



Academy Notes

Online at <http://www.nvcja.org/newsletter.php>



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Second Quarter 2009

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Northern Virginia Criminal Justice Training Academy
 45299 Research Place
 Ashburn, VA 20147-2600
 Phone: 703-729-4299
 Fax: 703-729-4634
 Web: www.nvcja.org
 Contact: Steve Smylie

Chairman Kirby Bowers is Moving On

As Manassas City Police Chief John Skinner recalls it, Kirby Bowers missed an NVCJTA Board meeting in 1994 and, in his absence, found himself elected to the position of Board Chairman. While this recollection may not be entirely factual, this was a fortunate turn of events for the thousands of law enforcement officers who have trained at NVCJTA during the ensuing 15 years. Under the leadership of Chairman Bowers, the Academy has taken great pride over the years in providing professional and high quality training to the deputy sheriffs and police officers of our member agencies



Retiring Chairman Kirby Bowers on left receives a plaque from fellow Board members, L-R Chief John Skinner, Chief Joseph Price and Vice Chairman Michele Evans

so that they can better serve the public safety needs of all residents in our communities.

All of the member agencies have grown over the past 15 years, both professionally and in sworn strength, providing many opportunities for progress and advancement. During the stewardship of Mr. Bowers, the NVCJTA was the third academy in the United States to be accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). In 2007, the Acad-

emy was reaccredited and named a CALEA "Flagship" Agency, a distinctive designation created to acknowledge the achievement and expertise of some of the most successful CALEA accredited public safety agencies.

Over the course of many years, a drivers' training course had been in the planning stages to address the driver training needs of our sworn officers and deputy sheriffs. Within the past three years, Mr. Bowers and the other Board

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A disciplined person is someone who can do the right thing, at the right time, in the right way, with the right spirit.

- John Ortberg

Record Breaking Special Olympics Fund Raiser

A new year and Session 120 is off and running with the promotion of Special Olympics Awareness. Building on the tradition started by Deputy Tina Cogan in Session 116, Deputy Melinda Johnson motivated the recruits of Session 120 to have a “friendly competition” between Sections A and B to see who could raise the most money. The recruits took great pride and ownership of this cause by selling t-shirts, donating healthy snacks and drinks and by contributing money. Staff in Administration, Basic and In-service also helped by making generous donations.

Over a 12 day period, \$1,218.45 was raised with Section A raising \$588.70 and Section B raising \$629.75. It was a very close competition but each section proved to be winners. The academy has been promoting Special Olympics awareness since 2005 and to date, Session 120 has raised the most money ever. Thank you to everyone who participated and *out-standing job* to Session 120 for their dedication and commitment in making a difference. Session 121 will certainly have a tough act to follow!



Deputy Melinda Johnson with the Session 120 Recruits who raised a record amount for Special Olympics.

Energy Conservation at NVCJTA

The Academy was recognized in March as an Energy Star Partner with the Department of Energy’s Environmental Protection Agency. By voluntarily partnering with Energy Star and taking the Energy Star Challenge, the Academy strives to improve energy efficiency by 10%. Further, we will measure and track the energy performance of our facility where possible by using tools such as those offered through Energy Star; develop and implement a plan consistent with the Energy Star Energy Management Guidelines to achieve energy savings; and help spread the word about the importance of energy efficiency to our staff and community.



Academy Improvements

A new look is coming to a long neglected part of the Academy. Work is underway to renovate and improve a practical training area in the warehouse area on the south end of the Academy facility. The project was made possible in this tight fiscal environment by using available grant funds to buy materials and using the part-time skills of academy in-service staff Bob Tokarchic and Paul Kozich under the direction of In-Service Manager Bob Brendel. Another source of construction skills is the Vocational Education Program at Charles Monroe Vo Tech Center. A group of Vo Tech students under the supervision of Instructor Damon Putman fabricated a new steel railing on the second level loft area to replace the cobbled together cable railing that has been there since the building was “finished.”



The Vo Tech students know it will hold, they built it!



Pre construction phase, after the area had been cleared. The “Un-built” area has been used for various purposes over the years and had taken on the appearance of a cluttered un-finished basement.



Bob Tokarchic framing the walls that are part of the new practical training area.

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members approved funding for and initiated the planning and construction process for a new, state-of-the-art Emergency Vehicle Operations Course and facility. In addition, the Board implemented a multi-year capital replacement plan for facility and equipment enhancements at the Academy in order to ensure a first-class learning environment and to improve the condition of classrooms and other training areas.

