uniform Law Enforcement Selection and Evaluation Inventory (M-PULSE) was published in 2008 as a self-report measure

specifically relevant to law enforcement job performance and culture. Previous research has shown the M-PULSE to be extremely accurate in predicting future misconduct among law enforcement officers. This article summarizes new research that directly compares the MMPI-2 and M-PULSE in law enforcement settings for the first time.

We examined MMPI-2 and M-PULSE Inventory data for 7,161 participants (85.3% male, 72.8% white, average age = 30 years old, average level of education = high school graduate). All participants were law enforcement candidates sitting for post-conditional offer evaluations. Data were collected from law enforcement agencies in nine U.S. states: California, Illinois, Indiana, Louisiana, Maine, Massachusetts, Michigan, New Hampshire, and Vermont.

Along with MMPI-2 and M-PULSE Inventory scores, official records of misconduct were collected for 4,973 of the officers. On average, each officer's behavior was tracked for a period of about two years. For each officer, a superior completed a standard form describing any instances in which the officer committed any of the following 18 liability outcomes:

- procedural or conduct mistakes
- family or interpersonal difficulties
- at-fault motor vehicle accidents
- weapons discharges
- inappropriate weapons use
- undesirable off-duty conduct
- damage or destruction of official property
- misuse of official vehicles
- unprofessional conduct
- suspensions or written reprimands from superiors
- lawsuits for sustained misconduct
- inappropriate sexual behavior
- racially offensive conduct
- substance abuse
- excessive force
- criminal conduct
- voluntary resignation
- termination for cause

Two main statistical analyses were performed on the data. First, MMPI-2 scores were compared to M-PULSE scores for all of the law enforcement officers. Results showed that there was no relationship between scores on the two

measures. In other words, the two scales appear to be measuring very different things. The psychological and personality traits measured by the MMPI-2 are not related to the law enforcement-specific traits measured by the M-PULSE.

Second, we examined the ability of the M-PULSE to predict the 18 future liability outcomes, compared to how well the MMPI-2 was able to predict these outcomes (Table 1). Initially, for 16 of the 18 outcomes, results showed the M-PULSE was more accurate than the MMPI-2. For the two outcomes in which the MMPI-2 was the more accurate predictor, further analyses demonstrated that this was a 'chance' finding and that the M-PULSE is in fact a more consistently accurate predictor for these two outcomes as well.

Overall, these results suggest that the MMPI-2 and M-PULSE measure different aspects of individuals: the MMPI-2 measures factors related to psychological illness and more general personality traits, while the M-PULSE measures attitudes and behaviors more specific and relevant to law enforcement. Also, the M-PULSE was a more accurate and consistent predictor of misconduct than the MMPI-2. It appears that traditional measures of personality and psychological illness may not be appropriate for law enforcement job evaluation and hiring decisions. Despite its superior performance, it is still recommended that the M-PULSE Inventory be used not as a stand-alone measure in personnel selection and evaluation, but in combination with traditionally effective procedures such as interviews and background checks. Overall, the M-PULSE Inventory may be used to assist agencies in hiring officers who are least likely to demonstrate misconduct, therefore reducing associated monetary and reputational liabilities while maximizing performance and efficiency in their public safety mission.



Table 1. Discriminant function analysis results predicting liability outcomes from M-PULSE Liability Scales and MMPI-2 indices.

Liability Outcome	Base Rate (%)	N	Overall Correct Classification %												
			M-PULSE Liability Scale	MMPI-2											
				Good Cop/ Bad Cop	Goldberg	Husemann (Continuous)	Husemann (Dichotomous)	Aamodt	Gonder	Factor I	Factor II	Factor III	Factor IV	Factor V	
Interpersonal Difficulties	5.7	4972	61.5	52.6	46.3	7.9	44.4	47.8	50.0	49.0	47.7	47.6	44.6		
Alcohol/Substance Abuse	1.6	4972	69.1	49.7	59.7	96.2	61.7	53.7	53.2	52.8	48.3	55.6	58.7		
Undesirable Off-Duty Conduct	4.8	4972	62.1	52.1	42.9	7.0	43.8	49.3	50.3	54.8	49.2	47.7	58.4		
Procedural/Conduct Mistakes	27.6	4973	56.2	50.6	49.7	29.5	48.0	51.2	51.3	49.4	50.4	49.6	47.8		
Property Damage/Destruction	4.1	4972	59.6	49.8	49.1	6.3	46.7	50.8	48.8	50.9	48.9	49.5	48.2		
Misuse of Official Vehicle	3.7	4972	65.6	55.4	46.2	6.0	43.8	50.8	50.1	49.1	48.6	51.1	44.4		
Motor Vehicle Accidents	8.6	4971	58.2	50.8	47.0	10.8	46.6	49.8	49.2	49.7	49.7	49.5	49.0		
Weapons Discharge	1.2	4972	72.4	47.2	51.5	3.5	46.1	53.4	52.6	50.6	47.0	52.7	44.0		
Inappropriate Use of Weapon	1.0	4972	73.9	47.3	45.6	3.3	43.6	50.5	49.8	56.5	58.3	54.1	58.9		
Unprofessional Conduct	7.9	4972	56.0	47.2	47.2	10.1	45.3	51.1	50.0	49.3	48.6	51.9	45.6		
Excessive Force	3.8	4973	61.8	55.3	46.5	6.0	46.5	50.8	50.1	49.0	47.7	54.9	48.4		
Racially Offensive Behavior	1.3	4972	70.0	55.7	48.6	3.6	46.1	52.1	52.6	52.4	48.3	55.8	50.4		
Inappropriate Sexual Behavior	1.5	4972	72.2	55.5	57.5	3.8	61.5	47.4	52.9	54.6	47.2	49.2	44.0		
Lawsuit Potential	1.0	4972	64.2	55.7	48.5	3.3	49.2	52.0	49.6	53.7	48.4	55.8	50.3		
Misdemeanor/Felony Offense	1.7	4972	71.9	52.6	59.7	96.1	61.7	53.8	55.0	49.0	52.9	52.6	59.0		
Suspensions/Reprimands	13.9	4972	57.7	48.4	47.3	16.0	45.4	49.8	49.3	49.6	48.9	50.4	46.0		
Voluntary Resignation	43.8	2243	59.5	56.8	56.9	47.4	55.3	54.3	54.9	51.0	49.9	51.2	53.9		
Termination for Cause	69.9	1969	58.7	54.2	54.3	34.5	52.5	52.9	52.8	49.9	49.2	51.2	50.8		