Successfully guiding the training functions of seventeen law enforcement agencies through a multitude of challenges over the years has been difficult at times,

but Mr. Bowers has managed to do it extraordinarily well with dignified and thoughtful leadership and unflinching support for the Chiefs and Sheriffs and the men and women of their agencies. Speaking on behalf of the entire Academy staff, Director Bill O’Toole extends heartfelt congratulations to Mr. Bowers upon his retirement as the Loudoun County Administrator and as the Academy’s Board Chairman. We thank him for his considerable support, foresight, and guidance that have contributed to our Academy’s reputation as one of the premier law enforcement training academies in the Commonwealth of Virginia and beyond.

Physical Fitness Corner **A Lesson About Recovery**

by Robert Hammes, M.S., CSCS



I've always been active. That's my nature. For the longest time I looked at hard core running and cycling as I did tennis or golf – escape, enjoyment, and just plain fun. Even as running and regimented fitness activities became part of my work, I still enjoyed my own physical endeavors, which in

the past included some fairly demanding triathlon training. So I thought nothing of it when I decided to train for the Marine Corp Marathon last year while continuing my daily workouts with the recruits. Not a problem. After all, I'm in shape. I'm a fitness guru. I know what I'm doing...

Yeah, right! The fact of the matter is that I was a 45 year old man attempting to train at an unreasonable level for someone of any age. Yes, I was active. Yes, I was fit. Yes, I should have known better. Well, at some point mid way through my training I began experiencing nagging pains – sore knees, stiff hips, a tight lower back – all sensations relatively new to me. It all came to a head after a 17 mile run when I felt a searing pain below my right kneecap that led me to Dr. Tim Johnson, knee surgeon at National Sports Medicine Institute in Leesburg. After an MRI, he quickly diagnosed a torn meniscus and some minor arthritis. So much for the marathon.

After my arthroscopy, Dr. Johnson (a former NCAA 800 meter track champion at Yale) left me some lasting advice, which so impacted me I'll pass along to anyone willing to listen. "Bob" he said, "It's not the workout that makes you better, it's the recovery." He reminded me that although I'm in fairly decent physical condition, I'm not Superman. He told me how common it is for athletes to ignore rest and proper recovery, eventually becoming not only injured, but depressed and even sick.

"Bob" said the good doctor, "Exercise is a stressor. The right amount of stress creates a positive adaptation, but if you produce too much stress, it will result in muscle and joint degradation. It's people like you who essentially keep me in business." Ouch! That last comment stung. He went on to explain that even the right amount of stress can go in the other direction if proper recovery is not a part of the training equation. In my case, I had a double whammy – too much stress and too little recovery time. One of life's more painful lessons.

So heed this advice and don't learn the hard way like I did. Think recovery! If your youthful days are behind you, understand that old school training methods are even less effective for old people. Sure, this may be hard on the ego to witness people of various ages and genders passing you on the bike trail and out-lifting you in the weight room. Well, check your ego at the weight room door! This doesn't mean that you should never work out hard. You just shouldn't do it all the time. Don't push yourself when your instincts and your body are telling you otherwise.

Unless your goals go beyond general health and fitness, keep your intense cardio and resistance training workouts to once a week. Timing and targeting your intensity is crucial. Alternate your cardio and resistance training days as a way of protecting your most important asset – your body. And after a particularly intense workout, consider two days of rest. If you feel you must do something on your recovery days, low impact and light intensity is key, such as a walk, light calisthenics or stretching. Although it may seem counterintuitive, in this regard less is more. Take a cue from elite athletes who must incorporate the correct amount of recovery time into the highly structured workout routines that prepare them for world class competition. And one final suggestion... commit Dr. Johnson's quote to memory – *"It's not the workout that makes you better, it's the recovery."* For me, these words hit home like a searing pain below the right kneecap.

Ladies and Gentlemen!
Start your ~~Engines~~ TRAINING!

It's Coming!

**The Fifth Annual NVCJTA Fitness Challenge to Benefit
Special Olympics**

SATURDAY September 19th, 2009 9:00 AM

1.5 Mile Run/300 Meter Run/Bench Press/Push-ups/Sit-ups/Sit &
Reach/Vertical Jump/Pull-ups

For Registration Forms And More Details, Go To:

www.nvcja.org

For More Information Contact Bob Hammes

(703)554-6227 Or Via Email At:rhammes@nvcja.org

Legally Speaking

John Fitzgerald, J.D.

Virginia Supreme Court Rules a Butterfly Knife Not a Concealed Weapon Under §18.2-308



What would you do?

You conduct a lawful frisk of a man and discover a butterfly knife (a.k.a “balisong”) concealed inside his pants pocket. Would you charge him with carrying a concealed weapon?

If you answered, “Of course!” (as most of us would have), you are wrong according to the Virginia Supreme Court. On February 27, 2009, the Court decided the case of *Thompson v. Commonwealth*, and made it clear that, although a butterfly knife is a weapon, it is not prohibited by §18.2-308.

Thompson v. Commonwealth, 277 Va. 080445, February 27, 2009.

Rule: *A butterfly knife (“balisong”) is NOT a weapon of “like kind” (substantially similar) to any of those listed in §18.2-308 (concealed weapons), and a person who carries a concealed butterfly knife does not violate this law.*

Facts of the case (taken verbatim from the Court’s opinion):

On August 20, 2004, Officer Curtis Blake of the Arlington County Police Department's Tactical Unit was patrolling in the 2400 block of South Shirlington Road, an area where Officer Blake had made multiple arrests for narcotics and weapons offenses. While on patrol, Officer Blake observed Thompson “just hanging around” and subsequently get into a white cargo van. Officer Blake informed other officers in the tactical unit about Thompson and the white van because Officer Blake suspected that Thompson might be relocating to a different area of the neighborhood to use drugs.

The tactical unit officers began surveillance on the van as it traveled to and parked at a location about four blocks from where Officer Blake had first observed it. Another officer, Greg Johnson, then watched three men exit the van and congregate “in close proximity to one another.” Thompson and one of the other men “appeared to be looking continuously in different directions.” Officer Johnson described their actions “as if something was going on they didn't want people to see.” The third man bent over, ignited a lighter, and started to smoke what Officer Johnson believed was crack cocaine. Because Officer Johnson thought illegal narcotics were being ingested, he notified the other officers of his observations, and they converged on the three men. As the officers began to move toward the van, the man who had been smoking the suspected crack cocaine fled, but Officer Johnson apprehended him a short distance away. Officer Blake apprehended one of the other men.

A third officer with the tactical unit, David W. Giroux, approached Thompson. According to Officer Giroux, Thompson was peering around the back of the white van and trying to avoid detection. Officer Giroux identified himself as a police officer and asked Thompson to show his hands. As Officer Giroux advanced toward Thompson, he could not see Thompson's left hand. Consequently, Officer Giroux immediately handcuffed Thompson and “patted him down.” During the frisk for weapons, Officer Giroux felt “a long, flat, hard object” in the left front pocket of Thompson's pants. Officer Giroux retrieved the object from Thompson's pocket and found that it was a “folding butterfly-style knife.”

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The Court's Analysis:

The concealed butterfly knife must either be one of the specifically enumerated weapons listed in §18.2-308 or it must be a weapon of "like kind" as compared to any one of those weapons. The Commonwealth essentially conceded that butterfly knives were not listed in §18.2-308, so the CA had to prove that the item was: a weapon ("designed for fighting purposes" or "commonly understood to be a weapon"), and of "like kind" (substantially similar) to one of the weapons listed in (§18.2-308).

The Court was quick to find that a butterfly knife is both designed for fighting *and* commonly understood to be a weapon. The Court then turned its attention to the remaining question of whether or not the balisong was *substantially similar* to any of the weapons listed in §18.2-308. The Court compared the features of the butterfly knife with those of a dirk (a dagger) and a sword. The Court determined that a butterfly knife was not substantially similar to either of those weapons, nor was it substantially similar to any other weapon listed in §18.2-308.

The Court defined a dirk as a "long straight-bladed dagger", a "short sword," and as a "stabbing weapon having two sharp edges and a point." It defined a sword as "a weapon with a long blade for cutting or thrusting set in a hilt usually terminating in a pommel and often having a tang or a protective guard where the blade joins the handle."

Following are the Court's own words:

Upon comparing its physical characteristics to those of either a dagger or a sword, both of which are included in the definition of a dirk,...it is obvious, however, that Thompson's butterfly knife is not substantially similar to a dirk. While the butterfly knife's blade is four inches long and has a sharp point at the end of the blade, it contains only one sharp edge instead of two and has no protective guard between the blade and the handle. Without two sharp edges and a protective guard, we conclude that the butterfly knife is not designed for stabbing purposes like a dagger, but rather for cutting purposes.

On the other hand, a sword's blade may be used for cutting or thrusting. However, one important feature of a sword is for the blade to be set in a hilt. Thompson's butterfly knife does not have a hilt. Instead, it is more akin to a pocketknife, in that the blade is movable from its handle, and it folds into itself.