Note. Highlighting represents most accurate predictor per liability. Sample size for Voluntary Resignation represents officers who were no longer with their agency at the time of follow-up. Sample size for Termination for Cause represents officers who were terminated for cause, requested to resign by their department, or had their conditional offer of employment withdrawn at the time of follow-up.



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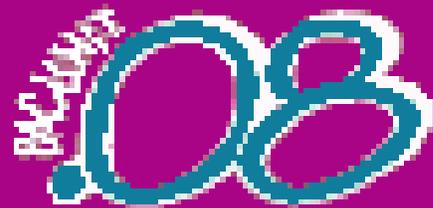
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**TRAINING PROGRAM OFFERS
SPECIALIZED
CAREER PATH FOR LAW ENFORCEMENT**
*by: Julie Cavin, National Center for Biomedical
Research and Training*

The Oklahoma Office of Homeland Security, Oklahoma Council on Law Enforcement Education and Training (CLEET), and the National Center for Biomedical Research and Training (NCBRT), Academy of Counter-Terrorism, a member of the National Domestic Preparedness Consortium (NDPC), recently developed the Law Enforcement Terrorism Certification Program (LETCP) to address the need to have a career path that state and local jurisdictions could utilize to identify appropriate training for their law enforcement professionals with respect to high-consequence events, either natural or man-made.

“With consistent focus on enhancing our state and jurisdictional homeland security, this program provides an avenue to do so in a directed approach for the officer and agency,” says Steve Williams, NCBRT Operations and Plans Associate Director. The LETCP will augment the current credentialing system already implemented in the state of Oklahoma. In addition to obtaining the Law Enforcement Terrorism Certification, the training hours can be transferred to CLEET’s Advanced Law Enforcement Certification program and eventually college credits towards a degree. “This training will provide additional tools for law enforcement officers in their mission of providing a safer and more secure environment for the citizens of Oklahoma,” says Steve Emmons, CLEET Interim Director. “It is only through these training partnerships that officers advance their knowledge and expertise to fight the threat of high-consequence events.”

About the Law Enforcement Terrorism Certification Program (LETCP): The LETCP offers three levels of certification: basic, intermediate and advanced. Each level of certification includes training required for all participants and offers various tracks within the program to address specific needs of the patrol officer and special response units. The curriculum includes both web-based and instructor-led training, which includes mobile and residential training. Each of the courses offered in the training program have

been either DHS-certified or are federal or state courses approved through DHS. Each course is also offered at no cost to the participant.

The entire certification program takes anywhere from one to six years to complete, depending upon the participant’s current level of education. The state of Oklahoma is preparing a multi-year training schedule to meet the anticipated needs of the required training. Most of the training is mobile and will be brought to the state. The residential training programs, which are highly technical and require special facilities, will provide training at the training provider’s facilities. In these cases, the training provider will cover travel, lodging, and per diem costs for those attending.

Law Enforcement Preparedness Training Initiative (LEPTI): To kick off the training program, a Law Enforcement Preparedness Training Initiative (LEPTI) will be held at the Moore Norman Technology Center in Norman, Oklahoma, Sept. 13-15. This event will provide an overview of the program and initial training from various training providers in one location. Participants will have the opportunity to earn up to 24 hours of training toward their certification during the three-day event. “I help train our division to respond to terrorism related incident so the Law Enforcement Preparedness Training Initiative is a great opportunity for me to widen my knowledge base and for me to learn the newest techniques for teaching those subjects.” says Eric Hanson, a Lieutenant with the Cleveland County Sheriff. More information about LEPTI can be found at www.ndpc.us/lepti.

About CLEET: The mission of the Council on Law Enforcement Education and Training (CLEET) is to enhance public safety by providing education and training which promotes professionalism and enhances competency within the ranks of Oklahoma law enforcement and to manage and regulate the licensing and training of private security. More information about CLEET can be found at www.ok.gov/cleet.

About NCBRT and NDPC: The mission of the National Center for Biomedical Research and

Training (NCBRT) is to help America prevent, prepare for, respond to, and recover from acts of domestic and international terrorism, weapons of mass destruction, and high-consequence events through teaching, training, technical assistance, and research. More information about the NCBRT can be found at www.ncbrt.lsu.edu.

The NCBRT is part of the National Domestic Preparedness Consortium (NDPC), recognized by the Department of Homeland Security (DHS) as the principal vehicle through which the National Training and Education Division (NTED) identifies, develops, tests, and delivers training to state, local, and tribal emergency responders.

More information about the NDPC can be found at www.ndpc.us.

UNITED STATES SUPREME COURT- EXCLUSIONARY RULE

*Evidence Seized in Incident to Arrest
Automobile Searches before Rules Were Changed in
Arizona v. Gant is not Subject to Exclusion*

*by: Jack Ryan, Attorney
Public Agency Training Council Legal and Liability
Risk Management Institute*

In a decision which only impacts search incident to arrest of motor vehicles which occurred before the United States Supreme Court decided *Arizona v. Gant*¹, the United States Supreme Court examined whether evidence seized pre-*Gant* under the old rules should be excluded at trials which occurred post-*Gant*.²

In examining the facts of the case, the Court noted that the search at issue occurred some two years before the Court decided *Arizona v. Gant*. In *Gant* the Court concluded that:

Police may search a vehicle incident to a recent occupant's arrest only if the arrestee is within reaching distance of the passenger compartment at the time of the

search or it is reasonable to believe the vehicle contains evidence of the offense of arrest. When these justifications are absent, a search of an arrestee's vehicle will be unreasonable unless police obtain a warrant or show that another exception to the warrant requirement applies.

The Court detailed the stop of Davis and the search of the vehicle as follows:

On an April evening in 2007, police officers in Greenville, Alabama, conducted a routine traffic stop that eventually resulted in the arrests of driver Stella Owens (for driving while intoxicated) and passenger Willie Davis (for giving a false name to police). The police handcuffed both Owens and Davis, and they placed the arrestees in the back of separate patrol cars. The police then searched the passenger compartment of Owens's vehicle and found a revolver inside Davis's jacket pocket.

Clearly, unless the officers could articulate a reasonable belief that there was evidence in the automobile related to the charges being brought, i.e., evidence of driving while intoxicated or giving a false name, the search at issue would violate the rule which was announced two years after the search in *Gant*. The officers in this case not knowing the future would have had no reason to articulate such reasonable belief since the search as conducted here was common law enforcement practice and consistent with the binding legal precedent of their jurisdiction. Since the suspects were secured and there was no reported reason to believe the car contained evidence of the crime for which the arrest was made, Davis argued that the gun should be excluded.

At the outset of its analysis the Court noted that the sole purpose of the exclusionary rule was to deter law enforcement misconduct. The Court then identified when the exclusionary rule

¹ *Arizona v. Gant*, 556 U.S. ___, 129 S. Ct. 1710 (2009).

² *Davis v. United States*, 564 U.S. ___, 2011 U.S. LEXIS 4560, slip opinion 09-11328 (June 16, 2011).

should apply and when the evidence should be allowed:

Citing prior cases, the Court asserted:

The basic insight of the Leon line of cases is that the deterrence benefits of exclusion "vary with the culpability of the law enforcement conduct" at issue. When the police exhibit "deliberate," "reckless," or "grossly negligent" disregard for Fourth Amendment rights, the deterrent value of exclusion is strong and tends to outweigh the resulting costs. But when the police act with an objectively "reasonable good-faith belief" that their conduct is lawful, or when their conduct involves only simple, "isolated" negligence, the "deterrence rationale loses much of its force," and exclusion cannot "pay its way."

The Court outlined a number of different instances where its prior decisions had applied the Good-Faith of the officers to overcome exclusion of evidence. In doing so, the majority framed the issue as follows:

The question in this case is whether to apply the exclusionary rule when the police conduct a search in objectively reasonable reliance on binding judicial precedent. At the time of the search at issue here, we had not yet decided *Arizona v. Gant*.

In looking at the officers' conduct in this case, the Court noted that the United States Court of Appeal for the Eleventh Circuit which was controlling for the officers allowed the very type of search undertaken by the officers. As such the officers had not culpability with respect to a violation of the Fourth Amendment. Thus, the officers' actions at the time of the search were objectively reasonable. The Court held that the gun should not be suppressed since the officers' conduct in searching the car was not culpable but instead was based on the officers' good-faith reliance on the judicial precedent of the Eleventh Circuit.

Good Faith Applications outlined by the Court:

1. *United States v. Leon*, 468 U.S. 897 (1984), for example, held that the exclusionary rule does not apply when the police conduct a search in "objectively reasonable reliance" on a warrant later held invalid.
2. *Illinois v. Krull*, 480 U.S. 340 (1987), extended the good-faith exception to searches conducted in reasonable reliance on subsequently invalidated statutes. ("legislators, like judicial officers, are not the focus of the rule").
3. In *Arizona v. Evans*, 514 U.S. 1 (1995) the Court applied the good-faith exception in a case where the police reasonably relied on erroneous information concerning an arrest warrant in a database maintained by judicial employees.
4. *Herring v. United States*, 555 U.S. 135 (2009), extended Evans in a case where police employees erred in maintaining records in a warrant database. "Isolated," "nonrecurring" police negligence, we determined, lacks the culpability required to justify the harsh sanction of exclusion.

Jack Ryan, Attorney, Public Agency Training Council Legal and Liability Risk Management Institute; phone: 1-800-365-0119; web: www.patc.com

UNITED SUPREME COURT CLARIFIES MIRANDA WARNINGS AND JUVENILES

Law Enforcement Removal of Child from Classroom for Questioning May Be Custody for Miranda Purposes

by: Jack Ryan, Attorney, Public Agency Training Council Legal and Liability Risk Management Institute

In *J.D.B. v. North Carolina*,³ the United States Supreme Court examined an interrogation case involving a juvenile, who was questioned at

³ *J.D.B. v. North Carolina*, ___ 564 U.S. ___; 2011 U.S. LEXIS 4557; slip opinion No. 09-11121 (June 16, 2011).

school for crimes occurring outside of school. The case impacts interrogation at schools by law enforcement personnel as well as the issue of juveniles and interrogation generally.