We thus conclude the evidence was insufficient as a matter of law to establish beyond a reasonable doubt that the butterfly knife found in Thompson's pocket is "of like kind" to a dirk or any other weapon enumerated in Code § [18.2-308\(A\)](#).

This is an unfortunate decision. Many of us might see substantial similarities between a butterfly knife and a dagger (dirk) or a switchblade. Unfortunately, the only opinion that matters is that of the Virginia Supreme Court. Theirs is the final word when it comes to interpreting the Code of Virginia; the U.S. Supreme Court relies on each state's courts to interpret state law, and the U.S. Supreme Court will never review a state law case like *Thompson*. Until such time as the General Assembly changes the law to prohibit the concealed carrying of weapons such as butterfly knives, you must know that it is legal to carry them hidden from common observation.

The below YouTube video will give you a sense of how dangerous a butterfly knife can be in the wrong hands. Warning: The young man in the video uses some profanity.

http://www.youtube.com/watch?v=ncPiK_k7df0&feature=related

UPCOMING IN-SERVICE TRAININGNOTICE

The Academy began a 4/10 schedule on February 3, 2009. All academy operations are closed on Mondays. In-service class hours remain 0700-1530 with some exceptions. Check the schedule at www.nvcja.org/in-service-training.php

April

Date	Course	Instructor	Location
1	VCIN Instructor Re-Cert	Redifer	Academy
1-2	Communications for Supervisors	Reintzell	WETA
2	Investigating Domestic Violence	Herzlinger	Academy
6	Legal Updates/Cultural Diversity	Porter/Pruitt	Manassas Park PD
8-10	Motor Refresher	EVOC Staff	ODS
9-10	Leadership Development	Oberoi/Goodwin/Daly	Academy
14-17	Hostage/Crisis Negotiator's Course	Gaunt	Academy
16-17	Use of Force Analysis	Markley/Casey	Academy
17	General Instructor Re-Cert	Oberoi	GMU
20-23	Police Mountain Bike	Jackson/Parson/Lutz	Leesburg PD
21-22	Terrorism Awareness Hidden in Plain Sight	Purdy	Academy
21-24	Correctional In-Service	Multiple	Academy
23	EVOC Refresher	EVOC Staff	ODS
28	Auto Theft ID For The Patrol Officer & Investigator	VASP	Academy

May

Date	Course	Instructor	Location
4-8	Field Training Officer Class	Moser	Manassas City PD
5	Legal Updates/Cultural Diversity	Porter/Pruitt	Academy
5-8	Basic Kinesic Interview and Interrogations	Sosnowski	Academy
5-8	RADAR/LASER Operator	Slack & McCormick	Academy
6-8	Highway Vehicle Stops and The Drug Trafficker	MCTFT	Academy
7	RADAR/LIDAR Operator Recert	Rudolph	Academy
12	VCIN Operator Re-Cert	Redifer	Academy
13-15	VCIN Level A & B Operator	Redifer	Academy
14	Special Services Van & Wagon	EVOC Staff	ODS
18	EVOC Refresher	EVOC Staff	ODS
18-21	Police Mountain Bike	Jackson/Parson/Lutz	Leesburg PD
19	EVOC Instructor Re-Cert	EVOC Staff	ODS
19-22	Spanish For Law Enforcement	VCPI	Academy
20	Basic Search & Seizure	Fitzgerald	Academy
22	Terrorism and Fraudulent Documents	Bryk	Fairfax City PD
26-27	Leadership Essentials Day 1 & 2	Flanagan	Academy
28-29	Career Development	Flanagan	Academy
27-29	Forensic Entomology	Bishop	TBA

June

Date	Course	Instructor	Location
1-12	Basic Motor School	EVOC Staff	ODS
2-12	Basic Dispatcher School	TBA	Academy
2-4	General Instructor Re-cert/Media Training	Valdes	Academy
2-5	RADAR/LASER Operator	Grewe & Smeal	Academy
4	Legal Updates/Cultural Diversity	Porter/Pruitt	Alex PD/ArI PD
4-5	DWI/Standard Field Sobriety Testing	SFST Staff	Academy
9	Prescription Drug Diversion and Investigations	Purdue Pharma	Academy
16	Thirty Minute Interview	Estes	Academy
22	EVOC Refresher	EVOC Staff	ODS
22-24	Domestic and International Terrorism	FBI	NOVA—ALex
23-26	First Line Supervisors School	Multiple	Academy