The facts surrounding the interrogation were reported by the majority opinion (5/4) as follows:

Petitioner J. D. B. was a 13-year-old, seventh-grade student attending class at Smith Middle School in Chapel Hill, North Carolina, when he was removed from his class room by a uniformed police officer, escorted to a closed-door conference room, and questioned by police for at least half an hour. This was the second time that police questioned J. D. B. in the span of a week. Five days earlier, two home break-ins occurred, and various items were stolen. Police stopped and questioned J. D. B. after he was seen behind a residence in the neighborhood where the crimes occurred. That same day, police also spoke to J. D. B.'s grandmother—his legal guardian—as well as his aunt.

Police later learned that a digital camera matching the description of one of the stolen items had been found at J. D. B.'s middle school and seen in J. D. B.'s possession. Investigator DiCostanzo, the juvenile investigator with the local police force who had been assigned to the case, went to the school to question J. D. B. Upon arrival, DiCostanzo informed the uniformed police officer on detail to the school (a so-called school resource officer), the assistant principal, and an administrative intern that he was there to question J. D. B. about the break-ins. Although DiCostanzo asked the school administrators to verify J. D. B.'s date of birth, address, and parent contact information from school records, neither the police officers nor the school administrators contacted J. D. B.'s grandmother.

The uniformed officer interrupted J. D. B.'s afternoon social studies class,

removed J. D. B. from the classroom, and escorted him to a school conference room. There, J. D. B. was met by DiCostanzo, the assistant principal, and the administrative intern. The door to the conference room was closed. With the two police officers and the two administrators present, J. D. B. was questioned for the next 30 to 45 minutes. Prior to the commencement of questioning, J. D. B. was given neither Miranda warnings nor the opportunity to speak to his grandmother. Nor was he informed that he was free to leave the room.

Questioning began with small talk—discussion of sports and J. D. B.'s family life. DiCostanzo asked, and J. D. B. agreed, to discuss the events of the prior weekend. Denying any wrongdoing, J. D. B. explained that he had been in the neighborhood where the crimes occurred because he was seeking work mowing lawns. DiCostanzo pressed J. D. B. for additional detail about his efforts to obtain work and asked J. D. B. to explain a prior incident when one of the victims returned home to find J. D. B. behind her house; and confronted J. D. B. with the stolen camera. The assistant principal urged J. D. B. to “do the right thing,” warning J. D. B. that “the truth always comes out in the end.”

Eventually, J. D. B. asked whether he would “still be in trouble” if he returned the “stuff.” In response, DiCostanzo explained that return of the stolen items would be helpful, but “this thing is going to court” regardless. “What’s done is done. Now you need to help yourself by making it right”. DiCostanzo then warned that he may need to seek a secure custody order if he believed that J. D. B. would continue to break into other homes. When J. D. B.

asked what a secure custody order was, DiCostanzo explained that “it’s where you get sent to juvenile detention before court.”

After learning of the prospect of juvenile detention, J. D. B. confessed that he and a friend were responsible for the break-ins. DiCostanzo only then informed J. D. B. that he could refuse to answer the investigator’s questions and that he was free to leave. Asked whether he understood, J. D. B. nodded and provided further detail, including information about the location of the stolen items. Eventually J. D. B. wrote a statement, at DiCostanzo’s request. When the bell rang indicating the end of the school day, J. D. B. was allowed to leave to catch the bus home. (cites omitted).

The most significant issue before the Court was whether a child’s age had any bearing on the determination on whether a person was “in-custody” for *Miranda* purposes, and thus, whether or not the warnings would be required. It is noted that custody is generally determined by focusing on whether law enforcement has deprived a person of their liberty in a significant way and to a degree which would be associated with formal arrest. Thus, the issue presented here changes the focus to a determination as to whether the age of the suspect (juvenile) impacts the suspect’s beliefs with respect to whether they are in custody, in the circumstances they are facing.

The Court began its analysis by recognizing that interrogation by government officials is inherently coercive and that the purpose of *Miranda* warnings is to overcome this coercion. It was noted, however, that the only time warnings would be necessary is if, during such interrogation, the suspect was in custody. The Court reiterated the analysis for determining custody as follows:

"Two discrete inquiries are essential to the determination: first, what were the circumstances surrounding the interrogation; and second, given those circumstances, would a reasonable person have felt he or she was at liberty to

terminate the interrogation and leave. Once the scene is set and the players' lines and actions are reconstructed, the court must apply an objective test to resolve the ultimate inquiry: **was there a formal arrest or restraint on freedom of movement of the degree associated with formal arrest.**" (cite omitted).

Thus, the question to be answered was whether law enforcement’s removal of a student from their classroom under these circumstances would have constituted a “formal arrest or restraint on freedom of movement of the degree associated with formal arrest” and how the age of the student would factor into this analysis.

The State of North Carolina had argued that the custody should be answered by looking to the objective factors surrounding the interrogation and that age should not be considered. The Majority rejected this argument asserting: **“In some circumstances, a child's age would have affected how a reasonable person in the suspect's position would perceive his or her freedom to leave... That is, a reasonable child subjected to police questioning will sometimes feel pressured to submit when a reasonable adult would feel free to go.”** This particular assertion by the Court would apply to any interrogation of a juvenile, thus law enforcement must consider whether the reasonable juvenile would believe they were formally arrested or that there was a restraint on their movement of the degree associated with formal arrest.

In rationalizing the application of age as a factor to be considered by law enforcement in the custody analysis, the Court cited prior decisions recognizing that juveniles lack maturity; experience, and judgment as to what is detrimental to them and that juveniles are more vulnerable or susceptible to outside pressure than adults.

The majority cited the need to take the fact that a person being interrogated was a juvenile in order to complete an objective analysis. The Court asserted:

In fact, in many cases involving juvenile suspects, the custody analysis would be nonsensical absent some consideration of the suspect's age. This case is a prime example. Were the court precluded from taking J. D. B.'s youth into account, it would be forced to evaluate the circumstances present here through the eyes of a reasonable person of average years. In other words, how would a reasonable adult understand his situation, after being removed from a seventh-grade social studies class by a uniformed school resource officer; being encouraged by his assistant principal to "do the right thing"; and being warned by a police investigator of the prospect of juvenile detention and separation from his guardian and primary care-taker? To describe such an inquiry is to demonstrate its absurdity. Neither officers nor courts can reasonably evaluate the effect of objective circumstances that, by their nature, are specific to children without accounting for the age of the child subjected to those circumstances.

The Court held:

Reviewing the question de novo today, we hold that so long as the child's age was known to the officer at the time of police questioning, or would have been objectively apparent to a reasonable officer, its inclusion in the custody analysis is consistent with the objective nature of that test. This is not to say that a child's age will be a determinative, or even a significant, factor in every case... Just as police officers are competent to account for other objective circumstances that are a matter of degree such as the length of questioning or the number of officers present, so too are they competent to evaluate the effect of relative age. Indeed, they are competent to do so even though an interrogation room lacks the "reflective atmosphere of a [jury] deliberation room." The same is true of judges, including those whose childhoods have long since passed. In

short, officers and judges need no imaginative powers, knowledge of developmental psychology, training in cognitive science, or expertise in social and cultural anthropology to account for a child's age. They simply need the common sense to know that a 7-year-old is not a 13-year-old and neither is an adult.

The Majority concluded: "To hold, as the State requests, that a child's age is never relevant to whether a suspect has been taken into custody -- and thus to ignore the very real differences between children and adults -- would be to deny children the full scope of the procedural safeguards that *Miranda* guarantees to adults."

It is important to note two significant aspects of this decision. The Court did not decide that J.D.B. was in custody and thus entitled to *Miranda* warnings. The Court merely decided that the officers and the lower court have to take into account the fact that J.D.B. was 13 years old when questioned and decide whether a 13 year old in J.D.B.'s position would have believed that he was formally arrested or that he was restrained to a degree that would be associated with formal arrest. If the trial court were to determine that a 13 year old under these circumstances would not believe they were in custody, no warnings would be required. If a 13 year old in J.D.B.'s circumstances would believe they were in custody, warning would be required.

The Court also did not say that 13 year olds cannot be questioned. The only issue was whether or not J.D.B. should have been given *Miranda* warnings prior to the questioning. Officers should be aware that once it is determined that warnings should be given to a juvenile before questioning, the next point of attack on any statement obtained will be whether or not the juvenile was capable of waiving their rights under *Miranda*. Whether or not there is a proper waiver falls back on another United States Supreme Court case, *Fare v. Michael C.*⁴

⁴ *Fare v. Michael C.*, 442 U.S. 707 (1979).

where the Court held that determining the ability of a juvenile to waive their rights under *Miranda* requires a totality of circumstances approach which includes looking at the particular juvenile's age, experience, and background, to determine if they were capable of waiving their rights.

Bottom Line:

1. All law enforcement must now recognize that in determining whether a juvenile is in-custody for purposes of *Miranda*, the officer must consider whether a person of the suspect's age faced with the circumstances the suspect is facing, would believe they were formally arrested or that their freedom of movement was restrained to the degree normally associated with formal arrest.
2. Any actions by law enforcement to emphasize that the juvenile was made aware that they were not under arrest and/or free to leave should be well documented along with any indication of the juvenile's understanding of this fact.
3. Additional factors such as the number of persons present; positioning within room; doors closed or open, etc., should also be documented.
4. If the answer is Yes to the above question, then *Miranda* warnings must be given before interrogation or the functional equivalent of interrogation.
5. If *Miranda* warnings are given to a juvenile, officers should be aware that a court will consider the juvenile's age, education, and background to determine whether the juvenile was capable of a proper waiver.

TENNESSEE BECOMES THE FIFTH PEACE OFFICER STANDARDS AND TRAINING (POST) ORGANIZATION TO DEPLOY THE ACADIS READINESS SUITE STATE-WIDE

By: Cory Myers, Envisage Technologies

Envisage Technologies, a Bloomington, Indiana-based high-technology firm, announced today that it

has been awarded a contract by the Tennessee Law Enforcement Training Academy (TLETA) to deploy the Acadis Readiness Suite to manage its law enforcement training and certifications.

The Suite is being implemented to automate law enforcement training operations at the Academy and will serve as the central repository for Tennessee law enforcement agencies and officers, including their employment records, training history, and certifications.

TLETA chose Acadis to automate the statewide management of law enforcement officer records, including the tracking of basic, advanced and in-service training, certifications, and employment records. They will also utilize the curriculum management capability to standardize training delivery in accordance with approved training policies, providing legally defensible records for all officers. This training ecosystem will provide TLETA with a state-of-the-art enterprise solution designed to manage all aspects of training at the academy and across the state.

"We have little to no automation of our training and certification processes at TLETA. We chose the Acadis Readiness Suite to automate our Academy training processes and provide a secure, distributed framework to collect training information from agencies throughout the State of Tennessee," stated Brian Grisham, Director of TLETA. "This will reduce our paper-intensive certification processes, provide comprehensive training records for all law enforcement officers; and ensure they comply with state training policy for certification."

"We are pleased to add TLETA to our list of premier law enforcement clients. Our secure software solution is uniquely suited for collection and dissemination of training information for high liability training organizations," stated Cory Myers, VP Homeland Security Solutions. "Organizations like TLETA contribute critical operational information and emerging best practices so we can incorporate them into the Readiness Suite."

About ENVISAGE: Founded in 2001, Envisage is an industry visionary in training

management, resource optimization, complex scheduling and process automation for law enforcement, public safety, and military organizations. Clients include military commands, federal law enforcement academies in the U.S., Department of Homeland Security (DHS), and state law enforcement and public safety organizations.

About the Acadis Readiness Suite: The Acadis Readiness Suite is an enterprise software application that enables high-risk organizations to create training and compliance ecosystems. Acadis increases an organization's readiness by automating the management of complex training and logistics environments such as law enforcement, public safety, homeland security, and the military. The modular system architecture allows organizations to optimize the entire compliance life cycle for personnel, providers, facilities, and resources by fusing learning management, resource tracking, automated scheduling, registration, housing/barracks management, certification compliance tracking, automated testing, and document management into a comprehensive end-to-end solution. The optional Acadis Portal Framework allows secure, decentralized access to employee training records, in-service training reporting, online learning, certification renewals, class registration, and instructor availability management.

Learn more by visiting www.envisagenow.com or calling 888-313-8324.

**ENVISAGE TECHNOLOGIES AND THE
INDIANA DEPARTMENT OF HOMELAND
SECURITY PARTNER TO LAY THE
FOUNDATION FOR READINESS
MEASUREMENT**

*Project will expand certification
tracking to include Emergency Response Providers and
Critical Response Resources*

by: Cory Myers, Envisage Technologies

Envisage Technologies and the Indiana Department of Homeland Security (IDHS) are implementing the third phase of a state-wide pervasive readiness strategy. Envisage will expand the Acadis® Readiness Suite to include authoritative certification of vital emergency response providers and critical

resources. The project is supported by Federal DHS grants.

Currently, the Acadis Readiness Suite certifies emergency response personnel across the state of Indiana. Envisage is customizing and expanding the Acadis Readiness Suite to automate the paper-based data collection and validation processes for thousands of personnel, EMS providers, and vehicles. These enhancements will put the State of Indiana in a position to more accurately assess resource needs and respond with heightened agility during an emergency.

“This is an exciting next step in a more efficient system for the on-going certification needs of our emergency responders in Indiana,” said Jason D. Hutchens, Director of Planning and Assessment for IDHS. “Automating our provider and resource certification process saves us significant time and money and also helps us better serve our first responders. Additionally, this is another crucial step in providing vital response capability information including which personnel, EMS providers, and vehicles are certified as ready for deployment in the case of emergency.”

“Indiana is a national leader in the collection, validation, and management of readiness information across the entire public safety spectrum,” stated Ari Vidali, CEO of Envisage Technologies. “Their visionary approach includes a fundamental understanding of the value of data-driven strategies for public safety. Together we have crafted a vision and implementation strategy for state-wide pervasive readiness that is both practical to implement and will significantly enhance the State's ability to measure readiness and respond effectively to an emergency.”

About the Acadis Readiness Suite: The Acadis Readiness Suite is an enterprise software application that enables high-risk organizations to create training and compliance ecosystems. Acadis increases an organization's readiness by automating the management of complex training and logistics environments such as law enforcement, public safety, homeland security,

and the military. The modular system architecture allows organizations to optimize the entire compliance life cycle for personnel, providers, facilities and resources by fusing learning management, resource tracking, automated scheduling, registration, housing/barracks management, certification compliance tracking, automated testing, and document management into a comprehensive end-to-end solution. The optional Acadis Portal Framework allows secure, decentralized access to employee training records, in-service training reporting, online learning, certification renewals, class registration, and instructor availability management.

Indiana Department of Homeland Security: In 2005, the State of Indiana consolidated all of its emergency management and homeland security efforts into one department by creating the Indiana Department of Homeland Security (IDHS). The four divisions of IDHS are Planning, Training, Emergency Response, and Fire & Building Safety. These divisions intertwine to accomplish the central mission of IDHS: safeguarding the lives and property of the citizens of Indiana. The IDHS Training Division provides or coordinates training, continuing education, and exercises for the state's public safety practitioners. The Division's associates currently provide training in emergency management, emergency medical, fire services, and hazardous materials (Hazmat). In addition to its training efforts, the Division maintains certification records for Indiana Firefighters and EMS personnel.

About ENVISAGE: Founded in 2001, Envisage is an industry visionary in public safety and organizational readiness providing training management, resource optimization, complex scheduling, and process automation to law enforcement, public safety, and military organizations. Clients include military, federal law enforcement academies in the U.S. Department of Homeland Security (DHS), and state law enforcement, and public safety organizations.

Learn more by visiting www.envisagenow.com or calling 888-313-8324.

**EXECUTIVE COMMITTEE
SPECIAL MEETING
CONFERENCE CALL MINUTES
April 8, 2011 11:00 AM (CT)**

EC Members Present: Mark Damitio, Mike Crews, Penny Westfall, Bill Muldoon, Lloyd Halvorson, Rusty Goodpaster, Dick Clark, John Gallaher, Pat Judge (Executive Director), and Mike Becar (Grants Manager). **EC Members Absent:** Charles Melville, Bill Flink. **Others Present:** Carl Swenson and George Wadsworth (auditors), Alan Levenson (IADLEST Financial Advisor).

Meeting was called to order by President Goodpaster at 11:00 am.

The purpose of this meeting was to discuss (with the auditors) the most recent audit for 2009. All EC members were sent an electronic version of the audit (in draft form).

Carl Swenson walked the members through the first eight pages of the audit, and George Wadsworth explained the remainder of the document. During the discussion, Alan Levenson pointed out several grammatical errors and asked numerous questions about some of the noncompliance issues. Mike Becar stated that the "system errors" that are currently noted by the auditors are easily corrected, and new systems will be but in place so the grant related financial statements can reconcile with the general ledger. Mike Crews noted that the audit report identifies IADLEST as a 501c(3) organization. He believes IADLEST is listed as a 501c(6) organization with the IRS. He asked that the auditors check into this and correct it before the final report is submitted.

MOTION by Clark to accept the 2009 Audit Report contingent on the agreed upon changes during this conference call. **SECOND** by Mike Crews. **MOTION CARRIED** with all in favor.

Alan Levenson believes this firm did a very good job on this audit. Goodpaster stated that we must now look at hiring a firm for the 2010 audit. Mike Crews stated that this firm now knows our system and can do things much

quicker and with less headache. He also likes the consistency of having the same firm in place for the 2010 audit. Mike Becar was unsure if they will do the audit for the same price as the 2009 one. Goodpaster thought that Mike Becar should be the one to negotiate with this firm on the 2010 audit price. MOTION by Clark to retain this firm for the 2010 audit should the audit fee remain similar to the fee charged for the 2009 audit. SECOND by Muldoon. MOTION CARRIED with all in favor. Meeting adjourned at 12:20 pm.

**EXECUTIVE COMMITTEE
MEETING MINUTES
Palm Desert, California
January 6-7, 2011**

Call to Order: President Goodpaster (IN) called the meeting to order at 9:00 am.

Roll Call: Secretary Lloyd Halvorson (ND) conducted the roll for those in attendance. Executive Committee Members present: Lloyd Halvorson (ND), Bill Muldoon (NE), Bill Flink (ID), Bill Floyd (SC), Mark Damitio (KS), Penny Westfall (IA), Charles Melville (KY), John Gallaher (PA), Rusty Goodpaster (IN), and Dick Clark (NV). Executive Committee Members Absent: Mike Crews (FL). IADLEST Members Present: Pat Judge.

Agenda Additions: None

Approval of Minutes: MOTION by Melville to approve the Executive Committee Minutes (as amended) from the June 20, 2010, meeting in Corpus Christi, TX. SECOND by Clark. MOTION CARRIED with all in favor.

MOTION by Clark to approve the minutes of the Executive Committee Meeting (as amended) from the October 23, 2010, meeting in Orlando, Florida. SECOND by Gallaher. MOTION CARRIED with all in favor.

Conferences and Recruitment: Members of the Redden Group handed out a new brochure for the IADLEST recruitment effort and a 2011 conference card. Members discussed scheduling issues for the conference and discussion items for the breakout

session. Additional conference items such as shirts, mini reports, and the attorney group roundtable were also discussed. Rusty will meet with Greg Redden about their interest in helping us with the 2012 conference.

Executive Director Briefing (Judge): POST Director Changes: Pat Judge reported that there are no new POST Directors in the US. The US Virgin Islands established a POST in 2006, and their first meeting was back in October. Vermont is still interviewing for a new POST Director. **Financial:** The check preparation process is going well. Approval process is quick and efficient. **Document Storage:** IADLEST is accumulating a lot of hard copy records. These have been scanned up to 2005. **VA Outreach:** Dr. James McGuire will present a VA Outreach initiative at the meeting tomorrow. **RDPC:** Steve Otto will consider staying on as our representative to the RDPC, but his term is up and interested persons should step forward. **Inventory:** Inventory of items has been completed and the value of the items and location were provided to the members. **Retirements:** Peggy Schaffer (NC) and Mike Parsons (WA) have both retired. **Life Membership:** MOTION by Dick Clark to award life membership to Peggy Schaffer and Mike Parsons for their dedication and service to IADLEST. SECOND by Bill Flink. MOTION CARRIED with all in Favor. **NACOLE:** The National Association of Civilian Oversight of Law Enforcement will have a conference in New Orleans in September. They have invited Pat Judge to participate. There was a consensus of the members to decline the invitation. **Membership Dues:** Pat Judge reported that some states are unable to pay their dues on time due to budget restrictions. Judge will follow-up with those states by telephone to make arrangements to keep them in good standing with IADLEST. **Future Meetings:** The next meeting will be in Nashville, TN, at the annual conference June 19-22, 2011, then at the IACP conference in Chicago, October 22-23, 2011, and then in Washington, DC, at the NSA Conference, January 18-19, 2012. **Audit Report:** The Audit Report should be ready soon. The firm has asked for a few more documents.

Grants and Contracts Manager Briefing (Becar):

Pursuit Grant: There is an effort underway to mandate that the Pursuit Policy workshops be put into an E-Learning format. Mike is working on this and asking for the Executive Committee to review the proposal. **Motorcycle Laws:** We are setting up classes on a regional basis. Seven train the trainer sessions have been scheduled between now and May. **DDACT:** NHTSA is submitting a request to raise the award to \$610,000. They want to hire a technical support person. They have requested that Becar prepare a budget for 2012. Becar is working on this. **NLEARN:** \$45,000 is left in this account. NHTSA has provided over one million now to this effort. **POST NET:** There is \$7,000 left in the account. Becar is working on a proposal to continue the project.

Treasurer's Report: Penny Westfall presented the check register and the other financial account spreadsheets. Penny's term ends in June, and it looks like she may retire at that time. An audit will be reported on in June. **MOTION** by Melville to approve the Treasurer's Report. **SECOND** by Clark. **MOTION CARRIED** with all in favor.

Committee Reports: Sourcebook: Tom Jurkanin is still working on the sourcebook. He will be close to meeting the June deadline. He had some concerns about printing costs and electronic reproduction costs. Goodpaster will have him prepare a budget so he can proceed. **FLETC:** FLETC has expressed interest in funding lodging for the POST Directors attending the regional meetings. They would need one hour of time the first day and two hours the second day to discuss the RPI and the needs assessment initiative. **Technology:** The Technology Focus Group met on January 5, 2011, to discuss the future of the POST Net Website, NLEARN, NDI, and IADLEST's overall financial health and support for these systems. The possibility of combining POSTNET with NLEARN would help solve some of the financial problems of keeping everything up and running. If we do this, we must convert POST NET to a content management system. We must obligate the \$7,000 left in the POST NET grant within 90 days.

MOTION by Damitio to direct the project manager to require a content management system to provide entry to the website by non-IT IADLEST personnel

and to merge the POST NET, NLEARN, and NDI 2.0 systems into the same content management system and to charge the cost of this transition to the NDI 2.0 grant, pending a review of the NDI 2.0 grant language. **SECOND** by Clark. **MOTION CARRIED** with all in favor. Goodpaster, Becar, and Dan Setzer will be in Washington, DC, next week to present NLEARN to DOJ.

Recess at 2:45 pm January 6, 2011.

Reconvene at 9:05 am January 7, 2011.

New Business: Veteran Outreach Program. Dr. James McGuire presented information on the mental health issues and initiatives surrounding veterans returning from conflict and re-entering the workforce. He spoke of a train the trainer concept on mental health intervention for veterans in general and talked about the need specifically for those re-entering their law enforcement agencies. The VA cannot fund training for non-VA Police, but it is possible for the VA to partner with an entity like BJA to assist local and state law enforcement officers. He thought IADLEST would be the right vehicle for the VA to partner with on a grant program to make this training available to the civilian police population.

Regional Reports: West (Flink): The West is planning for their regional meeting but has not yet set a date or location. POST Directors are submitting their agenda items. California is putting a high priority on their safe driving initiative and is hoping for BJA funding. The California POST website is up and running with a lot of training resources. There is an 18-minute video on seat belt use and police officers entitled, "Is Today Your Day?" California has also agreed to provide the E-Learning trainer for the June Conference in Nashville.

Northeast (Gallaher): The Northeast Region is waiting for the new director in Vermont to be appointed. They are in the process of choosing a location and date for their regional meeting this spring. Pennsylvania is investigating what other states require in terms of a "hearing" test for academy cadets and new hires.

Central (Melville): The spring regional meeting will be in Kentucky and is still a work in progress. The International Association of Women in Policing is holding their annual meeting in Kentucky in August. They have a request out for training presentations and presenters.

South (Floyd): Regional meeting will be in South Carolina and will be held in conjunction with the opening of their new training center. Their police basic training is going from 9 weeks to 16 weeks. They are funded by fees, fines, and a \$5 surcharge on vehicle registrations. North Carolina has not replaced Peggy Schaffer yet.

Midwest (Damitio): The regional meeting will be held in April in Kansas. Kansas is researching hazardous materials training in the academy. Kansas is expecting an OSHA ruling soon which may require that all officers have training up to the "responder level" as opposed to the "awareness level" that is currently in place.

Adjournment: Meeting adjourned at 11:00 am.



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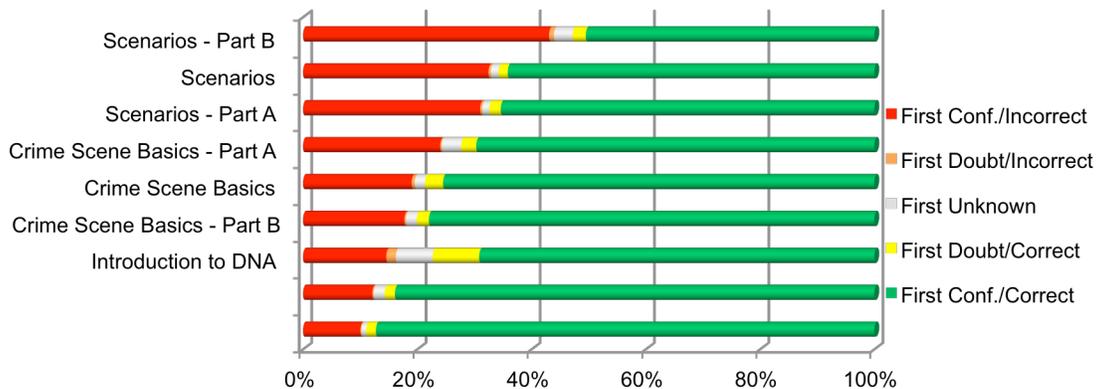
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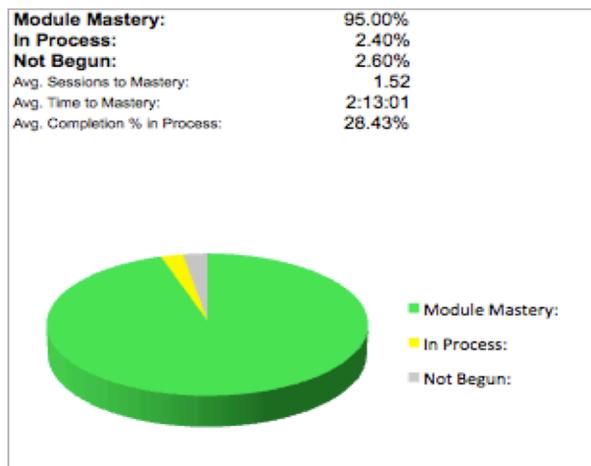
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